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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 28 APRIL 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
C Buttfield
C Randall
E Brown
JE Price
KR Murphy
M Harris
MJ Geurds
S Twine
WJ Kirkpatrick

OFFICERS: Mr I Hill Acting Chief Executive Officer
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mrs C McKee Acting Director Strategic Community Planning
Mrs A Nolan Manager Executive Services
Mrs L Fletcher Minute Secretary

APOLOGIES: Acting Director Engineering

GALLERY: 4

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 7.03pm

Tony Simpson, Member for Serpentine Jarrahdale

Mr Simpson thanked Councillors and staff for the opportunity to discuss various matters at an earlier meeting, including items which would be raised by the WA Local Government Association (WALGA) and the Shire during the upcoming election campaign.

2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 7.04pm

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.05pm

K & H Fidge – Lot 104 (18) Kentucky Drive, Darling Downs

We are very concerned with the amount of dry weed and noxious weed material that the railways do nothing about apart from a grader track which does nothing when the railway strip is on fire.

We have had the instance where a railway worker lit a fire on the railway strip which burnt out half of next door and endangered our home and surrounding properties and soon left when the planes and brigade arrived.

By doing so little the railways are putting our homes, shopping centre and schools at very high risk now there is intensive homes each side of the railway.

There was another fire nearby recently.

It is time this Shire Council applied the same rules and penalties on the railways as the Shire imposes on the ratepayers. It appears the Shire has a blind eye for the railway and has different rules for us all.

We request the railway land area be sprayed with round-up twice a year during the weed and noxious weeds growing period starting 1 kilometre north of Thomas Road, Byford extending south past homes each side, the shopping areas and private school to the south.

Response

Council does not have jurisdiction over railway property and cannot enter this area to carry out spraying or any clearing without the Railway Commission's authority. If there are declared noxious weeds in the railway reserve the Department of Agriculture can be notified.

Council may be able to recommend to the Railways Commission to carry out some maintenance work and eliminate fire hazard/s.

Cr Harris commented that the statement from Mr and Mrs Fidge is as per discussions with Tony Simpson and Council should address this issue at every opportunity.

Cr Murphy asked if the Shire has taken any action regarding this issue.

The Acting Chief Executive Officer advised that no action had been taken on the Statement, however Mr Simpson had earlier undertaken to pursue the Council's concerns on this matter.

Public Statement Time concluded at 7.09pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Shire President welcomed Acting Chief Executive Officer, Ian Hill who is acting in the position in the spirit of co-operation between the City of Mandurah and Serpentine Jarrahdale Shire. The Shire President thanked Mr Hill for his contribution to the Shire.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Price declared an interest of impartiality in item OCM030/04/08 as he is a member of a fundraising committee for the Serpentine Jarrahdale Grammar School.

Cr Twine declared an interest of impartiality in item OCM030/04/08 as she makes financial contributions to the Serpentine Jarrahdale Grammar School.

Cr Kirkpatrick declared an interest of impartiality in item OCM030/04/08 as he makes financial contributions to the Serpentine Jarrahdale Grammar School.

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

COUNCIL DECISION

7.1 Ordinary Council Meeting – 25 March 2008

Moved Cr Price, seconded Cr Harris that the minutes of the Ordinary Council Meeting held on 25 March 2008 be confirmed.

CARRIED 10/0

COUNCIL DECISION

7.2 Special Council Meeting – 8 April 2008

Moved Cr Kirkpatrick, seconded Cr Buttfield that the minutes of the Special Council Meeting held on 8 April 2008 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD082/04/08 SWITCH YOUR THINKING LICENCE AGREEMENT ENDORSEMENT (A0283)		
Officers:	Chris Portlock - Manager Environmental Services	In Brief For Council to consider: The review of the <i>switch your thinking! (syt!)</i> programme, and the recommendations arising from that review.
Signatures Author:		
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	20 th March, 2008	
Previously	OCM 24 May 1999 (E33/05/99) OCM 25 September 2000 (E003/09/00) OCM 24 January 2005 (SD008/01/05) OCM 1 December 2002 (SM026/12/02) and 26 June 2006 (SD140/06/06)	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the local provisions of the Local Government Act.	
Delegation	Council	

Background

The Cities of Armadale and Gosnells and the Serpentine Jarrahdale Shire have been working in a regional partnership as the South East Regional Energy Group (SEREG) since 1999, through the International Council for Local Environmental Initiatives' (ICLEI) Cities for Climate Protection (CCP™) campaign to reduce greenhouse gas emissions in the south east region.

SEREG initiatives have been marketed under the branded, trademarked *syt!* programme since 2002. *syt!* has proven a dynamic and innovative programme, whose key strengths lie in its recognisable brand, strategic business planning, innovative projects and government and private sector partnerships.

Two consecutive three-year SEREG Business Plans, endorsed by all three partner Council's, have guided the *syt!* programme since its inception. They have been integral to successful approaches to funding bodies and corporate sponsors. Their mapping of priority actions and proposed projects for the each of the 3-year phases of the *syt!* programme, as well as detailed Financial Plans, provide certainty to the programme and its partners.

SEREG is supported by one full-time officer – the Regional Greenhouse Coordinator (RGC) - whose salary is supported by partner Councils, who contribute \$60,000 annually for this purpose. The RGC is provided a work station at each partner Council's administration centre, and a passenger vehicle through the City of Gosnells for business and commuting purposes.

The *syt!* programme has, in the five years since its inception, attracted \$225,000 in corporate sponsorship and \$539,500 in Federal and State grants. The programme provides a \$3.70 return for each municipal dollar invested.

The programme has attracted interest from local governments external to the SEREG partnership, and has developed a licensing agreement or “franchising” package to facilitate the extension of its good work to a broader geographic area. Licensing fees also provide an additional income stream for *syt!*.

The programme’s success is underscored by the achievement of awards at the State and National level.

The *syt!* programme Review January 2008 (the Review) was prepared for SEREG by senior environmental staff from partner Councils, with input from relevant Directors from each partner Council. The Review was endorsed by the SEREG at its 1 February 2008 meeting.

Sustainability Statement

Effect on Environment: The proposal will see controlled expansion of opportunities to replicate projects piloted by SEREG in other local government areas thus enhancing the built environment and minimizing environmental damage through best management practice. The proposal stands to further increase the efficiency of energy and water use and reduce greenhouse gas emissions and to support renewable energy technology.

Resource Implications: The proposal will help minimize resource and energy use and provides opportunity to promote renewable energy technologies, passive solar design, waterwise initiatives and has the potential to result in a reduction in the use of non-renewable resources.

Use of Local, renewable or recycled Resources: Locally available energy and water use efficiency initiatives in the Serpentine Jarrahdale Shire and South East Metropolitan Area have the potential to be promoted and used and local businesses may be supported as a result of this proposal.

Economic Viability: The proposal is economic and has the potential to incorporate its external costs in terms of energy and water efficiencies. It also has the potential for financial benefit to the Shire in creating this intellectual property licence agreement.

Economic Benefits: Economic benefits to Shire and the community include cost savings in reducing expenditure by the community for water and energy. The expansion will also generate extra income for the *syt!* programme, which in turn will be used to develop and implement new community projects in the south-east corridor across SEREG Councils.

Social – Quality of Life: Quality of life will be improved by reducing greenhouse gas emissions and slowing down global warming within the Serpentine Jarrahdale Shire and wider community.

Social and Environmental Responsibility: The proposal is designed to be socially and environmentally responsible through building up the local and regional community to enable greater participation by the local community in implementation of the switch your thinking! program.

Social Diversity:

The proposal does not disadvantage any social groups and provides for diversity in our community with increased opportunity for mentoring by community members to expand the diverse array of ways and means to include energy and water efficiency homes and businesses in the broader region.

Statutory Environment: Not applicable.

Policy/Work Procedure Implications:

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

Financial Implications:

Proposed budget increase of \$3,941 for 2008/09, bringing the total annual contribution to \$14,550.

Strategic Implications:

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

1. People and Community

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

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

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.
4. Reduce water consumption.
5. Reduce green house gas emissions.

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

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

Comment:

Section 2 of the Review provides a Summary of Findings, detailing the key outcomes of the Review. The following discussion addresses those Findings.

The Review finds (Finding 4) that the *syt!* programme has been very successful in community greenhouse emissions reduction, having abated more than 250,000 tonnes of emissions - the equivalent of taking some 45,000 cars off the road for an entire year. The programme's success in this area is underscored by its collection of state and national awards.

The Review notes that (Finding 2), given recent changes in federal politics, and on the basis of SEREG's reputation and track record, the *syt!* programme is well-positioned to take advantage of anticipated increases in the availability of external grants to support effective community (and possibly corporate) emissions reductions initiatives.

Notably, the Review finds (Finding 3) that Corporate greenhouse emissions have increased, in some cases very significantly, despite partner Councils' adopted reduction targets and Corporate Greenhouse Action Plans. 2006/07 re-inventory data advise a serious threat to the achievement of corporate emissions reduction targets.

The Shire's greenhouse gas emissions reduction target of 30% from the 1998/99 baseline inventory year does not match the 18.3% increase derived from the 2006/07 re-inventory.

The Review finds (Finding 6) that the expansion of the *syt!* programme to other Councils, although in its early stages, is proving worthwhile. The project demonstrates good corporate citizenship on the part of SEREG Council's, disseminating the successes of the *syt!* programme and broadening its impact on greenhouse gas emissions reduction beyond the south-east region. It also provides an innovative additional income stream for the continued development and implementation of the *syt!* programme.

The current SEREG administration arrangements, whereby the City of Gosnells manages SEREG/*syt!* programme funds through its budget, administers the employment aspects of the RGC position and provides a passenger vehicle for that position, have been found (Finding 7) to be working well. SEREG has investigated other options, finding none superior.

Finding 1 of the Review provides:

"FINDING 1: Memorandum of Understanding.

The role, function, services and administration of SEREG have evolved beyond those foreseen at its inception. There is a need for a Memorandum of Understanding between partner Councils and SEREG to clarify in one document all aspects of the SEREG partnership, addressing the mutual relations and responsibilities between member Councils and SEREG."

It is considered by the Review that a clear enunciation of roles and responsibilities with regard to SEREG administration is required for all partners in the programme. The Review finds that the role, function, services and administration of SEREG have evolved beyond those foreseen at its inception. It has found that member Council's rely consistently on reference to an historical train of resolutions that establish roles, functions, agreements and other aspects of SEREG's being. The Review has identified the need for the SEREG partnership's essence and detail to be captured in a Memorandum of Understanding (MoU) between partner Council's.

It is recommended that a MoU between the SEREG partner Councils be developed and proposed for consideration by those partners to address Finding 1 of the Review.

The Review finds (Finding 8) that current apportionment of municipal contributions to the programme, based proportionately on an inventory of 1998/99 south east region greenhouse gas emissions data, is closely consistent with current proportional greenhouse gas emissions and remains appropriate. The Review advises that this methodology be retained as the basis for determining each partner Council's proportion of total financial contributions to the *syt!* programme.

The SEREG Business Plans were found (Finding 5) to have proven instrumental in the success of the *syt!* programme; they have been key elements in successful approaches to funding bodies and corporate sponsors, providing security and certainty to partner Council's, project partners and SEREG through the mapping of priority actions and proposed projects for the succeeding 3-year phase of the *syt!* programme and, importantly, provide a detailed Financial Plan.

Finding 9 of the Review provides, though:

"FINDING 9: The current syt! funding model is unsustainable and places the programme at risk.

The current syt! programme funding model as outlined in the 2006/07 – 2008/09 SEREG Business Plan, which provides for only 71% of programme operating costs from secure sources, is considered unsustainable. Although the private sector has been generous to date, this over-reliance on corporate contributions to cover 29% of operating costs, places the programme at an unacceptable risk."

Finding 10 of the Review provides:

"FINDING 10: syt! has reached its capacity for further growth, which threatens the programme's future.

SEREG has, nine years since the regional CCP partnership began, reached its capacity limit for further growth; this is directly attributable to the programme's success and its continued reliance on static staff resources. This situation threatens the programme's future and warrants serious attention."

The Review finds risk in the programme's capacity to maintain current impetus and growth. SEREG has, in its nine-year life, reached its capacity limit for further programme growth. The programme's exponential growth and success has overtaken its fixed human resource capacity. This situation threatens the programme's future and warrants considered attention. The programme has a 100% success rate in applying for grants. It has arrived at a circumstance where it is passing up opportunities for funding and project development.

The Review examined options available to address the risks facing the programme. Although not reproduced in this report, the scenarios presented in the review confirm the risks and critical threats to the programme, as well as a potential model for the resolution of those issues.

A copy of the Switch Your Thinking programme review 2008 is with attachment marked SD082.1/04/08

The Review proposes a new financial and resourcing model based on an increase in annual partner Council funding of the SEREG and *syt!* programme. Under this proposed model, partner Council contributions in 2008/09, as provided in the endorsed SEREG Business Plan 2006/07, would increase in keeping with the current proportional methodology to provide a total of \$23,199. Details are provided in the following table:

	Current 2008/09 Contribution	Proposed 2008/09 contribution	Increase
City of Gosnells	\$28,962	\$39,869	\$10,907
City of Armadale	\$22,279	\$30,630	\$8,351
Serpentine-Jarrahdale Shire	\$10,609	\$14,550	\$3,941
TOTAL	\$61,850	\$85,049	\$23,199

The proposed model would provide for the full coverage of the *syt!* programme's operating costs, including the Regional Greenhouse Coordinator position. It would also "free up" external funds currently utilised to meet the operating cost shortfall which, when matched with \$62,400 of grant funds currently allocated for project management, would enable SEREG to engage a full-time Project Officer entirely from external funds to address the programme's current capacity bottleneck.

The *syt!* Project Officer commenced in March 2008 to assist with current *syt!* programme commitments. Grant monies already secured by SEREG, and on hand at the City of Gosnells, namely, the \$62,400 detailed above, will be used to fund this position for the remainder of 2007/08. A projected annual carry forward amount of around \$50,000 would provide a buffer to the vagaries of private sector funding.

The Review examined several scenarios in the development of this model and found that, even with a 60% reduction in corporate sponsorship, the funds for engagement of the proposed Project Officer position would not, due to the carry forward buffer, be threatened within three years. This is considered sufficient time to provide for contingencies or other planning to address the issue.

The new model is proposed, in addition to addressing the programme's current financial and resourcing risks, as a means of improving partner Councils' capacity through services delivered to partner Councils by the proposed Project Officer position, enhancing their individual efforts to reduce greenhouse gas emissions and their engagement with the imminent "carbon economy".

Finding 11 of the Review provides:

"FINDING 11: An increase in annual partner Council funding of the SEREG and *syt!* programme will address identified critical funding and resourcing threats.

*An increase in annual partner Council funding of the SEREG and *syt!* programme from 2008/09 onwards as follows:*

City of Gosnells	\$10,907
City of Armadale	\$8,351
Serpentine Jarrahdale Shire	\$3,941

Will provide the following benefits:

- *The addressing of a critical threat to the programme's sustainability through the provision of guaranteed funding for core operating costs.*
- *The addressing of a second critical threat to the programme's future through the employment of a full-time Project Officer.*
- *The delivery of important new services to facilitate necessary improvements in the way that partner Councils address energy efficiency and greenhouse gas emissions."*

It is recommended that Council endorse an increase of \$3,941 in its indexed annual contribution to the *syt!* programme, from \$10,609 in the 2008/09 financial year as provided in the endorsed SEREG Business Plan 2006/07 – 2008/09.

