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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 MONDAY 28th July, 2003. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00 PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCES & APOLOGIES

PRESENT: Crs DL Needham Presiding Member
JC Star
JA Scott
KR Murphy
AW Wigg
JE Price
AJ Simpson
WJ Kirkpatrick
THJ Hoyer

APOLOGIES :Cr IJ Richards Leave of Absence

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

GALLERY: 3

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

3. PUBLIC STATEMENT TIME:

4. PETITIONS & DEPUTATIONS:

5. PRESIDENT'S REPORT:

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Hoyer declared a financial interest in Item P10.1/07/03.

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

7.1 Ordinary Council Meeting – 23rd June, 2003

COUNCIL DECISION

Moved Cr Price seconded Cr Kirpatrick
That the minutes of the Ordinary Council Meeting held on 23rd June, 2003 be confirmed.
CARRIED 9/0

7.2 Asset Services – 14th July, 2003

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Simpson
That the minutes of the Asset Services Committee Meeting held on 14th July, 2003
be received.

CARRIED 9/0

AS003/07/03 KEYSBROOK WASTE TRANSFER STATION (RS0002)		
Proponent	Shire of Serpentine Jarrahdale	In Brief <i>Council is requested to endorse the continuation of the Keysbrook Waste Transfer Station and pursue options available which may reduce the illegal dumping of refuse at the site.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	25 June 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The Keysbrook Waste Transfer Station is provided with two bulk waste bins and two bulk recycling bins for use by residents. On 1 July 2002, Council introduced a kerbside pickup waste and recycling service which included 24 properties in the Keysbrook area. The cost of operating the Transfer Station facility is offset by a \$55.00 fee paid by the 35 properties outside of the waste service boundary.

Residents of Yamba, in the Shire of Murray, also utilise this facility for the disposal of their waste. The cost of this service is recovered through an annual fee of \$2,000.

Since September 2002, frequent dumping of large quantities of rubbish has occurred at the site adjacent to the bins. While difficult to identify the offender, it is believed that this dumping has been undertaken by a commercial entity due to the volume and type of waste. The primary issue has been that this waste is not placed in the bins and the resulting cleanup is occurring at significant cost to Council (\$2,250 in 2002/2003). Unfortunately the Litter Act does not allow the prosecution of offenders when waste is dumped within a reserve which has the purpose of a tip or transfer station.

Discussions have been held with the Shire of Murray and the Shire's waste service contractors (Cleanaway & SITA) to consider options which may compensate for the closure of the Keysbrook facility.

Comments

The preferred solution in this instance is to provide every resident in the Keysbrook precinct with a kerbside waste collection service and close the Keysbrook facility. In March 2003, the Shire of Murray Council resolved that residents of Yamba be advised that as from the new financial year the waste collection service would be provided to them. This resolution was the result of discussions in which it was indicated by officers that, due to problems occurring at Keysbrook, consideration may be given to closing the facility in the future.

Officers from both Murray and Serpentine Jarrahdale met with the waste contractors to determine if the expansion of the service was feasible, both in terms of financial implications

and accessibility to properties. A site investigation was undertaken and it was determined that the expansion of the service to all properties would not be possible.

The Director Technical Services, Shire of Murray, has advised that the inclusion of Yamba is not being progressed at this stage as the waste contractors have indicated that their vehicles cannot access several properties due to the topography of the land.

The assessment of currently unserviced properties in the Keysbrook precinct has resulted in it being determined that, although an additional 21 properties could be included, 14 properties are not accessible to the service.

Closure of the Keysbrook facility would not only result in these property owners having no waste disposal alternatives in close proximity, but may also encourage dumping of refuse on other reserves or within the State Forest as currently occurs.

Advice has been received that it may be possible for Council to introduce a Local Law which prohibits the dumping of rubbish except within the receptacles provided. While acknowledging that this will only be effective if it can be enforced, it is recommended that officers pursue this option as a means to eliminating the illegal dumping practice.

Sustainability Statement

Continuing to provide a waste transfer station facility at Keysbrook will allow the controlled disposal of refuse from the community.

