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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 TUESDAY 27TH SEPTEMBER, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

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

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr M Beaverstock Director Asset Services
Mrs E Cox Acting Director Corporate Services
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mrs C McKee Acting Executive Manager Strategic Community
..... Planning
Mrs S Langmair Minute Secretary

APOLOGIES: Cr IJ Richards

GALLERY: 26

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice
Nil

Public Question Time commenced at 7.01pm

Mark Hector, Randall Road, Mundijong

Q Re Webb Road re-zoning process. In August 2004 planning commenced via a meeting with Council Planners who indicated it was a straight forward rezoning and should be complete within 12 months. In January 2004 the first plan and justification report was lodged. In September 2005, some 19 months later, the rezoning is still not complete. They have through this protracted rezoning process forgone access to two established road reserves to accommodate the preservation of native vegetation and objections from the tenants of the equestrian centre, provided public access way/bridle path links that should have been developed by others at the time they subdivided, which did not occur and have relocated an additional 650 metres of road onto their land. Accordingly, I asked Council to approve the revised plan (recommendation 2) and allow the rezoning process to be completed.

A The Presiding Member advised that this matter would be considered by Council at this meeting.

Pia Carita Steele, 39 Chestnut Road, Jarrahdale

- Q Re the proposed fence around Jarrahdale Primary School:
- Will Council be able to enforce the local law stating “the erection or maintaining of barbed wire on fencing within a residential zone is prohibited”?
 - Will Council be in a position to recommend building materials which will be more in character with the heritage town ie no wire mesh or garrison, especially not 2.4m high?
 - Will Council undertake community consultation before making a decision?

A The Presiding Member took the questions on notice.

Cr Kirkpatrick asked that this matter be taken back via the Jarrahdale Community Association.

Dianne Toohey, representing the Mundijong Trainers and Thoroughbred Association

Q In representing all the thoroughbred trainers, they are all in full support of Mark Hector’s submission this evening.

A. As this was a statement, no answer was required.

John Mitchell

Q Re Broiler Farm, Henderson Road – need to be assured that all issues are being defended by Council in relation to environmental, knowledge of poultry overlay, price comparisons, proximity to neighbours and all dependable points.

A The Chief Executive Officer advised that the grounds for appeal are before Council tonight.

Q Is there any room for the public to see this defence.

A The Executive Manager Planning & Regulatory Services advised that there is some information available on the shire web site.

Public Question Time concluded at 7.10pm

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT’S REPORT:

Cr Needham tabled a letter from the Minister for Planning & Infrastructure, Hon Alannah Mac Tiernan, regarding Reserve 30867 Mundijong, and read the letter to the meeting as follows:

Thank you for your letter of 7 July 2005 regarding a high school on Reserve 30867 Mundijong. Since writing this letter I am aware a further meeting with the various stakeholders was held at the Shire on 23 August 2005.

As an interim solution to the school occupying part of Reserve 30867, I agree to the reserve purpose of Reserve 30867 being amended to “Hallsite, Municipal Building and School” with a Management Order issued to the Shire allowing power to lease for a two year period.

It is expected during this two year period that the Shire will establish whether it is feasible to relocate to new premises allowing the sale of the whole reserve to the private school. There is also no objections to the Shire entering into a non exclusive licence with the school to use the adjacent "A" Class recreation reserve, community hall and library.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Elizabeth Cox declared a financial interest in Item OCM10/09/05 – Appointment of Director Corporate Services as the Acting Director of Corporate Services.

Cr Price declared an interest of impartiality in Item SD034/09/05 - Country City Muster at Tumblegum Farm as Chairperson of the SJ Tourism Association.

Cr Scott declared an interest of impartiality in item SD035/09/05 as she is on the Byford Progress Association but this will not affect the way in which she will vote.

Cr Wigg declared an interest of impartiality in item CGAM029/09/05 as Patron of the Serpentine Golf Club and advised that this will not affect the way in which he will vote.

Cr Wigg declared a financial interest in item CGAM034/09/05 as the item may include part of Cr Wigg's property.

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 – 22nd August, 2005

COUNCIL DECISION

**Moved Cr Price seconded Cr Scott
That the minutes of the Ordinary Council Meeting held on 22nd August, 2005 be confirmed.
CARRIED 9/0**

7.2 Special Council Meeting – 2nd September, 2005

Cr Wigg Statement:

Cr Wigg apologised to Council in that he inadvertently declared an impartial interest at the special meetings of Council held on 5th July, 2005 and 2nd September 2005 at which he should have declared a financial interest as a guarantor to the Serpentine Jarrahdale Grammar School and wished this declaration to be recorded in the minutes of this meeting. Cr Wigg has notified the Department of Local Government of the error and the action taken to correct the record through this declaration.

COUNCIL DECISION

**Moved Cr Star seconded Cr Price
That the Special Council Meeting (as attached and marked [SCM09.05.doc](#)) (E05/4700) minutes of the be confirmed.
CARRIED 9/0**

REPORTS OF COMMITTEES:

SD038/09/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 143 FOR FINAL APPROVAL – REZONING OF LOT 1 WEBB ROAD, MARDELLA AND LOT 499 MUNDIJONG ROAD, MUNDIJONG (A1265)		
Proponent:	Kelvin Oliver Planning Consultant	In Brief Amendment No. 143 to Town Planning Scheme No. 2 is presented to Council for consideration for adoption for final approval. It is recommended that the amendment be adopted for final approval subject to modifications.
Owner:	Mundella Farms Pty Limited	
Officer:	Brad Gleeson – Executive Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report:	9 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Mundella Farms Pty Ltd.
 Owner's Address: Level 1, 168 Stirling Highway, Nedlands WA 6009
 Applicant: Kelvin Oliver Planning Consultant
 Applicant's Address: 7 Kobus Heights Roleystone WA 6111
 Date of Receipt: 2 November 2004
 Advertised: Yes
 Submissions: 10
 Lot Area: Lot 1 Webb Road - 39.8ha
 Lot 499 Mundijong Road - 121.5ha
 L.A Zoning: Rural, Primary Regional Road and Other Regional Road
 MRS Zoning: Rural and Primary Regional Road
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Farmlet Policy Area
 Rural Strategy Overlay: N/A
 Municipal Inventory: Old Mundijong Hotel is located on Lot 499 (site SJ9-04)
 This building is outside the portion of the property proposed to be rezoned
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: June 2004

Background

Amendment No. 143 to Town Planning Scheme (TPS 2) was initiated by Council on 24 January 2005. The proposal is to rezone Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong from 'Rural' to 'Farmlet', provided for subdivision and development in accordance with the subdivision guide plan and special provisions to be introduced in Appendix 4C of the Scheme.

In accordance with Council's resolution, the amendment was referred to the Environmental Protection Authority (EPA) as required by section 7A1 of the Town Planning and Development Act. The EPA has indicated that the amendment would not be subject to formal environmental assessment, the following advice was given regarding environmental factors:

- (a) *Wetland – In response to additional information, it is now apparent that the nominated wetland is not part of the proposed rezoning but lies on an adjacent property, beyond a road reserve. It does not therefore appear to represent a constraint to this particular rezoning.*
- (b) *Nutrient export and drainage – The subject land is within the area subject to the Environmental Protection (Peel Harvey Estuary) Policy 1992, where nutrient export is required to be managed to protect the Estuary from further degradation.*

The applicant has advised that it will provide additional information to the Shire and DoE on land capability and location of building envelopes to ensure that proposed development avoids land subject to water logging in favour of more capable, higher land. The commitment to Alternative Treatment Units is also supported.

- (c) *Noise and Vibration – The landowner’s commitment to Memorials on Certificates of Titles to inform future purchasers of the location of and potential for noise and vibration impacts associated with the proposed Tonkin Highway is supported.*

Following receipt of the EPA’s advice, the amendment proceeded to advertising for a period of 42 days in accordance with the Town Planning Regulations 1967.

Sustainability Statement

Effect on Environment: Rezoning of the property to Farmlet will enable the Shire to require the rehabilitation and enhancement of the property. The limited remnant vegetation on the property will mean that revegetation needs to be undertaken on the property. This will assist in improving biodiversity and enable the provision of additional fauna habitats.

The applicant advises:

A detailed land capability and geotechnical assessment of the land has been undertaken by “Landform Research”. A brief summary of the findings of that report follows:

Soils:

Across almost the whole site are 400mm to 1000mm of brown and yellowish brown silica sand overlying clayey subsoils

Vegetation:

*The site is cleared and has been grazed by cattle for many years. The only vegetation is a clump of *Eucalyptus calophylla* and *Eucalyptus wandoo* in the central south. The remnant vegetation on the unconstructed road reserve of Webb Road should be preserved where possible.*

Hydrological assessment – water availability:

The site is flat and is located within the “Peel Harvey Estuary” catchment. The site has been drained by the installation of a few manmade open drains. Water samples of both the water in the drains and in bores showed the water to be classified as fresh.

Geotechnical factors:

Drainage and flood risk – Flooding does not appear to be an issue on the site. There is a small natural drainage line that traverses the main property and this can carry water in heavy rainfall events. Its alignment will be picked up in the proposed drainage reserve which will also assist in drainage of the future Tonkin Highway extension. There are also boundary drainage channels.

Wastewater disposal:

Alternative and conventional systems can be accommodated in most situations. Either inverted systems or alternative treatment units may be required in lower areas.

Areas of remnant native vegetation exist along Webb Road. These have been recognised in the Land Capability Assessment, and this has been taken into consideration in the Subdivision Guide Plan. Webb Road will only be constructed a short distance from Mundijong Road before heading in a south eastern direction into the property. The vegetated section of Webb Road which currently contains a track, will be protected and not used for vehicle access. This section of the road reserve adjacent to the Equestrian facility will form part of the multiple use trail in the area.

A multiple use trail is incorporated in the subdivision guide plan between the Tonkin Highway and Webb Road. This multiple use corridor will also serve a drainage function, include revegetation and incorporate a constructed trail. The trail will connect with the reserve west of Webb Road that is leased to the Mundijong Thoroughbred Training Association. This reserve will need to be designed as a living stream and planted with sedges of different densities.

Resource Implications: No reticulated water will be provided within the estate. Individual landowners will be required to provide a minimum potable water supply of not less than 90,000 litres.

Economic Viability/ Benefits: Some of the lots could operate as agricultural operations, however, the size of the properties will limit the potential for many activities.

The proposal will attempt to address its external costs through the preservation and enhancement of biodiversity (through revegetation, drainage management, the use of ATU's 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:

Town Planning and Development Act.
Town Planning Regulations.
Metropolitan Region Town Planning Scheme Act
Town Planning Scheme No. 2
Rural Strategy

Policy/Work Procedure Implications:

State of Planning Policy No. 1 (State Planning Framework)
State of Planning Policy No. 2 (Environmental and Natural Resources)
Statement of Planning Policy No. 2.1 (Peel-Harvey Catchment)
Statement of Planning Policy No. 2.5 (Agriculture and Rural Land Use Planning)
LPP 4 – Revegetation
LPP 6 – Water Sensitive Design
LPP 9 – Multiple Use Trails within the Shire

Financial Implications:

Future ongoing costs to the Shire to maintain new areas within the subdivision eg multiple use corridor, roads, multiple use trails

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategy:

1. Provide recreational opportunities.

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

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:

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

Community Consultation:

The amendment was advertised for public comment for a period of 42 days in accordance with the requirements of the Town Planning Regulations. A total of 10 submissions were received.

The submission are detailed and addressed in the schedule of submissions provided with the attachments marked [SD038.1-09-05.doc](#).

Comment:

Planning Context

Rural Strategy

The strategy identifies the land as suitable for Farmlet development, subject to compliance with certain criteria and guidelines which must be addressed in order to justify the development of land. These matters include:

- Regional and local zoning implications
- Local strategies and structure planning
- Environmental impact
- Land management controls
- Surface drainage issues
- Vegetation preservation and revegetation
- On site disposal of effluent

Town Planning Scheme No. 2 states the following objectives and scheme provisions for the Farmlet zone:

“The purpose and intent of the Farmlet zone is described within the Council's Rural Strategy as amended and adopted by Council and the State Planning Commission dated April 1994.

5.13.2 *The Farmlet zone is intended to cater for a range of lots between four and forty hectares to allow for a variety of lot sizes in accordance with the objectives and guidelines of the Rural Strategy.*

5.13.3 *Before including land within the Farmlet zone, the Council will require the owners or developers of the land to prepare a submission in support of its inclusion and any submission shall include those matters set down in sub-clause 5.9.3 of this Scheme.*

5.13.4 *A guaranteed rainwater supply of 90,000 litres will be required to new lots proposed on land within the Farmlet zone.*

5.13.5 *A description of the land included in the Farmlet zone together with land uses permitted and any special provisions relating to the land are set out in Appendix 4C.*

5.13.6 *There shall be a plan of subdivision entitled Subdivision Guide Plan for each specified parcel of land included in the Farmlet zone endorsed by the Shire Clerk and approved by the State Planning Commission.”*

The following information is a summary of the report provided by the applicant in support of the proposal:

Location

The property is located to the immediate south-west of the Mundijong townsite. The closest convenience service centre is the Mundijong townsite which lies approximately 600 metres to the north. The regional centre of Armadale is approximately 17 km to the north.

Fire Management Plan

The applicants have submitted a fire management plan for the property. This document will need to be modified to ensure that it is consistent with the approved subdivision guide plan for the property. The approval and implementation of such a plan is a scheme provision that will be required to be undertaken by the subdivider at the time of subdivision.

Revegetation Plan

The revegetation plan has been updated to reflect the suggestions and requirements of the Environmental Officer.

Subdivision Guide Plan

A copy of the subdivision guide plan is with the attachments marked [SD038.2-09-05.tif](#)

The applicant advises that the subdivision guide plan takes into account the following criteria:

*The land to be allowed for the Tonkin Highway extension;
The existing and proposed road network for the area;
The issues as raised in the report by Landform Research including soil types, water availability, on site effluent disposal and potential rural/ residential uses; and
Minimum lot size as stipulated in the Town Planning Scheme and Local Rural Strategy.*

Incorporated into the Subdivision Guide Plan are the following:

*Each lot has a minimum lot size of 4 hectares;
Each lot is well proportioned in terms of depth to width;
The road network is both legible and inter-connective;
A 4000m² building envelope is shown on each lot. Where the property is close to an open drain the building envelope is positioned away from that drain; and
Areas of revegetation are shown with a buffer to the Tonkin Highway extension.*

Building Envelopes

Building envelopes are required to be provided on the subdivision guide plan for all lots backing onto the Tonkin Highway reservation. The setback will be at least 50 metres from this road.

Building envelopes on the balance of the lots have been removed except those lots backing onto Tonkin Highway. All development of buildings and structures on lots without building envelopes can be controlled to ensure a minimum setback from all boundaries in accordance with the requirements of the Town Planning Scheme and the adopted Local Planning Policy. It is proposed to develop exclusion zones which contain revegetation areas and fire and emergency service access areas. This approach is hoped to encourage site responsive building location and reduce unnecessary clearing which occurs within building envelopes.

Equestrian Reserve

The major objection received in relation to this rezoning proposal was from the Mundijong Thoroughbred and Standardbred Trainers Association (Inc) MTTA. The MTTA are opposed to the proposed new road being constructed adjacent to their riding track 'back straight' on the southern end of the reserve.

Land use activities

The submission raises concerns about the land use activities on the new lots, in particular the parking of large commercial vehicles. The scheme provisions for this Farmlet zone do not allow the parking of commercial vehicles on the subject lots.

The scheme will allow the land to be used for stables, which includes the grazing and keeping of horses. It is expected that many of the lots will be used for the keeping of horses.

Riding track within the Road reserve

During assessment of the rezoning proposal, it was found that the riding track for the equestrian facility had not been constructed within the reserve but in fact, had been built within a portion of the 20 metre road reserve abutting the southern boundary of the reserve. A clause was included in the draft scheme provisions requiring that:

14. *The portion of the trotting track located within road reserve is to be relocated by the subdivider at the subdivider's cost prior to the subdivision of land adjacent to the road reserve.*

The MTTA advise that the southern boundary of the Reserve is the main fast work straight. All the trainers use the straight to train their horses to run "times". It has a planned curve into the straight of a particular length, a planned curve out of the straight of a particular length and a finish, all to particular ratings. This is an integral part of training both thoroughbreds and standardbred horses.

Under the current proposal, the developer would be required to relocate the track (the straight) from the Council road reserve and reconstruct it within the equestrian reserve. If this occurred, this will cause major disruption to the MTTA and will result in the track needing to be reconfigured to meet the necessary industry ratings.

Concern has been raised about traffic along the road abutting the southern boundary of the Equestrian facility.

The relocation of the track is not essential and it could remain in the existing Council road reserve, thereby minimising disruption to the MTTA. The track is fenced off by the existing rural boundary fence along the northern boundary of the property, however this fence may need to be upgraded to provide better separation between the riding track and the adjacent (new) road reserve.

It is recommended that Clause 14 in the proposed scheme provisions be modified as follows:

14. *The existing boundary fence along the northern boundary of the property adjacent to the Shire road reserve that contains a portion of the trotting track, is to be upgraded by the subdivider at the subdivider's cost prior to the subdivision of land adjacent to the road reserve.*

Therefore the track does not have to be relocated and the existing boundary fence is to be upgraded to ensure the safety concerns of the MTTA and Racing and Wagering WA are addressed.

Location of new road reserve

The subdivision guide plan accommodates the needs of the MTTA and retains the existing riding track, by the provision of a new road reserve adjacent to the existing road reserve. This new road reserve will provide for:

- * Access to Lots 17 - 24 (inclusive)
- * Access to the drainage reserve at the end of the road
- * Provision of a multiple use trail within the road reserve which connects Webb Road and Malek Drive
- * An emergency gate at the end of the road for fire fighting access, yet preventing through traffic between Webb Road and Malek Drive
- * Revegetation within the road reserve to screen the riding track from the road pavement

The MTTA have provided another option for the subdivision that removes the road from near the riding track. ***This is marked as Subdivision Guide Plan A at attachment [SD038.3-09-05.tif](#)***

Under this option, the road reserve is moved south to the rear of Lots 19 - 24 inclusive. All lots would have frontage to this road and there would be no conflict between the riding track and road traffic. Although this option has merit, it would create other problems such as:

- Lots 16, 17 and 18 being rectangular lots with frontage to a long length of road reserve. This would impact upon the privacy of the landowners.
- The drainage basin would be isolated with no frontage to a constructed road reserve. This reserve would be managed by the Shire and needs to be located adjacent to a road.

A redesign of the subdivision guide plan to accommodate this option is not out of the question. However, it is considered from a planning perspective that the existing plan can accommodate the needs of all parties, including the MTTA. The new road would be adequately screened from view of the riding track by dense planting of trees and shrubs within the road reserve. The existing boundary fence would also be upgraded if necessary.

Conclusion

It is recommended that the scheme provisions be modified to reflect the changes outlined in the schedule of submissions. These principally relate to environmental factors

(revegetation), upgrading of fencing adjacent to the riding track on the Shire reserve and notifications being placed on the title relating to noise, vibration and access restrictions to Tonkin Highway.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Council endorses the schedule of submissions prepared in respect of Amendment No. 143 to Town Planning Scheme No. 2.
2. Council adopts for final approval Amendment No. 143 to Town Planning Scheme No. 2 for the purposes of rezoning of Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong from 'Rural' to 'Farmlet', subject to the current draft special provisions designed for inclusion under Appendix 4C of the Scheme being replaced with the following modified special provisions:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
10. Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong	<ol style="list-style-type: none"> 1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council. Use classes permitted (P) Single House Public Recreation Public Utility Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables All other uses are prohibited. 2. 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 the Department of Environment and any other relevant government agency that the land use does not involve excessive nutrient application or clearing of land. 3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base of the system or the modified irrigation area being the required distance above the highest known water table. 4. All buildings and effluent disposal systems to be located within the building envelopes or outside the exclusion zones defined on the amended Subdivision Guide Plan unless otherwise approved in writing by the Shire.