It is recommended that Council endorse the *sytl!* programme Review January 2008

Voting Requirements: Simple Majority

SD082/04/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Kirkpatrick

1. That Council endorse the findings of the *switch your thinking!* Programme Review January 2008, and note in particular the success of the *switch your thinking!* programme, the need to continue to grow this successful programme, and the need for action on corporate greenhouse gas emissions.
2. That Council support the development of a Memorandum of Understanding between the South East Regional Energy Group partner Councils.
3. That Council includes for consideration in the 2008/09 budget an increase of \$3,941 to its indexed annual contribution to the *switch your thinking!* programme, from \$10,609 as provided in the endorsed SEREG Business Plan 2006/07 – 2008/09 to \$14,550, subject to the City of Armadale and City of Gosnells providing additional funding as described in the *switch your thinking!* Programme Review January 2008.

CARRIED 10/0

SD083/04/08 PROPOSED PATIO WITH REDUCED SIDE SETBACK – LOT 209 BALLAGAR ROAD, BYFORD (P06327/02)		
Proponent:	New Age Patios	In Brief The applicant seeks planning approval to construct a patio with a reduced side setback of 500mm. It is recommended the proposal is approved subject to demonstrating an alternative setback of 500mm for the poles and 1m for the roof.
Owner:	Nathan Ditchburn	
Officer:	C Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	10 March 2008	
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	

Received : 8 January 2008
 Advertised : Yes
 Submissions : Yes
 Lot Area : 800m²
 TPS. Zoning : Urban Development
 MRS Zoning : Urban
 Byford Structure Plan : Residential R12.5
 Rural Strategy Policy Area : NA
 Rural Strategy Overlay : NA
 Bush Forever : NA
 Date of Inspection: : NA

Background

An application was received by Council on 8 January 2008 proposing a patio be constructed with a reduced side boundary setback of 500mm in lieu of 1.5m

A copy of the site plan is with attachments marked SD083.1/04/08

Sustainability Statement

Resource Implications: *Water Use:* If the proponent were to install rainwater tanks, stormwater could be collected from the roof space and reused on gardens. If no rainwater tanks are proposed this would create additional stormwater that may create retention problems for soakwells.

Use of Local, Renewable or Recycled Resources: Regionally available: The applicant is a business located within the South East Metropolitan area and therefore supports nearby local business

Social – Quality of Life: The proposal creates easier access for the owner as the columns would be located to one side of the garden instead of being in the middle of a walkway

Social and Environmental Responsibility: Based on calculations as per the Residential Design Codes, overshadowing is not an issue with the applicant's proposal, however, overshadowing is reduced if the columns were to be set at 500mm and the roof at 1m.

Social Diversity: The proposed patio does not disadvantage any social or community groups

Statutory Environment: Town Planning Scheme No.2 (TPS 2)

Policy/Work Procedure Implications: Local Planning Policy 17 Residential and Incidental Development

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

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

2. Environment

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

Strategies:

- 3. Encourage protection and rehabilitation of natural resources.
- 5. Reduce green house gas emissions.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes
Object: 1

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A398616	<i>Two previous patios have been approved and one of these is also at 500mm which</i>	The approvals for the previous applications were based on the	Dismiss

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<i>we already objected to but feel this was ignored.</i>	proposal achieving compliance with the Performance Criteria of the Residential Design Codes	
	<i>When we bought our block we were told by the developers that we would be living in a semi rural area. We have 1 acre blocks over the road and all the blocks on our side are 800sqm with 25m frontages. We feel if this patio is also built so close to the fence it will take away our feeling of space. This side of our home is our living area and our alfresco where we like to spend quality time with our family and friends</i>	Redgum Brook Estate is predominantly residential with lot sizes on the Northern side of Ballagar road averaging 800m2 and further to the north lot sizes averaging 500m2 in accordance with the Byford Structure Plan. The southern portion of Ballagar road is Rural Living A, with lot sizes averaging 4000m2. Overshadowing is not an issue as the calculations based on the R-Codes demonstrate minimal impact on adjoining property, however, the minimum expected side setback is 1.5m so this may impede on the neighbour's sense of space.	

Comment:

The proposed 500mm side would still result in minimal overshadowing, however, from their alfresco area, the adjoining neighbour would have a clear view of the gable roof. The potential to reduce this visual impact can be achieved by conditioning the approval to achieve a setback of 500mm for the columns of the patio only and the roof can then achieve a 1m setback.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The proposed gable patio be approved subject to the following conditions:

Special:

1. Only the columns of the patio are to be positioned at a 500mm setback from the side boundary. The roof of the patio is to achieve a minimum setback of 1m from the side boundary.

Standard:

2. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
3. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of

vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of TPS 2.

4. Street trees on verge are not to be pruned or removed.

Advice Note:

1. A building licence is to be obtained prior to commencement of development.

SD083/04/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Randall, seconded Cr Twine

The proposed gable patio at Lot 209 Ballagar Road, Byford be refused as it will adversely impact on the amenity of the adjoining landowner by locating the gable patio within the 1.5 metre side setback area of the property as required by the Residential Design Codes.

CARRIED 8/2

Cr Geurds voted against the motion

SD084/04/08 FINAL APPROVAL OF SCHEME AMENDMENT 155 – REZONING OF LOTS 1 AND 2 ROWLEY ROAD, DARLING DOWNS FROM RURAL TO URBAN DEVELOPMENT (P05052)		
Proponent:	Greg Rowe & Associates	In Brief It is recommended that the Council resolve to adopt Scheme Amendment 155 to rezone Lots 1 and 2 Rowley Road, Darling Downs from "Rural" to "Urban Development" in accordance with the current "Urban" zoning of the land under the Metropolitan Region Scheme. Advertising has been completed and a number of submissions have been received.
Owner:	Deneva Pty Ltd	
Officer:	Meredith Kenny – Coordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	2 April 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 4 October 2006
 Advertised: Yes
 Submissions: 9
 Lot Area: 11.4 hectares
 L.A Zoning: Rural
 MRS Zoning: Urban
 Rural Strategy Policy Area: Residential and Stable
 Rural Strategy Overlay: Nil
 Municipal Inventory: Nil
 Townscape/Heritage Precinct: N/A
 Bush Forever: Nil
 Date of Inspection: 14 November 2006

Background

Proposal

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

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

Subject Land

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

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

Aerial photos of the subject site is with the attachments marked SD084.1/04/08

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

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

A copy of the Wungong Master Plan is with the attachments marked SD084.2/04/08

A copy of the preliminary structure plan for the land to the north and west of Lots 1 & 2 is with the attachments marked SD084.3/04/08

The applicant has submitted a Local Structure Plan (LSP) for the development separately to this application for rezoning. This will be dealt with in a separate report to the Council at a later date. The predominant Residential density coding proposed is R20 with R30/R40 within the 400 metre catchment of the village centre proposed in the Wungong Master Plan and adjacent to the main area of public open space within the centre of the site.

A copy of the LSP submitted by the applicants is with the attachments marked SD084.4/04/08

Previous Consideration by the Council

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

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

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

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

the Serpentine Jarrahdale Shire and the landowner with regard to the realignment of Rowley Road.
CARRIED 9/0”

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

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

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

The plan showing the approved realignment of Rowley Road is with the attachments marked SD084.5/04/08

The proposal was referred back to Council in August 2007 and the Council resolved to initiate the amendment for the purpose of advertising.

The specific provisions to be included in Appendix 16 of TPS 2 are with the attachments marked SD084.6/04/08

The six week advertising period for the amendment has now been completed and this report includes a detailed summary of the submissions received and a recommendation that the amendment be adopted by the Council.

Sustainability Statement

Effect on Environment:

Vegetation

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

Drainage

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

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

The LSP does not identify any additional land for stormwater retention basins and the additional runoff that would result from the subdivision of Lots 1 and 2. Accordingly, this will

need to be addressed at the Structure Plan stage. Specific provisions included in the amendment text reinforce this requirement.

Solar orientation of lots

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

Resource Implications: A significant amount of fill will be required to raise the level of the new lots an adequate distance above the highest known groundwater levels.

Use of Local, renewable or recycled Resources: There is the potential for the sand required for fill to be sourced locally from the existing sand mining operations in Oldbury.

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

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

Statutory Environment:

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

Policy/Work Procedure Implications:

Nil

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The amendment was advertised for a period of 42 days in accordance with the requirements of the Town Planning Regulations 1967 as amended. Six submissions were received from local residents or their representatives.

The amendment was also referred to the following government authorities:

Department of Environment and Conservation	No response
Department of Water	Responded
Armadale Redevelopment Authority	Responded
City of Armadale	Responded
Western Power	Responded
Telstra	No response
Alinta Gas	No response
Western Australian Planning Commission	Responded
Water Corporation	No response
Environmental Protection Authority	Responded

A summary of the submissions received is detailed below:

Submitter	Submission	Officer Comment/Action
City of Armadale	<p>Further to our correspondence dated 12 March 2008, and discussions with Council Officers during early 2007, resulted in advice being given that THE development as shown on Plan T07.032-SH-01 could be supported subject to the following required changes.</p> <ol style="list-style-type: none"> 1. The last access road prior to the intersection Rowley Road and Hopkinson Road to be a “cul de sac”. Reason : being to close to the major intersection may interfere with room for stacking. 2. The newly created 4 – way intersection (Rowley/Hopkinson) may require a different treatment either large roundabout or off-set T-junctions or traffic signals (anticipated traffic volume ≥ 10000 vpd) 3. Renaming of Rowley Road, south (direct link road to Armadale waste facility). 4. Confirmation that “R-60m” curves are suitable for heavy vehicles as previously indicated. 5. Truncation on the corner of Hilbert and Rowley need to be 	<p>The comments provided by City of Armadale predominantly relate to the LSP. As suggested in their submission it is intended to arrange a meeting between Shire staff and the City of Armadale to discuss and resolve the issues relating to the LSP.</p>

Submitter	Submission	Officer Comment/Action
	<p>in place with sufficient additional road reserve – (say 3.0m for future pathway and services).</p> <p>The submitted plan is considerably different to the one referred to above in that :</p> <ol style="list-style-type: none"> 1. Layout of subdivision has changed considerably. 2. Roundabout Rowley Road/Hopkins has been deleted. 3. Additional access road on Hopkinson Road. 4. Roundabout at Hilbert and Rowley as indicated too small for larger vehicle movements. 5. Possible conflict with intersection north side of Rowley Road (new) as requested. <p>It also appears that there may be a proposal to utilise the new and existing Rowley Road reserves for storm water open drains. Exact clarification of this is required in order to fully assess the proposal.</p> <p>Further to all of the above it is suggested that officers from the Shire of Serpentine Jarrahdale, City of Armadale and the Armadale Redevelopment Authority jointly meet to discuss the outstanding issues.</p>	
<p>Armadale Redevelopment Authority</p>	<p>The ARA support the higher residential density adjacent to the future Neighbourhood Activity Centre identified in the Wungong Urban Masterplan and the solar orientation of the lots. A detailed LSP needs to be prepared and sent to the ARA for comment. The interface between the Wungong Urban Water Masterplan area and Lots 1 and 2 Rowley Road; in particular the landscaping and water management of Rowley Road, Hilbert Road and Hopkinson Road will be required to be addressed.</p> <p>The Southern River/Forrestdale, Brookdale/Wungong District</p>	

Submitter	Submission	Officer Comment/Action
	Structure Plan 2001 will have to be updated if the Rowley Road realignment is adopted by the Council.	
Western Power	No objections	Noted
Department of Water	<p>Urban Water Management The DoW encourages integrated land and water planning in accordance with the framework identified in <i>Better Urban Water Management</i> (Essential Environmental Services, December 2007). This document recommends a hierarchy of water management plans to be required at each key stage of the land use planning approvals process. In accordance with this initiative, the Town Planning Scheme Amendment should be supported by a Local Water Management Strategy (LWMS). This LWMS shall be prepared and approved to the satisfaction of the DoW and the Serpentine Jarrahdale Shire prior to final approval of the proposed Structure Plan.</p> <p>Birrega Brook The proposed Structure Plan for the area does not identify the Birrega Main Drain, which runs through the south west portion of Lot 2. A revision of the Structure Plan must be undertaken to ensure that the Birrega Main Drain is contained well within multiple use corridors, with appropriate buffer distances to the proposed roads and lots. It is noted that a realignment of Birrega Main Drain is proposed, however, the Structure Plan also does not clearly indicate where this proposed realignment is to be located.</p>	Scheme text provisions deal with this adequately. Multiple Use Corridor to be dealt with at LSP stage.
Environmental Protection Authority	The EPA considers that the amendment does not require assessment under Part IV Division 3 of the Environmental Protection Act 1986 and that no advice or recommendations are required.	Noted
Taylor Burrell Barnett	Taylor Burrell Barnett represent the Peet Forrestdale Syndicate Ltd and Peet Oakford Land Syndicate Limited who own the land immediately north and west	The submitters support for the scheme amendment is noted. Their submission also raises some detailed issues with regard to the LSP but these have not

Submitter	Submission	Officer Comment/Action
	of Lots 1 and 2 being Lot 1 Hilbert Road and Lot 507 Rowley Road. They do not have any concerns with regard to the adoption of Amendment 155.	summarised as this report deals only with the scheme amendment.
Burgess Design Group	Represent the owners of land to the east of Lots 1 and 2 Rowley Road within the City of Armadale. They do not have any concerns with regard to the adoption of Amendment 155.	The submitters support for the scheme amendment is noted. Their submission also raises some detailed issues with regard to the LSP but these have not summarised as this report deals only with the scheme amendment.
Resident submission 1. Rowley Road rural area in Serpentine Jarrahdale Shire	Objects to the proposal. Wishes to remain in a rural area. The proposal is far too dense for the area. Approximately 188 homes will be created.	The Council is required by law to bring the Shire's Town Planning Scheme into compliance with the Metropolitan Region Scheme (MRS). Therefore as the land is zoned Urban under the MRS it is necessary for the equivalent zoning to be applied to the TPS. Issues relating to the transition between this new development and the rural area to the south can be addressed through design at the LSP stage. Possible measures that can be put in place to address this issue include the location of public open space between development of Lots 1 and 2 and the existing rural properties to the south. The Wungong Structure Plan, which covers land under the control of the Armadale Development Authority to the north of Lots 1 and 2, proposes a Neighbourhood Shopping centre at the intersection of Rowley and Hopkinson roads directly opposite Lots 1 and 2. Rowley Road and the roads adjoining the new neighbourhood centre will contain public transport nodes. Accordingly, it is necessary to have an appropriately dense residential area around these centres to provide a catchment.
Resident submission 2. and 4. Rowley Road rural area in Serpentine Jarrahdale Shire	Objects to the proposal. The newly formed roads should only have through access to the new northern portion of Rowley Road and not the existing southern portion of the road. The densities proposed are too high. The public open space should be located along the southern alignment of Rowley Road (existing constructed road) to serve as a buffer between the new	See above comments.

Submitter	Submission	Officer Comment/Action
	development and the existing rural development to the south.	
Resident submission 3. City of Armadale resident	Objects to the proposed rezoning. Submitter built in Brookdale to move to the spacious rural character area. The size of the lots proposed will have an adverse effect on the area and our estate's appealing design. Rowley Road is not equipped to deal with such high density population and the traffic increases that will result. Safety and security is an issue as they only have rural post and rail fencing and more people will know where they live. The proposal does not meet the Shire's values of rural character, diverse lifestyle and natural beauty. Brookdale should remain unique and different from Byford. A petition containing a large number of names was also attached to this submission.	Structure planning carried out by the Armadale Redevelopment Authority for the Brookdale area provides for the redevelopment of the area into an urban locality for a population of approximately 40,000 people. Rowley Road is identified as a District Distributor road with a capacity of 10,000 vehicles per day by that structure planning. As development progresses Rowley Road will be upgraded and widened to meet this need.