Statutory Environment: Local Government Act 1995 (As amended)

Policy Implications: Nil

Financial Implications: Expenditure reduction will occur if the illegal dumping of refuse can be eliminated.

Strategic Implications: Key Sustainability Result Areas
1. People and Community
Objective 1: Good quality of life for all residents
Strategies:
2. Develop good services for health and well being.
2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
3. Encourage protection and rehabilitation of natural resources.

Community Consultation: Nil

Voting Requirements: Normal

Officer Recommended Resolution:

1. That Council resolves to continue provision of a waste service at the Keysbrook Waste Transfer Station.
2. That officers pursue the feasibility of the introduction of a Local Law to prohibit the illegal dumping of refuse at the Keysbrook Waste Transfer Station.
3. That residents of Keysbrook, potentially accessible to the kerbside refuse collection service, be canvassed for their support in being included in the service.

CRAS003 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Hoyer that this matter be deferred until August Asset Services Committee Meeting.
CARRIED 9/0

Note: The Officer Recommendation was changed to allow for further options to be investigated and to include discussions with the Shire of Murray.

AS004/07/03 DISPOSAL OF RESERVE 35667, OAKFORD (RS0160)		
Proponent	Department of Land Administration	In Brief <i>The Department of Land Administration has requested comment from Council regarding the disposal of Reserve 35667 to the surrounding landowner. It is recommended that Council agrees the disposal of Reserve 35667.</i>
Officer	Brett Dunn	
Signatures - Author:		
Senior Officer:		
Date of Report	1 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Reserve 35667 (Rice Road Reserve) is located at the southern end of Rice Road and surrounded by privately owned Lot 202 Kargotich Road. The reserve has a vested purpose of "Government Requirements" and is currently unmanaged. That is, the Shire does not own or hold a Management Order over this land.

The Shire had originally considered a land swap by disposing of the reserve to the surrounding landowner in return for a portion of land to equal value fronting Kargotich Road. The Department of Land Administration (DOLA) was informed of the Shire's intention. Correspondence recently received states that the owner of Lot 202 does not agree to a land swap, however wishes to purchase Reserve 35667 outright. Furthermore a Department of Land Administration land inspector recently investigated the site and advises it is not suitable for recreational use.

It is recommended that Council agrees to the disposal of Reserve 35667 to the landowner of Lot 202 Kargotich Road.

Comments

A copy of a map showing Reserve 35667 is with attachments marked AS004/004/07/03.

Reserve 35667 was previously used as a gravel pit by the Shire but has not been used since 1990. The reserve has many large holes where there has been previous excavation and some rocky outcrops of cap-rock. In its current state Reserve 35667 is considered to be unsuitable for any recreation or grazing of stock. The cost to fill and level this site has been estimated by Shire Officers as being in excess of \$50,000.

The reserve is located in the centre of private property, Lot 202 Thomas Road. The adjacent landholder has privacy concerns with a public reserve located in the centre of his property.

Sustainability Statement

The disposal of this reserve to the surrounding landowner will result in the eventually improvement of the land as it will require substantial ground-works before it can serve a purpose.

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Key Sustainability Result Areas

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Community Consultation: Consultation with surrounding landowner.

Voting Requirements: Normal

CRAS004 COUNCIL DECISION/Committee/Officers Recommended Resolution:

Moved Cr Star seconded Cr Simpson Council advises the Department of Land Administration that it does not object to disposal of Reserve 35667 to the landowner of Lot 202 Kargotich Road.
CARRIED 6/3

AS005/07/03 APPOINTMENT OF AUTHORISED OFFICER(S) - BUSH FIRES ACT 1954 – AUTHORISED PERSON (A0002)		
Proponent	Fire & Emergency Services officer	In Brief Appointment of operational authorised fire control officers in accordance with the Bush Fires Act 1954
Officer	D. Gossage	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Local government is to appoint Authorised Persons/Fire Control Officers as required under the Bush Fires Act 1954

Comments

As part of the review of Council process it is considered good practice to confirm the appointment of “authorised persons/fire control officers” in accordance with the requirements of the Bush Fires Act.

The Bush Fire Advisory committee recommends that Fire Control Officers be appointed for two and three year terms initially and there after three year terms. This practice is to allow for a staggered change over of personal (if required) without the inconvenience to the administrative functions.