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>5. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is certified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, or to accommodate an approved use.</p> <p>6. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20 percent of the land with indigenous trees, shrubs, groundcover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 18, 000 stems per hectare within and along watercourses and drainage lines, to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>7. The subdivider shall maintain vegetation on road reserves and any crown land within the Subdivision Guide Plan area for a minimum of two summers following planting by the subdivider until the required stem densities are established and the stems of taller plants have reached a minimum height of 50 centimetres.</p> <p>8. The subdivider shall erect internal fencing adjacent to revegetation areas and 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 (if and where necessary) of the fence adjacent to revegetation areas and those trees and shrubs planted by the subdivider to the satisfaction of the Council and prevent the entry of stock into deep rooted vegetation areas.</p> <p>9. Prior to clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan which includes and identifies the construction requirements relative to strategic firebreaks, water supplies, equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</p> <p>10. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with any drainage concept plan provided prior to the commencement of on ground works. Those easements and reserves required by Council including a drainage corridor, shall be provided to the Council free of cost at the time of subdivision to</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>provide for the ongoing maintenance of drainage system components.</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, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>12. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.</p> <p>13. The subdivider to upgrade Webb Road, construct a road through to Malek Drive and a road through to Randell Road, construct a bridge or culvert over the drain, and construct multiple use trails to the satisfaction of Council.</p> <p>14. The existing boundary fence along the northern boundary of the property adjacent to the Shire road reserve that contains a portion of the trotting track, is to be upgraded by the subdivider at the subdivider's cost prior to the subdivision of land adjacent to the road reserve.</p> <p>15. A Section 70A notification being placed on the titles of Lots 1-8 (inclusive) advising prospective purchasers that the lots will be affected by noise and vibration associated with the future Tonkin Highway.</p> <p>16. A notification under S129BA of the Transfer of Land Act shall be placed on the deposited plan as a restrictive covenant for the benefit of Main Roads WA to prohibit any vehicle access to the Tonkin Highway from any lots abutting the Tonkin Highway.</p>

3. The amendment documents once modified in accordance with 2 above, be signed and sealed and then 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 Hon. Minister for Planning and Infrastructure.
4. The proponent be advised that the Shire will require a roundabout including adequate truncations at the intersection adjacent to Lots 11, 12 and 13, the provision of truncations by the developer at the intersections of Mundijong Road and Webb Road; and Webb Road and Randell Road, as a condition of subdivision.

SD038/09/05 Committee Recommended Resolution:

That item SD038/09/05 be deferred to the Ordinary Council Meeting in September with an alternative recommendation being presented to Council showing an alternative road alignment as depicted on Plan A.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed to allow an alternative recommendation to be presented to Council showing an alternative road alignment as depicted on Plan A.

SD038/09/05 SUPPLEMENTARY INFORMATION

The current Subdivision Guide Plan (SGP) for this land is shown at Attachment SD038.4/09/05.

In response to the concerns raised by the Mundijong Thoroughbred and Standardbred Trainers Association (Inc) (MTTA) about the location of the new road adjacent to the riding track, the developer has submitted a revised SGP for consideration.

This plan is with the attachments marked SD038.5/09/05.

The benefits of the revised plan are:

- The relocated road provides direct access to 9 lots.
- Two battleaxe driveways servicing Lots 17 and 18 are removed.
- Traffic servicing these new lots are well removed from the riding track and therefore would not disturb the users of the equestrian facilities.
- The development minimises the impact on the users of the equestrian reserve.

The Community Emergency Services Manager supports the revised plan, subject to the width of the pedestrian accessway (PAW) being increased from 6 metres to 10 metres, with a 4 metre wide constructed surface being provided along the length of the PAW. This PAW will connect to the existing Shire road reserve and Right of Way, through to Malek Drive.

Access to the drainage basin for Shire staff / vehicles will be along the right of way off Malek Drive. An emergency gate will be installed on the road reserve near the drainage basin to prevent through traffic between Malek Drive and the subdivision. Pedestrian access between Malek Drive and Webb Road will be maintained.

Conclusion

The modified plan will address all the designs concerns previously raised and will ensure a good planning outcome for this issue.

SD038/09/05 Officer Recommended Resolution:

1. The subdivision guide plan be modified in accordance with *Attachment SD038.5/09/05* marked Plan B to the satisfaction of the Executive Manager Planning and Regulatory Services, to include:
 - a) Widening of the pedestrian accessway between the cul de sac and the existing road reserve to a minimum width of 10 metres; and
 - b) Proposed multiple use trails, areas of revegetation, a site for the purposes of constructing a fire fighting water supply tank and an emergency gate being shown on the plan.

2. Subject to 1. above, Council endorses the schedule of submissions prepared in respect of Amendment No. 143 to Town Planning Scheme No. 2.
3. Council adopts for final approval Amendment No. 143 to Town Planning Scheme No. 2 for the purposes of rezoning of Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong from 'Rural' to 'Farmlet', subject to the current draft special provisions designed for inclusion under Appendix 4C of the Scheme being replaced with the following modified special provisions:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
<p>10. Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong</p>	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables</p> <p>All other uses are prohibited.</p> <p>2. 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 the Department of Environment and any other relevant government agency that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. All buildings and effluent disposal systems to be located within the building envelopes or outside the exclusion zones defined on the amended Subdivision Guide Plan unless otherwise approved in writing by the Shire.</p> <p>5. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is certified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>driveways, or to accommodate an approved use.</p> <p>6. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20 percent of the land with indigenous trees, shrubs, groundcover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 18, 000 stems per hectare within and along watercourses and drainage lines, to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>7. The subdivider shall maintain vegetation on road reserves and any crown land within the Subdivision Guide Plan area for a minimum of two summers following planting by the subdivider until the required stem densities are established and the stems of taller plants have reached a minimum height of 50 centimetres.</p> <p>8. The subdivider shall erect internal fencing adjacent to revegetation areas and 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 (if and where necessary) of the fence adjacent to revegetation areas and those trees and shrubs planted by the subdivider to the satisfaction of the Council and prevent the entry of stock into deep rooted vegetation areas.</p> <p>9. Prior to clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan which includes and identifies the construction requirements relative to strategic firebreaks, water supplies, equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</p> <p>10. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with any drainage concept plan provided prior to the commencement of on ground works. Those easements and reserves required by Council including a drainage corridor, shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drainage system components.</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, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>planting and maintenance.</p> <p>12. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.</p> <p>13. The subdivider to upgrade Webb Road and construct a road through to Randell Road, construct a bridge or culvert over the drain, and construct multiple use trails to the satisfaction of Council.</p> <p>14. The existing boundary fence along the northern boundary of the property adjacent to the Shire road reserve that contains a portion of the trotting track, is to be upgraded by the subdivider at the subdivider's cost prior to the subdivision of land adjacent to the road reserve.</p> <p>15. A Section 70A notification being placed on the titles of Lots 1-8 (inclusive) advising prospective purchasers that the lots will be affected by noise and vibration associated with the future Tonkin Highway.</p> <p>16. A notification under S129BA of the Transfer of Land Act shall be placed on the deposited plan as a restrictive covenant for the benefit of Main Roads WA to prohibit any vehicle access to the Tonkin Highway from any lots abutting the Tonkin Highway.</p>

4. The amendment documents once modified in accordance with 3 above, be signed and sealed and then 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 Hon. Minister for Planning and Infrastructure.
5. The proponent be advised that the Shire will require a roundabout including adequate truncations at the intersection adjacent to Lots 11, 12 and 13, the provision of truncations by the developer at the intersections of Mundijong Road and Webb Road; and Webb Road and Randell Road, as a condition of subdivision.

SD038/09/05 COUNCIL DECISION:

Moved Cr Star seconded Cr Price

1. The subdivision guide plan be modified in accordance with *Attachment SD038.5/09/05* marked Plan B to the satisfaction of the Executive Manager Planning and Regulatory Services, to include:
 - a) Widening of the pedestrian accessway between the cul de sac and the existing road reserve to a maximum width of 10 metres; and
 - b) Proposed multiple use trails, areas of revegetation, a site for the purposes of constructing a fire fighting water supply tank and an emergency gate being shown on the plan.
2. Subject to 1. above, Council endorses the schedule of submissions prepared in respect of Amendment No. 143 to Town Planning Scheme No. 2.
3. Council adopts for final approval Amendment No. 143 to Town Planning Scheme No. 2 for the purposes of rezoning of Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong from ‘Rural’ to ‘Farmlet’, subject to the current draft special provisions designed for inclusion under Appendix 4C of the Scheme being replaced with the following modified special provisions:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
<p>10. Lot 1 Webb Road, Mardella and Lot 499 Mundijong Road, Mundijong</p>	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables</p> <p>All other uses are prohibited.</p> <p>2. 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 the Department of Environment and any other relevant government agency that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base of the system or the modified irrigation area</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>being the required distance above the highest known water table.</p>
	<p>4. All buildings and effluent disposal systems to be located within the building envelopes or outside the exclusion zones defined on the amended Subdivision Guide Plan unless otherwise approved in writing by the Shire.</p>
	<p>5. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is certified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, or to accommodate an approved use.</p>
	<p>6. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20 percent of the land with indigenous trees, shrubs, groundcover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 18, 000 stems per hectare within and along watercourses and drainage lines, to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p>
	<p>7. The subdivider shall maintain vegetation on road reserves and any crown land within the Subdivision Guide Plan area for a minimum of two summers following planting by the subdivider until the required stem densities are established and the stems of taller plants have reached a minimum height of 50 centimetres.</p>
	<p>8. The subdivider shall erect internal fencing adjacent to revegetation areas and 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 (if and where necessary) of the fence adjacent to revegetation areas and those trees and shrubs planted by the subdivider to the satisfaction of the Council and prevent the entry of stock into deep rooted vegetation areas.</p>
	<p>9. Prior to clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan which includes and identifies the construction requirements relative to strategic firebreaks, water supplies, equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	Fire and Emergency Service Authority.
	10. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with any drainage concept plan provided prior to the commencement of on ground works. Those easements and reserves required by Council including a drainage corridor, shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drainage system components.
	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, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
	12. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.
	13 The subdivider to upgrade Webb Road and construct a road through to Randell Road, construct a bridge or culvert over the drain, and construct multiple use trails to the satisfaction of Council.
	14. The existing boundary fence along the northern boundary of the property adjacent to the Shire road reserve that contains a portion of the trotting track, is to be upgraded by the subdivider at the subdivider's cost prior to the subdivision of land adjacent to the road reserve.
	15. A Section 70A notification being placed on the titles of Lots 1-8 (inclusive) advising prospective purchasers that the lots will be affected by noise and vibration associated with the future Tonkin Highway.
	16. A notification under S129BA of the Transfer of Land Act shall be placed on the deposited plan as a restrictive covenant for the benefit of Main Roads WA to prohibit any vehicle access to the Tonkin Highway from any lots abutting the Tonkin Highway.

4. The amendment documents once modified in accordance with 3 above, be signed and sealed and then 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 Hon. Minister for Planning and Infrastructure.

5. The proponent be advised that the Shire will require a roundabout including adequate truncations at the intersection adjacent to Lots 11, 12 and 13, the provision of truncations by the developer at the intersections of Mundijong Road and Webb Road; and Webb Road and Randell Road, as a condition of subdivision.

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed in part 1(a) of the recommendation by changing the word “minimum” to “maximum”.

SD036/09/05 PROPOSED MINOR CHANGES TO ADOPTED LOCAL STRUCTURE PLAN – LOTS 1, 2 AND 63 LARSEN AND THOMAS ROADS, BYFORD (A0710)		
Proponent:	Gray and Lewis Land Use Planners	In Brief The proponent has requested Council consider further minor changes to the adopted Local Structure Plan for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford. As these further minor changes are not considered to materially alter the intent of the adopted Local Structure Plan or overall Byford Structure Plan, and represent increased environmental and social benefits for the area, they are recommended for approval subject to refinement.
Owner:	Byford Central Pty Ltd (Lots 1 and 2) & WJ and VG Hicks (Lot 63)	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	20 September 2005	
Previously	P047/12/04	
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 <i>Local Government Act 1995</i>	
Delegation	Council	

Owner: Byford Central Pty Ltd (Lots 1 and 2)
WJ & VG Hicks (Lot 63)

Owner's Address: c/- Mr S Formica, 7 Winchester Road, Bibra Lake WA 6163
Lot 63 Larsen Road, Byford WA 6122

Applicant: Gray and Lewis Land Use Planners

Applicant's Address: Suite 5, 2 Hardy Street, South Perth 6151

Date of Receipt: 7 July 2005

Advertised: N/A

Submissions: N/A

Lot Area: 65.2282ha (total)

L.A Zoning: Urban Development

MRS Zoning: Urban and Urban Deferred

Byford Structure Plan: Residential (R20); Neighbourhood Node; Multiple Use Corridor; Drainage Basin; Future Roads; Neighbourhood Park; District Recreation; Traffic and Pedestrian Movement Network

Rural Strategy Policy Area: N/A

Rural Strategy Overlay: N/A

Municipal Inventory: N/A

Townscape/Heritage Precinct: N/A

Bush Forever: N/A

Date of Inspection: Various

Background:

At the meeting held on 20 December 2004, Council resolved (P047/12/04) to adopt the Local Structure Plan for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford (“subject land”). The subject land is within the ‘Urban Development’ zone of Byford, and is subject to the district planning framework established under the Byford Structure Plan to guide the future urbanisation of the area. The Local Structure Plan was adopted by Council in accordance with the process established by Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“Scheme”), and provides the further detailed planning to achieve subdivision and development in line with the district planning framework of the Byford Structure Plan.

In recognising the need to maintain a responsive structure plan capable for improvement through change, clause 5.18.4 of the Scheme provides for a process by which minor changes to adopted structure plans can occur in a timely manner. Clause 5.18.4.1 of the Scheme specifically states:

“The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.”

In accordance with clause 5.18.4.1 of the Scheme, Council recently considered and adopted two minor changes to the Local Structure Plan for the subject land (SD006/07/05). These were adopted on the basis of them not materially altering the intent of the Local Structure Plan and representing an overall improvement to the Local Structure Plan itself.

A copy of the current Local Structure Plan incorporating the minor changes as adopted by Council is with the attachments marked [SD036.1/09/05](#).

The proponent has now requested Council considers four further minor changes to the adopted Local Structure Plan for the subject land. These minor changes succinctly involve the following:

- i. Modifying the existing 1,052m² public open space area in the north east section of the Local Structure Plan by relocating it further north east and increasing its area to 3,778m², and providing further ‘Residential R30’ zoned land (cottage lots) surrounding the modified public open space area;
- ii. Decreasing the district open space area in the central section of the Local Structure Plan from 4ha to 2.4434ha, and providing further ‘Residential R30’ zoned land (cottage lots) surrounding the modified district open space area;
- iii. Providing a new 1.2226ha public open space area in the north west section of the Local Structure Plan, and providing further ‘Residential R30’ zoned land (cottage lots) surrounding the new public open space area;
- iv. Minor changes to the associated traffic and movement network within the Local Structure Plan as a result of the above minor changes.

These minor changes are generally supported from an environmental and planning perspective, however, subject to further refinement to ensure that resulting benefits are maximised. These refinements are discussed following.

North East POS

- i) With regard to i., the modified public open space area will encompass the protection of a significant stand of mature *Corumbia calophylla* (Marri) trees in this section of the Local Structure Plan. This is a clear environmental benefit for the area, and reflects contemporary planning principles for maximising the retention of parkland within public open space areas. As this modified public open space area will become

an environmental feature for this section of the Local Structure Plan, opportunity has also arisen to provide 'Residential R30' zoned land with orientation towards the public open space. This is supported on the basis that it provides an increased mix of residential lot sizes to suit the variety of dwelling and household types emerging within Western Australia. Such is also consistent with contemporary planning principles for achieving social diversity within urban environments.

Officer recommended changes

With regard to this modification, two refinements are recommended. The first relates to a request from the proponent to provide a strip of 'Residential R30' zoned land in the eastern third of the modified public open space, thus reducing its size from the current proposal. Although this has not been formally proposed, it is recommended that Council not support this as it is desirable to maintain distinct edges around all public open space areas (i.e. roads), so as to invoke the feeling of public ownership and enable the desired passive surveillance from surrounding residential development.

The second refinement relates to the identification of an R30 density group housing site directly south west of the modified public open space area. This is not supported as there will be another group housing site north of the public open space area. Accordingly, it is recommended this group housing site south west of the modified public open space area be maintained for 'Residential R30' zoned cottage lot development instead.

A copy of the plan showing modification i. Proposed by the applicant and refinements proposed by officers is with the attachments marked [SD036.2/09/05](#).

Accordingly, it is recommended that modification i). be supported subject to the public open space area being maintained as it is currently proposed with associated road edges around all boundaries and an area of 3,778m², and the group housing site south west of the modified public open space area being removed and reverted back to 'Residential R30' zoned land for cottage lot development.

District Open Space

- ii) With regard to ii., the draft Liveable Neighbourhoods Operational Policy provides that areas of district open space must be between 2.5ha - 4ha, and be capable of incorporating both informal games and organised sports, with associated facilities such as car parking, toilets and change rooms. With regard to the proposed decrease in size of the district open space, this needs to maintain a minimum land area of at least 2.5ha and must demonstrate that both organised and social forms of sport and recreation (including associated facilities) can be accommodated.

In response to this the proponent has provided plans for the decreased area of district open space from 4ha to 2.44ha. The plan shows that an adult sized soccer or hockey field could be accommodated in addition to some informal areas for unorganised sports. While this is noted, it still seems that the district open space will become crowded especially in times where organised sports are taking place in conjunction with social team games as should be expected to occur often. There is also the absence of an area for dedicated car parking, and for a toilet/change room facility.

A copy of the plan showing development of the modified district open space area proposed by the applicant is with the attachments marked [SD036.3/09/05](#).

These issues, while prevalent, can be addressed through a small expansion in the modified district open space area. This would involve expanding the district open space to encompass the areas of 'Residential R30' zoned land which directly abut the south west boundary of the district open space. In terms of the comments made above, it is desirable to maintain distinct edges around the district open space area

(i.e. roads), so that it can be clearly defined and enjoyed at a district level. This will in turn be achieved by deletion of the abutting 'Residential R30' zoned land.

A copy of the plan showing modification ii. and refinements proposed by officers is with the attachments marked [SD036.4/09/05](#).

Accordingly, it is recommended that modification ii. be supported subject to the district open space area being increased in size to approximately 2.7 hectares in area as indicated on the attached plan, and the south west abutting 'Residential R30' zoned land being reconfigured so that it does not directly abut the district open space area.

North West POS

- iii) With regard to iii., this modification is supported as it will result in the protection of a significant stand of mature *Corumbia calophylla* (Marri) trees in this section of the Local Structure Plan. Clear environmental benefits will stem from this, particularly considering that limited opportunities exist elsewhere within the Local Structure Plan area for the protection of remnant vegetation on site. Additional benefits afforded through this modification include the ability for passive recreation trails to be meandered through the created parkland environment, and the provision of higher density development to passively survey the developed parkland area.

Similar to the above comments, there are a number of refinements recommended by staff to ensure the fundamental benefits for this modification are maximised. These refinements centre on increasing the size of the public open space area to totally encompass all remnant vegetation in the area, and providing a road edge so as to invoke the feeling of public ownership of the created parkland environment and better enable the desired passive surveillance by surrounding residential development. The original proposal does not adequately achieve these aspects, through having the rear boundaries of lots adjacent to the public open space and no defined edge to invigorate the feeling of public ownership and use.

A copy of the plan showing modification iii. proposed by the applicant and refinements proposed by officers is with the attachments marked [SD036.5/09/05](#).

Accordingly, as per the attachment, it is recommended that modification iii. be supported subject to the public open space area being increased in size as indicated, and the abutting 'Residential R30' zoned land being reconfigured so that it does not directly abut the public open space area.

- iv) The final modification involves minor changes to the associated traffic and movement network within the Local Structure Plan as a result of modifications i. to iii. These minor changes still maintain the modified grid layout as provided for by the overall Byford Structure Plan, affording good permeability and the promotion of non-motorised transport options throughout the Local Structure Plan area. These minor changes are therefore supported.

Sustainability Statement:

Subject to the refinements as recommended in this report, the minor changes are considered to represent a vast improvement to the current design for the Local Structure Plan. This is through providing an appropriate urban form which maintains a desired distribution of open space, and incorporates an increased mix of residential lot types to promote greater diversity within the Byford community. The increased retention of important on-site vegetation also has clear and compelling environmental benefits.

Statutory Environment:

Town Planning and Development Act

Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

**Policy/Work Procedure
Implications:**

Byford Structure Plan
Byford Urban Stormwater Management Strategy
Statement of Planning Policy No. 2 (*Environment and
Natural Resources Policy*)
Statement of Planning Policy No. 2.1 (*The Peel-Harvey
Coastal Plain Catchment Policy*)
Draft Liveable Neighbourhoods Operational Policy
(Edition 3)

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

1. Improved freight, private and public transport
networks.

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Required: No

Comment:

Accordingly, it is recommended that Council adopts the minor changes in accordance with clause 5.18.4.1 of the Scheme, subject to the refinements as detailed in the attached plans for modifications i., ii. and iii.

The changes submitted by the applicant are recommended for adoption in accordance with clause 5.18.4.1 of the Scheme, subject to the following refinements:

1. For modification i., the public open space area must be maintained as it is currently proposed with associated road edges around all boundaries and an area of 3,778m², and the group housing site south west of the modified public open space area being removed and reverted back to 'Residential R30' zoned land for cottage lot development.

Refer to attachment [SD036.2/09/05.](#)

2. For modification ii., the district open space area being increased in size and the south west abutting 'Residential R30' zoned land being reconfigured so that it does not directly abut the district open space area.

Refer to attachment [SD036.4/09/05.](#)

3. For modification iii., the public open space area being increased in size and the abutting 'Residential R30' zoned land being reconfigured so that it does not directly abut the public open space area.