Comment:

Metropolitan Region Scheme (MRS)

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

There are sufficient provisions existing in TPS 2 in relation to the Urban Development zone to ensure that development of the land for urban purposes could not occur until the required structure plan has been prepared and adopted by the Council and endorsed by the Western Australian Planning Commission. In this regard clause 5.17 of TPS2 states that development within the Urban Development zone will be facilitated by means of establishment of Structure Plans to ensure that development takes place in conformity with those Plans. The amendment does, however, include the insertion of provisions in Appendix 16 of TPS 2 to clearly outline the elements and detail the structure plan must address.

Conclusion

It is recommended that the Council grant final approval to Amendment 155 and rezones Lots 1 and 2 Rowley Road, Darling Downs from "Rural" to "Urban Development" to achieve consistency with the "Urban" zoning of the land under the MRS.

Voting Requirements:

ABSOLUTE MAJORITY

Officer Recommended Resolution:

That Council

1. Adopt Amendment No. 155 to TPS 2 without modification and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
2. Advise the submissioners:
 - a) Of Council's decision with regard to Amendment 155; and
 - b) That the LSP will be considered at a later Council meeting, they will be advised of the date at which the LSP is to be considered and that their submissions in this regard will be addressed at that time.

Committee Recommended Resolution:

That Council

1. Adopt Amendment No. 155 to TPS 2 without modification and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
2. Advise the submissioners:
 - a) Of Council's decision with regard to Amendment 155; and
 - b) That the LSP will be considered at a later Council meeting, they will be advised of the date at which the LSP is to be considered and that their submissions in this regard will be addressed at that time.
3. Advise the applicant that Council will require the Birrega Brook also known as the Birrega Main Drain is to be retained in its present course. The public open space is to be achieved by allocating 50 metres each side of the Birrega Brook as public open space along its present length from Rowley Road to Hopkinson Road.

SD084/04/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Price

That Council

1. **Adopt Amendment No. 155 to TPS 2 without modification and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and**
2. **Advise the submissioners and the WAPC:**
 - a) **Of Council's decision with regard to Amendment 155; and**
 - b) **That the LSP will be considered at a later Council meeting, they will be advised of the date at which the LSP is to be considered and that their submissions in this regard will be addressed at that time.**
3. **Advise the applicant, submissioners and the WAPC that Council will require the Birrega Brook also known as the Birrega Main Drain is to be retained in its present course. The public open space is to be achieved by allocating 50 metres each side of the Birrega Brook as public open space along its present length from Rowley Road to Hopkinson Road.**

CARRIED 10/0 ABSOLUTE MAJORITY

Council Note: The Committee Recommended Resolution was amended by adding 'and the WAPC' to part 2 and 'submissioners and the WAPC' to part 3.

SD085/04/08 PROPOSED PLACEMENT OF RELOCATED DWELLING ON LOT 352 OLD DAIRY COURT, OAKFORD (P05581/03)		
Proponent:	G Leathendale	In Brief Relocated (secondhand) dwelling to be placed on property. Approval is subject to conditions is recommended.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	2 April 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 14 March 2008
 Advertised: Not required
 Submissions: N/A
 Lot Area: 2.28 hectares
 MRS Zoning: Rural
 L.A Zoning: Special Use – Conservation Living
 Use classification: Dwelling - Permitted
 Rural Strategy Policy Area: Conservation - Private
 Municipal Inventory: Nil
 Townscape/Heritage Precinct: N/A
 Bush Forever: Nil
 Date of Inspection: 18 March 2008

Background

The subject site is located within the Old Dairy Court Special Use – Conservation Living Zone. The property contains scattered remnant vegetation but is not one of the lots containing the Priority Habitat Flora and Fauna restrictions. The only road frontage to the lot is a battleaxe access leg.

Planning approval was granted on 5 March 2008 for relocation of the building envelope (to enable retention of some trees in the existing building envelope) and construction of a shed.

Proposal

An application for Planning Approval has now been submitted for the placement of a secondhand building on the property for conversion to a dwelling. The building currently exists on another property in the Shire and was approved for use for a home occupation and games room in 2005.

It is intended to extend the building and convert it to a residence once it is located on Lot 352.

Site and elevation plans, photographs of the building and an aerial photo of the subject site is with the attachments marked SD085.1/04/08

Sustainability Statement

Effect on Environment:

Vegetation

Minimal clearing of low undergrowth within the building envelope will be required to accommodate the dwelling, effluent disposal system and water tank. The previously approved modification of the building envelope means that some larger trees that were previously inside the envelope are now outside. Pruning of some trees may be required to allow delivery of the building on site.

Solar orientation

The theatre, study and one bedroom will have north facing windows. The main living/meals/kitchen area will have windows facing east and south. The remaining bedrooms will face east. The outdoor alfresco area will have solar access from only the south and the east. Overall it is considered that the dwellings solar access is poor and the dwelling should be reoriented on the site to achieve better solar access to the main living/meals area and the alfresco area.

Colours and materials

The walls of the building are proposed to be clad in colorbond materials in the shade deep ocean. The existing shed is constructed of this colour. Deep ocean is a dark blue that actually blends into the environment better than some of the greens, creams and other lighter colours in the colorbond shades. The roof is proposed to be zincalume and other roofs in this estate are the same colour. This colour is also very energy efficient. The site is not elevated, the roof is quite low pitched and also remnant vegetation screens the site from the street so it will not cause glare problems or be overly visually intrusive.

Resource Implications: A raised sand pad of approximately 600mm-1 metre may be required to raise the level of the house an adequate distance above the highest known groundwater levels.

Economic Viability: The relocation and re-use of secondhand buildings is economically viable by virtue of the recycling that would take place.

Social – Quality of Life: The relocated dwelling can be adequately upgraded and extended to provide good quality of life for the future occupants. Refusal of the application may reduce the ability of the landowners to build a house on the property due to economic constraints.

Statutory Environment: Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications: BWP3 – Relocated Dwellings

Financial Implications: Nil

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

1. People and Community

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

2. 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.

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required.

Comment:

The requirements of Council Work Procedure BWP3 Relocated Dwellings are detailed below along with an assessment of how this proposal does or could meet those requirements:

BWP3 – Relocated Dwellings	Comment
1. <i>All applications for relocated dwellings will be referred to Council for determination.</i>	Complies
2. <i>A minimum floor area of 110m² is required for the dwelling.</i>	The extensions proposed to the dwelling will increase the floor area to 110m ² (currently only 88m ²). However, the applicants have expressed an intention to seek separate Building Licences for firstly, the placement of the existing building on site and secondly, the extensions to the building. This is not acceptable as it could lead to the extensions not being carried out. Accordingly, a condition has been included in the recommendation requiring a single Building Licence application for the complete building shown on the plans submitted with the Development Application.
3. <i>Verandahs or other treatments may be required by Council in order to:</i> a) <i>Improve the solar efficiency of the dwelling;</i> <i>and/or</i> b) <i>Ensure the dwelling is in keeping with the amenity of the area</i>	Verandahs have been added to the northern, western and eastern sides of the main living section of the dwelling (living, meals, kitchen, theatre, study and third bedroom). Except for the alfresco area the verandahs are only 1.8m deep so will provide protection from summer sun whilst allowing light to penetrate in winter.
4. <i>All plans and specifications as required by the Building Regulations, as well as</i>	Applicable at the Building Licence stage.

BWP3 – Relocated Dwellings	Comment
<i>photographs and engineers certification must be provided to the Principal Building Surveyor upon application for a building licence.</i>	
5. <i>Landscaping may be required to reduce the visual impact of relocated dwellings at the discretion of Council.</i>	The site is adequately covered with remnant vegetation and in particular this vegetation provides screening of the site from the street. Also adjoining lots contain significant existing vegetation along the fencelines that restrict views into the site from other lots.

Appendix 2 of TPS 2 contains provisions relating to the construction of dwellings in the Old Dairy Court Special Use – Conservation Living Zone. The specific provisions will be included as conditions of approval.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council approves the application for approval to commence development of a secondhand dwelling with additions and modifications to that dwelling on Lot 352 Old Dairy Court, Oakford subject to the following conditions:

1. Lodgement of a bond of \$5000 to the Shire prior to issue of a Building Licence for the dwelling.
2. Re-orientation of the dwelling on the site such that the main living/meals area and the alfresco area face north to achieve better passive solar access to these main indoor and outdoor living areas, to the satisfaction of Director Development Services.
3. A water tank with a minimum capacity of 92 000 litres is to be provided on site, which may be supplied from underground supplies or rainwater storage system to the satisfaction of the Shire.
4. No development, other than fencing, is permitted outside the area defined as the “building envelope” on the Subdivision Guide Plan for this estate.
5. The colours and materials used in the construction of the dwelling shall comply with the schedule attached to and forming part of this approval unless otherwise approved in writing by the Shire.
6. Solid fencing such as masonry, fibro cement, timber lap and colourbond is not permitted on lot boundaries or within the lot. Fencing used within the lot to contain domestic pets or children is to be open style wire mesh or hedging.
7. The dwelling is to be 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 Environmental and Conservation, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
8. No indigenous vegetation or trees shall be destroyed or cleared except, where the landowner obtains prior consent in writing of the Council, where such vegetation is dead, diseased or the clearing is required for the purpose of a firebreak, approved dwelling, approved outbuilding, fence, drainage or effluent disposal systems, driveways and/or to accommodate approved land uses.
9. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.

Advice Note:

1. A Building Licence is to be obtained prior to commencement of development.

2. Plans submitted for the purpose of obtaining a Building Licence for this dwelling must comply with this approval and cover all works shown on the approved plans or required by a condition of this approval.
3. Keeping of cats is prohibited in this estate.
4. Keeping of dogs in this estate is prohibited except where the building envelope is appropriately fenced to contain the dog(s).

SD085/04/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price, seconded Cr Brown

That Council approves the application for approval to commence development of a secondhand dwelling with additions and modifications to that dwelling on Lot 352 Old Dairy Court, Oakford subject to the following conditions:

1. **Lodgement of a bond of \$5000 to the Shire prior to issue of a Building Licence for the dwelling.**
2. **Re-orientation of the dwelling on the site or appropriate redesign of the dwelling with specific reference to the main living/meal areas to achieve passive solar access to the satisfaction of Director Development Services, prior to the issue of a Building Licence.**
3. **A water tank with a minimum capacity of 92 000 litres is to be provided on site, which may be supplied from underground supplies or rainwater storage system to the satisfaction of the Shire.**
4. **No development, other than fencing, is permitted outside the area defined as the “building envelope” on the Subdivision Guide Plan for this estate.**
5. **The colours and materials used in the construction of the dwelling shall comply with the schedule attached to and forming part of this approval unless otherwise approved in writing by the Shire.**
6. **Solid fencing such as masonry, fibro cement, timber lap and colourbond is not permitted on lot boundaries or within the lot. Fencing used within the lot to contain domestic pets or children is to be open style wire mesh or hedging.**
7. **The dwelling is to be 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 Environmental and Conservation, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.**
8. **No indigenous vegetation or trees shall be destroyed or cleared except, where the landowner obtains prior consent in writing of the Council, where such vegetation is dead, diseased or the clearing is required for the purpose of a firebreak, approved dwelling, approved outbuilding, fence, drainage or effluent disposal systems, driveways and/or to accommodate approved land uses.**
9. **All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.**

Advice Notes:

1. **A Building Licence is to be obtained prior to commencement of development.**
2. **Plans submitted for the purpose of obtaining a Building Licence for this dwelling must comply with this approval and cover all works shown on the approved plans or required by a condition of this approval.**
3. **Keeping of cats is prohibited in this estate.**
4. **Keeping of dogs in this estate is prohibited except where the building envelope is appropriately fenced to contain the dog(s).**

CARRIED 10/0

SD088/04/08 FINAL ADOPTION OF SCHEME AMENDMENT NO. 154 – LOT 12 GULL ROAD, SERPENTINE (P02366/05)		
Proponent:	Cardno BSD on behalf of R Belyea	In Brief Report on outcome of public consultation with regard to Scheme Amendment No. 154 to rezone Lot 12 Gull Road, Serpentine from 'Rural' to 'Farmlot' under the provisions of Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2 (TPS 2). It is recommended that the amendment be adopted subject to modification.
Owner:	R Belyea	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	31 March 2008	
Previously	SD054/11/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 4 April 2006
 Advertised: Yes
 Submissions: Yes
 Lot Area: 14.18 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Farmlot
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: Bush Forever site 371 within property
 Date of Inspection: 1 June 2006

Background

At the Ordinary Council Meeting held on 27 November 2006, Council resolved to initiate Amendment No.154. The scheme amendment was advertised (including referrals to government agencies and service authorities) in accordance with the requirements of the Planning and Development Act 2005. The outcome of the advertising and referral process is included in this report.

A copy of the subdivision guide plan adopted by Council in 2006 is with attachments marked SD088.1/04/08

A copy of the latest subdivision guide plan modified in accordance with Council's resolution is with attachments marked SD088.2/04/08

Sustainability Statement

Effect on Environment: Rezoning of the property to Farmlot and the subsequent subdivision will enable the preservation, rehabilitation and enhancement of the Bush Forever areas on the site, the 'Conservation Category' and 'Resource Enhancement' wetland and the Serpentine River foreshore. The requirements for the preparation of a Foreshore Management Plan and a Vegetation Management Plan will enhance the existing remnant vegetation on the site and enable revegetation of the site. This will assist in biodiversity and enable the protection of existing animal and bird habitats and the provision of additional habitats.

Revegetation of the property will also assist in reducing nutrient leaching into groundwater sources and assist in protecting against salinity.

As required by Council prior to final approval of the amendment, a drainage management plan was prepared which will enable the modification of existing drainage channels, which currently drain directly into an existing dam on the property and then into the Serpentine River. This will assist in reducing the current nutrient input from the property directly into the Serpentine River.

Economic Viability: The proposal will preserve and enhance biodiversity (through revegetation, weed management, foreshore management), reduction of land and waterway pollution (through better drainage management, the use of Alternative Treatment Units (ATU's) for effluent disposal and the implementation of land use controls).

Economic Benefits: The subdivision will ensure the upgrading of a portion of Gull Road to current standards at no cost to the community.

Social – Quality of Life & Social Diversity: The rezoning and subdivision of the property will enable the current owners to remain on the property on a smaller more manageable lot.

Social and Environmental Responsibility: Not applicable

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

Policy/Work Procedure Implications: LPP4 – Revegetation
LPP6 – Water Sensitive Design
LPP9 – Multiple Use Trails within the Shire

Financial Implications: Nil

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

- 1. People and Community**
Objective 1: Good quality of life for all residents
Strategies:
 5. Value and enhance the heritage character, arts and culture of the Shire.
- 2. Environment**
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
 1. Increase awareness of the value of environmental requirements towards sustainability.
 3. Encourage protection and rehabilitation of natural resources.
 6. Value, protect and develop biodiversity.*Objective 2: Strive for sustainable use and management of natural resources*
Strategies:
 1. Implement known best practice sustainable natural resource management.

Environmental Protection Authority (EPA)

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

Community Consultation

The amendment was advertised for public comment and referred to relevant government authorities for 42 days. Adjacent landowners were advised in writing of the proposed scheme amendment and notices were placed on Council's notice boards. An advertisement was also placed in the Examiner newspaper on 5 April 2007 with the advertising period closing on 17 May 2007. Resulting from this, five submissions from government referral authorities and one public submission was received.

A schedule of submissions is with the attachments marked SD088.3/04/08

No comments were received from the Department of Health, Telstra, Alinta Gas, the Bush Forever Office or the Fire and Emergency Services Authority (FESA).

Comment:

Drainage Management

The main outstanding issue with respect to this rezoning application has been in relation to drainage management. Part G of the previous Council resolution stated that:

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

On the 10 August 2007, Cardno BSD submitted to the Shire drainage advice for the consideration and approval of Council's Engineers. The advice was prepared on the premise that the proposed amendment will ultimately result in the creation of only two additional lots. The future land use of the lots was unknown but would be required to comply with the provisions of Council's scheme.