The named legislation requires that “the Local Government” appoint persons to undertake certain duties. It is considered appropriate to confirm the names and positions of officers

duly appointed by Council under this Act. Council may at any time cancel appointments of officers in accordance with the Bush Fires Act.

All the brigades have confirmed the appointments of the fire control officers as listed:

Chief Fire Officers:

- Chief Fire Control Officer – David George Gossage, 1 Year
- 1st Deputy Chief Fire Control Officer – David Alexander Robinson, 3 year
- 2nd Deputy Chief Fire Control Officer – Kenneth George Elliott, 2 year

Operational Fire Control Officers:

Donald Fredrick Montague Wright 3 year, Paul Walter Maddern 2 year, Leslie Hugo Harris 3 year, Paul Bernard Brodie 3 year, Geoffrey Graham Fawcett 3 year, Alan Scott Hambley 2 year, Kim Michelle Maddern 3 year, Ray Stanley Elliott 2 year, John Woodland 2 year, Brian Douglas Owston, Sarah Kirsty Downes

Permit Issuing Fire Control Officers:

Darryl Ronan 2 year, Lennard Charles Hofert-Smith 2 year, Paul Chapman 2 year, Kevin Marshall Chambers 2 year

Statutory Environment:

Bush Fires Act 1954

Policy Implications:

No Policy Implications are known.

Financial Implications:

No Financial Implications are known.

Strategic Implications:

Key Sustainability Result Areas

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

- 2. Develop good services for health and well being.
- 6. Ensure a safe and secure community.

Community Consultation:

Not required as these officers have held these appointments previously.

Voting Requirements:

ABSOLUTE MAJORITY

Officer Recommended Resolution

1. In accordance with the Bush Fires Act 1954 as amended, the following persons are hereby appointed as authorised fire control officers as described for the Shire of Serpentine-Jarrahdale, from 1 June 2003 to 31 May in the year of termination, and all other appointments are hereby cancelled:-

Chief Fire Officers;

- 1st Deputy Chief Fire Control Officer – David Alexander Robinson, 3 year
- 2nd Deputy Chief Fire Control Officer – Kenneth Elliott, 2 year

Operational Fire Control Officers;

D Wright 3 year, Paul Walter Maddern 2 year, Leslie Hugo Harris 3 year, Paul Bernard Brodie 3 year, Geoff Fawcett 3 year, Alan Scott Hambley 2 year, Kim Michelle Maddern 3 year, Ray Stanley Elliott 2 year, John Woodland 2 year, Brian Douglas Owston, Sarah Kirsty Downes.

Permit Issuing Fire Control Officers;

Darryl Ronan 2 year, Lennard Charles Hofert-smith 2 year, Paul Chapman 2 year, Kevin Marshall Chambers 2 year

2. That David George Gossage be appointed as Chief Fire Control Officer until 31 May 2004.

CRAS005 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Murphy

1. In accordance with the Bush Fires Act 1954 as amended, the following persons are hereby appointed as authorised fire control officers as described for the Shire of Serpentine-Jarrahdale, from 1 July 2003 to 30 June in the year of termination, and all other appointments are hereby cancelled:-

Chief Fire Officers:

- 1st Deputy Chief Fire Control Officer – David Alexander Robinson, 3 year
- 2nd Deputy Chief Fire Control Officer – Kenneth Elliott, 2 year

Operational Fire Control Officers:

D Wright 3 year, Paul Walter Maddern 2 year, Leslie Hugo Harris 3 year, Paul Bernard Brodie 3 year, Geoff Fawcett 3 year, Alan Scott Hambley 2 year, Kim Michelle Maddern 3 year, Ray Stanley Elliott 2 year, John Woodland 2 year, Brian Douglas Owston, Sarah Kirsty Downes.

Permit Issuing Fire Control Officers:

Darryl Ronan 2 year, Lennard Charles Hofert-Smith 2 year, Paul Chapman 2 year, Kevin Marshall Chambers 2 year

2. That David George Gossage be appointed as Chief Fire Control Officer until 30 June 2004.

CARRIED 9/0 **ABSOLUTE MAJORITY**

Note: The recommendation was changed to align appointments with the financial year.