Refer to attachment [SD036.5/09/05.](#)

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

1. Council, in accordance with clause 5.18.4.1 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the following four minor changes to the Local Structure Plan for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford, subject to the following changes:
 - i. Modifying the existing 1,052m² public open space area in the north east section of the Local Structure Plan by relocating it further north east and increasing its area to 3,778m², and providing further 'Residential R30' zoned land surrounding the modified public open space. The proposed grouped housing site south west of the modified public open space area being removed and reverted back to 'Residential R30' zoned land for cottage lot development. The road layout including intersections is to be redesigned adjacent to the POS and former Grouped Housing site to create a safer traffic environment to the satisfaction of the Shire.

- The required changes are in accordance with *Attachment SD036.2/09/05*.
- ii. Decreasing the district open space area in the central section of the Local Structure Plan from 4ha to approximately 3ha and providing further 'Residential R30' zoned land surrounding the modified district open space area for cottage lot development so it does not directly abut the open space area in accordance with *Attachment SD036.4/09/05*.
 - iii. The public open space area in the north west section being increased in size to encompass a maximum amount of remnant vegetation, and the abutting 'Residential R30' zoned land being reconfigured so that it does not directly abut the public open space area in accordance with *Attachment SD036.5/09/05*.
 - iv. Minor changes to the associated traffic and movement network within the Local Structure Plan area to the satisfaction of the Shire;
 - v. Ensuring that a minimum 10% public open space requirement is maintained across the Local Structure Plan area.
2. The Executive Manager Planning and Regulatory Services be granted authority to determine when the refinements listed under (1) above have been completed to Council's satisfaction including any minor amendments.
 3. The applicant be required to submit to the Shire payment of \$1 100 being the fee for assessing the minor changes to the Local Structure Plan in accordance with the Council's schedule of fees and charges.
 4. Council, in accordance with clause 5.18.4.2(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, forwards within 10 days to the Western Australian Planning Commission a copy of the adopted minor changes with refinements to the Local Structure Plan and request for approval by the Western Australian Planning Commission.

SD036/09/05 Committee Recommended Resolution:

That item SD036/09/05 be deferred to the Ordinary Council Meeting in September to clarify the applicants intent in relation to modifying the Local Structure Plan.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed as the item addresses three changes to the Local Structure Plan and the applicants are seeking to have only Item 1 (part 1) dealt with at the present time.

SD036/09/05 SUPPLEMENTARY INFORMATION

The proponent has requested that Council only consider the first minor change to the adopted Local Structure Plan. This involves:

- i. Modifying the existing 1,052m² public open space area in the north east section of the Local Structure Plan by relocating it further north east, increasing its land area and providing a row of 'Residential R30' zoned lots along the eastern edge of the modified public open space. In addition, further 'Residential R30' zoned land surrounding the modified public open space area is proposed.

With regard to this change, the modified public open space will encompass the protection of a significant stand of mature *Corumbia calophylla* (Marri) trees in this section of the Local Structure Plan. This is a clear environmental benefit for the area and reflects contemporary planning principles for maximising the retention of parkland within public open space areas. As this modified public open space will become an environmental feature for this section of the Local Structure Plan, opportunity has also arisen to provide 'Residential R30' zoned land with orientation towards the public open space.

While the concept of orientating lots toward the modified public open space area is supported, the directly abutting 'Residential R30' zoned lots are not. In order to maintain distinct edges around all public open space areas (i.e. roads) so as to invoke the feeling of

public ownership and enable the desired passive surveillance to occur, it is recommended Council not support directly abutting residential zoned land. This is considered to reflect contemporary planning principles and desires for the full utilisation of public open space within the area.

SD036/09/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price seconded Cr Wigg

1. Council, in accordance with clause 5.18.4.1 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the following minor change to the Local Structure Plan for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford, subject to the refinements as incorporated following:
 - i. Modifying the existing 1,052m² public open space area in the north east section of the Local Structure Plan by relocating it further north east, increasing its land area and providing a row of 'Residential R30' zoned lots along the eastern edge of the modified public open space. In addition, further 'Residential R30' zoned land surrounding the modified public open space area is proposed;
- **REFINEMENT**
The public open space area being modified to have road edges around all boundaries and the proposed group housing site south west of the modified public open space area being removed and reverted back to 'Residential R20' zoned land.
2. The Executive Manager Planning and Regulatory Services be granted authority to determine when the refinement listed under (1) above has been completed to Council's satisfaction including any minor amendments.
3. The applicant be required to submit to the Shire payment of \$300 being the fee for assessing the minor change to the Local Structure Plan in accordance with the Council's schedule of fees and charges.
4. Council, in accordance with clause 5.18.4.2(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, forwards within 10 days to the Western Australian Planning Commission a copy of the adopted minor change with refinements to the Local Structure Plan and request for approval by the Western Australian Planning Commission.

CARRIED 9/0 ABSOLUTE MAJORITY

COUNCIL DECISION

Moved Cr Price seconded Cr Wigg that the order of business be changed so that Item OCM09/09/05 be considered after item SD036/09/05 to allow members of the gallery to hear Council’s decision in relation to this matter.
CARRIED 9/0

CONFIDENTIAL ITEM: Information withheld from members of the public under the Local Government Act Section 5.23(2)(d) and dealt with under “Matters for which the meeting may be closed to the public and discussed behind closed doors”.

COUNCIL DECISION

Moved Cr Price seconded Cr Kirkpatrick that the meeting be closed to members of the public at this point to allow Council to discuss agenda item OCM09/09/05 because the matter is of a confidential nature.
CARRIED 9/0

The members of the public left the gallery at 7.22pm.

OCM09/09/05 CONFIDENTIAL ITEM - PROPOSED POULTRY FARM - APPEAL - LOT 368 (#582) HENDERSON ROAD (CNR HOPELAND ROAD), HOPELAND (P01406/02)		
Proponent:	Dykstra and Associates	In Brief
Owner:	Big Country (Australia) Pty Ltd	
Officer:	Brad Gleeson, Executive Manager Planning and Regulatory Services	The application for a poultry farm on the subject property was refused by Council. The landowners lodged an appeal with the State Administrative Tribunal against Council’s decision to refuse the application.
Signatures Author:		
Senior Officer:		
Date of Report	15 September 2005	
Previously	SD080/06/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	The purpose of this report is to provide an update on the progress of this appeal to date and to provide further advice and a recommended course of action in relation to this appeal.
Delegation	Council	

OCM09/09/05 Officer Recommended Resolution:

Council agrees to the course of action outlined in Option A and Option B at [Attachment OCM09.2/09/05](#).

New Motion

Moved Cr Hoyer seconded Cr Kirkpatrick (proforma)
That the matter be deferred until the next formal committee until the environmental assessment details have been put forward for consideration.
LOST 0/9

Foreshadowed Motion

Cr Murphy foreshadowed a motion to accept Option A of the officer's recommended resolution if the motion under debate is defeated.

Moved Cr Murphy

1. Council agrees to the course of action outlined in Option A at [Attachment OCM09.2/09/05](#)
2. That Council resolves to recommend to the West Australian Planning Commission that poultry farms are an "X" use in all areas of the Shire except the poultry policy overlay area in the drafting of town planning scheme no. 3.

MOTION LAPSED for the want of a seconder.

Foreshadowed Motion

Cr Price foreshadowed a motion because order no 1 of the State Appeals Tribunal has not been complied with by the applicant and that Council defer until the next Sustainable Development Meeting or a special council meeting should the timeline of the State Appeals Tribunal and orders require it.

Moved Cr Price

Because order no 1 of the State Appeals Tribunal has not been complied with by the applicant that Council defer until the next Sustainable Development Meeting or a special council meeting should the timeline of the State Appeals Tribunal and orders require it.

MOTION LAPSED for the want of a seconder.

Foreshadowed Motion

Cr Hoyer foreshadowed a motion that Council agrees to proceed with the directions of the State Appeals Tribunal.

Moved Cr Hoyer seconded Cr Star (proforma)

That Council agrees to proceed with the directions of the State Appeals Tribunal.

LOST 4/5

Foreshadowed Motion

Cr Price foreshadowed that Council supports Options B & C if the motion under debate is defeated.

OCM09/09/05 COUNCIL DECISION

Moved Cr Price seconded Cr Hoyer

Council agrees to the course of action outlined in Options B & C at [Attachment OCM09.2/09/05](#).

CARRIED 8/1

Council Note: The Officers Recommended Resolution was changed to offer clarity for Council's position so that in defending the appeal at any level Council's Chief Executive Officer needs to have a clear understanding as to Council's commitment to defend the appeal.

The members of the public returned to the gallery at 8.40pm.

SD039/09/05 REQUEST TO INITIATE SCHEME AMENDMENT TO REZONE LOT 128 CROSSING VIEW & LOT 129 OLD BRICKWORKS ROAD, BYFORD (A1300)		
Proponent:	Dykstra & Associates	In Brief Request for Council to initiate a scheme amendment to rezone the above properties from “Rural” to “Special Use – Landscape Protection” to enable the creation of five lots. It is recommended that the request to initiate a scheme amendment in this regard not be supported on the grounds of potential deleterious impact on the character, amenity and environment of the locality, extreme fire danger issues, water supply issues and the proposal not being consistent with orderly and proper planning.
Owner:	P Radford	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	2 September 2005	
Previously		
Disclosure of Interest	Lisa Fletcher – Support Officer Sustainable Development has a proximity interest	
Delegation	Council	

Date of Receipt:	18 April 2005
Advertised:	Not Applicable at this stage
Submissions:	N/A
Lot Area:	10.1854 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Rural Living B
Rural Strategy Overlay:	N/A
Municipal Inventory:	Nil
Townscape/Heritage Precinct:	N/A
Bush Forever:	No
Date of Inspection:	25 July 2005

Background

Site Description

The subject land is comprised of two lots of 5.7580 hectares and 4.4274 hectares respectively. Lot 129 has frontage to Old Brickworks Road via a battleaxe leg only and contains a single house on the eastern side of the property. Lot 128 has frontage to Crossing View via a battleaxe leg only and does not contain any structures. The eastern boundaries of the two lots abut a portion of the Darling Range Regional Park.

Both lots contain significant remnant vegetation, which is denser over the western halves of the two lots and less so over the eastern halves of the lots. The type of vegetation found on the lots includes *Eucalyptus Calophylla* (white gum), *Eucalyptus Marginata* (red gum), *Banksia Grandis* and *Xanthorrea* (grass trees). Lot 128 is significantly infested with weeds including *Watsonia* and *Paterson’s Curse*.

Lot 128 slopes steeply from the south-west corner (contour level 90 metres AHD) up to the north east corner (contour level 150 metres AHD). The slope of Lot 129 runs generally from west to east with contour levels of approximately 110 metres AHD up to 150 metres AHD.

The underlying soils are predominantly shale with topsoil generally comprising red-brown loam with some gravel, isolated areas of clay and granite outcrops. Along the western boundaries of the land the soil is of colluvial origin comprising gravelly clayey sand comprised of decomposed bedrock, gravel rock fragments and clay minerals.

There are no wetlands on the subject land. A bore is located in the western portion of Lot 129.

Currently, on-site drainage is via open drainage channels along the western boundary of the site and alongside the sealed driveway to the existing dwelling. These drainage channels connect into an existing piped drainage system that services Crossing View properties.

The Proposal

A request has been submitted to rezone the subject land from "Rural" to "Special Use – Landscape Protection". A subdivision guide plan is included with the amendment documents and depicts subdivision of the land into five lots ranging in size from 1.5 hectares to 2.5 hectares. Access for the three southern most lots will be via the existing battleaxe leg to Crossing View and access to the two northernmost lots will be via the existing battleaxe leg to Old Brickworks Road.

The subdivision guide plan identifies a strip of existing vegetation approximately 40 metres wide along the western boundaries of all lots as a conservation buffer. A strategic fire break (6 metres width usually required) is designated between the conservation buffer and existing rural-residential lots to the west. Stormwater retention basins for each lot are also shown within the proposed conservation buffer.

The applicant advises that the following land use and development control provisions could be imposed on the development to ensure that residential development occurs in a manner that is compatible with the landscape character of the area:

- a) *prohibition of all development, fencing and internal firebreaks within the 40m conservation buffer;*
- b) *limiting the size and controlling the location of the Building Envelopes;*
- c) *tree preservation provisions;*
- d) *stock control including prohibition of horse keeping;*
- e) *limit the level of cut and fill for construction;*
- f) *building design performance standards including solar design, fire sensitive design and natural external colour tones;*
- g) *fire management requirements; and*
- h) *drainage and nutrient management standards.*

The applicant provides the following comments in support of the proposed rezoning:

1. *The subject land is part of a "Rural" zoned area under the Metropolitan Region Scheme and as in many other instances throughout the metropolitan region, the "Rural" zone can accommodate the type of subdivision proposed.*
2. *The proposed rezoning from "Rural" to "Special Use - Landscape Protection" under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 does not present a radical change in terms of the adjacent zonings, namely the surrounding "Parks and Recreation" to the east which highlights the conservation value in the locality.*
3. *The subject land's allocation under the "Rural Living B" Policy Area of Council's Rural Strategy, is evidence that there is scope for limited subdivision in the manner proposed.*
4. *Consistent with the intent of the Rural Strategy, this proposal will complement the development of a Landscape Protection Precinct in this locality and will encourage and make it easier for individual landowners to protect, manage and enhance the conservation values of the land.*
5. *The philosophy that supports this proposal is the recognition that under the current zoning and subdivision pattern it is very difficult to achieve a productive rural use for the land, and at the same time protect and manage the conservation values of the*

- land. It is somewhat unrealistic and impractical to expect or presume that the current or any future owner of Lots 129 and 128 could retain the lots as a rural property and maintain the conservation expectations of the area.*
6. *The positioning of Building Envelopes will result in them being well situated, providing privacy for residents as well as the surrounding area, taking into account the subject land's conservation value. The Building Envelopes are also well located to achieve passive solar design benefits.*
 7. *The location of the land between the Parks and Recreation area to the east and the residential interface to the west provides an excellent opportunity for the lot to be subdivided in such a manner, resulting in "Rural Living" type lot sizes whilst still maintaining the conservation values of the area.*
 8. *Conversely, if the subject land is left as it is, it is highly conceivable that a permitted "Rural" land use could be developed upon Lots 129 and 128 as it is, which is more contrary to the conservation values of the land than the proposal subject of this application (even a large rural shed could impair the landscape values of the site). Therefore, the reduction in the overall lot size will in fact add to the conservation values of the site as it will discourage the potential for the land to be used for more intensive agricultural commercial type activities.*
 9. *The current large rural holding affords very little specific protection to the existing flora and fauna habitat on the land. This proposal provides controls to protect flora and fauna, in keeping with the conservation values of the Shire of Serpentine-Jarrahdale.*
 10. *In addition, the rural zone does not offer much in the way of providing for residential amenity. The above mentioned building controls would help address this.*
 11. *Under the current land use and subdivision pattern there is very minimal fire management and control in terms of strategic emergency access. This proposal provides the community, Council and various government agencies with an opportunity to substantially improve the current fire safety and management in this area. The proposed Subdivision Guide Plan incorporates a comprehensive fire access system providing connectivity both internally and external to the subdivision.*
 12. *In terms of hydrology, any additional water run-off resulting from the marginal increase of development on subject land can be catered for on site. Furthermore, the proposed internal driveway layout and use of compensating basins will prevent erosion.*
 13. *The proposed "Special Use" zoning provides the avenue for site specific land use and management controls to be enforced particularly in respect of land use, subdivision, servicing, land clearing and vegetation protection, building envelopes, earthworks, site coverage and other development matters to provide for a sustainable form and nature of development.*

The above information provided by the proponent will be discussed in the Comment section of this report.

A copy of the Subdivision Guide Plan and Drainage Concept Plan are with the attachments marked [SD039.1a/09/05](#) & [SD039.1b/09/05](#).

Sustainability Statement

Effect on Environment: It is considered that the proposed development is not sustainable as it will result in:

1. Substantial clearing of existing remnant vegetation for driveways and building envelopes/development.
2. Significant site disturbance through cut and fill to provide building areas, vehicle access ways, fire management requirements and drainage management requirements.
3. Disturbance of fauna habitats.
4. Increased risk of impact on the adjacent Darling Range Regional Park as increasing the intensity of development increases fire incident risks.
5. The potential for erosion will be increased through the construction of building areas and vehicle access ways.
6. The proposal has the potential to significantly affect the visual amenity of the scarp environment and the site is visible from South Western Highway.

Resource Implications: The proposal will not minimise resource use as it will be necessary to clear substantial amounts of vegetation to facilitate the development.

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

Economic Viability: The proposal is unlikely to be economically viable in a way that incorporates its external costs for the following reasons:

1. Removal of biodiversity (flora and/or fauna).
2. Potential for waterway pollution through stormwater runoff causing silting up of adjacent waterways.
3. Reduction in quality of life of adjacent residents through loss of visual amenity, increased traffic to the rear of the existing properties in Crossing View and Old Brickworks Road.

Economic Benefits: The proposal is unlikely to provide any economic benefits for the Shire.

Statutory Environment:

Town Planning and Development Act
Town Planning Regulations 1967
Town Planning Scheme No.2
Rural Strategy

Policy/Work Procedure Implications:

LPP 6 Water Sensitive Design
LPP 8 Landscape Protection
AP 17 Subdivisions - Stormwater Runoff

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:

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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

No community consultation has been carried out to date. However, if initiated, the Scheme Amendment will require advertising for a period of not less than 42 days in accordance with the Town Planning and Development Act 1928 (as amended) and the Town Planning Regulations 1967 (as amended).

Development Control Unit Comments

Fire and Emergency Services Officer

This proposal is not supported. The fire hazard risk has been assessed to be extreme. A detailed fire risk assessment would need to be carried out prior to the rezoning being considered for initiation.

The steepness of the site (approximately 27.5%) vastly increases the amount of clearing that would be required around assets to achieve an adequate standard of fire protection. On a flat site, trees would have to be cleared for a minimum of 10 metres around any asset (measured from the asset to the drip-lines of the trees) and understorey cleared for a minimum of 20 metres. As stated above this site is extremely steep and the clearing necessary to achieve an adequate standard of fire protection for assets could be as much as 100 metres wide around all assets depending on the topography adjacent to the dwelling. In addition significant clearing would need to be provided for the provision of strategic and non-strategic fire breaks, fire fighting equipment and tanks including a turn around area for emergency vehicles adjacent to the fire fighting equipment & tank area.

Manager Asset Services

The slope of the subject land is generally approximately 27.5% (ranging from approximately 20% up to approximately 30%). This represents a gradient of approximately 1:3.6 (ie the land rises approximately 1 metre every 3.6 metres). The proposed driveways will be too steep. A driveway gradient above 1:5 or 16% is not recommended.

There will be difficulties managing stormwater and erosion due to the steepness of the land and the large amount of clearing that would be required. If the development was approved then stormwater runoff into existing adjacent waterways (creeks, drains etc.) should not be permitted to exceed pre-development flows. The size of the stormwater basins shown on the subdivision guide plan will not be adequate to contain the amount of runoff produced as a result of road works and clearing. Stormwater basins would be required to be placed in reserves set aside for drainage purpose and not contained within private property to enable Shire maintenance.

Environmental Officer

This application will require further environmental assessment.

A site visit was undertaken on 21 July during which the owner drove the Environmental Officer round the fire breaks and the officer walked over the property in an attempt to identify all fence lines and building envelopes.

The property is covered in remnant vegetation consisting of wandoo forest with some marris, a dense cover of Xanthorea with a mixed Hakea and Hibbertia shrub layer and a ground cover of Drosera, pasture herbs and grasses with patches of Watsonia. The ground to the

north of the existing access driveway appears to have been disturbed and consequently there are fewer grass trees and more low shrubs such as myrtles.

The terrain is so steep, particularly in the south and western sides of the lot that it would be difficult to develop a house pad without causing a large amount of damage due to erosion and pole homes would be susceptible to fire.

The steepness and vegetation also make the area very dangerous from the point of view of fire and the amount of clearing required to make the house pad sites safe is unacceptable in the proposed development design. With the clearing required for house pads, fire safety around house pads, fence lines, fire breaks, access and provision of services, practically the whole area of bush would be ruined. If subdivision is to be permitted on this site, a significantly different design should be accepted and only then with special provisions regarding limiting fence lines, pets and other measures to minimize impacts.

The exact locations of proposed building envelopes and fence-lines etc are not pegged on the ground. However, the following site specific notes were made relating to what appeared to the proposed sites:

Building envelope 3 is adjacent to an appropriate area where the ground is substantially cleared and relatively flat. However, some clearing would still be required and one particularly large grass tree is either on or very close to this site. Detailed adjustments to the envelope might minimise damage. The site is on top of a steep slope up which a fire would run very fast. The amount of clearing necessary to make a home safe at this site would need to be verified by the fire and emergency services officer.