The drainage advice submitted to Council described the existing characteristics of the subject lot, the existing drainage qualities and the proposed drainage plan summary. The drainage strategy proposed that stormwater runoff be facilitated by sub-soil drains. The applicant states that sub-soil drains enhance the filtration qualities of the site and direct the surface water from the site into existing stormwater flow patterns. The proposed drainage design makes provisions for metal bedding to be laid under open drains. Metal bedding increases permeability of the drain and improves infiltration and nutrient stripping capabilities.

Engineering Comment

An initial assessment of the Drainage Management Plan indicated that the plan should not be supported for three main reasons. These reasons were as follows:

1. The proposed use of drainage swales should not be supported on the premise that the artificial drains are discouraged through the Minister for Environment's statutory moratorium affecting the Peel Harvey Catchment. However, some discretion is available if adequate measures are taken to strip nutrients from the conveyed water. No such measures are detailed in the drainage plan.
2. By seeking to attenuate the 100 year peak flow through the construction of a swale, the proposal to construct a sub surface pipe with a drain structure will increase the lateral movement of water to a rate above predevelopment conditions. This will result in surface and subsurface water reaching the Serpentine River at a faster rate.

3. The proposed change in zoning of the land will change the type and intensity of land use undertake, which will subsequently result in a increase in nutrient export to the Peel Harvey estuary.

In response to these initial concerns from the Shire, the applicant provided the following justification as to why the drainage management plan should be supported in its current form.

1. *Nutrient stripping measures including soil amendment may be considered at a later stage of the development process. Until a change in land use is proposed it would be inappropriate to assume, at this stage in development process, what additional nutrient stripping measures may be required.*
2. *Based on the calculations from Cardno BSD's engineering division, the slotted pipe and metal base will improve filtration prior to water recharging to the Serpentine River. Pre-development flows will not increase to levels exceeding the current volume of recharge.*
3. *Given that Amendment 154 does not propose to modify the land use (this would be achieved through a development application) and the land uses permitted within the Special Provisions relating to this zone are more restrictive than permitted within the prevailing Rural zone, the nutrient export to the Serpentine River will not increase as a direct consequence of the proposed amendment. The uses that will no longer be permitted upon gazettal of Amendment 154 are likely to increase nutrient discharge at a far higher rate than the uses that will be permitted or discretionary as a result of the proposed amendment.*

Officer Comment

The Drainage Management Plan that was submitted by the applicant in August 2007 has since been reassessed by Council's Manager Engineering. The Manager advises that although additional investigation and explanation of the drainage system is required, the drainage management plan in its current form can be supported as the risks are considerably low in the development and there are adequate controls within the draft scheme provisions to address any problems. To help address the issue of nutrient management on the land, it is suggested that draft scheme provision 14 be reworded to require the preparation of a 'Drainage and Nutrient Management Plan' as opposed to a 'Drainage Management Plan' as currently contained within the provision. This recommended rewording will be included within the officer recommendation and is as follows:

14. *The subdivider preparing a Drainage and Nutrient Management Plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of Council. Additionally, no additional stormwater created as a result of the proposed subdivision and development shall be discharged to the Serpentine River.*

In summary, the Drainage Management Plan as submitted satisfies part G of Council's previous resolution and is therefore satisfactory to allow for the finalisation of Amendment No. 154.

Access & Road Reserve

The issue with regard to access to the proposed new lots was discussed at the previous Council meeting held on 27 November 2007. The original subdivision guide plan which accompanied the draft amendment proposed adjoining 4 metre wide battle-axe legs to service proposed Lots 2 and 3 with Lot 1 being accessed directly via Gull Road. The construction of the battle-axe legs was not supported and Council resolved that a 10 metre wide road reserve with cul-de-sac head and compensating basin be constructed. This requirement was based on the rationale that if the adjoining Lot 11 to the east is rezoned, the remaining 10 metre road reserve will be required on the western edge of the property to

allow for an eventual 20 metre road reservation to be constructed providing access to all lots except those that front directly onto Gull Road.

The applicant expressed concern with respect to the requirement for a 10 metre wide road reserve to be constructed. The applicant has requested that the Council resolve to modify the Subdivision Guide Plan to depict adjoining 4 metre wide battle-axe legs as originally proposed in favour of the highly onerous and prohibitive 10 metre wide road reserve which could render the proposal unviable. The applicant states that the cost of constructing the assumed pavement width of 6.0 metres would be too prohibitive on the owner and would make the subdivision unfeasible.

A copy of the applicants submission is with attachments marked SD088.4/04/08

Officer Comment

Although the timing of development on the adjoining Lot 11 is unknown, the provision of a 10 metre wide road reserve as detailed as part of the Officer Recommendation will help facilitate the eventual construction of a 20 metre road reserve to service both Lot 12 and Lot 11. The construction of a road is favoured over adjoining battle-axe legs as the road will eventually service five lots if Lot 11 is subdivided to its maximum potential. The construction of a cul-de-sac with a compensating basin will cater for vehicle turn around and stormwater runoff. Battle-axe lots are not favoured by the Shire due to fire risk with houses being located at the rear of long, narrow battle-axe driveways.

The requirement for a 10 metre wide road reservation as discussed in the previous Council report is still supported by Council officers. This road reservation is shown on the modified subdivision guide plan that is subject to this report. It is recommended that the requirement for a road reservation, as opposed to adjoining battle-axe legs, be supported by Council.

It is noted that the construction standards for the road into the subdivision have not yet been determined. It cannot be assumed by the applicant that the road will be a 6 metre wide sealed pavement standard at this time.

Building Envelopes

As noted in the Schedule of Submissions, a public submission was received recommending that the building envelope on proposed Lot 2 be relocated to a more suitable position. The reason for the suggested relocation is to increase the separation distance between the proposed envelope and the adjoining rural activities to the west.

Officer Comment

The suggested relocation of the building envelope on proposed Lot 2 is supported.

Conclusion

It is therefore recommended that the scheme amendment to rezone Lot 12 Gull Road, Serpentine be adopted by Council subject to modifications to the Subdivision Guide Plan and scheme report.

Voting Requirements: Simple Majority

SD088/04/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Price

- A. Council endorses the schedule of submissions prepared in respect of Amendment No. 154 to Shire of Serpentine-Jarrahdale TPS 2.**
- B. The amendment report and Subdivision Guide Plan be modified as follows:**

1. **Modifying the building envelope location on proposed Lot 2 to be setback 23 metres from the western property boundary.**
2. **Modifying provision 11 as follows:**

The subdivider shall prepare and implement prior to subdivision, a landscape and foreshore management plan to the satisfaction of Council in consultation with the Department of Water.

3. **Modifying provision 14 as follows:**

The subdivider preparing a Drainage and Nutrient Management Plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of Council. Additionally, no additional stormwater created as a result of the proposed subdivision and development shall be discharged to the Serpentine River.

C. Subject to B above, to the satisfaction of the Director Development Services, Council resolves pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale TPS 2 be amended as described below:

1. **Rezoning Lot 12 Gull Road, Serpentine from “Rural” to “Farmlet”.**
2. **Amending the Scheme map accordingly by delineating Lot 12 Gull Road, Serpentine within the Farmlet Zone and identifying it as F12.**
3. **Including Lot 12 Gull Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:**

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
<p>12. Lot 12 Gull Road, Serpentine</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 government agencies 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</p>

(a) SPECIFIED LOCALITY	AREA OF	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>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 Conservation and with the base of the system or the modified irrigation area being the required distance above the 10 year flood level and the highest known water table.</p> <ol style="list-style-type: none"> 4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council. 5. A minimum habitable floor level of 27.00m AHD is required for any new dwelling. 6. All new buildings and structures to be constructed in accordance with AS 3959-1999 “Construction of buildings in bushfire-prone areas”. 7. All development including filling and buildings is to be located outside of the floodway. 8. 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. 9. 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 dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways to accommodate a “Rural Use”. 10. The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner. 11. The subdivider shall prepare and implement prior to subdivision, a Landscape and

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>Foreshore Management Plan to the satisfaction of the Council in consultation with the Department of Water.</p> <p>12. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>13. The subdivider shall prepare and implement a Fire Management Plan prior to subdivision that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the Council.</p> <p>14. The subdivider preparing a Drainage and Nutrient Management Plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of Council. Additionally, no additional stormwater created as a result of the proposed subdivision and development shall be discharged to the Serpentine River.</p> <p>15. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements and reserves required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>16. 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. The subdivider to construct a stock proof fence along the northern</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>boundary of proposed Lot 3 to protect the existing foreshore reserve.</p> <p>17. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>18. Multiple Use Trails within the foreshore reserve adjacent to the property shall be constructed by the subdivider prior to subdivision in accordance with the endorsed Subdivision Guide Plan.</p> <p>19. The subdivider to upgrade Gull Road where it abuts Lot 12 to the satisfaction of Council.</p>

D. The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning and Infrastructure.

CARRIED 10/0

SD089/04/08 PLANNING INFORMATION REPORT			
Proponent	Director Development Services	In Brief	Information Report.
Officer	Nadine Ellis – Development Services Support Officer		
Signatures – Author:			
Senior Officer:	Brad Gleeson - Director Development Services		
Date of Report	2 April 2008		
Previously			
Disclosure of Interest			
Delegation	Council		

SD089.1/04/08 PLANNING SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is with the attachments marked SD089.1/04/08

SD089.2/04/08 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Property & Development	Decision
26/02/08	Lot 1,2,3,8 and 9 Abernethy Road and Orton Road, Byford – Subdivision	Approved
26/02/08	Lot 5,6 and 7 Warrington Road, Lot 22 and 132 Doley Road, Lot 1 and 21 Abernethy Road and Lot 5 Lawrence Way, Byford – Subdivision	Approved

Date Issued	Property & Development	Decision
04/03/08	L1 Transit Road, Jarrahdale – Transportable Building & Verandah	Approved
05/03/08	L605 Bruns Drive, Darling Downs – Swimming Pool	Approved
06/03/08	L569 Lychee Place, Byford – Proposed subdivision	Approved
10/03/08	L137 Howitzer Turn, Byford – Single House	Approved
11/03/08	L464 Araucaria Boulevard, Byford – Patio	Approved
14/03/08	L52 Jersey Road, Oakford – Shed (overheight)	Approved
17/03/08	L53 McKenna Drive, Cardup – Stables & Keeping of Horses	Approved
17/03/08	L319 Sweets Link, Byford – Patio	Approved
19/03/08	L20 Old Brickworks Road, Byford – Shade Sail	Approved
19/03/08	L28 Gibson Top Road, Oakford – Swimming Pool	Approved
19/03/08	L205 Benalla Crescent, Byford – Patio	Approved
19/03/08	L179 Quiberon Link, Byford – Shed	Approved
19/03/08	L102 Park Road, Byford – Patio	Approved
19/03/08	L7 Keirnan Street, Mundijong – Patio and additions to house	Approved
19/03/08	L162 Tulloch Way, Darling Downs - Stables	Approved
19/03/08	L234 Cardup Siding Road, Byford – Single dwelling	Approved
19/03/08	L13 Wattle Road, Serpentine – Shed	Approved
19/03/08	L10 Craddon Road, Oakford – Modification of Building Envelope	Approved
25/03/08	L605 Bruns Drive, Darling Downs – Patio	Approved
25/03/08	Lot 164 Shell Vista, Byford – Single Dwelling	Approved
25/03/08	Lot 3 Orton Road, Oldbury – Single Dwelling	Approved
26/03/08	L103 Gadd Avenue, Byford – Patio	Approved
26/03/08	Lot 9009 South Western Highway, Byford	Approved
26/03/08	L204 Scarpview Drive, Serpentine – Shed (outside building envelope)	Approved
27/03/08	Lot 2 South Western Highway, Whitby – Private Recreation Two Day Motorcycle Track Event	Approved
27/03/08	Lot 259 MacLeod Close, Byford – Shed (outside building envelope)	Approved
27/03/08	L2 Empire Rose Court, Darling Downs – Shed (oversize) and Keeping of Horses	Approved
27/03/08	L207 Alexander Road, Byford – Patio with side setback variation	Approved
27/03/08	L184 Mader Road, Mundijong – Additions to existing Single House	Approved
27/03/08	L96 Knoop Drive, Byford – Patio	Approved
27/03/08	L16 Lefroy Street, Serpentine – Shed (oversize and outside building envelope)	Approved
27/03/08	L37 Algeri Link, Oakford – Shed (overheight by 100mm)	Approved
27/03/08	L83 Fairbairn Road, Serpentine – Modification of Building Envelope	Approved
27/03/08	L15 Millbrook Close, Jarrahdale – Patio	Approved
27/03/08	L100 Gadd Avenue, Byford – Patio	Approved
27/03/08	L101 Gadd Avenue, Byford – Patio	Approved
27/03/08	L8 Fielder Road, Serpentine – Horse Shelters (outside building envelope) and Keeping of Horses	Approved
27/03/08	L11 Nettleton Road, Karrakup – New Main Dwelling and conversion of existing dwelling to Rural Workers Accommodation	Approved
27/03/08	L168 Vickers Pass, Byford – Patio	Approved
27/03/08	L245 Bilya Avenue, Mardella – Swimming Pool	Approved
27/03/08	L220 Benalla Crescent, Byford – Patio	Approved
27/03/08	L128 Evelyn Street, Mundijong – Patio	Approved

Date Issued	Property & Development	Decision
27/03/08	L185 Mader Road, Mundijong – Patio	Approved
27/03/08	L241 Bilya Avenue, Mardella – Swimming Pool	Approved
27/03/08	L203 Scarpview Drive, Serpentine – Water Tank	Approved
27/03/08	L14 Tuart Road, Oakford – Patio	Approved
27/03/08	L106 Cook Close, Jarrahdale – Shed	Approved
27/03/08	L102 King Road, Oakford – Additions to existing dwelling and Ancillary Accommodation	Approved
28/03/08	L11 Tuart Road, Oakford – Home Business	Approved
02/04/08	L64 (5) Gadd Avenue, Byford – Swimming Pool	Approved

SD089.3/04/08 CONCEPT FORUM – APRIL AGENDA ITEMS

ITEMS FOR PRELIMINARY DISCUSSION	
1	January Compliance Matters Report (<i>Tony Turner</i>)
2	Development Assessment Unit and Statutory Assessment Unit meetings held on 20 March 2008

General Business

- Oakford Rural Village – Concept forum presentation.
Attendees: Stephen Kargotich, Trevor Moran, David Horn, Troy Rodrigues and Leah O'Brien.

SD089.4/03/08 SUBDIVISION DETERMINATION – WA PLANNING COMMISSION

Lot 9010 South Western Highway, Byford (S136499)

Owner: Bradwell Pty Ltd
 Proposal: 16 Residential Lots 465m² – 570m², 1 Commercial Lot 5983m²
 L.A.Decn: Approved
 WAPCDecn: Approved

SD089/04/08 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Price, seconded Cr Harris
That Council accepts the April 2008 Planning Information Report with the following corrections as identified at the Committee meeting:

Date Issued	Property & Development	Decision
26/02/08	Lot 1,2,3,8 and 9 Abernethy Road and Orton Road, Byford – Subdivision	Refused
26/02/08	Lot 5,6 and 7 Warrington Road, Lot 22 and 132 Doley Road, Lot 1 and 21 Abernethy Road and Lot 5 Lawrence Way, Byford – Subdivision Referral	Refused
26/03/08	Lot 9009 South Western Highway, (Byford by the Scarp Stage 5) – Subdivision Referral	Approved

CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM030/04/08		REQUEST TO MODIFY PLANNING CONDITION - PROPOSED HIGH SCHOOL – LOT 1 BISHOP ROAD (CORNER SOLDIERS ROAD), MUNDIJONG (P07536/01)
Proponent:	Serpentine Jarrahdale Grammar School Inc.	In Brief Applicant requests modification of a condition of approval for the High School relating to specifications for construction of noise attenuation bund. It is recommended that the condition be amended.
Owner:	As above	
Officer:	Meredith Kenny - Co-ordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 April 2008	
Previously	OCM018/01/08	
Disclosure of Interest	The Manager Community Emergency Management (MCEM) declared an interest of association in relation to this report as his son will be attending the School from 2008 and the MCEM provided comment with regard to Emergency Management requirements for the school.	
Delegation	Council	

Date of Receipt: 22 April 2008
 Advertised: N/A
 Submissions: N/A
 Lot Area: 7 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Municipal Inventory: Not listed
 Townscape/Heritage Precinct: Nil
 Bush Forever: Nil
 Date of Inspection: 9 October 2007

Background

Council granted conditional planning approval for the High School at the meeting held on 29 January 2008 (refer OCM018/01/08).