AS006/07/03 OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 2 KARGOTICH ROAD, MUNDIJONG (A0512-03)		
Proponent	Palcon Group	In Brief An application for alternative routes has been made by Palcon Group for Council consent to use long vehicle truck and trailer combinations to cart timber product to Lot 2 Kargotich Road, Mundijong. Conditional consent is recommended.
Officer	Bryce Coelho Manager Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	3 July 2003	
Previously	AS084/06/03	
Disclosure of Interest		
Delegation	Council	

Background

Palcon Group submitted an application in June 2003 seeking Council consent to the use of oversize permit vehicles (Pocket Road Trains) under 27.5 metres in length to transport timber product to the property of Mr Clive Atwell, Lot 2 Kargotich Road, Mundijong.

Council had refused the application, as it does not want to encourage the use of Kargotich Road as a heavy haulage through route. Applicant was however advised that Council may consider alternative routes.

Comments

Mr Atwell requires the road transport of fencing logs from Brookton and from Harvey to Lot 2 Kargotich Road. Palcon Group has been engaged to provide the transport services and have requested that oversize vehicles be utilized. Palcon Group advise that the number of truck movements will likely not exceed 15 trips per year, however significant cost savings can be achieved by their client if oversize vehicles are used.

Council did not grant consent to the use of oversized vehicles (up to 27.5 metres in length) by Palcon Group to access Lot 2 Kargotich Road in the Committee Recommended

Resolution CRAS084. The applicant was however advised that Council may consider the following alternative routes:-

- (a) Watkins Road (South Western Highway to Mundijong Road), Mundijong Road (Watkins Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).
- (b) Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).

Palcon Group has requested consent to use both of the alternative routes as fencing logs are delivered from the north and south, making both routes desirable.

It is recommended that, if approval is given, this initially be for a period of one year with subsequent periods requiring individual applications. This will allow Council to assess the performance of the applicant and, if found unsatisfactory, refuse future requests.

Thomas Road is constructed to allow access of large vehicles with minimal impact on other traffic. Watkins Road, King Road and Mundijong Road are classified as a District Distributor roads and are suitable for safe heavy vehicle usage. The existing road widths are suitable for heavy vehicle operations.

Subject to Council consent, Main Roads will assess the capacity of the roads and intersections to accommodate the vehicle movements.

Given the ability of Council to apply conditions to the operation of the vehicles, officers recommend that consent be provided in this instance.

Sustainability Statement

Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport vehicles, reduced environmental emissions and reduced transport and road maintenance costs.

Sustainable permit vehicle operations should be contingent upon the operations being demonstrated to be properly managed to realize the potential benefits.

Statutory Environment: Motor Vehicle Act and Regulations

Policy Implications: No implications to Council's present permit vehicle operation position.

Financial Implications: Nil

Strategic Implications: **3. Economic**
Objective 2: Well developed and maintained infrastructure to support economic growth
Strategies:
1. Improved freight, private and public transport networks.

Community Consultation: Nil

Voting Requirements: Normal

Officer Recommended Resolution:

1. Consent be conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Palcon Group to access Lot 2 Kargotich Road, Mundijong via the following alternative routes for a period of twelve (12) months:
 - (a) Watkins Road (South Western Highway to Mundijong Road), Mundijong Road (Watkins Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).
 - (b) Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).
2. Consent being subject to the following conditions:
 - (i) Verification by Main Roads Western Australia as to the suitability of the proposed route and issue of permits;
 - (ii) Vehicle speeds on Kargotich Road to not exceed 90km/h;
 - (iii) Vehicle speeds on Watkins Road to not exceed 90km/h;
 - (iv) Vehicles are to operate during daylight hours only between Monday and Saturday;
 - (v) Vehicles are not to operate during school bus travel times;
 - (vi) Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations;
 - (vii) Any application for extension to the permit(s) being referred to Council.