Building envelopes 4 and 5 are on very steep ground which appear unsuitable for development. Also the proposed road leading to sites 3, 4 and 5 is extremely steep. An estimate of 30 degrees slope was estimated for site 5 and 25 for site 4. Both would require extensive clearing which would not only remove habitat in the immediate area but would allow fragmentation of the rest of the bushland and allow the importation of more weeds, dieback and other threats. An alternative envelope might be possible along the eastern boundary just south of where site 3 should be adjusted to.

Building site 1 appears to be relatively level and the vegetation is less dense. However, the vegetation remains valuable particularly the large trees to the south of the proposed envelope. There might be scope for adjusting this proposed envelope.

An area exists at the eastern end of the proposed lot 1 which is already flat and cleared. This site would provide potential for a building envelope as long as access could be gained without excessive clearing.

Some potential for development might exist at the top of the ridge where there could perhaps be space for four dwellings, but an analysis of fire management requirements and consequent environmental impacts would need to be undertaken.

Fire is a significant issue yet all three proposed access ways go straight up the hill. It would be preferable to have a fire escape to the east as well. This land however is Regional park and a complex agreement would therefore need to be negotiated with State Government. When a new proposed design has been developed, the proposal should be forwarded to CALM as a neighbour anyway.

The zoning of landscape protection does not appear to be appropriate for this development. This policy has limitations on steepness which this site would not comply with and also there would need to be extensive clearing which would not be conducive with visual amenity. If much of the bushland was to be protected without being dissected by fences, roads etc and houses could be clumped along the eastern side of the block without the requirement for extensive clearing, this zoning might be appropriate.

The following recommendations are made with regard to this proposal:

1. *The rezoning not be approved with the proposed guide plan.*
2. *Building envelopes should be grouped on the flatter ground at the top of the block and the bushland area should not be broken up by fence lines, roads, envelopes etc.*
3. *When a preferred design is selected, a professional environmental impact assessment should be undertaken to adjust the locations of envelopes and other features to make sure that impacts on individual plants of high value (habitat trees and grass trees) are minimized.*
4. *A covenant be required over the steep sections of the lot.*
5. *No development proceed unless with special provisions to protect the remaining bushland, limit fence lines and internal fire breaks, control pets, prevent erosion and the introduction of dieback, rehabilitate disturbed areas and control weeds.*
6. *Any clearing on this lot will require State Government assessment specifically of vegetation impacts.*

Environmental Health Officer

Given the size of the lots it would be possible for on-site effluent disposal to occur. It is recommended that alternative treatment units be used rather than traditional septic tanks and leach drains as the soil type will reduce absorption and may cause traditional systems to function ineffectively.

Comment:

Previous proposals dealt with by the Council with regard to subject site

The subject land was originally a portion of the group of lots (Lots 11, 13 and 14 Nettleton Road and Lot 12 Beenyup Road) subdivided in the late 1980's to create the Beenyup Brook Estate (now Old Brickworks Road, Crossing View, Waterside Pass, etc.). Originally, the developers had intended to rezone all of the land to Special Residential. However, the Council initiated the scheme amendment (Amendment 45 to Town Planning Scheme No. 1) subject to the eastern most portions of Lots 11 and 13 above the 110 metre AHD level remaining within the Rural zone. This requirement was mainly based on the desire of the Council to retain the existing character of the landscape of the escarpment and due to the extreme steepness of this land.

Following advertising and final adoption of the amendment by the Council the amendment was forwarded to the then State Planning Commission (SPC) for final approval by both the SPC and the Minister for Planning. On 17 May 1988 the SPC wrote to the Council and advised that the Minister for Planning was not prepared to approve the scheme amendment until the area of land to be rezoned to Special Residential had been modified to exclude (in addition to the land already excluded from the rezoning by the Council) a further area of land determined to comprise part of the escarpment ridge.

The Minister's plan is with the attachments marked [SD039.2/09/05](#).

Both the Council and the applicant disputed the reasonableness of this requirement with the SPC. In response, the SPC wrote to the Council on 5 July 1988 and advised that the SPC had recommended to the Minister for Planning that final approval for the scheme amendment be refused until the eastern-most land had been excluded. This recommendation was made by the SPC on the following grounds:

- “(i) Policy P6 of the Commission, requires that landscape worthy of preservation and/or which is clearly visible from roads of regional and national importance, should generally be excluded from Special Residential zones.*
- (ii) The area of land required to be excluded from the Special Residential Zone is part of the Darling Escarpment, is well wooded and constitutes a significant landscape feature.*
- (iii) The land is not considered to be suitable for closer subdivision, and more suitable land is available elsewhere in the vicinity of Byford.*
- (iv) A number of objections against the proposed rezoning were received from persons concerned with the protection of the escarpment and the preservation of the scarp environment”.*

The applicants subsequently engaged an independent geotechnical consultant to assess the capability of the whole of the land holding (including the land excluded by the Council and the additional land excluded by the Minister) for special residential subdivision in light of the Minister's requirement. Following receipt of the surveyor's report the SPC provided the following final decision of the Minister for Planning:

“...the Hon. Minister for Planning reiterates his earlier decision to refuse final approval to the Amendment until such time as the amendment is modified by exclusion of the area of the escarpment generally as shown on the attached plan from the Special Residential zone.

The reasons for this decision are as follows:

- 1. The original alignment of the Special Residential Zone boundary recommended by the Commission was based upon consideration of slopes, visibility, vegetation cover and subdivisional design.*
- 2. The survey undertaken by Survey and Mapping Group generally supports the basis for the Commission's previous conclusion although it takes a limited account of the tree line and appears to ignore its own conclusions with regard to visibility and sightlines.*
- 3. The proposed subdivision redesign extends beyond the line recommended as the limit by Survey and Mapping Group and while there has been some reduction in road gradients, the design gives little recognition to landform, vegetation cover, sightlines and the requirements for fire control.*
- 4. The proposed alignment of the Special Residential zone, and the planned subdivision of the eastern-most portion of the land, at once pre-empt the rezoning of the adjacent Lot 24 to the north and limit the feasibility of future extension of the escarpment reserve southwards”.*

The proponent subsequently modified the scheme amendment mapping and subdivision guide plan in accordance with the Minister's requirements and the amendment was forwarded back to the SPC for final approval. However, prior to the SPC and the Minister granting final approval for amendment 45 to Town Planning Scheme No. 1, Town Planning Scheme No. 2 was gazetted (1989). Accordingly, the Special Residential zoning over the land comprising the Beenyup Brook estate was put in place by the new town planning scheme. The subject land (which currently comprises Lots 128 and 129) was left within the Rural zone in accordance with the Minister for Planning's direction.

In 1997 the landowners applied to subdivide the balance of the land into two parcels (to create Lots 128 and 129). At first this was refused as the proposed lot areas (6 hectares and 4 hectares) were significantly below the 40 hectare minimum applicable to the Rural zone. However, Council later agreed to support this subdivision as it was consistent with the final subdivision guide plan that had been adopted by the Council for the Beenyup Brook Estate.

Rural Strategy

In the first Rural Strategy adopted by the Council in 1994 the subject land was incorrectly identified as "existing Special Residential zone" when in fact it was zoned Rural under the Town Planning Scheme. In the 2002 Rural Strategy Review the strategy mapping was amended to include the land within the Rural Living B policy area. However, there is no explanation in the review documentation as to why this change occurred - no submissions were received requesting this change and there are not any recommendations detailed in the review document reflecting this change of policy area.

A copy of the 1994 Rural Strategy policy area map showing this anomaly is with the attachments marked [SD039.3/09/05](#).

There is a question as to why the proponent is suggesting a Special Use zoning with a purpose of Landscape Protection especially given there is only a narrow strip of remnant vegetation they are proposing to preserve. Additionally, even this area proposed for protection will be dissected, disturbed and diminished by stormwater retention basins, battleaxe access legs and strategic fire breaks.

Disturbance, in a variety of forms, is a major problem for small, isolated remnants. These problems include:

- * exposure and edge effects;
- * competition from introduced plants and animals;
- * changes in hydrology;
- * changes in soil structure and/or nutrient balance;
- * changes in fire regime;
- * loss of essential links in the ecosystem, e.g. pollinators.

Essentially, the proposed rezoning and subdivision is attempting to use the argument of subdivision for conservation reasons. Therefore, it is worth assessing the proposal against the criterion for subdivisions for conservation contained in the Rural Strategy as follows:

It is essential that the remnant to be protected is of sufficient size to maintain the environmental values within it. Therefore, any application for subdivision for conservation must satisfy the Vegetation Assessment Guidelines specified in the Western Australian Planning Commission's Development Control Policy 3.4 (2002).

Any lot created for conservation purposes, unless the presence of rare or endangered flora or threatened ecological communities requires otherwise, shall be at least 40 hectares in area and have at least 85% of the conservation lot covered by native vegetation of conservation value; plus sufficient area for non-conservation related purposes.

The subject land has a total area of just over 10 hectares and as such does not meet the criteria for subdivision for conservation contained in the Rural Strategy Review 2002.

Landscape Protection Policy

The Council's Local Planning Policy LPP8 Landscape Protection contains the following provisions with regard to the rezoning or subdivision of land:

"All development (including access roads) in the policy area shall not be permitted:

1. *On ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas. Buildings are to be located below the skyline (see Figure 1).*
2. *In areas having a generalised slope greater than 25 percent".*

Policy LPP 8 also states that:

"Rezoning of land and the subdivision of land within the policy area will not generally be supported where it is likely to result in an undesirable density of development visible from the South Western Highway or the coastal plain".

Lots 129 and 128 are on an escarpment with a generalised slope of 27.5% and are visually exposed to view from South Western Highway. Clearing required to achieve adequate standards of fire safety for future buildings and other ancillary facilities (building envelopes, strategic and other fire breaks, vehicle access ways and retention basins) would result in the loss of a considerable amount of the existing vegetation. Thus, development on the proposed lots would probably become more exposed. The amount of clearing required would also significantly change the existing landscape of this portion of the escarpment.

Based on the above, it is considered that the proposed rezoning should not be initiated as the subsequent subdivision would be likely to have a deleterious effect on the existing landscape and visual amenity of the area.

The proponent has not prepared a Landscape Management Plan for the subject land as is required by LPP 8 to accompany all rezoning and subdivisions within the policy area. If the rezoning were to be initiated then it should be conditional upon a Landscape Management Plan being provided to the satisfaction of the Shire and addressing the following:

- An assessment of the visual impact and the visual intrusiveness on the 'seen area' of the development from the coastal plain, major roads and tourist routes, and major recreational areas;
- An assessment of the landscape values of the area;
- An outline of how any visual impacts will be addressed in the development;
- An analysis of the existing vegetation, detailing type, location and condition. Such report is to detail any requirements for preservation and enhancement of vegetation (particularly native trees) during subdivision and building;
- An assessment of the soils, landform, drainage and erosion potential of the development. A preliminary erosion and sediment control plan is also to be provided which addresses the following:
 - a) progressive mitigation/control of on-site erosion
 - b) analysis of soil stability and requirements in respect of subdivision, building, planting and road and driveway construction;
 - c) construction of soil conservation works to control sediment and erosion;
 - d) control of sediment;
 - e) rehabilitation/maintenance requirements;
 - f) erosion control of existing and proposed access tracks;
- Planning controls over key aspects of design and siting of subdivision and housing development to be introduced to minimise the impact on landscape values, eg Building materials and colour, road layout, siting of sheds and outbuildings;
- Design and siting guidelines to further encourage the planning of subdivision and housing development to minimise the impact on landscape values;
- Potential uses within the rezoning for subdivision to occur on the Scarp needs to be considered to ensure that land degradation does not occur.

Fire Risk

Council will take the following issues into consideration in relation to fire control and development within the Landscape Protection area:

- The likely bush fire threat affecting the site and what measures are in place/proposed to manage the fuel loading below 8 tonnes per hectare;
- Whether the siting of any building or design of any works or access comply with the performance criteria set out in *Planning for Bush Fire Protection* and the Australian Standards or Council policy relating to fire prevention;

- The effects of fire protection measures on the amenity of the locality, landscape values, loss of significant remnant vegetation and susceptibility to instability and erosion arising from loss of vegetation;
- The availability of an adequate fire service and water supplies, including access and egress.

Council will also consider the Department for Planning and Infrastructures Policy No. DC 3.7 – Fire Planning when assessing developments and subdivisions within the Landscape Protection area.

Western Australian Planning Commission's Development Control Policy DC 3.7 Fire Planning and Guideline - Planning for Better Bushfire Protection

A fire hazard assessment was carried out for the subject land using the criteria contained in the Western Australian Planning Commission's Guidelines - Planning for Better Bushfire Protection. The results are as follows:

Element	Lots 128 and 129	Hazard Rating	Hazard Score
Frequency of Fire Season	Every 1 to 2 years	Very High	5
Length of Seasons	4 months	High	4
Steepness of slope	20%-30%	High	8
Vegetation Density	Heavy	High	4
Vegetation State - driest per year	100% in fire season	Very High	5
History of fires in area	Every 1-2 years	High	4
Proposed density of development	1 house per 2-5 hectares	Moderate	3
Access to site	Poor - Battleaxe legs, steep, four wheel drive	High	4
Effectiveness of fire services	Located within 5 minutes of the site, have 4 wheel drive vehicles	Very Low	1
Total Hazard Score		Very High	48

The criteria used to determine the hazard rating is contained in the Guideline *Planning for Better Bush Fire Protection* produced by the Western Australian Planning Commission in conjunction with Fire and Emergency Services Authority of WA (contained in Western Australian Planning Commission's Development Control Manual).

A copy of the hazard rating criteria used is with the attachments marked [SD039.4/09/05](#).

Clause 5.2.4 of the Western Australian Planning Commission's Development Control Policy DC 3.7 *Fire Planning* states that the rezoning of land for more intensive development should only be permitted where the performance criteria and acceptable solutions contained in *Planning for Bush Fire Protection* can be met. Any rezoning proposal where there is a potential fire risk must be accompanied by a statement or report which demonstrates that all fire protection requirements for matters including fire suppression response, subdivision and development design, access, water supply, siting of buildings and other relevant performance criteria contained in *Planning for Bush Fire Protection* can be achieved to the satisfaction of the Commission.

Policy DC 3.7 goes on to say that more intensive development, such as residential, rural-residential, hobby farms, tourist and industrial developments should not be permitted in extreme fire hazard areas without permanent hazard level reduction measures being implemented to reduce the hazard level to high, medium or low. Achievement of compliance

in this regard would require substantial clearing of the existing remnant vegetation and therefore makes the proposed development unsustainable.

Western Australian Planning Commission's Guidelines for Rural-Residential subdivision

Rural-residential development includes hobby farms, rural home sites and rural retreats generally on lots of between 1 hectare to 4 hectares. Accordingly, the proposed development is considered to be a rural-residential development and is assessed against the Western Australian Planning Commission's guidelines for such developments (contained in Western Australian Planning Commission's Development Control Manual).

The Western Australian Planning Commission's guidelines for Rural-Residential subdivision state that:

Such forms of development should be located away from land with agricultural potential, water catchments and other natural resources, scenic landscapes, other environmentally sensitive areas and future urban areas.

One of the main criteria in the guidelines that a rural-residential proposal needs to be assessed against are that the land chosen for this type of development:

Accords with land capability assessment and avoids land with slope, stability, soil erosion or effluent disposal problems or high bush fire risk.

The subject proposal fails most of the above criterion.

Conclusion

It is recommended that the request to initiate a scheme amendment to Town Planning Scheme No. 2 to rezone the subject land not be supported for the following reasons:

1. The subject land is part of the Darling Escarpment, is densely vegetated and constitutes a significant landscape feature.
2. The generalised slope of the land exceeds 25%.
3. With reference to points 1. and 2. above Local Planning Policy LPP8 states that:

"All development (including access roads) in the policy area shall not be permitted:

1. *On ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas. Buildings are to be located below the skyline (see Figure 1).*
2. *In areas having a generalised slope greater than 25 percent".*

and the subject site fails when measured against this criteria.

4. The fire risk of the subject land has been assessed as being extreme and as such the land is not considered to be suitable for closer subdivision due to difficulties related to ingress and egress to the proposed lots and the substantial clearing that would be required to reduce the fire risk to an acceptable level.
5. More suitable land is available elsewhere in the vicinity of Byford for rural-residential type subdivision.
6. The proposed rezoning and subsequent subdivision is contrary to the direction of the Minister for Planning that no further subdivision should take place east of the Old Brickworks Road Special Residential zone delineated on the map attached to the letter from the State Planning Commission dated 9 November 1988.
7. The subject land has a total area of just over 10 hectares and as such does not meet the criteria for subdivision for conservation contained in the Rural Strategy Review 2002.

8. The subject land does not meet the acceptable criterion for rural-residential development as detailed in the Western Australian Planning Commission's Guidelines for Rural-Residential Development contained in the Western Australian Planning Commission's Development Control Manual.

No appeal rights exist under any town planning legislation with regard to a Council's decision to refuse to initiate a scheme amendment.

Voting Requirements: Normal

Officer Recommended Resolution:

The request to initiate a scheme amendment to Town Planning Scheme No. 2 to rezone Lot 129 Old Brickworks Road and Lot 128 Crossing View, Byford from "Rural" to "Special Use - Landscape Protection" not be supported for the following reasons:

1. The subject land is part of the Darling Escarpment, is densely vegetated and constitutes a significant landscape feature. The proposed development would affect the visual amenity and character of this landscape feature.
2. The generalised slope of the land exceeds 25%.
3. With reference to points 1. and 2. above Local Planning Policy LPP8 states that:
"All development (including access roads) in the policy area shall not be permitted:
 1. *On ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas. Buildings are to be located below the skyline (see Figure 1).*
 2. *In areas having a generalised slope greater than 25 percent."*and the subject site fails when measured against this criteria.
4. The fire risk of the subject land has been assessed as being extreme and as such the land is not considered to be suitable for closer subdivision due to difficulties related to ingress and egress to the proposed lots and the substantial clearing that would be required to reduce the fire risk to an acceptable level.
5. More suitable land is available elsewhere in the vicinity of Byford for rural-residential type subdivision.
6. The proposed rezoning and subsequent subdivision is contrary to the direction of the Minister for Planning that no further subdivision should take place east of the Old Brickworks Road Special Residential zone delineated on the map attached to the letter from the State Planning Commission dated 9 November 1988.
7. The subject land has a total area of just over 10 hectares and as such does not meet the criteria for subdivision for conservation contained in the Rural Strategy Review 2002.
8. The subject land does not meet the acceptable criterion for rural-residential development as detailed in the Western Australian Planning Commission's Guidelines for Rural-Residential Development contained in the Western Australian Planning Commission's Development Control Manual.

SD039/09/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Star seconded Cr Scott

That item SD039/09/05 be deferred to the October Sustainable Development Committee meeting as the applicant wishes to provide further information on the proposal to the Shire and supports a deferral of this item.

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed as the applicant wishes to provide further information on the proposal to the Shire and supports a deferral of this item at this time.

Cr Scott declared an interest of impartiality in item SD035/09/05 as she is on the Byford Progress Association and this will not affect the way in which she votes.

SD035/09/05 PROPOSED LATERITE STONE MEMORIAL WALL AND REQUEST TO WAIVE FEES – BYFORD TOWN SQUARE – LOT 850 (RESERVE 21500) SOUTH WESTERN HIGHWAY, BYFORD (A0395-03/01)		
Proponent:	Byford Progress Association Inc	<p>In Brief</p> <p>The applicant seeks approval for the construction of a laterite stone memorial wall in the Byford Town Square. The applicant has also requested that the planning application and building licence fees be waived.</p> <p>It is recommended that the application be conditionally approved and Council waive the planning application and building licence fees.</p>
Owner:	Shire of Serpentine-Jarrahdale	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 September 2005	
Previously	N/A	
Disclosure of Interest	Cr Scott declared an interest of impartiality as a member of the Byford Progress Association.	
Delegation	Council	

Owner:	Serpentine Jarrahdale Shire
Owner's Address:	6 Paterson Street, Mundijong WA 6123
Applicant:	Byford Progress Association
Applicant's Address:	33 South Crescent, Byford WA 6122
Date of Receipt:	22 July 2005
Advertised:	N/A
Submissions:	N/A
Lot Area:	0.4ha
L.A Zoning:	Public & Community Purposes
MRS Zoning:	Urban
Byford Structure Plan:	Town Centre
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	N/A

Background

The applicant seeks planning approval from Council for the construction of a memorial wall at the Byford Town Square as an addition to the Byford memorial.

On 10 February 2003, the Byford Progress Association briefed Council's Community, Recreation and Development Committee on the memorial proposal. At that time, Council stated that they would contribute financially towards the project as part of the Townscape Program for 2003/2004 and saw the peace wall as a fitting addition to the Byford Town Square. Further, Council advised it would support the Association in any applications it may make for funding towards the project.

On 1 December 2004, Council was advised by the Byford Progress Association that the application for the wall was now ready to proceed as they had secured grants to the value of \$36,703 from various organisations. Council responded by confirming the in-principle support of the Byford Peace Memorial subject to approval of the design. It was acknowledged that the wall will add to the attraction of the Town Square and commended the Association for their efforts towards progressing the project.