Proposal

Condition 22. of that approval is as follows:

22. *Noise attenuation measures recommended in the report entitled “Railway Noise and Vibration Preliminary Assessment” prepared by Gabriel Environmental Design dated 14 December 2007, lodged with the Shire by the applicant are to be implemented prior to the commencement of operation of the school including:*
- a) *Separation of noise sensitive development from noise source as per the revised site plan dated 12 December 2007.*
 - b) *Construction of a 4 metre high earthen bund with dense landscaping on top of the bund, between classroom buildings and the railway as shown on the revised site plan dated 12 December 2007.*

- c) *Noise amelioration through building design as contained in Section 3.3 of the above report.*

The applicant requests that condition 22 be amended to allow the height of the earthen bund to be reduced to 3 metres with a 2 metre solid wall on top and the wall screened by dense vegetation.

A copy of the detailed drawings of the modified bund and fence is with the attachments marked OCM030.1/04/08 (IN08/4553).

Sustainability Statement

Effect on Environment: There will not be any adverse effect on the environment as a result of the modification of this condition.

Resource Implications and Use of local, renewable or recycled Resources: There are limited supplies of sand suitable for clean fill in Perth as most existing sand mining sites close to the City will be exhausted in a few years time. The reduction of the height of the bund will reduce the amount of sand required to construct the bund. This will also reduce the number of truck movements from sand supplies to the site and back and therefore it will be beneficial in reducing greenhouse gas emissions generated during the construction of this development.

Social – Quality of Life: It is not considered that the modification of the condition will have any negative impacts on the quality of life of any nearby residents. The modified bund will still achieve the level of noise attenuation (or better) than the 4 metre high bund without a wall on top required for the school.

Statutory Environment:

Town Planning Scheme No. 2 (TPS 2)
Metropolitan Region Scheme
Local Planning Policy (Water Sensitive Urban Design)
Western Australian Planning Commission's (WAPC)
Development Control Policy DC 2.4 School Sites.

Strategic Implications:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
 2. Reduce water consumption.
 3. Reduce green house gas emissions.
- employment.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Not applicable

External Referrals

Not applicable

Comment

Noise Criteria

A requirement of the development application was to provide noise assessment criteria for a class room environment. The Environmental Protection (Noise) Regulations, 1997 currently do not regulate road and rail noise and there is no legislation or codes that do.

The applicant's consultant provided "*Table 1 External Noise Exposure Criteria for Noise Sensitive Land Uses*" criteria for assessing external noise exposure levels. This was taken from the 2005 Draft "Statement of Planning Policy: (SPP) Road and Rail Transport_Noise" published by the WAPC. The table categorises three exposure levels to be measured at a point one metre from the edge of the site or proposed building façade. These are noise criteria for outside the building and can be used as a reference for practical and affordable types of constructions to ameliorate traffic and rail noise.

Noise Reduction and Amelioration

The noise report acknowledged that the proposed location for the school buildings within 30 metres of the rail line boundary results in consideration against "Exposure Level 3", as established by the 2005 Draft SPP. The report recommended that a buffer distance of greater than 100 metres from the rail boundary would be required to achieve the target. As the 100 metre separation cannot be achieved due to the site configuration, the report considered various amelioration measures including an earth bund and solid wall to ameliorate noise.

Earth Bund and Noise Wall

The noise report stated that the loudest components of the noise source are the horn and locomotive engine / exhaust. An effective barrier on this site is likely to be in the order of 4.5 to 5 metres high. A lower barrier will have the effect of reducing track noise from rail cars, but not the LA Max levels associated with the horn and locomotive / engine.

Revised Proposal

Council required the bund to be constructed to a height of 4 metres without a fence or wall on top and with dense landscaping in place of this wall/fence. However, the applicant advises that it is considered that:

1. A noise barrier of only 4 metres will not adequately ameliorate the railway noise and vegetation has little effect on the amelioration of noise; and
2. An earthen bund of 4 metres height will still require an overly large footprint and therefore not provide for efficient use of the land.

Therefore, the applicants request that the Council modify condition 22. to require an earthen bund of only 3 metres in height with a 2 metre high solid fence on top and the planting of vegetation on both sides of the fence to soften its visual impact. This is supported by Planning and Environmental Health officers for the reasons detailed above.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

Council approves the deletion of condition 22 of the Form 2 Planning Approval dated 6 February 2008 for the development for an Educational Establishment (private High School) on Lot 1 Bishop Road (corner Soldiers Road) Mundijong, and replaces it with the following condition:

22. *Noise attenuation measures recommended in the report entitled "Railway Noise and Vibration Preliminary Assessment" prepared by Gabriel Environmental Design dated 14 December 2007, lodged with the Shire by the applicant are to be implemented prior to the commencement of operation of the school including:*

- a) *Separation of noise sensitive development from noise source as per the revised site plan dated 12 December 2007.*
- b) *Construction of a 3 metre high earthen bund with a 2 metre high fence along the whole length of the top of the bund and the planting of dense landscaping on either side of the fence, as shown on the revised site plan dated 12 December 2007.*
- c) *Noise amelioration through building design as contained in Section 3.3 of the above report.*

Manager Executive Services left the meeting at 7.34pm.

OCM030/04/08 COUNCIL DECISION:

Moved Cr Brown, seconded Cr Price

Council approves the deletion of condition 22 of the Form 2 Planning Approval dated 6 February 2008 for the development for an Educational Establishment (private High School) on Lot 1 Bishop Road (corner Soldiers Road) Mundijong, and replaces it with the following condition:

22. *Noise attenuation measures recommended in the report entitled "Railway Noise and Vibration Preliminary Assessment" prepared by Gabriel Environmental Design dated 14 December 2007, lodged with the Shire by the applicant are to be implemented prior to the commencement of operation of the school including:*

- a) *Separation of noise sensitive development from noise source as per the revised site plan dated 12 December 2007.*
- b) *Construction of a 3 metre high earthen bund with a 2 metre high fence of a material to be approved by the Director Development Services, along the whole length of the top of the bund and the planting of dense landscaping on both sides of the fence, as shown on the revised site plan dated 12 December 2007.*
- c) *Noise amelioration through building design as contained in Section 3.3 of the above report.*

CARRIED 10/0

Council Note: The Officer Recommended Resolution was changed by including that the fence is to be constructed of a material approved by the Director Development Services and that planting is to occur on both sides of the fence.

OCM031/04/08		RECONSIDERATION OF EXTRACTIVE INDUSTRY LICENCE CONDITION – LOT 202 SOUTH WESTERN HIGHWAY, WHITBY (P05992/09)
Proponent:	Lindsay Stephens	In Brief The applicant has appealed to the State Administrative Tribunal against six (6) conditions imposed on the recent Extractive Industry Licence and Planning Approval. Five (5) of the six (6) conditions have been resolved to date. Council is requested to reconsider and delete condition 3 of the Extractive Industry Licence relating to visual amenity.
Owner:	Hanson Construction Materials Pty Ltd	
Officer:	Michael Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	23 April 2008	
Previously	SD064/02/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting of 26 November 2007, Council resolved to grant an Extractive Industry Licence and Planning Approval for hard rock and clay extraction at Lot 202 South Western Highway, Whitby for a period of five years to Hanson Construction Materials (Hanson).

On the 17 January 2008, the Shire received notice that the applicant had lodged an appeal with the State Administrative Tribunal (SAT) against two licence conditions and four planning approval conditions. As a result of previous Mediation sessions held at the SAT on 12 February 2008 and 18 March 2008, five of the six conditions have been agreed to by the Shire and the applicant. The only condition that is still in dispute is condition 3 on the current extractive industry licence relating to visual amenity. Condition 3 currently states:

3. *No works are to be exposed to view from the South Western Highway and the coastal plain.*

At the Ordinary Council meeting held on 25 February 2008, Council was requested to reconsider this condition for the purposes of mediation to permit the minimisation of visual impact. Visual impacts are currently conditioned by the existing Ministerial Conditions (Environment) of Approval dated 10 March 1992 which permit the minimisation of visual impact rather than no impact at all. The Ministerial condition prevails under the Environmental Protection Act 1984.

In addition, condition 3 on the licence contradicts condition 27 on the current planning approval which states:

27. *All practical measures shall be taken to effectively screen works and activities from the coastal plain in accordance, but not limited to, those measures and outcomes described in the Excavation and Rehabilitation Management Plan dated 1 June 2007.*

Council did not support the officer recommendation to permit variation of the condition to minimise visual impacts.

The most recent mediation session was held on the 18 March 2008 where the SAT member raised concern with regard to the validity of the Extractive Industry Licence Condition given that the current Ministerial conditions and the Planning Approval Condition permit the

minimisation of visual impacts. A subsequent order was made that the Shire, at its meeting scheduled for the 28 April 2008, reconsiders the remaining decision under review in light of the Shire first obtaining legal advice on the validity or otherwise of that condition in its present form.

The purpose of this report is to present to Council the findings of the legal advice received and request that condition 3 on the current Extractive Industry licence, relating to visual amenity impacts, be deleted.

Sustainability Statement

Effect on Environment: The proposal by the applicant to reconsider condition 3 would give Hanson Construction more flexibility in terms of the operations being seen from South Western Highway in accordance with the current Shire development approval and Ministerial approvals. The proposed reworded conditions are in line with the requirements under the Ministerial approval granted in 1992. Further, all conditions on the licence and approval are audited on a yearly basis to ensure compliance and to ensure that there is minimal impact on the existing environment.

Resource Implications and Use of Local, renewable or recycled Resources: The proposed reworded conditions will not impact on Hanson's ability to extract large volumes of hard rock and clay over the life of the extractive industry.

Economic Viability: The extraction of hard rock and clay has the potential to significantly alter the existing landscape, reduce the visual amenity of the property and reduce biodiversity on the subject land. The request to reconsider the conditions does not alter this.

Economic Benefits: The operation provides employment opportunities for the community.

Social – Quality of Life and Social and Environmental Responsibility: The proposal may impact upon the community if the operations do not comply with statutory approvals and licence conditions.

Statutory Environment:

Local Government Act 1995
Planning and Development Act 2005
Extractive Industries – Local Law 1995
Town Planning Scheme No. 2
LPP14 – Extractive Industry Licences

Policy/Work Procedure Implications:

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

Financial Implications:

There are financial implications to Council related to this issue through officer time being spent on the appeal, attending SAT and legal fees.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation is not required.

Comment:

The applicant has provided information with respect to operation and historical approvals of the site.

Visual Management of the Hanson Quarry

Hanson has excavated hard rock from its Byford quarry since 1976, when it took over an existing quarry operation. Excavation commenced on the brow of the Darling Scarp and has gradually progressed in a south easterly direction. In 1991, an expansion program was approved, to extend the quarry on a long term basis towards the south east. The application for expansion was formally assessed by the Environmental Protection Authority (EPA) under Consultative Environmental Review (CER).

As a result of the CER, the Minister for Environment granted environmental approvals for the expansion on 19 March 1992, with eight (8) conditions. The excavation, management and rehabilitation of the quarry is being carried out in accordance with the commitments made by Hanson which were included within the Ministerial conditions. Annual Environmental Summary reports have been prepared since 1992 and include the rolling rehabilitation plan being undertaken at the quarry.

Visual Management required under the Approvals issued under the Environmental Protection Act 1986

The CER dated August 1991 was prepared by Hanson to address the requirements identified by the EPA. The CER addressed Visual Management under section 7.1 of that document. The assessment clearly identified that the quarry would be hidden behind a portion of the Darling Scarp and landscape banks, but also highlighted the fact that the overburden would be visible from Kings Park and South Western Highway.

The EPA Bulletin 602, issued by the EPA, discussed the issues of visual management and concluded that the “proponents commitments 9.1.1-9.1.4 adequately address the issue of aesthetics”. The commitments by Hanson noted that the overburden would be visible from the west of the site.

The Minister for Environment issued Ministerial Statement 503 on 10 March 1992 and included Hanson’s commitments towards visual management but once again noted that the quarry would be seen from South Western Highway.

Extractive Industry Licence

Condition 3 on the Extractive Industry Licence states:

3. *No works are to be exposed to view from the South Western Highway and the coastal plain.*

The applicant has requested that condition 3 be deleted or reworded to tie in more closely with the existing Ministerial Conditions (Environment) of Approval dated 10 March 1992 for the following reasons:

- *The wording of condition 3 is unclear as the term ‘works’ is not defined. The current wording is not workable and provides no basis for visual management of the current quarry and processing operations.*
- *The quarry has always operated in accordance with the granted approvals. At no stage since 1992 has there been any condition relating to no part of the quarry being visible for the Swan Coastal Plain or South Western Highway. It has always been acknowledged that the overburden face would be visible from time to time.*
- *Condition 3 of the Extractive Industry licence dated 20 December 2007 is the first time that any prohibition of view has been applied even though the quarry has operated since 1992 in a similar manner.*
- *Condition 3 is incompatible with Condition 27 of the planning approval also issued on 20 December 2007. Condition 27 does not prohibit visual exposure but rather requires effective screening.*
- *The Council approved Excavation and Rehabilitation Management Plan dated 1 June 2007, outlines the visual issues and discusses the locations from which the quarry can be seen.*
- *The Shire’s development approval contains conditions, one of which is figure 7 from the CER document which identified the potential for the overburden face to be visible from the Swan Coastal plain and South Western Highway. The planning approval is therefore incompatible with condition 3 of the Extractive Industry licence.*
- *Condition 3 of the licence is inconsistent with Ministerial Statement 503 issued on 10 March 1992 and still current. Ministerial Statement 503 issued under the Environmental Protection Act 1986, will prevail under Section 5 of the Environmental Protection Act 1986.*
- *Condition 3 is inconsistent with the planning approval issued by the Western Australian Planning Commission on 5 September 2002 which requires compliance with the Shire of Serpentine Jarrahdale and Minister of Environment conditions of approval.*
- *Condition 3 is inconsistent with the existing quarry and processing operations where some painted buildings, the overburden face and landscape screening banks that have been rehabilitated are already visible from South Western Highway and the coastal plain and have been visible since 1992.*

Due to this inconsistency, Hanson has requested that the condition be deleted from the licence in its entirety or reworded to tie in with the existing approvals governing the site. It is recommended that the condition be deleted in its entirety as visual impact issues are conditioned by the Shire's current planning approval.

Legal Advice

Legal advice was sought from McLeods Barristers and Solicitors on 1 April 2008 in accordance with the order from the SAT, in relation to the validity of condition 3 on the licence in its current form.

McLeods acknowledge the inconsistency between condition 3 on the extractive industry licence and condition 27 on the planning approval. As such, McLeods indicated that this inconsistency, being a regulatory issue, is a genuine obstacle to the Shire's prospect of successfully defending the Extractive Industry Licence condition. This regulatory issue is the question of the relationship between the planning approval process and the extractive industry licence process.