A planning application has since been lodged for the wall with a request to waive the planning application and building licence fees for the development. The proposed wall is to be constructed on the eastern side of the reserve between the existing fence and the memorial stone. The wall is to be semi-circular in shape and is to be 2.4m high by 0.5m wide by 12.0m long and is to be constructed entirely out of natural stone.

The wall will be set back 0.5m from the eastern boundary fence and 3.8m from the existing stone memorial.

A copy of the site and development plans are with the attachments marked [SD035.1/09/05](#).

Sustainability Statement

Effect on Environment: It is considered that the proposal will contribute to the built environment within Byford by providing an attractive addition to the Byford memorial.

Resource Implications: The proposal will not result in the need for any existing vegetation to be removed.

Use of Local, Renewable or Recycled Resources: It is considered that the proposal may use locally available resources in the construction of the wall.

Economic Viability: As the wall is to be constructed on a Council reserve, there will be ongoing costs to Council through the general maintenance of the wall.

Social – Quality of Life & Social and Environmental Responsibility: The proposal will enable participation by community members. The inner side of the wall which faces the existing memorial stone is to be covered with 200 tiles that have been painted by school children and community members.

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

Statutory Environment:

Town Planning & Development Act
Shire of Serpentine Jarrahdale Town Planning Scheme
No. 2
Building Regulations 1989 Part 6 – Fees
Town Planning (Local Government Planning Fees)
Regulations 2000

Policy/Work Procedure Implications:

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

Financial Implications:

Loss of income of \$100.00 for planning application fees and loss of income of \$40.00 for building licence application fees

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.
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

Strategy:

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

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

The Byford Progress Association have worked with the artist and community to prepare the design.

Comment:

Laterite Stone Wall

The proposed memorial wall is considered to be a welcome addition to the Byford War Memorial in the town square. Early correspondence between the Shire and the Byford Progress Association has indicated that Council has previously given in-principle support for the project subject to approval of the design. The design is considered to blend in well with the existing environment and the existing memorial structures. By incorporating the ceramic tiles painted by community members into the design, it is considered that the community will feel as though they have contributed to the development.

It is for these reasons that the development is recommended for approval.

Waiving of Fees

The Byford Progress Association is a community group with strong interest in the development of Byford. Should Council consent to waive these application fees, the organisation will still be required to pay a fee of \$34 to the Builders' Registration Board at the time of lodgement of the building licence application.

It is recommended that the planning application fee and building licence fee be waived for this proposal.

Voting Requirements:

ABSOLUTE MAJORITY

SD035/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Wigg

A Council resolves to waive the planning application fee and building licence fee for the development of a memorial wall on Lot 850 (Reserve 21500) South Western Highway, Byford.

B The application for a memorial wall be approved subject to the following conditions:

- 1 A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
- 2 The memorial wall is to be constructed of new materials.**
- 3 Only materials identified in the schedule of colours, materials and finishes submitted on 22 July 2005, are to be used in the construction of the memorial wall unless the prior written approval of the Shire is obtained.**
- 4 Any damage caused during the construction of the wall shall be repaired/reinstated at the cost of the proponent to the satisfaction of the Shire.**

CARRIED 9/0 ABSOLUTE MAJORITY

SD037/09/05 CONSIDERATION OF MODIFICATIONS TO SCHEME AMENDMENT NO. 113 PRIOR TO FINAL APPROVAL (A0890)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council previously adopted for final approval amendment No. 113 ("amendment") to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("Scheme"). The amendment sought to introduce a Byford Development Area and Byford Development Contribution Area into the Scheme, together with a Byford Development Contribution Plan applicable to the Byford Development Contribution Area. The amendment was put on hold by
Owner:	Various properties within Byford 'Urban Development' zone	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	19 August 2005	
Previously	P131/04/01, P253/07/00	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>	

Delegation	Council	
		<p>the Western Australian Planning Commission back in September 2001, pending alteration to the Byford Structure Plan as a result of the Byford Urban Stormwater Management Strategy. As this alteration to the Byford Structure Plan would impact on the amendment, it was required to be deferred until completion of all outstanding matters.</p> <p>As the Byford Structure Plan has now been completed and granted final adoption by Council and the Western Australian Planning Commission, Amendment 113 can be progressed to final approval. This progression to final approval is, however, subject to minor modification to reflect the alterations which have taken place to the Byford Structure Plan. The purpose of this report is to seek Council's endorsement for the modifications required to the amendment prior to it being submitted back to the Western Australian Planning Commission with a request for final approval by the Hon. Minister for Planning and Infrastructure.</p>

Owner: Various
 Owner's Address: Various
 Applicant: Shire of Serpentine-Jarrahdale
 Applicant's Address: 6 Paterson Street, Mundijong
 Date of Receipt: N/A
 Advertised: Previously advertised in accordance with *Town Planning Regulations 1967* and Council resolution P253/07/00 dated 31 July 2000

Submissions: Submissions previously considered by Council as part of Council resolution P131/04/01 dated 17 April 2001

Lot Area: 1453.83ha (approximate overall)
 L.A Zoning: 'Urban Development'
 MRS Zoning: 'Urban' and 'Urban Deferred'
 Byford Structure Plan: Applicable to overall Byford Structure Plan area
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: N/A

Background:

A copy of the original officer's report and Council resolution concerning adoption of amendment No. 113 for final approval is with the attachments marked [SD037.1/09/05](#).

A copy of the Byford Development Contribution Plan including Cost Appointment Schedule prepared by Worley Parsons for the Shire, is with the attachments marked [SD037.2/09/05](#).

Sustainability Statement:

The Byford Structure Plan provides the broad planning framework for the ongoing urbanisation of the area surrounding the Byford town site and identifies the scale and location of the district level infrastructure necessary to allow urbanisation to proceed. The Byford Structure Plan has been prepared on the basis that the existing lot cadastral boundaries are ignored in order to achieve the most sustainable layout and standard of development. It recognises that the most sustainable urban form, and return to the community, can be achieved through a comprehensive approach to planning and design for the area as a whole parcel.

As part of this approach, the Scheme recognises that the disparate ownership which exists within the Byford Structure Plan area means that a coordinated approach will be required towards infrastructure provision. From a financial sustainability point of view, the Scheme recognises that landholdings are too fragmented to enable single large developers to provide the high costs and absorb the substantial investment risks associated with uncoordinated infrastructure provision. This, therefore, requires the proper administration of cost contributions from all owners within the Byford Structure Plan area, so that the identified sustainable and equitable urban form can be realised. This is to take place in accordance with a Development Contribution Plan for the Byford Structure Plan area integrated as part of the Scheme.

Statutory Environment:

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme 1963
Town Planning Regulations 1967
Western Australian Planning Commission Act 1985
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Byford Urban Stormwater Management Strategy
Statement of Planning Policy No. 1 (*State Planning Framework*)

Financial Implications:

The Shire (or its appointed agents) will be required to manage the Byford Development Contribution Plan, receiving funds from owners when subdivision occurs and in some cases paying out owners who will be required to give up land for multi use corridors, district public open space and the district road system.

Clause 5.19.5.1 of the Scheme requires the Shire to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each Development Contribution Area into which cost contributions for that Development Contribution Area will be credited and from which all payments for the cost of infrastructure within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area. The Shire is required to provide every owner an audited annual statement of accounts for the Development Contribution Area as soon as practicable

after the audited annual statement of accounts becomes available.

If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular Development Contribution Area, the Shire may:

- i. Make good the shortfall from its municipal fund;
- ii. Enter into agreements with owners to fund the shortfall;
- iii. Raise loans or borrow from a financial institution; or
- iv. Impose a differential rate to a specified Development Contribution Area in that regard.

If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

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.
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.

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

The amendment was previously advertised in accordance with the requirements of the *Town Planning Regulations 1967* and Council resolution P253/07/00 dated 31 July 2000. Submissions received during advertising were previously considered by Council as part of Council resolution P131/04/01 on 17 April 2001 to adopt for final approval amendment No. 113.

Comment:

Amendment No. 113 to the Scheme was previously adopted for final approval by Council on 17 April 2001. It sought to introduce a Byford Development Area and Byford Development Contribution Area into the Scheme, together with a Byford Development Contribution Plan applicable to the Byford Development Contribution Area.

As mentioned, the amendment was put on hold by the Western Australian Planning Commission back in September 2001, pending alteration to the Byford Structure Plan as a result of the Byford Urban Stormwater Management Strategy. As this alteration to the Byford Structure Plan would impact on the amendment, it was required to be deferred until completion of all outstanding matters.

The Byford Structure Plan has now been completed and granted final adoption by Council and the Western Australian Planning Commission, allowing amendment 113 to be progressed to final approval. This progression is, however, subject to minor modification to reflect the alterations which have taken place to the Byford Structure Plan.

As subdivision is now taking place within the Byford Structure Plan area, it is vital that the amendment be finalised to allow the Byford Development Area, Byford Development Contribution Area and Byford Development Contribution Plan be integrated as part of the Scheme. This will provide the legal basis to obtain cost contributions from owners who are subdividing and are required to make a cost contribution in accordance with the Byford Development Contribution Plan. Upon commencement of the Byford Development Contribution Plan, subdivision will have an associated requirement for the payment of a cost contribution in accordance with the Byford Development Contribution Plan and Scheme.

In terms of operation of the Byford Development Contribution Plan, it is necessary that owners within Byford B, Byford C and Byford D precincts which are characterised by small lots be required to pay the full cost contribution at the time of subdivision of their land, whether or not maximum subdivisional density is being achieved. This will ensure that required cost contributions are received in full and up front and will also encourage owners to subdivide up to their maximum density as per the intent of the Scheme, Byford Structure Plan, State Sustainability Strategy and Network City Strategy.

Given the larger lot areas within Byford A precinct, it is practical that proportional cost contributions be required from these owners in reflection to the amount of their land being subdivided. This will allow the cost contribution to be obtained at a rate which reflects the development of new lots within this precinct of the Byford Development Contribution Plan.

Accordingly, the text documentation for Amendment No. 113 has been modified in relation to the above matters. The modified amendment text is as follows:

1. Introducing a Byford Development Area into Appendix 15 of the Scheme Text to include a Byford Development Area, Byford Structure Plan and Detailed Structure Plan requirements.

2. Introducing a Byford Development Contribution Area and Detailed Development Contribution Area Requirements into Appendix 15 of the Scheme Text.
3. Introducing a Byford Development Contribution Plan into Appendix 16 of the Scheme Text.
4. Inserting a plan into Appendix 15 of the Scheme Text titled 'Plan No. 15.1 Byford Development Area and Precincts'.
5. Inserting a plan into Appendix 15 of the Scheme Text titled 'Plan No. 15.2 Byford Development Contribution Area and Precincts'.

It is recommended that Council endorse the modified amendment text as detailed above. Following Council endorsement, the modified amendment text will be referred back to the Western Australian Planning Commission for final approval in accordance with the *Town Planning Regulations 1967*.

Voting Requirements: Normal

SD037/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

A. Council endorses the modified amendment text for Amendment No. 113 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as follows:

"1. Introducing a Byford Development Area into Appendix 15 of the Scheme Text as follows:

15.1 Byford Development Area

(a) Boundary of Byford Development Area

The boundary of the Byford Development Area is delineated on Plan No. 15.1.

(b) Byford Structure Plan

The Byford Development Area is subject to the provisions of the Byford Structure Plan granted final approval by Council on 22 August 2005, as amended from time to time.

(c) Detailed Structure Plan Requirements

(i) The Byford Development Area is divided into 12 precincts as shown on Plan No. 15.1. A detailed Structure Plan is to be prepared in accordance with clause 5.18.2 of the Scheme for a precinct before Council will make recommendations to the Western Australian Planning Commission on subdivision with respect to land within that precinct. A detailed Structure Plan may be prepared in part, or for the whole of a precinct unless where specifically resolved otherwise by Council.

(ii) Each detailed Structure Plan shall:

- Comply with the relevant provisions of the Byford Structure Plan; and***

- **Demonstrate that the provisions of the Byford Urban Stormwater Management Strategy adopted by Council on 22 September 2003 have been complied with.**

2. Introducing a Byford Development Contribution Area into Appendix 15 of the Scheme Text as follows:

15.2 Byford Development Contribution Area

(a) Boundary of Byford Development Contribution Area

The boundary of the Byford Development Contribution Area is delineated on Plan No. 15.2.

(b) Detailed Development Contribution Area Requirements

(i) The Byford Development Contribution Area is divided into four precincts as shown on Plan No. 15.2. These are Byford A, Byford B, Byford C and Byford D, and represent the precincts for the Byford Development Contribution Area.

(ii) All owners within the Byford Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Byford Development Contribution Plan contained in Appendix 16 and the provisions of clause 5.19 of the Scheme.

3. Introducing a Byford Development Contribution Plan into Appendix 16 of the Scheme Text as follows:

16.1 Byford Development Contribution Plan

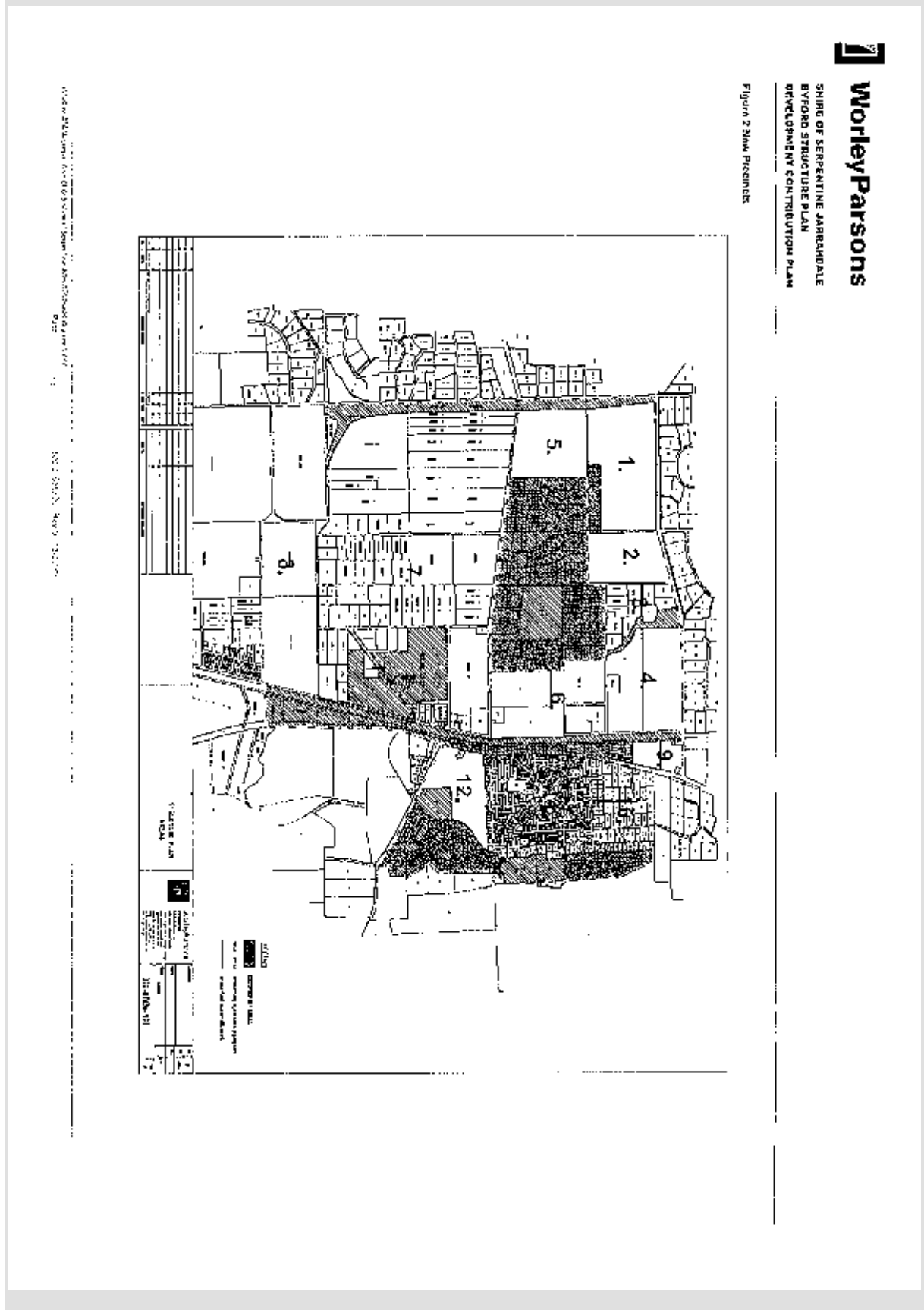
(a) *The Byford Development Contribution Plan is to operate for a period of five (5) years, commencing on the date which notice of the Hon. Minister's approval of the amendment is published in the Government Gazette. The period of operation may be extended and the Development Contribution Plan may be amended accordingly as provided for by clause 5.19.2.2(b) of the Scheme.*

(b) *Owners within the Byford A precinct may make a proportional Cost Contribution in accordance with the Byford Development Contribution Plan to reflect the proportion of their land being subdivided. Owners within the Byford B, Byford C and Byford D precincts shall make the full Cost Contribution in accordance with the Byford Development Contribution Plan at the time of subdivision of their land.*

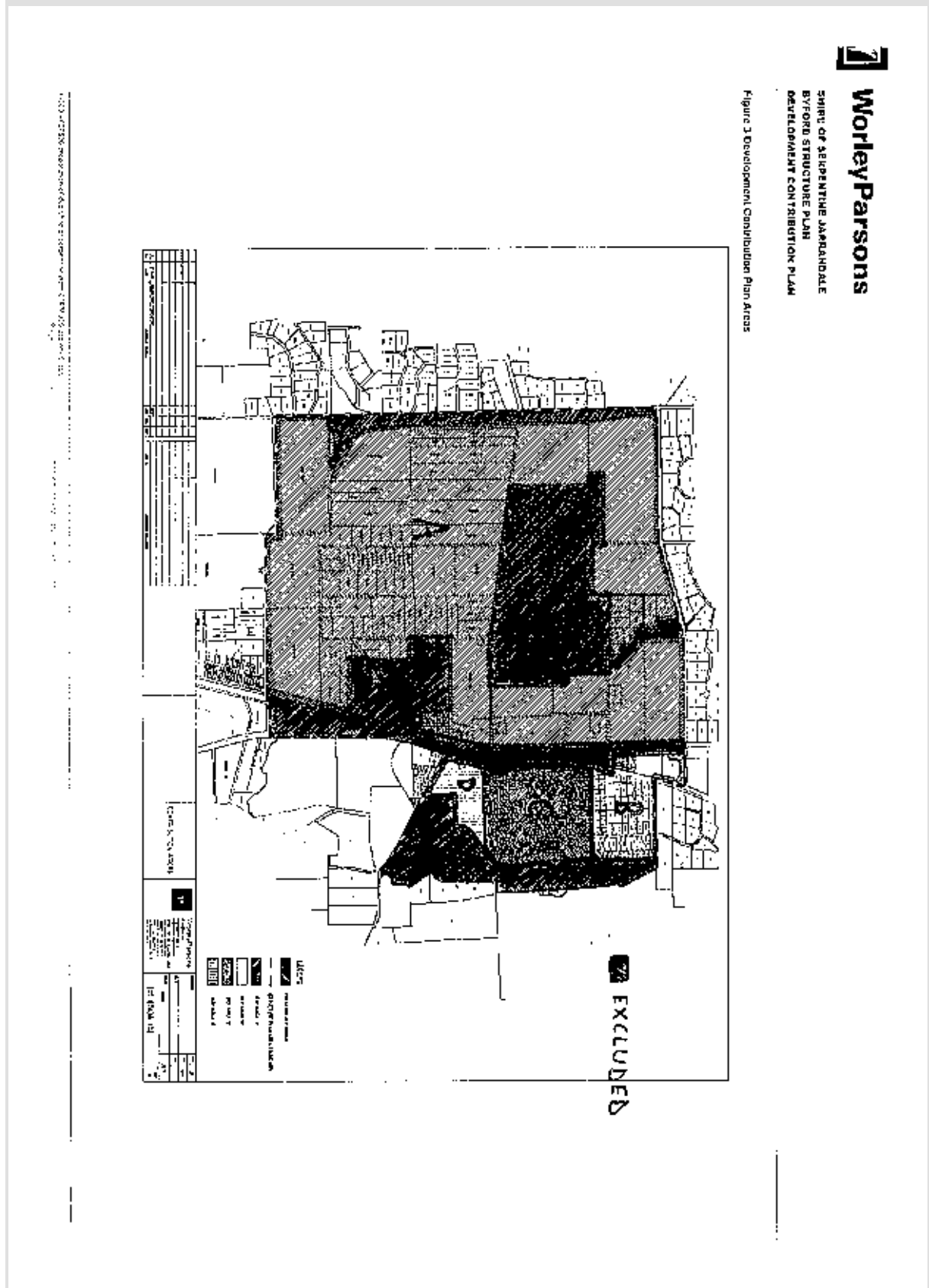
<u>Area</u> (see clause 5.18 of Scheme and clause 15.2 of Appendix 15)	<u>Common Infrastructure</u> (see clause 5.18.9)	<u>Details of Contribution Arrangement for Area</u> (see clause 5.18.9)
Byford A	1. Multi Use Corridors - Land Acquisition - Development	The Cost Contribution is to be based upon the proportion that the value of each Owner's land bears to

	<p>2. District Public Open Space - Land Acquisition - Development - Maintenance</p> <p>3. District Road System - Land Acquisition</p>	<p>the total value of land within the Contribution Area</p>
Byford B	<p>1. Multi Use Corridors - Land Acquisition - Development</p>	<p>The Cost Contribution is to be based upon the proportion that the area of each Owner's land bears to the total area of land within the Contribution Area</p>
Byford C	<p>1. Streetscape and Road Improvements</p>	<p>The Cost Contribution is to be based upon the proportion that the area of each Owner's land bears to the total area of land within the Contribution Area</p>
Byford D		<p>The Cost Contribution is to be based upon the proportion that the area of each Owner's land bears to the total area of land within the Contribution Area</p>

4. Inserting the following plan into Appendix 15 of the Scheme Text titled 'Plan No. 15.1 Byford Development Area and Precincts':



5. Inserting the following plan into Appendix 15 of the Scheme Text titled 'Plan No. 15.2 Byford Development Contribution Area and Precincts':



B. The amendment text once modified in accordance with A. above be signed and sealed and then submitted back to the Western Australian Planning Commission with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.

C. Following endorsement of final approval by the Hon Minister for Planning and Infrastructure, Council, in addition to its obligations under regulation 23(2a) of the *Town Planning Regulations 1967*, distribute to each Owner affected by the Byford Development Contribution Plan an executive summary of the plan and the Cost Appointment Schedule detailing the Cost Contributions needing to be made as part of subdivision/development in accordance with the Scheme.

CARRIED 9/0

CGAM025/09/05		REQUEST TO WAIVE CHARGES FOR HEADSTONE INSTALLATION – SERPENTINE CEMETERY (RS0165/05)
Proponent:	WA Veteran's Support Group & LINCS Inc.	In Brief Council is requested to waive all fees and charges associated with the erection of a headstone at the Serpentine Cemetery gravesite of an Indigenous veteran.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	25 August 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The WA Veteran's Support Group and LINCS Incorporated are a non-profit organization who are working with Indigenous families to identify past veterans involved in conflicts in which Australia has participated and to erect headstones on those veterans graves.

The gravesite of Samuel Nynette, an Indigenous veteran who served overseas, has been identified in the Serpentine Cemetery. The WA Veteran's Support Group and LINCS Incorporated have advised that they intend to erect a new headstone on the gravesite and have requested that Council waive all fees and charges normally associated with this work.

Sustainability Statement

Effect on Environment: The provision of a headstone identifying the gravesite of an Indigenous veteran will complement the heritage and historical nature of the Cemetery.

Economic Viability: The maintenance of the headstone will, as occurs on other gravesites, remain the responsibility of the family of the occupant. Historical groups, volunteers and shire employees however undertake minor maintenance as part of the general upkeep of the Cemetery facility.

Economic Benefits: Cemeteries are ranked as a popular passive tourist destination and the Shire's Cemeteries are often frequented by passing tourists interested in the history of the area. As the Serpentine Cemetery is located in proximity to food premises it is likely that such premises will benefit from the tourist trade.

Social Diversity: The provision of the headstone will potentially assist in the education of the community in regard to the involvement of Indigenous Service persons in conflicts, a detail often overlooked in traditional historical teaching.

Statutory Environment:

As the recommendation requires the waiving of fees and charges normally applicable for the placement of a headstone, an absolute majority decision of Council is required.

Policy/Work Procedure

Implications:

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

Financial Implications:

The installation of a headstone normally attracts an Administration Fee of \$115 (including GST).

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.

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.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

4. Governance

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

Strategies

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

Community Consultation:

Not applicable

Comment:

It is recommended that Council agree to the request to waive fees in this instance.

Voting Requirements:

ABSOLUTE MAJORITY

Officer Recommended Resolution:

Council waives all fees and charges associated with the placement of a headstone by the WA Veteran's Support Group & LINCS Incorporated at the Gravesite of Samuel Ninnette at the Serpentine Cemetery.

CGAM025/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Kirkpatrick

1. Council waives all fees and charges associated with the placement of a headstone by the WA Veteran's Support Group & LINCS Incorporated at the Gravesite of Samuel Ninnette at the Serpentine Cemetery.
2. That a copy of the Veteran's service records be made available to Council and a copy be provided to the Historical Society.

CARRIED 9/0 ABSOLUTE MAJORITY

Committee Note: Point 2 was added for a copy of the Veteran's service records to be provided for historical purposes.

CGAM026/09/05		SERPENTINE SPORTS RESERVE (RS0180/10)
Proponent:	Serpentine Horse and Pony Club	In Brief
Owner:	Shire of Serpentine Jarrahdale	Council is requested to consider the proposed relocation and construction of an enclosed horse arena on Reserve 19134.
Officer:	Jenni Andrews Reserves Officer	
Signatures Author:		It is recommended that Council endorse the construction of the proposed horse arena subject to relevant planning approvals being obtained.
Senior Officer:		
Date of Report		
Previously	CGAM004/07/05 SD071/05/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Serpentine Sports Reserve is identified as a regional reserve within the Metropolitan Region Scheme. Reserve development requires approval from the Western Australian Planning Commission (or State Government).

The Serpentine Horse and Pony Club are a stakeholder group of the Serpentine Sports Reserve Management Committee and utilise 9.5 hectares of turf on the western side of the Reserve. They propose that the arena be relocated to the north western corner of the David Buttfeld Equestrian Ground. The arena will be 70 meters by 40 meters and enclosed by a pine post and rail fence with two strands of horse sighter wire. The surface will be the existing turf until it is feasible for the club to apply a sand and mulch surface.

The old arena at the western end of the car park was removed in 2004 as it was in poor condition and allowed increased parking areas for the recent World Cup Show Jumping event held at the Serpentine Sports Reserve.

At its May meeting Council resolved to endorse, subject to adoption of the 2005 / 2006 budget, the Serpentine Horse and Pony Club being supported with \$882 for the construction of an enclosed horse arena. The budget has been adopted.

Sustainability Statement

Effect on Environment: This proposal has minimal impact on the environment.

Resource Implications: The location of the proposed arena does not require the removal of any vegetation and is not on the playing surface of the David Buttfeld Equestrian Ground.

Use of Local, renewable or recycled Resources: The Serpentine Horse and Pony Club hold regular events attracting up to 400 people at a time. This attracts participants and spectators from throughout the South West of Western Australia.

Economic Viability: The Serpentine Horse and Pony Club will be funding the proposed arena with the additional support of \$882 from Council's Community Funding Grant.

Economic Benefits: Recreation contributes to the local community through social events and expenditure on goods and services.

Social – Quality of Life Recreation develops physical, psychological and emotionally healthy individuals through all stages of their life.

Social and Environmental Responsibility: The proposal will enable the Horse and Pony Club to continue recreational events and provide additional horsemanship training to the community.

Social Diversity: This proposal does not disadvantage any social groups.

Statutory Environment: WAPC determination of the application is required under the Metropolitan Region Scheme.

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

Financial Implications: The contribution of \$882 has been supported and endorsed by Council via a community grant from budget CDO528.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
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.

2. Environment

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

Strategies:

4. Reduce water consumption.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The Serpentine Sports Reserve Management Committee have supported the above proposal. The group is composed of representatives of the Serpentine District Golf Club, Serpentine Foothills Polo Crosse Club, Serpentine Bushland Group, Serpentine Horse and Pony Club, staff and Councillors.

Comment:

The horse arena has a dual purpose of providing an area for beginner riders requiring the safety of a enclosed arena, and is to be used as a practise area for showjumping and dressage training. The Serpentine Sports Reserve provides a facility where the community can gain and develop equestrian skills in the Shire.

Voting Requirements: ABSOLUTE MAJORITY

CGAM026/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Price

- 1. Council endorse the construction of the proposed enclosed horse arena at the Serpentine Sports Reserve subject to the receipt of planning approval from the Western Australian Planning Commission.**
- 2. Council delegates authority to the Chief Executive Officer to lodge planning applications related to this proposal.**

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM027/09/05		POPULUS SPECIES HILLVIEW /SERPENTINE GREEN ESTATE (S96794 - 03)
Proponent:	Shire of Serpentine Jarrahdale	In Brief The Council is recommended to endorse the removal of the <i>Populus</i> Species on road reserve and Public Open Space in Serpentine Green / Hillview Estate.
Owner:	Under Care Control Management of Serpentine Jarrahdale Shire	
Officer:	Jenni Andrews – Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Serpentine Green and Hillview Estate is in the locality of Serpentine and includes all lots on the roads: Bate Road, Egerton Drive, Mathews Close, Middleton Close, Hillview Close, Fielder Road and lots located between Fielder and Bate Road with an entrance from Hall Road.

Regrettably in the development of Serpentine Green Estate the species selection in the landscaping of the development was overlooked and *Populus sp.* has become a predominant street tree particularly on Fielder Road in Hillview Estate. *Populus* species favor

damp soils or river beds. The plant is identified as a weed as it competes with native vegetation. An additional undesirable attribute of the plant is its tendency to sucker freely and it can block drains and septic tanks. The tree does not reproduce by seed, it reproduces by suckers which can form dense copses. The height and girth of the *Populus* Trees give consideration to their protection under the Town Planning Scheme 2 Tree Preservation Clause.

This report is specific to the *populus* trees situated on road reserve and Public Open Space in both Estates. The *Populus* trees vary in height and width as suckers have assisted in the spread of the tree, though mature trees are approximately 20m high and 40 cm in diameter. The trees are of European origin and are currently in their deciduous form having recently shed their leaves.

Street trees are regarded as important for environmental, social and economic reasons. They add to the landscape character of an area, preserve biodiversity, provide shade and shelter and habitats for fauna. Potential economic benefits include increased property values with high value amenity areas. The exotic *populus* do not have a benefit to biodiversity with no similar species native to Australia. The residents of Serpentine Green and Hillview Estate were given the opportunity to comment on the social and economic impact of the presence / removal of the *Populus* Trees.

A copy of the estates on aerial photograph is with attachments marked [CGAM027-09-05.doc](#).

Sustainability Statement

Effect on Environment: The proposal would remove an identified environmental weed hence mitigating the impacts of the woody weed on the environment. The replacement of the species with locally indigenous species would assist in biodiversity protection for native fauna.

Resource Implications: The reuse of the wood will be encouraged where possible.

Use of Local, renewable or recycled Resources: Local contractors and reuse of the wood will be undertaken where possible.

Economic Viability: The cost of removing *Populus* and ongoing sucker control will be applicable to the Serpentine Green and Hillview Estate residents on road reserve and the Serpentine Jarrahdale Shire on Public Open Space. A successful eradication program will entail ongoing monitoring of suckers.

Estimated cost for removal of trees is \$200 per tree exclusive of ongoing sucker control.

Economic Benefits: There are minimal economic benefits from this proposal. Street trees if removed will be replaced with local native species ensuring no loss of street amenity.

Social – Quality of Life Residents in favour of removing the *Populus* trees will be able to undertake eradication of unwanted sucker growth on their property.

Residents not in favour of the proposal will not experience a reduction in the quality of life as tree replacement will occur with a more suitable species.

Social and Environmental Responsibility: The proposal assists in the social and environmental objectives of creating indigenous plant corridors for the movement of biodiversity.

Social Diversity: This proposal does not disadvantage cultural groups within the community.

Statutory Environment:

Town Planning Scheme 2. Tree Preservation

Policy/Work Procedure Implications:

OP11 Work Scheduling Procedure

Financial Implications:

An estimated cost of \$200 per tree borne by residents.

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.

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

Strategies:

5. Protect built and natural heritage for economic

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.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

The 90 residences in Serpentine Green and Hillview Estate were sent a survey to undertake an assessment of residents values of the *Populus species*. Of the 90 residences 27 responded in a period of 4 weeks. Question asked were:

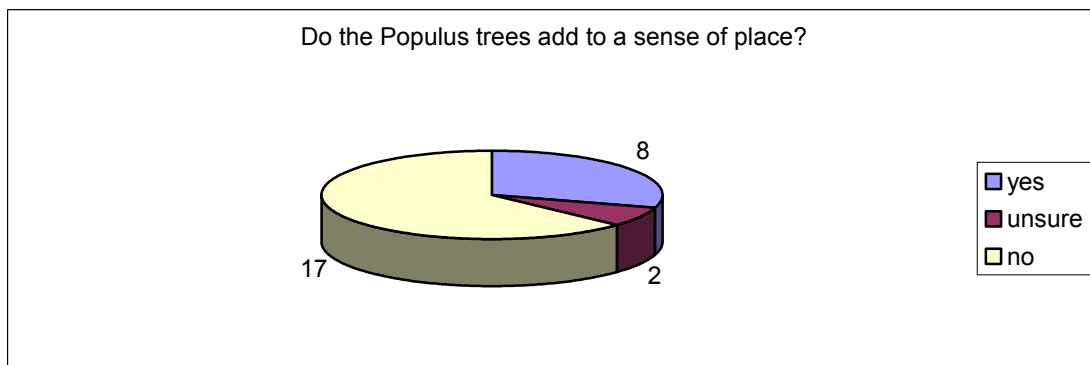
1. Do you have *Populus* species planted on your? Road Verge/Private Property?

12 residences had *Populus* on their abutting road verge.
4 residences had *Populus* on their private property.

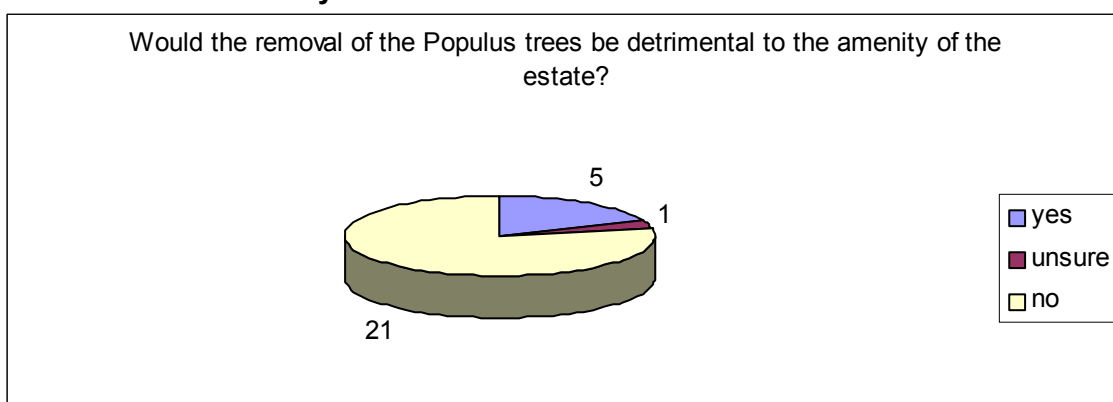
2. Are they invading or spreading into undesirable areas, if so please state where?

5 residences said No.
12 residences had No Comment.
9 residences said private property inclusive of septic, lawn and firebreaks.
4 residences said road and drainage reserve.
2 residences said the Public Open Space Reserve.

3. Do the *Populus* species add to a ‘sense of place’ in the Serpentine Green Estate?



4. Do you feel it would be detrimental to the streetscape values if some residents were to remove *Populus* species at their own cost and replace with species recommended by the Council?



5. Other (please add additional comments on your views of *Populus* species in Serpentine Green Estate)?

Comments received were commonly:

If trees were removed it would leave a void in the landscape

If residents were able to remove tree species there should be a condition that they were replaced with native species.

They are an attractive tree though require maintenance in controlling suckers and leaf litter.

Residents should not be forced to remove them at their own cost if they do not want to.

Comment:

Maintenance of road verges by the Shire is limited and the Shire largely relies on abutting property owners to maintain their own verge. The exception is where long road side vegetation presents a hazard to traffic such as at an intersection and along heavily trafficked road shoulders where the Shire carries out intermittent slashing or high biodiversity values exist. The resources available to the Shire do not permit widespread management on all weed species and *Populus* is not a priority species for weed control.

The Shire's weed control policy has not identified *Populus* species as a scheduled weed. The publication 'Western Weeds, A guide to the weeds of Western Australia. B.M.J. Hussey, G.J. Keighery, R.D. Cousens, J. Dodd & S.G. Lloyd (1997) and Weed Society of Western Australia identify *Populus* species as a weed in Western Australia.

It is clear the majority of residents do not feel the *Populus* species should be retained, however consideration must be given for the minority of residents in the Estate who want to retain the species on road reserves. There are liability concerns for residents undertaking

tree removal themselves, it will be enforced that a contractor undertakes the removal of the trees at the residents cost.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Council endorse the removal of *Populus* species by Council's contractor at residents expense in Serpentine Green and Hillview Estate provided they are replaced with native species to the area.

New Motion:

1. Council endorse the removal of *Populus* species by Council's contractor at residents expense in Serpentine Green and Hillview Estate provided they are replaced with native species to the area for those residents seeking the removal.

LOST 2/5

Committee Note: The words "in provision" be replaced with the word "provided" and the words "for those residents seeking the removal" be added to the end of the sentence.

CGAM027/09/05 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Price seconded Cr Wigg

Council endorse the removal of Populus by Council's contractors at Council's expense in the sections of Serpentine Green and Hillview Estates where the Populus species are proving to be an intrusive weed into ratepayers properties subject to consideration in the 2006/2007 budget.

CARRIED 9/0

Committee Note: This resolution can only refer to trees on Council's reserve

Cr Wigg declared an interest of impartiality in item CGAM029/09/05 as Patron of the Serpentine Golf Club and advised that this will not affect the way in which he will vote.

CGAM029/09/05		SERPENTINE SPORTS RESERVE GROUND WATER ALLOCATION (RS0180 AND RS0006)
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to acknowledge that the Serpentine District Golf Club have applied independently to obtain a Ground Water License for the Serpentine Sports Reserve Golf Course.
Owner:	Under care control management of Serpentine Jarrahdale Shire	
Officer:	Jenni Andrews – Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	28 th August 2004	
Previously	CGAM092/06/05 E002/08/04 E007/11/03	
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 Sports Reserve has an area of 39 hectares of irrigated turf. Within this area 9.5 hectares of the John Lyster Equestrian Ground is used by the Serpentine/Foothills Polocrosse Club, another 9.5 hectares of the David Buttfield Ground is used by the Serpentine Horse and Pony Club, and 20 hectares is used and leased by the Serpentine and Districts Golf Club.

Groundwater extraction from both the superficial and artesian systems in the Serpentine Groundwater Area is controlled by the Department of Environment. Licenses need to be obtained for the use of these water resources. The shire currently holds a license to extract 75, 000 kilolitres (kL) per year from the Leederville Aquifer (License number GWL 105634). This license covers the two extraction points or bores and is valid until 2009.

The license is held by the shire for the irrigation of the equestrian grounds. In 2004 / 2005 the shire used 54,323.4 (KL) of this allocation compared to the previous year 2003 / 2004 of 75, 000 (KL). The Serpentine District Golf Club do not have an existing allocation.

The Serpentine Jarrahdale shire when installing a second bore on behalf of the Serpentine District Golf Club in January 2001 were under the impression that an increased water allocation would be sought for the second bore. This to date has not occurred. The shire had supported the club through consecutive community grants for the Serpentine District Golf Club to implement reticulation on the fairways and to upgrade the turf to its current status.

At its June meeting 2005 Council resolved as per CGAM092/06/05 the following:

Moved Cr Price seconded Cr Star

Delegation is given to the Chief Executive Officer to sign an application to amend a 5C license to take Groundwater (Form B) from the Leederville Aquifer on license GWL 105634 for an additional 50,000 kilolitres.

CARRIED 6/1 ABSOLUTE MAJORITY

This proposed increase in ground water allocations of the reserve was intended for the Serpentine Sports Reserve 39 hectares of irrigated turf. The proposal to increase ground water allocations was to ensure compliance with the groundwater license whilst ensuring water campaign initiatives of sustainable water consumption were considered.

Whilst the two equestrian grounds are maintained by the shire, the Serpentine District Golf Club have a lease on the Serpentine Sports Reserve which is renewable in 2009. The Serpentine District Golf Club have independently applied to obtain a ground water license from the Department of Environment. The golf club holding a lease on the reserve are able to document their legal access and usage of the reserves. The license applied for requested 135,000 KL which would be separate from the GWL 105634 of 75,000KL.