The Planning Approval condition was not appealed against and is therefore a condition which applies in its terms. The Extractive Industry Licence, on the other hand, was appealed against and the SAT therefore has the power to set it aside or to substitute a different condition. McLeods stated that a key consideration for the SAT would be: "what good purpose is served by having both a Planning Approval condition and an Extractive Industry Licence condition regulating the same subject matter?". The Shire still has a valid planning approval condition relating to visual amenity of the development approval.

Conclusion

Based on legal advice, it is recommended that condition 3 of the Extractive Industry Licence be deleted.

Voting Requirements: ABSOLUTE MAJORITY

Manager Executive Services returned to the meeting at 7.37pm.

Acting Director Strategic Community Planning left the meeting at 7.43pm and returned at 7.46pm.

OCM031/04/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Kirkpatrick

- 1. Council agrees to delete condition 3 on the Extractive Industry Licence dated 20 December 2007 for hard rock and clay extraction at Lot 202 South Western Highway, Whitby.**
- 2. The State Administrative Tribunal be advised of Council's decision for the purposes of mediation.**

CARRIED 8/2 ABSOLUTE MAJORITY

Councillors Price & Harris voted against the motion

OCM032/04/08		USE OF JARRAHDAL SPORTS OVAL (RS0015)
Proponent:	Serpentine Jarrahdale Shire	In Brief Report to Council on the potential for the upgrading of toilet facilities and provision of overnight stay facilities at Jarrahdale Oval.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Tony Turner - Manager Health and Ranger Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 April 2008	
Previously	SD038/10/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council meeting of 22 October 2007 the following was resolved:

“SD038/10/07 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Harris

A report be presented to a future Council meeting addressing the following:

- 1. The existing toilet facilities at Jarrahdale Oval being upgraded to provide overnight stay facilities for motor homes and caravans.*
- 2. The upgrading of the toilet facilities be the subject of an inspection of the facility and cost estimates be provided for the proposal upgrading.*
- 3. Investigation to be made for the provision of a caretaking service including consultation with the potential users of this facility.*

CARRIED 9/0”

A report of the site visit of 6 February 2008 with details of the current condition of existing facilities, some history of vandalism and repairs and a review of improvement options by the Building Maintenance Officer is with the attachments marked OCM032.1/04/08.

Sustainability Statement

Heritage and Culture: The future increased use of the oval by visitors will increase awareness of the heritage and timber tourism potential of the Jarrahdale area.

There will be increased ongoing costs in the future for Council to maintain the toilets and oval.

Statutory Environment:

Land Administration Act 1997, Transfer of Land Act 1893, Metropolitan Region Scheme, Town Planning Scheme No. 2, Caravan Parks and Camping Grounds Regulations 1997, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974

Policy/Work Procedure

Implications:

There is no policy implications directly related to this application/issue.

Financial Implications:

The draft Community Services and Facilities Plan (CSFP) to 2020 recommends that a new ablution facility and a campfire/BBQ area be installed in 2009/10 at a cost of approximately \$136,228. The short and long-term financial implications of additional facilities should be considered in conjunction with the recommendations in the draft CSFP.

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.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

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

Community Consultation:

Not required

Comment:

The site visit and inspection by the Building Maintenance Officer and Senior Ranger was undertaken to assess the status of facilities, the ongoing vandalism and current use of the site. The oval is limited to several annual events and should be improved to make it more of an asset to the Jarrahdale community.

On further investigation of this Crown Reserve it was identified that the reserve is vested with a Management Order Condition which states that the reserve is, *to be used for the purpose of "Recreation" only.*

A copy of the DPI's Management Order is with attachments marked OCM032.2/04/08.

On discussions with the officers from the Department for Planning and Infrastructure, the advice received was that camping was not consistent with the current Management Order condition and the Shire would need to make application to change the condition to include camping where ongoing other uses are proposed.

Conclusion

The investigation into providing a response to the questions as detailed above and the feasibility of providing overnight stay facilities at Jarrahdale Oval will not be completed until the conditions of the Management Order are dealt with through the DPI processes and agreed to.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

1. The Shire makes application to the Department for Planning and Infrastructure for a change to the Jarrahdale Sports Oval Reserve Management Order to include allow camping on the reserve.
2. Upon agreement to the change in the Management Order to allow camping on the reserve, that a further report be presented back to Council.
3. The Motor Homes Association be advised of Council's decision.

OCM032/04/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Kirkpatrick that item OCM032/04/08 be deferred to the May 2008 Sustainable Development Committee meeting.

CARRIED 10/0

Note: The Officer Recommended Resolution was changed to enable additional Officer consultation with Councillors to occur.

OCM033/04/08		TRANSFER OF FUNDS FROM DARLING DOWNS DEVELOPER CONTRIBUTION RESERVE FUND (A0038-02)
Proponent:	Darling Downs Residents Association Incorporated previously known as the Darling Downs Management Committee	<p>In Brief</p> <p>Council is requested to approve the transfer of funds from the Darling Downs Developer Contribution Reserve account to cover operational expenses of the Darling Downs Management Committee.</p>
Owner:	Serpentine Jarrahdale Shire	
Officer:	Lee Cockram – P/A Director Corporate Services	
Signatures Author:		
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	21 st April 2008	
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 Darling Downs Residents Association Incorporated (DDRA) was originally formed as a result of a public meeting held by Council at the Byford Hall on 18 February 1987. The public meeting was called due to the developer not completing the development; instead the developer paid a contribution per lot to Council in lieu of the completing the development. Council called the public meeting, seeking input and direction from the local community on how the Darling Downs area should be further developed. It was agreed at the Public Meeting that a Committee should be formed to assist the Council with the development of the area. There is no indication at this point what roles and responsibilities the Committee would have.

The funds contributed by the Developer are held in a Reserve fund by Council and invested in accordance with Council's investment policy. The funds are currently invested until 30 April 2008 at a rate of 7.35%.

DDRA has passed a resolution at their Annual General Meeting of 13 November 2007 authorising the transfer of \$8,000 from the Darling Downs Developer Contribution Reserve for operational expenses. The DDRA has written to Council seeking approval for the transfer of funds to occur.

A copy of the minutes of the Darling Downs Management Committee meeting of 13 November 2007 is with the attachments marked OCM033.1/04/08 (IN08/4387).

Statutory Environment:

Local Government Act 1995, Section 6.8 1(b).

Financial Implications:

The Darling Downs Developer Contribution Reserve balance as at the 31st March 2008 is \$73,744.01, which includes all transfers authorised from the Reserve account during the 2007/2008 financial year. The Reserve account is managed through Council's accounting system and is subject to Council's standard audit processes. Any utilisation of funds from the Reserve account must either be included within the

statutory budget or approved as authorised expenditure by an absolute majority by Council.

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.

Comment:

The DDRA has written to Council seeking Council approval for the utilisation of funds from the Darling Downs Developer Contribution Reserve account to fund operational expenses of the Association in maintaining the Darling Downs Reserve.

As the utilisation of funds was not included within the statutory budget, Council is required to pass a resolution by absolute majority authorising the expenditure and transfer of funds.

Voting Requirements: ABSOLUTE MAJORITY

OCM033/04/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Murphy, seconded Cr Brown
Council authorises the transfer of \$8,000 from the Darling Downs Developer Contribution Reserve Fund to fund operational expenses of the Darling Downs Management Committee relating to the maintenance of the Darling Downs Reserve, and amends the 2007/2008 statutory budget accordingly.
CARRIED 10/0 ABSOLUTE MAJORITY**

OCM034/04/08		EMAIL & INTERNET POLICY (A1048)	In Brief Review and modify the Email and Internet Usage Policy (last reviewed in May 2004). Modifications will improve the structure, content and style of the written message and add value to the communication process and image of the Shire.
Proponent	Serpentine Jarrahdale Shire		
Owner	Not applicable		
Officer	Anna Nolan – Manager Executive Services		
Signatures - Author:			
Senior Officer:	Ian Hill – Acting Chief Executive Officer		
Date of Report	17 April 2008		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the local provisions of the Local Government Act.		
Delegation	Council		

Background

The first email and internet usage policy was adopted by Council on the 28 June 2000. Since that date there have been four reviews and one review with modifications. Due to the ubiquitous use of email in Shire offices and the large degree of variance in styles, content and salutations it is timely to offer this review for consideration.

The text appearing in italics has been added to the last reviewed policy.

CSP6 EMAIL AND INTERNET USAGE

Responsibility: Director Corporate Services

Original Date Adopted	A176/06/00	28.06.00	Ordinary Council Meeting
Modified	A176/06/00	28.06.00	Ordinary Council Meeting
Reviewed	SM004/07/01	23.07.01	Ordinary Council Meeting
Review	SM077/06/02	24.06.02	Ordinary Council Meeting
Review	SM057.2/06/03	23.06.03	Ordinary Council Meeting
Review	SM047/05/04	24.05.04	Ordinary Council Meeting

POLICY INTENTION: Email and Internet facilities are provided to help maximise efficiency by use of modern technology. By providing secure, reliable and moderately fast external data connections Council also improves the ability to provide quality service to the Shire of Serpentine Jarrahdale community.

This policy is provided to clearly indicate the attitude of Council with regard to access and use of internet services in Council and related matters.

1. Access

Internet and email access will be granted for Shire business related activities only.

The policy will be linked from a screen that the user sees when they log on to the network.

2. Usage

2.1 Email

Employees must:

- a) At all times maintain high standards of professionalism, ethics and decorum in all electronic exchanges, and maintain good image of the Serpentine Jarrahdale Shire abroad.
- b) *When sending an email externally please consider the impression it conveys about the Shire. Every email can be an opportunity to promote the professionalism, competence and friendliness of the Shire or it can give an entirely different picture. Face to face communication is preferred wherever possible.*
- c) *Salutations at the beginning and conclusion of your email convey a friendly yet businesslike message. "please" and "thank you" are as important in email as anywhere else. When the tone of your message would normally be conveyed by tone of voice or facial expression, avoiding misunderstanding by using clear plain English. Avoid the use of capital letters for whole words as this gives the impression of shouting at the reader.*
- d) *Other activities are specifically prohibited, e.g. the use of e-mail to harass, flame (to send abusive e-mail) or defame or disclose information, or to transmit pornography.*
- e) *Limit each email message to a single topic. Since one email message can generate a series of exchanges, with copies going to other relevant parties, follow-up can be difficult and confusing if one email message contains several unrelated items.*
- f) *Use subject headers or titles that will have meaning for the recipient and assist with record keeping. Where a Series of emails are exchanged about the same topic, expand headers to facilitate efficient tracking. Where attaching other documents, list attachments in the body of the email.*

- g) *Send copies of the message to relevant individuals and indicate in the message who is receiving copies.*
- h) *If the message is a formal request taking the place of a written document, copy the same individuals as would be copied on a letter or paper memo.*
- i) *Do not expect instantaneous turnaround. The speed of email tends to make both the sender and the recipient feel that it has top priority for response but, in reality, many people receive a great many messages each day while also interacting with others in person, on the telephone, through other written communication, etc. Additionally, it may take time for the recipient to gather sources and thoughts together to give a considered response (although the recipient may want to send a short "I'll get back to you" message if possible).*

While all email users should check their email several times a day, senders cannot expect immediate response. People should not be expected to check email outside of normal business hours. So if you need instant feedback go and see the person or use the phone, don't rely on email.

- j) *If you are going to be out of town or otherwise unavailable on email, leave a message to that effect or arrange for someone else to check your email. The Shire's email systems allows for an automatic response to be generated to any incoming message. The 'out of office' can easily be turned on and off in MS Outlook.*
- k) *Training and examples of good emails will be provided as part of the Staff and Councillor Orientation information.*
- l) Maintain the integrity and confidentiality of data and services on the network.
- m) Maintain a proper duty of care in terms of privacy, confidentiality, copyright, accuracy and timeliness of any information accessed from or distributed to external sources.
- n) Maintain record management and archiving practices and procedures (as provided below under Email Record Management Procedures).
- o) Record correspondence on the relevant file for incoming and outgoing information.

2.2 Internet

- a) Must not use the internet to gain unauthorised access to, or make unauthorised changes to data on external sites.
- b) Must not use the internet to import executable programs in any form on to the Shire of Serpentine Jarrahdale Network without prior approval of the Director Corporate Services.
- c) In no way attempt to bypass Councils' virus checking systems and procedures to compromise security or services.
- d) Maintain effective use of computer resources (ie time, disk space).
- e) In no way modify or compromise Councils' internet connection; and
- f) Use the internet connection in a cost effective manner.

3. Email Record Management Procedures

Email documents created or received by public officers in connection with official agency Shire business are the property of the Shire of Serpentine Jarrahdale, not the individual. They are public records and are subject to the same record keeping requirements as public records in other formats. Email also falls within the definition of a record under the Freedom of Information Act viz ... "any article on which information has been stored or recorded. Either mechanically, magnetically or electronically." Therefore email may fall within the ambit of a Freedom of Information application to Council, and the applicant may have a legally enforceable right to access the (edited or unedited) information contained in the email.

In the Commonwealth public sector this would include the Privacy Act, the Archives Act, The State Records Act 2000, the Freedom of Information Act 1992 (State Legislation), the Freedom of Information Act 1982 (Commonwealth Legislation), the Crimes Act, the Public Service Act, Regulations and the Australian Public Service (APS) Code of Conduct. APS Regulations provide that employees must use Commonwealth resources in a proper manner and behave in a way that upholds the APS values and the integrity and good reputation of the APS. For more information on the Public Service Act 1999. Information is available in the Public Service and Merit Protection Commission website and the "Human Rights and Equal Opportunity Commission website".

The Sex, Race and Disability Discrimination Acts and workplace relations and Corporations law apply in both the public and private sectors. Council is aware of its obligations under these Acts to protect employees against sexual harassment, racial vilification and other forms of unlawful discrimination which could occur through e-mail and Internet use.

All staff are responsible for managing their own email documents and need to make decisions on their retention or disposal. Some messages may have long term value requiring them to be kept beyond their immediate administrative use. On the other hand, unnecessary retention of messages that are no longer of any further use will use up storage space and make retrieving messages more difficult. Councillors are requested to keep records of sent and received emails.

A user should catalogue (register) into TRIM all messages that contain any of the following criteria:

1. Relates to necessary business of the Shire of Serpentine Jarrahdale.
2. Is a formal communication between staff (eg a minute, a report or submission)
3. Has value for other people or the Shire of Serpentine Jarrahdale as a whole.

4. Security

The Director Corporate Services is responsible for maintenance of security, usage, monitoring and sanctions as written within this policy.

5. Monitoring

Staff e-mail boxes will normally contain the e-mails they have sent and received. Back-ups and archives may also contain copies of e-mails that have been deleted by the user. As well as the actual content of messages, the date and time the message was transmitted, received and opened and the e-mail addresses of the sender and recipients will normally be recorded. The CEO and Director of Corporate Services may audit these as necessary.

With web browsing the URLs (Uniform Resource Locaters or website addresses) of sites visited, the date and time they were visited and the duration of site visits may be logged. Normally, access rights to staff mail boxes and logs would be restricted to those with the responsibility for administering the system. Such access should be as limited as possible and who has access rights should be clearly set out in the policy. The policy should outline in what circumstances IT staff can legitimately access staff e-mails and browsing logs.

To ensure the continued security, reliability and usefulness of the internet connection, all external email services may be monitored by the Chief Executive Officer. Information gathered from this monitoring will be made available to the appropriate person(s) if an employee is believed to have breached this policy.

6. Sanctions

Breaches of the provisions of this policy may result in disciplinary action and/or result in access to the service being revoked.

The computer network system has been designed so that all external email messages either sent or received will duplicate to the mail server. This will allow for all messages to be recorded and placed on file. It is up to the individual officer to access their own messages and deal with the relevant issues. This will also ensure that the internet system is not being abused.

Sustainability Statement

Effect on Environment: The proposal enhances the environment by minimising environmental damage by reduction of office paper and electronic filing of emails. Best practice in email and internet etiquette is reviewed regularly and amendments made to our policy to monitor that our practice exceeds best practice.