Under Clause 3, Schedule 1 of the *Rights in Water and Irrigation Act 1914* a person is eligible to hold a license is:

- (a) the person is an owner or occupier of the land to which the license relates;
- (b) the person does not come within paragraph (a) but satisfies the Commission –
 - (i) that the owner and any occupier of the land to which the license relates have agreed in writing to the person –
 - (i) being on the land; and
 - (ii) doing there the things that may be done under the license;
- (d) the person is –
 - (i) authorized under a written law to engage in an activity in relation to land or water; and
 - (ii) satisfies the Commission that the doing of the things that may be done under the license is recognized by written law as being related or incidental to that activity

The golf club has provided a copy of the lease agreement between themselves and the shire and therefore have satisfied the above section in the act. Applicants that lease the land in question from the Crown are eligible to hold a license. Leases are limited to specific purposes and the License must relate to these purposes. It is preferable for the Department of Environment (Waters and Rivers Commission) to issue the license to the lessee of the property as opposed to the owner or in this case the shire as the lessee is the one that occupies and manages the land and it is therefore easier for the Commission to make changes to irrigation practices through the conditions of the license where necessary. It also makes the golf club accountable and responsible for their actions as opposed to the shire being accountable for the actions of the golf club.

The Serpentine and Districts Golf Club will be required to submit an Operating Strategy before a license will be issued. Statewide Policy No 10 – the Use of Operating Strategies in Water Licensing, explains how Operating Strategies provide commitments and replace the need for lengthy conditions on the groundwater license. A condition of the groundwater license will be that the Golf Club will have to comply with the Operating Strategy and any amendments that are made in the future.

Operating strategies detail the licensee's responsibilities of managing the impacts of taking and using the water and specify:

The water source(s) to be used;

The licensee's land use, water abstraction regime, and the methods and infrastructure used to abstract, treat or distribute water;

Monitoring and reporting requirements;

Methods used to manage impacts on the environment and other water users;

Contingency plans, describing how the licensee will alter their operations to cope with any directions to temporarily reduce water consumption; and

Water efficiency measures employed.

Licenses will include a condition requiring licensees to comply with Commission approved operating strategies.

The shire will need to address an operating strategy in the future as a condition of license to address its water usage.

Sustainability Statement

Effect on Environment: The licensing system is regulated by the Department of Environment, the Department is responsible for ensuring that usage of groundwater resources remains within sustainable limits. Water efficiency and water quality management issues will be addressed via an operating strategy to maximize sustainable yield of water.

Resource Implications: The proposal does not minimize water use on the Serpentine Sports Reserve, however ensures the resource is regulated and understood by the user.

Use of Local, renewable or recycled Resources: The Serpentine District Golf Course is the only recreational golf course in the shire.

Economic Viability: The proponent has the responsibility of producing a satisfactory operating strategy. Future amendments of the strategy will be applicable to the proponent.

Economic Benefits: Indirectly the Serpentine District Golf Course provides economic benefit to the shire generating tourism and employment through recreation.

Social – Quality of Life The provision of recreational areas for the community is fundamental to the health of our society. The Serpentine Sports Reserve is recognized for its regional and environmental values with potential to further develop the equestrian grounds and the only Golf Course in the district.

Social and Environmental Responsibility: The proposal has identified the need for social and environmental responsibility in respect to sustainable water use.

Social Diversity: This proposal does not disadvantage any social groups.

Statutory Environment: Advertised in accordance with DOE

Policy/Work Procedure Implications: Statewide Policy 10 – Use of Operating Strategies in Water Licensing,
Rights in Water and Irrigation Act 1914
Town Planning Scheme 2

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

Strategic Implications:

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

- 1. People and Community**
Objective 1: Good quality of life for all residents
Strategies:
 1. Provide recreational opportunities.
- 2. 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.

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:

3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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 Serpentine District Golf Clubs application has been advertised by the Department of Environment without any submissions. The Serpentine Sports Reserve Management Committee (SSMRC) have been directly involved in working towards complying with existing Groundwater Licenses and Water Campaign initiatives.

Comment:

The Serpentine Jarrahdale Shire participate in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign. The Water Campaign is an iterative program designed to increase the efficiency of water use and reduce the impacts on water quality in the environment, through Councils' own operations and also by their communities as a whole.

With a proposed 135, 000 (KL) in addition to the shires 55, 000 (KL) usage the shire may not meet ICLEI objectives of water consumption specifically at Serpentine Sports Reserve. Water Campaign goals:

- To achieve a 15% reduction in the volume of water consumed in the Shire's Operations (per capita population of the shire) based on 1999 / 2000 consumption data by the year 2010 / 2011 and to ensure no net increase in consumption over the same period.
- To implement actions to improve water quality that achieve a value of 50 points or more for both the Corporate and Community modules of the campaign as determined in accordance with ICLEI Water Quality Action lists by 2010 / 2011.

Whilst the Serpentine District Golf Club have applied to use more water the rate and amount of application is less than that recommended in the Environmental Guidelines for the Establishment and Maintenance of Turf and Grassed Areas.

Water quality actions that exist in the Draft Local Action Plan met are:

- Improved infrastructure for irrigation efficient design.
- Install flow meters on all Shire Reserves and confirm SJ shire groundwater licence allocations.
- Support for groups demonstrating best management practice, such as catchment and Landcare groups.

Voting Requirements: Normal

CGAM029/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

- 1. Council acknowledge the Serpentine District Golf Club in its independence to increase water allocations on the Serpentine Sports Reserve.**
- 2. Council enter into a Memorandum of Understanding with the Serpentine District Golf Club on the usage of groundwater bores before amending the lease renewal in 2009.**
- 3. Council do not apply for additional groundwater allocation as per Council Resolution CGAM092/06/05 until such time as the outcome of Serpentine Districts Golf Club allocation of water is known.**

CARRIED 7/2

CGAM031/09/05	CODE OF CONDUCT	(A0031)
Proponent:	Local Government Act/Council	In Brief
Owner:		
Officer:	Joanne Abbiss – Chief Executive Officer	Review Serpentine Jarrahdale Shire Code of Conduct.
Signatures Author:		
Senior Officer:		
Date of Report	21 st September, 2005	
Previously	SM036/04/04; C116/05/03; C174/05/01	
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 Local Government Act requires “a local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate”.

The proposed addition to the Code of Conduct is:

General Obligations

A council or committee member who honestly and faithfully observes the requirement of this code and any relevant law is entitled to expect the publicly expressed support of council and his or her colleagues against unfair allegations of dishonesty or partial performance of his or

her public or professional duties. Where unfair allegations of dishonesty or partial performance are made against a council or committee member, he or she may request the president to initiate appropriate public expression of support.

Sustainability Statement: N/A

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

Policy/Work Procedure Implications: The Code of Conduct suggests that it should be re-affirmed bi-annually at the first meeting after elections in the years when elections are held.

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

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

1. People and Community

Objective 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.
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. 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:

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

Community Consultation:

Required: No

Comment:

Council has indicated in the current and past "Councillors Handbook" that it is intending to reinforce its commitment to Serpentine Jarrahdale Shire Code of Conduct on a bi-annual basis. The Councillors Handbook suggests that this will occur at the first meeting after elections in the years when elections are held, however the Local Government Act only requires that it is reviewed within 12 months of elections being held.

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

A copy of the Code of Conduct adopted by Council on 9 December 1996 and last amended in April 2004 is included with the attachments and marked [CGAM031-09-05.doc](#).

Voting Requirements: Normal

CGAM031/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Hoyer
Council adopts the reviewed Serpentine Jarrahdale Shire Code of Conduct as presented at attachment CGAM031/09/05.
CARRIED 9/0**

CGAM032/09/05		WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA OCTOBER 2005 (A1164)	
Proponent:	Western Australian Local Government Association	In Brief	
Owner:	Western Australian Local Government Association	The Western Australian Local Government Association State Council Agenda provided for Councillors consideration and discussion.	
Officer:	Joanne Abbiss – Chief Executive Officer		
Signatures Author:			
Senior Officer:			
Date of Report	13 th September, 2005		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

The Western Australian Local Government Association (WALGA) hold Zone and State Council Meetings on a bi-monthly basis to which the Serpentine Jarrahdale Shire have elected delegates attend and vote on behalf of the Shire and region.

An electronic copy of the WALGA State Council Agenda and Attachments for the meeting to be held in October 2005 are with attachments marked [CGAM032.1-09-05.doc](#), [CGAM032.2-09-05.doc](#), [CGAM032.3-09-05.doc](#), [CGAM032.4-09-05.doc](#).

Voting Requirements: Normal

CGAM032/09/05 Committee/Officer Recommended Resolution:

Council receives the Western Australian Local Government Association State Council Agenda for October 2005 is provided for Councillors information.
CARRIED 7/0

SUPPLEMENTARY REPORT

Since the Corporate Governance and Asset Management Committee Meeting the agenda for the Western Australian Local Government Association (WALGA) South East Metropolitan Zone Meeting to be held on Wednesday 28th September, 2005 has been received.

An electronic copy of the WALGA South East Zone Agenda and attachments for the meeting to be held on 28th September, 2005 are with the attachments marked [CGAM032.5/09/05](#) and [CGAM032.6/09/05](#).

CGAM032/09/05 Officer Recommended Resolution:

1. Council receives the Western Australian Local Government Association State Council Agenda for October 2005.
2. Council receives the Western Australian Local Government Association South East Metropolitan Zone Agenda for September, 2005.

CGAM032/09/05 COUNCIL DECISION:

Moved Cr Star seconded Cr Hoyer

1. Council receives the Western Australian Local Government Association State Council Agenda for October 2005.
2. Council receives the Western Australian Local Government Association South East Metropolitan Zone Agenda for September, 2005.
3. That a motion be put to the Zone that WALGA request the Minister for Planning and Infrastructure to seek greater involvement of the Department of Planning and Infrastructure in the regional delivery of natural resource management.

CARRIED 9/0

Council Note: The Officer's Recommended Resolution was changed by adding part 3 – motion to put to the Zone.

Cr Wigg declared a financial interest in item CGAM034/09/05 as this item may include part of Cr Wigg's property and Cr Wigg left the meeting at 9.10pm.

CGAM034/09/05		WRITE OFF OF RATES TWO PROPERTIES IN YANGEDI ROAD HOPELANDS (P05798)
Proponent:	JL Baxter & Others	In Brief Write off \$3,290.86 in rates & charges raised incorrectly for 2 mining tenements in Yangedi Road. Rates & charges should never have been raised as the tenements were surrendered in November 1999.
Owner:	JL Baxter & Others	
Officer:	V Tapp – Finance Officer-Rates	
Signatures Author:		
Senior Officer:		
Date of Report	09/09/2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provision of the Local Government Act	
Delegation	Council	

Background

Council has been approached by one of the owners of the properties in question, querying the rates assessments received for both properties for the years 00/01, 01/02, 02/03, 03/04, 04/05 and 05/06.

On the 15th November 1999 both the tenements Exploration Licence No's E70/00785 & E70/00838 were surrendered. Even though there was no valuation placed against either property the rate code was still on each assessment. If the rate code is not replaced with a non-rateable code, the minimum rates will be raised as in the case of both these assessments. Also the rubbish service and bush fire levy codes were never removed from either assessment. An amount of \$2,348.54 and \$942.32 in rates, charges and penalties have accumulated in error and are made up as follows:

Levies	Receipts	Balance	Current/Arrears	Description
359.75	0.00	359.75	A	Rates
268.57	0.00	368.57	C	Interest
226.00	0.00	226.00	A	Bushfire Levy
88.00	0.00	88.00	A	Rubbish Disposal Site Rate
				=====
942.32	0.00	942.32		*** TOTALS ***

Levies	Receipts	Balance	Current/Arrears	Description
1636.16	0.00	1636.16	A	Rates
398.38	0.00	398.38	C	Interest
226.00	0.00	226.00	A	Bushfire Levy
88.00	0.00	88.00	A	Rubbish Disposal Site Rate
				=====
2348.54	0.00	2348.54		*** TOTALS ***

As the rates for both the Yangedi Road properties have been raised in error for the financial years 00/01, 01/02, 02/03, 03/04, 04/05, 05/06 it is recommended they be written off.

Sustainability Statement

Not applicable

Statutory Environment: Approval requires an absolute majority of the council to vote in support of the recommendation.

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

Financial Implications: Write off \$3,290.86 in rates, charges and penalty

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

4. Governance

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:

Required: No

Comment:

Write off rates incorrectly charged for both properties on Yangedi Road

Voting Requirements: **ABSOLUTE MAJORITY**

CGAM034/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Price seconded Cr Brown
Council agrees to write off \$3,290.86 in rates, services and charges raised incorrectly for both mining tenements E70/00785 & E70/00838 lots on Yangedi Road, Hopeland.
CARRIED 8/0 ABSOLUTE MAJORITY**

Cr Wigg did not vote and Cr Wigg returned to the meeting at 9.12pm.

CGAM035/09/05		BYFORD BY THE SCARP - MEMORANDUM OF UNDERSTANDING WITH LWP
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to consider a Memorandum of Understanding with LWP Byford to assist in the provision of community facilities and community development.
Officer:	Elizabeth Cox A/Director Corporate Services	
Signatures Author:		
Date of Report	1 September 2005	
Previously	SD05/01/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The WA Planning Commission did not support the Shire's request for the developers of Byford by the Scarp to prepare a comprehensive Development Concept Plan as a condition of subdivision to address a number of identified planning issues in the subdivision known as Byford By The Scarp. The developers however acknowledged Council's concerns and chose to address these through the preparation of a comprehensive Development Strategy.

In submitting the Development Strategy, the developer advised that "LWP Property Group are committed to a process of consultation and negotiation with the shire to establish a funding and management structure to enable the establishment of a wide range of community facilities. A developer contribution will be an essential component of the proposed structure".

A recommendation of the Byford by the Scarp Development Strategy was that a Memorandum of Understanding be prepared to develop this commitment similar to those for the other development areas of Byford.

Council resolved in January 2005 (Resolution SD005/01/05)

"that the developer

- (e) *Submit a Community and Economic Development Plan for the development area, to the satisfaction of the Shire of Serpentine-Jarrahdale Chief Executive Officer. The Community and Economic Development Plan is to include a Memorandum of Understanding between the developer and the Shire of Serpentine-Jarrahdale relating to per lot contributions toward a Community Development Trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes."*

Discussions with the developer have taken place and a Memorandum of Understanding (MOU) prepared to assist both parties to progress to a common goal.

A copy of the Memorandum of Understanding is with attachments marked [CGAM035-09-05.doc](#)

Sustainability Statement

Economic Viability: Contributions by the developer will assist council in the provision of community facilities and build on social capital.

Economic Benefits: The development of community infrastructure provides an opportunity for local employment.

Social – Quality of Life The identification of required facilities will be a joint arrangement between the developer, Council and the community.

Social and Environmental Responsibility: The MOU paves the way for the community, council and developer to contribute to the infrastructure required for the development of a community.

Social Diversity: The proposal has the potential to maximize all members of the community

Financial Implications:

There are no Financial implications to Council related to the MOU at this time however the document provides a pathway for future financial contributions. A further agreement will identify the financial contribution to be made by the developer and council. Council has made provision for per lot contributions in the 2005/2006 Budget and council's matching contribution.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

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

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.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

Comment:

The MOU with LWP Byford will provide the first step in the provision of community facilities and community development within the Byford by the Scarp subdivision. It is proposed that the developer and the Shire will make an equal contribution to the provision of facilities and community development.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM035/09/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Scott

- 1. Council enters into a Memorandum of Understanding as at attachment CGAM035/09/05 with the developers of Byford By The Scarp, LWP Byford.**
- 2. Council authorise the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Shire of Serpentine Jarrahdale.**

CARRIED 9/0 ABSOLUTE MAJORITY

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM07/09/05 PEEL COMMUNITY LEGAL SERVICE – USE OF ERIC SENIOR PAVILION (RS0180/02)		
Proponent:	Peel Community Legal Service	In Brief Council is asked to endorse the waiving of hall hire fees for the Eric Senior Pavilion, for a half day booking every second week, to enable Peel Community Legal Service to offer a free legal advice clinic to Serpentine Jarrahdale residents.
Owner:	Council	
Officer:	Carole McKee – Acting Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	20.09.05	
Previously	SD072/05/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest	
Delegation	Council	

Background

SD072/05/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Star

- 1 *The hire fees for the Eric Senior Pavilion communications room be waived for a half day booking on every second Thursday, so that the Peel Community Legal Service can launch their fortnightly free legal advice clinic in Serpentine Jarrahdale for a period of one year from commencement of the service.*
- 2 *The suitability of the venue for all parties be re-evaluated after one year.*
- 3 *Venetian blinds of matching style to those in the doctor's surgery be installed in the communications room, by using \$355.00 from OSR902 2004/05.*
- 4 *Initial assistance be provided to promote the service through existing Council communication mediums and by providing community and local media contact details to Peel Community Legal Service.*

CARRIED 10/0

Comment:

The resolution endorsed in May 2005 specified every second Thursday as the nominated half day for which Council would waive fees.

Circumstances have since changed for Peel Community Legal Service and they now request the use of the facility on every second Wednesday morning, instead of Thursdays.

Part one of the original resolution has been amended for endorsement in order to accommodate this request and any future changes that may occur to the weekday morning or afternoon fortnightly session.

Future changes would only be made in consultation with the other user groups, and would be restricted to half day fortnightly sessions on weekdays.

This service will commence in October on a monthly basis, with the provision for a fortnightly service as the demand grows.

Voting Requirements: ABSOLUTE MAJORITY

OCM07/09/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Wigg

The hire fees for the Eric Senior Pavillion communications room be waived for a half day fortnightly session on week days, so that the Peel Community Legal Service can launch their fortnightly free legal advice clinic in Serpentine Jarrahdale for a period of one year from commencement of the service.

CARRIED 9/0 ABSOLUTE MAJORITY

Council Note: Item OCM09/09/05 was considered after item SD036/09/05

OCM09/09/05 CONFIDENTIAL ITEM - PROPOSED POULTRY FARM - APPEAL - LOT 368 (#582) HENDERSON ROAD (CNR HOPELAND ROAD), HOPELAND (P01406/02)		
Proponent:	Dykstra and Associates	<p>In Brief</p> <p>The application for a poultry farm on the subject property was refused by Council. The landowners lodged an appeal with the State Administrative Tribunal against Council's decision to refuse the application.</p> <p>The purpose of this report is to provide an update on the progress of this appeal to date and to provide further advice and a recommended course of action in relation to this appeal.</p>
Owner:	Big Country (Australia) Pty Ltd	
Officer:	Brad Gleeson, Executive Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	15 September 2005	
Previously	SD080/06/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM08/09/05 INFORMATION REPORT		
Proponent	Chief Executive Officer	<p>In Brief</p> <p>Information Report for the month of September 2005.</p>
Officer	J Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	21 st September, 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM08.1/09/05 COMMON SEAL REGISTER REPORT – AUGUST, 2005 (A1128)

The Common Seal Register Report for the month of August, 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [OCM08.1/09/05 \(E02/5614\)](#)

OCM08.2/09/05 EXECUTIVE OFFICER STRATEGIC DEVELOPMENT –
SEPTEMBER, 2005 (A0436-05)

The Executive Officer Strategic Development report of priorities to 16th September, 2005 is with the attachments marked [OCM08.2/09/05](#) (E05/5074)

OCM08.3/09/05 USE OF DELEGATION REPORT – AUGUST, (A0039-02)

The Chief Executive Officer exercised the following delegations during the month of August, 2005:

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

Serpentine Jarrahdale Grammar School Board use of Mundijong Hall for Board Meeting (17/8) and Meet the Principal (3/9).

OCM08.4/09/05 PEEL DEVIATION STAKEHOLDERS' GROUP POSITION PAPER –
NEW PERTH-BUNBURY HIGHWAY (A0469)

The Peel Deviation Stakeholders' Group position paper on the new Perth to Bunbury Highway is with the attachments marked [OCM08.4/09/05](#) (IN05/9361)

OCM08/09/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Price
The Information Report to 21st September, 2005 is received.
CARRIED 9/0

10. URGENT BUSINESS:

CONFIDENTIAL ITEM: Information withheld from members of the public under the Local Government Act Section 5.23(2)(a) and dealt with under “Matters for which the meeting may be closed to the public and discussed behind closed doors”.

COUNCIL DECISION

Moved Cr Star seconded Cr Price
That the item OCM10/09/05 – Confidential Item – Appointment of Director Corporate Services be dealt with as an item of new business of an urgent nature.
CARRIED 9/0

COUNCIL DECISION

Moved Cr Scott seconded Cr Price that the meeting be closed to members of the public at this point to allow Council to discuss agenda item OCM09/09/05 because the matter is of a confidential nature.
CARRIED 9/0

Elizabeth Cox declared a financial interest in item OCM10/09/05 as the Acting Director of Corporate Services and left the meeting at 9.16pm.

All members of the gallery had left the meeting prior to this item being discussed.