Economic Viability: Utilisation of the revised 'Email and Internet Usage Policy' will be economically viable by reducing paper and copying materials and wear and tear on photocopiers.

Social – Quality of Life: This proposal improves the quality of life for the internal and external community by improving the structure, content and style of email communication.

Social and Environmental Responsibility: 'Email and Internet Usage Policy' is designed to be socially and environmentally responsible through building up unambiguous information within the community and enabling full participation in projects.

Statutory Environment: Nil

Policy/Works Procedure Implications:

This updated version will supersede CSP6 'Email and Internet Usage' dated 24 May 2004.

Financial Implications: Nil

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Voting Requirements: Simple Majority

OCM034/04/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Kirkpatrick (proforma)

Council endorses the inclusion of the text in italics to the Shire of Serpentine Jarrahdale Email and Internet Usage Policy.

CARRIED 10/0

OCM035/04/08 SALE OF LAND (A1430)		In Brief For Council to receive an update on the progress of the proposed sale of land as provided for in the 2007/08 Annual Budget.
Proponent:	Serpentine Jarrahdale Shire	
Owner:	Not Applicable	
Officer:	Alan Hart - Director Corporate Services	
Signatures Author:		
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	23 April 2008	
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

In the 2007/08 Budget, Council budgeted to sell two land parcels in the Shire, the land being Lot 196 Atkins Street, Jarrahdale and the other being Lot 802 Karbro Drive, Cardup. The proceeds of these sales was estimated to be \$662,381 (after costs) and were to be used to fund works in the 2007/08 Budget.

Sustainability Statement

The annual budget aims to achieve a balance between required services and infrastructure improvement projects for the community.

Statutory Environment: Not applicable

Policy/Work Procedure Implications:

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

Financial Implications:

The implications of not achieving the budget outcome (i.e. the sale of land) will result in a budget shortfall.

Strategic Implications:

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

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:

The 2007/08 Budget provided for the sale of land, which was to be used as a funding source in the budget. To date these land sales have not occurred and it is highly unlikely that they will be able to occur by June 2008. Administration is proceeding with the processes that are

necessary to dispose of the land, however, there have been some difficulties in relation to the sales as they are not straight forward and these complications have delayed the process to dispose of the properties.

Lot 802 Karbro Drive, Cardup

The original budget proposed to sell the entire lot, however, Council resolved in September 2007 to investigate subdividing this property to cede the hall (currently used as a community church) to the crown. The only way Council can investigate this is to apply to the Western Australian Planning Commission (WAPC), by way of the subdivision application. This application was lodged in February 2008 and is currently still seeking WAPC approval. Advice from the consultant is that response is due in mid June. If the subdivision is approved, it is estimated that it will take up to another six months for all subdivision clearances to be signed off and titles issued. It is only then that Council will be in a position to list the land for sale.

Lot 296 Atkins Street, Jarrahdale

This property has a church on it that needs to be moved into the Jarrahdale Heritage Park before it is ready for sale. Currently no decision has been made as to the final location of the building. It is not expected that this will occur until the Board of Management is formed and a dedicated resource to project manage the Jarrahdale Heritage Park is engaged to enable the proper consultation regarding the best possible location of the building in the Park. It is expected that this will occur during the 2008/09 year.

As a result of the above, aspects of the 2007/08 budget will be required to be delayed until funding permits them to be undertaken. Officers are currently in the process of identifying projects that can be delayed until these sales occur and once these projects have been identified, a further report to Council will be prepared.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

Council notes the officers report in relation to the status of the proposed sale of Lot 802 Karbro Drive, Cardup and Lot 296 Atkins Street, Jarrahdale.

OCM035/04/08 COUNCIL DECISION:

Moved Cr Price, seconded Cr Harris

- 1. Council notes the officers report in relation to the status of the proposed sale of Lot 802 Karbro Drive, Cardup and Lot 296 Atkins Street, Jarrahdale.**
- 2. The options for expediting the relocation of St Pauls Anglican Church and the sale of Lot 296 Atkins Street, Jarrahdale be discussed at the May 2008 Policy Forum.**

CARRIED 10/0

Council Note: The Officer Recommended Resolution was changed to allow the exploration of options for expediting the relocation of St Pauls Anglican Church and the sale of Lot 296 Atkins Street, Jarrahdale to be discussed at the May 2008 Policy Forum.

OCM036/04/08		DETAILED AREA PLAN FOR THE GLADES RESIDENTIAL ESTATE AT BYFORD (A1305/10)
Proponent:	Taylor Burrell Barnett	In Brief To provide a response to the State Administrative Tribunal in relation to the appeal lodged regarding the provisions of the Detailed Area Plan (DAP) adopted by Council, setting out design requirements for the future development of The Glades subdivision at Byford. It is recommended that the State Administrative Tribunal be advised of Council's reconsideration of the DAP.
Owner:	LWP Property Group	
Officer:	Brad Gleeson - Director Development Services	
Signatures Author:		
Senior Officer:		
Date of Report	22 April 2008	
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	

Date of Receipt: 19 September 2007
 Advertised: N/A
 Submissions: N/A
 Lot Area: N/A
 L.A Zoning: Urban Development
 MRS Zoning: Urban Deferred and Urban
 Byford Structure Plan: Residential
 Local Structure Plan: Not adopted yet. Subdivision of Stage 1 has been approved.
 Municipal Inventory: N/A
 Bush Forever: N/A
 Date of Inspection: Various

Background:

A Detailed Area Plan (DAP) was submitted for Stage 1 of The Glades at Byford. The conditional subdivision approval issued by the Western Australian Planning Commission for this development requires DAP's for those lots abutting public open space areas or rear laneways, having a density coding of R30 or greater and abutting Abernethy or Warrington Road.

The submitted DAP was not consistent with the standard provisions contained in the Council's adopted delegated authority for DAP's. It was considered appropriate to ensure consistency with all DAP's in the Glades estate of Byford, due to the size of this development (approximately 3,500 lots). This will ensure that different DAP's are not produced throughout Byford. Council's decision not only deals specifically with the DAP for Stage 1 but also will apply to all DAP's in The Glades estate.

Council at its meeting held on 26 November 2007 resolved to adopt under clause 5.18.5 of Town Planning Scheme No. 2 (TPS 2), delegated authority to approve DAP's for land within The Glades, subject to a number of standard provisions that will apply to the estate.

A copy of the original Detailed Area Plan 1 The Glades and the approved Detailed Area provisions are with attachments marked OCM036.1/04/08 (IN07/16602) & OCM036.2/04/08.

Appeal

In response to the Council's decision to vary the DAP provisions submitted by the applicant, an application for review was lodged with the State Administrative Tribunal (SAT) on 19 December 2007. The Council did not receive a copy of the applicant's submission to the SAT until 11 January 2008. A Directions Hearing was held on 18 January 2008, and the matter was referred to mediation.

A mediation hearing was held 6 February 2008. The order from this mediation session was that the applicant would provide detailed submissions to the Shire on the variations to the DAP provisions to allow the matter to be referred back to Council. Meetings have been held between the applicant, their consultants and Council officers to identify areas of agreement or disagreement on this issue.

A further mediation session is scheduled for 2 May 2008 to consider the outcomes of Council's reconsideration of the DAP.

Sustainability Statement

Effect on Environment: Draft DAP 1 for The Glades submitted by the applicant does not adequately address issues such as passive solar orientation of indoor and outdoor living areas and stormwater attenuation. These issues were addressed in the DAP provisions adopted by Council.

Use of Local, renewable or recycled Resources: The promotion of energy efficiency will result in reduced energy consumption and dependency upon resources. Additional provisions are included in the DAP provisions to further achieve this objective.

Economic Viability: The modified DAP provisions for The Glades focus on environmental and resource sustainability and appropriate design.

Social – Quality of Life: The modified DAP provisions for The Glades focus on environmental sustainability and particularly an appropriate neighbourhood environment promoting social interaction, attractive streetscape and passive surveillance of public spaces such as parks and rear laneways will be achieved.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Statement of Planning Policy No. 3.1 (*Residential Design Codes*)
Local Planning Policy No. 6 (*Water Sensitive Design*)
Byford Urban Stormwater Management Strategy
Byford Structure Plan

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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

Strategies:

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

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

2. Environment

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Not required.

Comment:

The submitted DAP for The Glades proposes significant variations to the Residential Design Codes (Codes) such as setbacks and open space. There was little justification for these variations provided by the applicant when the DAP was initially lodged. After assessment of the proposal, a number of these variations were not supported.

The specific provisions of the DAP the subject of this appeal are as follows:

- Setbacks
- Solar Setbacks
- Open space
- Width of garages
- Driveways/ Crossovers
- Fencing
- Sheds/ Outbuildings
- Lots abutting major roads

1. SETBACKS

R20 lots – Front setback

Residential Design Codes requirements	Average setback 6 metres	Minimum setback 3 metres
Applicants original DAP provision	Average setback 4 metres	Minimum setback 2 metres
Council adopted DAP provision	Average setback 4 metres	Minimum setback 2 metres Minimum setback 4.5 metres for carport/ garage
Revised provision now suggested (by applicant)	Minimum of 3 metres (no average)	Minimum setback 4.5 metres for carport/ garage

The original justification for the variation to the Codes by the applicant was to provide an improved streetscape and maximise the street prominence of dwellings. This new approach was supported because:

1. The reduced setback will have the effect of narrowing the feel of the streetscape which is considered to have a beneficial effect in reducing traffic speeds. Given the long straight street blocks this outcome is desirable.

2. There is more opportunity for passive surveillance of the street if dwellings are closer to the road.
3. Larger backyards would be able to be provided if the front setback is reduced.

However, whilst this reduced setback is supported for dwellings, it is not supported for garages or carports because it is considered important to enable a car to be parked in the driveway without impeding the verge and/or public footpath.

Further Submission from Applicant

The applicant has submitted a revised proposal in relation the front setback. The 4.5 metre minimum setback for the carport/garage is now accepted. However, it is proposed to reduce the front setback from an average of 4 metres to a minimum of 3 metres (no average).

In support of this request the applicant advises:

It is proposed that given the increased 4.5 metre minimum setback to the garage that the front setback to the main dwelling should be brought back to a minimum 3 metres (no average). This slight variation should still achieve the greater street presence being sought for R20 dwellings whilst achieving a better relationship with an increased garage setback.

Officer comment

This change will result in dwellings having a 3 metre setback to the front boundary, rather the 2 metre minimum setback with a 4 metre average, as adopted by Council. This revised proposal is supported.

R40 lots

1. Rear setback – Dwellings

Original DAP submission	1.5 rear setback for dwellings	0.5 metre rear setback for carport/ garage
Council adopted DAP provisions	2 metre rear setback for dwellings	1 metre rear setback for carport/garage

Dwellings:

The Codes require a 1.5 metre rear setback and the submitted DAP did not propose a variation to the R-Codes on this matter. A reduction in the rear setback from 2 metres back to 1.5 metres is supported.

2. Rear setback - Carport/Garage:

The applicant advises:

- *A 0.5 metre setback requirement is considered adequate from a traffic manoeuvrability perspective and also provides for a greater ability to accommodate larger portions of northern facing open space. This is evidenced in numerous developments.*
- *A 1.0 metre setback, with fencing provided to the rear boundary creates a portion of space with very poor surveillance (essentially a concealed hiding space).*
- *This DAP has a short length of laneway where issues of manoeuvrability and vehicle speed are minimised.*
- *Increasing the garage setback reduces sight lines when reversing / existing the laneway lots where fencing is provided on the boundary.*

The reduction of the rear setback/from 1 metre back to 0.5 metres for carport/garages is supported.

3. Front setback – Dwellings:

The applicant is seeking to increase the front setback to a 2.5 metre minimum, not 2 metres as adopted in the DAP. This change is supported.

R10 lots

Proposed Lot 516 contains an existing house. The applicant sought Code variations for this existing dwelling that is being retained.

Officer comment:

The existing house can remain on this property as of right under the WAPC subdivision approval. If the current house is demolished and a new house was to be built, then the relevant Codes will apply, as well as the DAP provisions.

2. SOLAR SETBACK

The applicant originally applied solar setback principles in the DAP for single and double storey developments for R40 lots only, subject to some exemptions. The Council adopted a generic provision in the DAP requiring a minimum 2 metre solar setback to be provided to any north facing boundary (all lots).

Further submission from applicant

The applicant advises that the second storey solar setback is supported for the R40 lots but not for the R20 lots where solar penetration is more easily achieved.

Officer comment

The application of a 2 metre solar setback in the R20 zone is now not necessary. The normal Codes would apply for setbacks in this instance as increasing the setback to 2 metres would only leave a minimal benefit on solar penetration to the dwelling. A solar setback for lots sizes above R20 is still considered appropriate.

The DAP provisions can be reworded to state:

“Setbacks for development shall be in accordance with the following:

Solar setback

On lots with a density greater than R20, a minimum 2 metre solar setback is to be provided to any north facing boundary, except where parapet walls are proposed for garages/carports. Minor incursions of the residence are permitted to a maximum of 20% of the solar setback area, provided that solar penetration to living areas is achieved.

Minimum 1.6 metre side setback to upper storey to preserve solar penetration.”

3. OPEN SPACE

R-Code requirements	DAP suggested by Applicant
R20 – 50% (minimum)	R20 – 40% (minimum)
R40 – 45% (minimum)	R40 – 35% (minimum)

The applicants originally provided no justification to this major variation to the R Codes in the original submission for the DAP or in the grounds for the appeal. Further information was submitted during the mediation process in support of the request to reduce the open space requirement and increase the permissible site coverage on lots. These grounds are outlined below:

- *Varying the R Codes minimum open space requirement gives the first home buyer the option to construct a slightly larger dwelling without having to build a second storey with significant additional cost.*
- *Any concern the Shire have relating to the ability to create usable outdoor living areas is recognised and protected under the R Codes with mandates minimum dimensions for open space.*
- *Examples are provided in Ellenbrook where these site coverage provisions are applied eg 70% site coverage for R40 and 60% site coverage for R20 lots.*
- *It must be recognised that the provisions being sought are minimums only and research undertaken indicates that generally, the application of the minimums is rarely sought. Average of 50% of site coverage is achieved in Stage 15B of Ellenbrook.*
- *Examples provided to show how open space requirements can be achieved in building designs in Ellenbrook.*
- *The area is located in close proximity to public open space (including multiple use corridor areas).*
- *There is minimal difference in terms of square metres of open space between a 60/40% and a 50/50% split of open space.*
- *The overall estate provides in excess of 12% POS as opposed to the required WAPC 10% POS.*

Officer comment:

This issue has been investigated in detail by Council officers including discussions with other Local Governments on how they deal with such matters. It is noted that there are differences of opinion on this matter between technical experts (planners, building surveyors, urban designers and even between local authorities).

Officers have carefully considered this matter and the information provided by the applicant in support of their arguments to increase site coverage/reduce open space on these lots.

One of the major arguments against this proposal is that it will reduce the amount of private open space on lots and the ability to plant vegetation/trees/shrubs. The amount of land that would potentially be lost as open space on a typical 500m² R20 lot would be around 50m². This is not considered a small amount of land and cumulatively, over major developments in Byford the amount of open space on lots that could be lost to development (buildings) is large.

Further on a typical 500m² R20 lot, increasing the site coverage means that a landowner could increase the size of a dwelling from 250m² to 300m². In addition, the owners can still apply to build patio/alfresco (open sided structures) and outbuildings. Again, cumulatively the amount of land available to open space is being reduced on these lots.

Ultimately, Council has discretion under the Codes and its Town Planning Scheme to consider individual requests to vary elements of the Codes (such as site coverage, setbacks etc) subject to a performance based assessment of a proposal. These would be considered on their planning merits after neighbour consultation has occurred.