OCM10/09/05 CONFIDENTIAL ITEM - APPOINTMENT OF DIRECTOR CORPORATE SERVICES (H0146, A1290)		
Proponent:	Joanne Abbiss – Chief Executive Officer	In Brief Council are requested to endorse the appointment of Mr Darren Long as the Director Corporate Services.
Owner:	Not applicable.	
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	26 th September 2005	
Previously	CGAM060/04/05 OCM02/07/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

OCM10/09/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Star

- 1. Council endorses the appointment of Mr Darren Long to the position of Director Corporate Services subject to provision of certified copies of all stated qualifications and such contract terms and conditions as negotiated by the Chief Executive Officer in accordance with Council resolution OCM02/07/05.**

- 2. Council endorses the extension of the temporary appointment of Elizabeth Cox to the position of Acting Director Corporate Services until the 15th December 2005, subject to a salary of \$82,000 and such general terms and conditions not exceeding those that currently apply to the contract for that position as negotiated by the Chief Executive Officer. All current delegations and authorities applicable to the position of Director Corporate Services will apply to the Acting Director Corporate Services position.**

CARRIED 9/0 ABSOLUTE MAJORITY

The meeting be opened to members of the public at 9.17pm.

Elizabeth Cox returned to the meeting 9.17pm.

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Price

That the item OCM10/09/05 – Proposed Subdivision of Portion of Lot 814 Jarrahdale Road, Jarrahdale be dealt with as an item of new business of an urgent nature.

CARRIED 9/0

OCM11/09/05 PROPOSED SUBDIVISION OF PORTION OF LOT 814 JARRAHDAL ROAD, JARRAHDAL (P05576)		
Proponent:	Serpentine Jarrahdale Shire	In Brief It is proposed to excise a portion of Lot 814, in the Jarrahdale Heritage Park, containing the rotunda, single mens quarters, skate park and strategic reserve. To this end it is intended that an application for subdivision approval be submitted to the Western Australian Planning Commission by the Shire.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	22 nd September 2005	
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:	N/A
Advertised:	N/A at this stage
Submissions:	N/A
Lot Area:	22.0649 hectares
L.A Zoning:	Special Use
MRS Zoning:	Urban
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	Rotunda and Single Mens Quarters are listed in the Municipal Inventory
Townscape/Heritage Precinct:	Jarrahdale Timber Town - protected under Town Planning Scheme
Bush Forever:	Nil
Date of Inspection:	21 September 2005

Background

The subject site is part of existing Lot 814 and is located on the eastern side of Millars Road. The land contains scattered pockets of trees but is predominantly cleared. The last steam mill to operate in Jarrahdale was built on this site in 1949 but was abandoned in 1968 following the completion of the new electric mill further west. Remnants of this mill still exist, including the rotunda – a circular timber sorting area. In addition there are six small buildings in the northern portion of the site which served as single mens quarters during the operation of the timber mills in Jarrahdale. The rotunda and the single mens quarters are protected under the Shire’s Town Planning Scheme.

Zoning

Under the Shire of Serpentine Jarrahdale’s Town Planning Scheme the subject land is zoned Special Use. This zone permits the development of a broad range of land uses on the subject land including:

Car Park
Civic Building
Cottage Industry
Fariery
Market
Office
Public Recreation
Residential
Restaurant
Shop
Studio
Museum
Interpretive/Tourist Centre

A scheme amendment in progress (Amendment 140) proposes to add the following land uses to the list of those permissible on the subject land:

Aged or Dependent Persons Dwelling
Holiday Accommodation

Previous Subdivision Approvals

Lot 814 formerly comprised part of Lot 663 Ronan Road. Two subdivisions have taken place in the last two years to create the residential lots containing the existing cottages in Millars Road and the woodlot subdivision on the southern side of Jarrahdale Road. These newly created lots have since be sold off at auction. These two previous subdivisions were part of the implementation of the Jarrahdale Heritage Park Master Plan.

Jarrahdale Heritage Park Master Plan

The Jarrahdale Heritage Park concept has been developed to showcase the natural beauty and heritage of this unique area. Jarrahdale played a key role in Australia's history as one of the first major timber milling operations. Jarrahdale jarrah has been exported around the world. Jarrahdale is the only whole town in WA that has been declared as a complete heritage town. The finished Park will be a spectacular visitor destination of state and national significance, which incorporates many sought after tourist attractions and activities.

Lot 814 is incorporated in the Jarrahdale Heritage Park Master Plan. Under the master plan the portion of Lot 814 on the eastern side of Millars Road is predominantly proposed to be developed for residential purposes. However, the north western corner of this portion of the site containing the rotunda and single mens quarters is designated for a skate park, public open space and a strategic reserve that currently has no designated purpose.

The portion of Lot 814 on the western side of Millars Road contains a portion of the timber storage yard for the existing operating mill, a future car park and a future commercial area.

An Implementation Plan was subsequently developed to facilitate the proposals incorporated in the Master Plan. The first stages of the Implementation Plan have been carried out including:

1. subdivision of the land containing the existing heritage cottages on Millars Road and Staff Street;
2. construction of a boardwalk and viewing platform adjacent to the Gooralong Brook (under construction);
3. the Woodlot residential subdivision on the corner of Jarrahdale Road and Kingsbury Drive;
4. the erection of information signage;
5. the construction of the interpretive Indicator pole;
6. emergency renovation works to the single mens quarters; and
7. the amphitheatre (under construction).

Current Proposal

It is proposed to subdivide Lot 814 into three parcels comprising:

1. a parcel of approximately 4 hectares containing the single mens quarters, the rotunda and those areas designated as skate park, strategic reserve and public open space in the master plan;
2. the portion of Lot 814 on the western side of Millars road comprising a portion of the storage yard for the existing operating timber mill, the future car park and the future commercial precinct fronting Jarrahdale Road; and
3. a balance lot containing the area of Lot 814 on the eastern side of Millars Road designated for a future residential subdivision.

A copy of the proposed subdivision plan, an extract from the Jarrahdale Heritage Park Management Plan and an aerial photo showing the subject are with attachments marked OCM11/09/05.

Sustainability Statement

Effect on Environment:

The boundaries of the future parcel containing the single mens quarters, rotunda, strategic reserve and recreation areas should be determined by survey to ensure that no trees are required to be cleared. This will be easily achievable given the vast cleared areas contained in this parcel.

A preliminary environmental site assessment conducted in 2002 has identified sites containing petroleum hydrocarbon contamination at the two sawmills, minor copper concentrations, fibro buildings containing asbestos products at Sawmill two and wood waste over the two sawmill sites.

The magnitude of contamination is considered low. No ground water investigations have been taken as yet. Contaminated soil would need to be removed in the vicinity of any development and the subsurface soil tested. The asbestos products may need to be appropriately handled and disposed of. Options for treatment of the wood waste will be need to be considered as part of any development proposal.

The above remediation works would have to be carried out prior to the finalisation of the subdivision.

The subdivision will also enable the provision of power and water services to the site which will help to facilitate future development of the site in a timely manner. In the interim before development occurs, the improvement of the power and water services will enable improvement of fire fighting facilities in this part of Jarrahdale (water supply, hydrants and pumps etc.).

Use of Local, renewable or recycled Resources: Not applicable.

Economic Benefits: The subdivision has the potential economic benefit of making the land ready for disposal should the Council seek to do so in the future.

Social – Quality of Life The proposed subdivision is unlikely to impact on the quality of life of any adjacent resident except for a short period during remediation works and construction of services (ie dust and noise). However, measures can be implemented to reduce these impacts during that phase.

Social Diversity: The subdivision will enable further planning and development in accordance with the implementation plan to achieve the development of the mixed uses (commercial, residential, tourism) depicted in the master plan. These uses will vastly add to the diversity of the Jarrahdale area as a whole.

Statutory Environment:

Town Planning and Development Act 1928;
Town Planning Scheme No.2 and;
Western Australian Planning Commission Act
(Subdivision Regulations) 1985.

**Policy/Work Procedure
Implications:**

CSWP16 Guidelines for Purchase of Goods and Services
- at least 3 quotes required for each service sought

Financial Implications:

Immediate:
Subdivision Application Fee (WAPC) \$420

Prior to completion of subdivision:
Valuation costs Not known
Soil remediation Not known
Provision of services to site, including
water, power, telephone (service agencies) Not known
Survey costs \$1500
estimated
Lodgement of Deposited Plan (WAPC)
\$75Lodgement of survey plan and creation
Of new titles (DOLI) \$274

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.*

2. Develop compatible mixed uses and local
employment opportunities in neighbourhoods

3. Economic Development

Objective 1: A vibrant local community

Strategies

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

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

2. Develop specific sites appropriate for industry
and commercial development.

Objective 3: Effective management of Shire growth.

1. Enhance economic futures for Shire
communities

Community Consultation:

Required: No

Comment:

The proposed subdivision will rationalize the land holdings relative to the designated land uses contained in the master plan. Once the land is in three parcels it will be easier to carry out detailed business planning for the three distinct areas and to investigate possibilities for disposal or development of the parcels to enable implementation of the proposals contained in the Master Plan. Prior to Council borrowing over \$1million dollars to continue

development of the Park, a business plan was prepared and advertised to the community which outlined the future sale of the eastern portion of Lot 814 to service the loan.

It is recommended that the Council authorize the Chief Executive Officer to prepare and submit an application to subdivide Lot 814 into three parcels and to engage a surveyor to carry out the necessary survey works. It would also be worthwhile engaging a valuer at this stage to value the three proposed land parcels to enable detailed business planning and potential for disposal of some of the land in the future.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

That the Council authorizes the Chief Executive Officer to:

1. Lodge an application with the Western Australian Planning Commission for the subdivision of approximately 4.25 hectares of Lot 814 Jarrahdale Road, corner Millars Road, Jarrahdale;
2. Engage a licensed land surveyor to prepare a survey of the proposed subdivision area of Lot 814; and
3. Engage a licensed valuer to prepare a valuation of the three proposed parcels of land for the purposes of investigation of the potential for disposal of some of land this land.

OCM11/09/05 COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Star

A. That the Council authorizes the Chief Executive Officer to:

1. Lodge an application with the Western Australian Planning Commission for the subdivision of approximately 4.25 hectares of Lot 814 Jarrahdale Road, corner Millars Road, Jarrahdale;
2. Engage a licensed land surveyor to prepare a survey of the proposed subdivision area of Lot 814; and
3. Engage a licensed valuer to prepare a valuation of the three proposed parcels of land for the purposes of investigation of the potential for disposal of some of land this land.

B. That heritage covenants will be recommended as a condition of subdivision to protect the singlemens quarters and rotunda.

Advice Note:

That the National Trust have been advised of Council's intent.

CARRIED 9/0 ABSOLUTE MAJORITY

Council Note: The Officers Recommended Resolution was changed by adding the Advice Note advising that the National Trust has been advised of Council's intent and the addition of Part B regarding heritage covenant for singlemen's quarters and rotunda..

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 9.29pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD030/09/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	05.09.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD030/09/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the August 2005 Building Information Report.
CARRIED 7/0**

SD031/09/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6.09.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD031/09/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the Health Information Report for August 2005.
CARRIED 7/0**

SD032/09/05 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Carole McKee, Acting Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	1.09.05	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD032/09/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the August 2005 Community Development Information Report.
CARRIED 7/0**

SD033/09/05 PROPOSED RELOCATED GROUP DWELLING – LOT 68 (#1) HELEN CRESCENT, BYFORD (P04549/03)		
Proponent:	Evelyn Hair	In Brief The applicant seeks planning approval for a relocated grouped dwelling on the subject property. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	8 September 2005	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD033/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application for a relocated grouped dwelling on Lot 68 (#1) Helen Crescent, Byford be approved subject to the following conditions:

- 1 A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
- 2 The grouped dwelling is to be rotated to face the street to achieve better surveillance and solar access and meet the requirements of the Byford Detailed Area Plan. Revised plans are to be submitted for approval by the Principal Building Surveyor, prior to the issue of a building licence.**
- 3 The roof pitch of the grouped dwelling is to be altered to meet the minimum 25 degrees as stipulated within the Byford Detailed Area Plan to the satisfaction of the Principal Building Surveyor.**

- 4 A bond of \$5,000 is to be paid to the Shire prior to the release of the building licence.
- 5 No direct discharge of stormwater into watercourses or drainage lines.
- 6 All stormwater runoff from roofs and hardstand areas to be disposed of on-site.
- 7 Only materials identified in the schedule of colours, materials and finishes, submitted on 27 July 2004 are to be used in the construction of the relocated grouped dwelling unless the prior written approval of the Shire is obtained.

Advice Note:

- 1 A demolition licence is required to be obtained prior to the removal of any building from land within the Serpentine Jarrahdale Shire.

CARRIED 7/0

SD034/09/05 PRIVATE RECREATION - COUNTRY CITY MUSTER – LOTS 1 & 2 (#1475) SOUTH WESTERN HIGHWAY, WHITBY (P00435/07)		
Proponent:	SJ Tourism Association	In Brief The applicant seeks planning approval for a Country City Muster Event on Lots 1 and 2 South Western Highway, Whitby. The event will be held over two days on 22 and 23 October 2005. It is recommended that the application be conditionally approved.
Owner:	Tumbulgum Farm	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 September 2005	
Previously	N/A	
Disclosure of Interest	Cr Price – Council's delegate to Serpentine Jarrahdale Tourism Association – the way Cr Price votes on this matter will not be affected due to his role in the Tourism Association.	
Delegation	Committee in accordance with resolution SM051/06/04	

SD034/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application for Private Recreation – City Country Muster at Lots 1 and 2 (No. 1475) South Western Highway, Whitby be granted temporary approval subject to the following conditions:

- 1 Approval for the event is valid from 9am Friday, 21 October 2005 to 5pm Monday, 24 October 2005 only.
- 2 The Rodeo is to be limited to 10.00am to 6.00pm on Sunday, 23 October 2005 only. All other remaining events is to be limited to 8.00am to 10.00pm on Saturday and 8.00am to 6.00pm on Sunday.
- 3 An Emergency Management Plan is to be prepared to the satisfaction of Council's Community Emergency Services Manager prior to the start of the event.
- 4 No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event without the prior approval of Council.
- 5 No signs for the event are permitted to be displayed on any road reserves, except entry and exit signs (refer condition 17).
- 6 No temporary structures with a floor area greater than 25 square metres are permitted without an Engineers Certification and approved under the Health (Public Building) Regulations 1992.
- 7 A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.

- 8 **No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Health (Public Building) Regulations 1992 prior to the start of the event.**
- 9 **All food offered for sale is to be prepared in an approved food preparation area under the Health (Food Hygiene) Regulations 1993.**
- 10 **Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 appendix 7A – Recommended Toilet Facilities for Temporary Events prior to the start of the event to the satisfaction of Council’s Principal Environmental Health Officer.**
- 11 **Adequate rubbish receptacles are to be provided and a suitable disposal system is to be implemented for the event to the satisfaction of Council’s Principal Environmental Health Officer.**
- 12 **All structures and facilities erected for the purpose of the event must be removed at the applicants expense by 5.00pm on Monday, 24 October 2005.**
- 13 **The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5.00pm on Monday, 24 October 2005.**
- 14 **Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.**
- 15 **The land is to be returned to the state it was prior to the event by the operator/landowner by 30 November 2005 to the satisfaction of the Shire.**
- 16 **The disposal of petrol, grease, oil and other chemicals shall occur at a suitably approved facility to the satisfaction of the Shire. Petrol, grease, oil or other chemicals shall not be disposed of on the subject land.**
- 17 **Entry and exit to the parking area for spectators is to be via the existing sealed driveway used for access to Tumbulgum Farm only. Entry and exit to the parking area for competitors and organisers is to be via the northern entry. Entry and exit signs shall be installed to the satisfaction of the Shire.**
- 18 **No closure or partial closure is to be carried out on South Western Highway without prior approval from Main Roads WA.**
- 19 **Access to other properties shall be maintained at all times.**
- 20 **Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997.**
- 21 **Any outdoor amplified equipment used in conjunction with the event shall be located to minimise impacts on land adjoining premises to the satisfaction of Council’s Principal Environmental Health Officer.**

CARRIED 7/0

SD040/09/05 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 September 2005	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM051/06/04	

SD040/09/05 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 16 September 2005 be received.
CARRIED 7/0

CGAM028/09/05 RFT C03/2005-06 SUPPLY OF TWO GREEN WASTE COLLECTIONS NOVEMBER 2005 AND APRIL 2006 (A1137/04)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to endorse the recommendation to appoint a contractor to fulfil the requirements of the Green Waste Collection contract.
Owner:	Not Applicable	
Officer:	Jason Elliott – Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 th September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM028/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council endorse the recommendation to appoint WA Recycling Services for the Tender RFT C01/2005-05 Supply of Two Green Waste Collections November 2005 and April 2006 at the following prices;

Company	November 2005 Estimated Quantity 130 Tonnes (GST inc)	November 2005 Tonnage rate over and above 130 Tonnes (GST inc)	April 2006 Estimated Quantity 130 Tonnes (GST inc)	April 2006 Tonnage rate over and above 130 Tonnes (GST inc)
WA Recycling Services	\$16,500.00	\$99.00 per/tonne	\$16,500.00	\$99.00 per/tonne

CARRIED 7/0

CGAM030/09/05 COUNCIL MEETINGS AND SERVICES OVER CHRISTMAS & NEW YEAR PERIOD (A0023-02)		
Proponent	Chief Executive Officer	In Brief Confirm the schedule for Committee/Council meetings and operating arrangements for the Council administration in Mundijong over the Christmas period.
Officer	J. Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	09/09/05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provision of the Local Government Act	
Delegation	Committee - In accordance with Resolution SM046/05/04	

CGAM030/09/05 COMMITTEE DECISION/Officer Recommended Resolution

- 1) Council agrees to the following meeting and administrative arrangements over the month of December 2005 and January 2006 and that they be advertised accordingly to the public;
 - a) The meetings for December 2005 be advertised as per the following;
 - 13-12-05 Sustainable Development & Corporate Governance & Asset Management
 - 19-12-05 Ordinary Council Meeting
 - b) The Mundijong Library be closed from the public from the close of business on Thursday 22 December 2005 with it reopening for business on Tuesday 3 January.
 - c) The Mundijong Administration and Operation team offices to be closed all day on Friday 23 December 2005 but to otherwise remain open with adequate staff present to provide the full range of services during the Christmas and New Year period, with the exception of recognised Public Holidays.
- 2) Council notes that over the Christmas and New Year period as per previous years it will again be the responsibility of the Chief Executive Officer, or the Acting Chief Executive Officer to ensure that staff coverage is adequate at the Mundijong Administration Office, Operation team and Library.

CARRIED 7/0

CGAM033/09/05		SERPENTINE RESERVE CROWN GRANT IN TRUST (RS0180)	
Proponent:	Serpentine Jarrahdale Shire	In Brief That Council gives consideration to requesting the Minister for Planning and Infrastructure to amend the Serpentine Reserve Trust to include ancillary/community use on the Serpentine Reserve land.	
Owner:	State of Western Australia		
Officer:	Elizabeth Cox A/ Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	5 September 2005		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution SM051/06/04		

CGAM033/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

1. Council write to the Minister of Planning and Infrastructure requesting consideration be given for an addition to be made to the Serpentine Reserve Crown Grant in Trust to include community use or other appropriate terminology applicable to the Crown Grant.
2. Council inform the Pony & Polocrosse Clubs of this action.

CARRIED 7/0

CGAM036/09/05		REQUEST FOR SPECIAL LEAVE (H0138)	
Proponent	Acting Director Corporate Services – Elizabeth Cox	In Brief That Council endorses the Chief Executive Officer granting special leave for Casey Mihovilovich to participate in Perth Lynx.	
Officer	Acting Director Corporate Services – Elizabeth Cox		
Signatures - Author:			
Senior Officer:			
Date of Report	4 September 2005		
Previously			
Disclosure of Interest			
Delegation	Committee - In accordance with Resolution SM051/06/04		

CGAM036/09/05 COMMITTEE DECISION/Officer Recommended Resolution

1. Council congratulates Casey Mihovilovich on her selection in the Perth Lynx Basketball team and wishes the team well for the forthcoming season.
2. Council endorses the Chief Executive Officer granting special leave to Casey Mihovilovich on full pay for the 15th and 16th September, 7th October, 21st October, 2nd December 2005, 6th January and 25th January 2006 to support the interstate travel arrangements required for participation in the Perth Lynx Basketball Team.

CARRIED 7/0

CGAM037/09/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during August
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM037/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of August, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0

CGAM038/09/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 August 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM038/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 August 2005.
CARRIED 7/0

CGAM039/09/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 August 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM039/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 August 2005.
CARRIED 7/0**

CGAM040/09/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 August 2005
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report	2 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM040/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 31 August 2005.
CARRIED 7/0**

CGAM041/09/05 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 9 September 2005.
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report	5 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM041/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 9 September 2005 be received.
CARRIED 7/0

CGAM042/09/05 APPOINTMENT OF LOCAL MANAGER – SERPENTINE JARRAHDAL STATE EMERGENCY SERVICE UNIT (A0186)		
Proponent:	Fire & Emergency Services Authority of Western Australia	In Brief Council is requested to endorse the appointment of a Local Manager of the Serpentine Jarrahdale State Emergency Service Unit.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	5 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM042/09/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council endorses the appointment of Mr Martin Seward as Local Manager, Serpentine Jarrahdale State Emergency Service Unit for a period of five years.
CARRIED 7/0