After a thorough review and discussion with a range of people on this specific matter, the proposal to increase site coverage on these lots is not supported.

The applicants have discussed the site coverage variations with the landowner, LWP. They advise that they are willing to vary their position on the original site coverage requirements as follows:

*55/45 for R20
60/40 for R40*

Given the arguments presented and specifically in attempting to provide an affordable option for what will be predominantly first home buyer territory, we respectfully request your consideration of these minor variations.

Should we not achieve the 5% variations being sought, LWP have advised that they will continue to pursue this matter through SAT where we believe, given the significant amount of precedent, that we will be successful in achieving this outcome.

We would hope in this instance Council can see the benefits that such a variation to the R Code will have to the landowner. In addition, it should be stressed, that anecdotal evidence suggest that the variations sought elsewhere does not represent the majority of new development applications, but provides the flexibility where considered appropriate.

4. WIDTH OF GARAGES

The DAP provision specified that a garage is to be a maximum of two car width (6 metres external width). The applicant agrees with this provision for the R40 lots, but not the R10 and R20 lots where larger garages should be permitted.

Officer comment:

It is agreed that bigger garages on the larger R10 lots is acceptable. Concern is raised about allowing larger garages in the R20 area, beyond the normal acceptable double garage. Such proposals would adversely impact upon the streetscape. It considered that the existing Codes provision should apply which allows for a maximum of 50% of the lot width to be for garages. Therefore the DAP provision should be removed, and the Codes provisions will then prevail.

5. DRIVEWAYS/CROSSOVERS

The DAP provisions require driveway/crossovers to be brick paved or asphalt sealed. The developer is striving to achieve a higher quality of the built form/landscape and developers design guidelines do not permit asphalt.

Officer comment:

The change to this provision is supported to restrict the use of asphalt.

6. FENCING

This provision requires that all fencing in the street setback area, including rear laneways, to use open style fencing above 1.2 metres. Open style fencing is also required where lots abut public open space (POS).

The applicant advises that:

- In accordance with the Developer Design Guidelines, they are seeking to achieve an open landscape and contemporary rural design and do not permit any side or front fencing beyond the front building line.
- It seeks clarification on whether lots abutting POS will be permitted to have some solid fencing along a portion of the boundary, adjacent to the dwelling.

- They do not support the requirement for open style fencing on the rear boundaries of the lots abutting laneways or the rear setback area. The applicant acknowledges the need to provide a certain level of surveillance to the laneway. There also needs to be consideration to privacy and overlooking. Based on the small length of the laneway and that appropriate lighting will be provided, the open style fencing is not supported.
- Fencing will be provided and installed by the developer as part of a package.
- In relation to fencing along the laneway, solid fencing up to 1.8 metres is required. The proposed laneways are only 60 metres in length and allow for sufficient surveillance and cross movement of vehicles. The lots immediately adjacent are R20 and will provide a greater level of surveillance than if the laneway serviced two rows of R40 lots. The laneways will be provided with street lighting at each end of the lane.

Officer comment:

(a) Fencing forward of the building line:

The proposal by the developer to restrict any fencing in the front building setback area is supported.

(b) Side fencing:

The intent of the provisions relating to open style fencing abutting the laneway and the street setback area, only relates to the fence along the rear boundary. It does not relate to the side fences between adjoining lots which can be solid fences at 1.8 metres high.

(c) Fencing on lots

The issue of passive surveillance is considered very important to ensure that residents can “keep an eye” on activities in the laneway. If the rear boundary of each lot contains a 1.8 metre high solid fence and garage doors, then no surveillance to the laneway can occur from adjoining lots.

Removal of this provision is not supported and open style fencing above 1.2 metres is required. If landowners desire privacy, they are at liberty to plant trees/shrubs inside their property boundary, but visual surveillance can still be achieved.

The requirement for open style fencing on lots abutting POS can be reviewed. A number of lots have POS along their side boundaries and it is considered reasonable to modify this provision. It is proposed that solid fencing is permitted on the side boundaries of R20 lots (except in the front street setback area, as per the developers Design provisions). Solid fencing can be permitted on the R10 lots abutting POS, adjacent to the dwelling for a maximum of 50% of the total length of the boundary

7. SHEDS/OUTBUILDINGS

This clause requires that no additional sheds or outbuildings are permitted on lots abutting POS and the applicant seeks clarification and justification for this requirement.

Officer comment:

It is acknowledged that landowners should have the right to build a shed/outbuilding on their lot. The intent of the clause was to ensure that there would be no visual amenity impacts occurring with the construction of sheds/outbuildings on lots, adjacent to areas of POS. This is particularly relevant with the requirements that lots abutting POS have permeable fencing. The condition can be reworded to allow for sheds/outbuildings subject to adequate screening.

8. LOTS ABUTTING MAJOR ROADS

These provisions would not apply to the Stage 1 subdivision for the Glades.

Conclusion

Shire officers have spent a considerable amount of time on reviewing the approved DAP and the many provisions that are under review through the SAT appeal process. The consultants for the developers have worked closely with Council officers throughout the appeal process including mediation and provided more information as requested. The co-operation of the proponents planning consultants in assisting the Shire officers to consider each specific DAP provision under review is appreciated.

Many of the provisions that are under review can either be modified or deleted as outlined in this report. Some issues still remain unresolved such as the open space variation sought and the issue of open style fencing on lots backing onto laneways. These matters may be dealt with through further mediation or at a SAT hearing, if it progresses to that point. Alternatively the applicant may accept Council's position on some of these outstanding matters.

Voting Requirements: Simple Majority

Officer Recommended Resolution

Further to the State Administrative Tribunal order of 6 February 2008, that Council submits to the State Administrative Tribunal its review of the Detailed Area Plan for Stage 1 only of The Glades estate, Byford incorporating:

1. The proposed changes to the provisions agreed to by Council as outlined in the Officer's report.
2. The proposed deletion of provisions agreed to by Council as outlined in the Officer's report.
3. Those provisions where Council does not support any changes to the adopted Detailed Area Plan for the reasons as outlined in the Officer's report.

OCM036/04/08 COUNCIL DECISION

Moved Cr Kirkpatrick, seconded Cr Twine that item OCM036/04/08 be deferred to a Special Council meeting with a date to be determined.

CARRIED 10/0

Council Note: The Officers Recommended Resolution was changed to allow further consideration of the report by Officers and the Applicant.

9. ACTING CHIEF EXECUTIVE OFFICER'S REPORT

OCM037/04/08		INFORMATION REPORT
Proponent	Ian Hill - Acting Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Ian Hill - Acting Chief Executive Officer	
Date of Report	16 April 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM037.1/04/08 COMMON SEAL REGISTER REPORT – MARCH 2008 (A1128)

The Common Seal Register Report for the month of March 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the *attachments marked OCM037.1/04/08 (E02/5614)*.

OCM037.2/04/08 POLICY FORUM – APRIL 2008 (A0429/05)

The following items were discussed at the 1 April 2008 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Emergency Evacuation Procedures
2.	Email and Internet Usage Policy
3.	Draft Building Policies: <ul style="list-style-type: none">➤ Shade Sails➤ Cubby Houses➤ Fish Ponds➤ Retaining Walls➤ Refund of Building Fees

OCM037.3/04/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SOUTH EAST METROPOLITAN ZONE MEETING MINUTES – MARCH 2008 (A1164)

In the attachments marked OCM037.3/04/08 is the Minutes (IN08/3754) for the WALGA South East Metro Zone Meeting held on 26 March 2008.

OCM037.4/04/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MEETING AGENDA & MINUTES – APRIL 2008 (A1164)

In the attachments marked OCM037.4/04/08 is the Minutes (IN08/4063) for the WALGA State Council Meeting held on 2 April 2008.

OCM037/04/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Brown
The Information Report to 24 April 2008 is received.
CARRIED 10/0**

10. URGENT BUSINESS:

OCM038/04/08		REQUEST FOR LEAVE OF ABSENCE – CR SHEILA TWINE (A0024)
Proponent	Councillor Sheila Twine	In Brief
Officer	Ian Hill - Acting Chief Executive Officer	
Signatures - Author:		Councillor Sheila Twine will be away from 21 May to 20 June 2008. Recommend to approve leave of absence for Councillor Twine from the Ordinary Council Meeting to be held on 26 May 2008.
Senior Officer:		
Date of Report	18 April 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

OCM038/04/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Buttfeld, seconded Cr Brown
Council approves Leave of Absence for Councillor Twine from the Ordinary Council Meeting to be held on 26 May 2008.
CARRIED 10/0**

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Cr Harris

Q1. Could Council please be fully informed of the current status on the development adjacent to Larsen Road where the creek has been filled in? Is there a change in the status of Larsen Road or any changes to the traffic flow on Larsen Road?

A. The land on the south side of Larsen Road, Byford has planning approval for the land to be filled, subject to conditions. The land has recently been inspected by staff and a number of minor issues have been identified that need rectification by the developer. The creek/drain that runs across the land has been partly filled with sand and the developer has been requested to clean this drain out immediately.

The WA Planning Commission has granted subdivision approval from most of this land. This property will eventually be developed for housing with a large multiple use corridor running through the property.

Council's approved Byford Structure Plan, designates Larsen Road as an east – west distributor road between Briggs Road and the South Western Highway. The road will have a roundabout constructed (west of the Marri Grove Primary School), at the intersection of the proposed north-south distributor road. Larsen Road will remain a through road and will not be closed off or deviated.

Q2. Could Council please be briefed on the concept of MOU's and the possible use of such agreements for the purposes of public use of privately owned facilities?

A. A good opportunity to do this would be as part of (or a follow on from) Director Corporate Services & Manager Community Development presentation at May Concept Forum on the Building and Financing Local Government and Community Infrastructure Conference – which delves into public private partnerships, alliances and the like.

Q3. Does the Shire have any current “Park and Ride” facilities and if not, why not. I ask this question in relation to the current public transport available in the Shire of Serpentine Jarrahdale. It is apparent the public transport system, as it currently operates, assumes that people can walk to a bus stop. What happens in the case of outlying residents who wish to use public transport from one of the town centres? Where do they park?

A. The Shire has not provided any formal park and ride facilities in the Shire. Informal parking areas occur in Paterson Street, Mundijong adjacent to the bus stop and at the railway station for the Australind train service. No parking is provided in Byford for the bus service and sealed car park is located next to the railway station for the Australind service.

Council’s normally would not get involved in the design/construction of park and ride facilities. This is done by the State Government through the Public Transport Authority (PTA).

Serpentine Jarrahdale Shire does have a role to play in the area of strategic and statutory planning. To this end, the Shire is undertaking the following planning studies:

1. Byford Town Centre – Local Structure Plan and Detailed Area Plan study (project has just commenced).
2. Byford Structure Plan (future reviews) and consideration of Local Structure Plans.
3. Mundijong – Whitby Structure Plan project (underway).

The PTA has advised they have commissioned consultants PATREC to develop a long term plan for all public transport services. There are no further details regarding this study, however we are following this up with the PTA. It appears this would be a metropolitan wide study only.

Q4. Could Council please be briefed on the current use of all the facilities at Briggs Park? Is there any possible use of any rooms for meetings by community groups, especially senior citizen groups?

A. Yes – anyone or any group can book any of the Shire facilities or part thereof in the Shire. There are no restrictions in terms of the type of group.

Cr Kirkpatrick

Question 1

1. Has the \$50 000 set aside in the 2007/2008 budget for streetscape design in Jarrahdale been allocated yet?

A. No.

2. If not which streets would this cover?

A. This is not known.

3. Have any of the local community groups been consulted, if so which?

A. It is suggested that this be passed to the Director Strategic Community Planning for inclusion of this topic in the workshop with Jarrahdale residents to identify visions, values, concerns and ideas for streetscape design.

4. Has the Townscape Committee been involved in any discussion on the matter?

A. No.

5. If not why not ?
 - A. Please refer to the responses made at no. 1 and 3.
6. If the money is not spent this financial year will it be carried over to next financial year?
 - A. This is to be discussed at the budget briefing session to be held with Councillors on 6 May 2008.

Question 2

1. Has the letter been written yet as per Council resolution September OCM to the Motor Homes Association ?
2. When was the letter written?
3. Could Councillors have a copy of the letter?
4. Has a reply been received yet ?
- A. Refer to item OCM032/04/08 on this agenda

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 8.25pm.

I certify that these minutes were confirmed at the Ordinary Council meeting held on 26th May 2008.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD080/04/08 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	02.04.08	
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 CGAM064/02/08	

SD080/04/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the March 2008 Building Information Report.
CARRIED 7/0**

SD081/04/08 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner – Manager Health & Ranger Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	1 April 2008	
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 CGAM064/02/08	

SD081/04/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the March 2008 Health Information Report.
CARRIED 7/0**

SD086/04/08 PROPOSED PATIO – #49 PARK ROAD, BYFORD (RS0018/03)		
Proponent:	Byford Community Kindergarden	In Brief The applicant seeks planning approval to construct a patio on a Council land. It is recommended the application be approved subject to conditions.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	C Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	04 April 2008	
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 CGAM064/02/08	

SD086/04/08 Committee Decision/Officer Recommended Resolution:

The proposed patio be approved subject to the following conditions:

1. The patio is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
2. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
3. A building licence is to be obtained prior to commencement of development.
4. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of TPS 2.
5. Street trees on verge are not to be pruned or removed.

CARRIED 7/0

SD087/04/08 PROPOSED PYLON SIGN, LOT 2 (#868) SOUTH WESTERN HIGHWAY ROAD BYFORD (P01760/04)		
Proponent:	DMI SIGNS	<p>In Brief</p> <p>The applicant seeks Planning Approval to erect a pylon sign advertising fuel prices, adjacent to the South Western Highway, Byford.</p> <p>It is recommended that the application be refused.</p>
Owner:	Bernadini Pty Ltd	
Officer:	C Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	01 April 2008	
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 CGAM064/02/08	

SD087/04/08 Committee Decision/Officer Recommended Resolution:

The proposed pylon sign for Lot 2 (#868) South Western Highway, Byford be refused for the following reasons:

1. The proposal is inconsistent with the adopted Byford DAP requirements for signage in the Town Centre which states that pylon signs are not permitted.
2. The proposal would adversely impact upon the visual amenity of the Byford townsite.

CARRIED 7/0

CGAM073/04/08 MONTHLY FINANCIAL REPORT – MARCH 2008 (A0924/07)		
Proponent:	Local Government Act 1995	<p>In Brief</p> <p>To receive the Monthly Financial Report as at 31st March 2008</p>
Owner:		
Officer:	Casey Mihovilovich - Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	3 rd April 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM073/04/08 Committee Decision/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 31st March 2008, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 7/0

CGAM074/04/08 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during March 2008
Owner:	N/A	
Officer:	Tracy Mladenovic – Coordinator Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	31 st March 2008	
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 CGAM064/02/08	

CGAM074/04/08 Committee Decision/Officer Recommended Resolution:

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of March 2008, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 7/0

CGAM075/04/08 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 st March 2008
Owner:	Not Applicable	
Officer:	Melissa Armitage - Finance Officer (Debtors)	
Signatures Author:		
Senior Officer:		
Date of Report	1 st April 2008	
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 CGAM064/02/08	

CGAM075/04/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31st March 2008.

CARRIED 7/0

CGAM076/04/08 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 st March 2008
Owner:	Not Applicable	
Officer:	T Mladenovic – Coordinator Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	1 st April 2008	
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 CGAM064/02/08	

CGAM076/04/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on the Rate Debtors accounts as at 31st March 2008.
CARRIED 7/0

CGAM077/04/08 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 31 st March 2008
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report	3 rd April 2008	
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 CGAM064/02/08	

CGAM077/04/08 Committee Decision/Officer Recommended Resolution:

The information report to 31st March 2008 to be received.
CARRIED 7/0