CRAS006 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Murphy seconded Cr Simpson

1. Consent be conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Palcon Group to access Lot 2 Kargotich Road, Mundijong via the following alternative routes for a period of twelve (12) months:
 - (a) Watkins Road (South Western Highway to Mundijong Road), Mundijong Road (Watkins Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).
 - (b) Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).
2. Consent being subject to the following conditions:
 - (i) Verification by Main Roads Western Australia as to the suitability of the proposed route and issue of permits;
 - (ii) Vehicle speeds on Kargotich Road to not exceed 90km/h;
 - (iii) Vehicle speeds on Watkins Road to not exceed 60km/h;
 - (iv) Vehicles are to operate during daylight hours only between Monday and Saturday;
 - (v) Vehicles are not to operate during school bus travel times;
 - (vi) Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations;

CARRIED 7/2

Cr's Price and Hoyer voted against this motion.

Note: The recommendation was changed to reduce the operating speed on Watkins Road to 60km/h.

7.3 Strategic Management Committee Meeting – 21st July, 2003

COUNCIL DECISION

Moved Cr Star seconded Cr Price

That the minutes of the Strategic Management Committee Meeting held on 21st July, 2003 be received.

CARRIED 9/0

SM001/07/03 DELEGATES VOTING ENTITLEMENTS AND VOTING – 2003 WALGA & LGA ANNUAL GENERAL MEETINGS (A0163-06)		
Proponent	Western Australian Local Government Association (WALGA)	In Brief 1. Council to nominate voting rights on behalf of the Shire of Serpentine Jarrahdale at the 2002 2003 WALGA, CSCA and LGA Annual General Meetings. 2. Council to provide direction to delegates on the WALGA and LGA Annual General Meetings agenda items.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	2 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The Western Australian Local Government Association (WALGA) has written to local governments requesting they nominate their delegates for the Annual General Meetings of the Associations during the Local Government Week Conference 2003

Agendas for the Annual General Meetings of the Western Australian Local Government Association (WALGA), Local Government Association (LGA) and Country Shire Councils Association (CSCA) have now been distributed to Councils.

Comments

Provided at Attachment SM001.1/07/03 is a copy the 2003 Annual General Meeting Agenda and also a copy of the minutes of the 2002 Annual General Meeting is provided at Attachment SM001.2/07/03 for Council's information.

The Serpentine Jarrahdale Shire under the single association structure now only has voting rights as a member of the South East Metropolitan Zone, it is suggested that Council's voting delegates (Councillors Star and Hoyer) be offered the first opportunity to attend the following meetings as detailed in the 2003 Annual General Meeting Agenda document:

1. Sunday 3 August 2003 @ 11:30am – Annual General Meeting of LGA
2. Sunday 3 August 2003 @ 1:00pm – Annual General Meeting of WALGA

The Annual General Meeting of LGA has one Agenda Item, which Council will need to provide direction to their nominated delegates on. This item is;

- 1.1 Dissolution of the Local Government Association of Western Australia:

The Annual General Meeting of WALGA has a number of Agenda Items, which Council will need to provide direction to their nominated delegates on. These items are as follows:

1. Development

- 1.1 Control over subdivision approvals by WA Planning Commission.
 - 1.2 Liquor Licensing.
 - 1.3 Representation by the Office of Native Title.
2. Governance
- 1.1 Chief Executive Officer performance evaluation.
 - 1.2 Deputy President – Presiding at meetings.
 - 1.3 Federal and State Constitution recognition of local governments
 - 1.4 State Budget Allocations – Advice to local governments.
 - 1.5 Elected member remuneration.
3. Transport
- 1.1 State road funds to local government.
 - 1.2 Road funding – Lancelin to Cervantes coast road.

Statutory Environment: Individual Association constitutions

Policy Implications: No policy implications

Financial Implications: There will be a cost associated with Councillors attending the local government week conference. Council has provided in the 2003-2004 draft budget funds to enable interested Councillors to attend the 2003 Local Government Week.

Strategic Implications: No strategic implications

Community Consultation: No consultation required.

Voting Requirements: Normal

Officer Recommended Resolution

1. Councillors Star and Hoyer be nominated as the Serpentine Jarrahdale Shire voting delegates, for the 2003 Annual General Meetings for the Western Australian Local Government Association to be held on Sunday, 3 August 2003.

Cr ----- be nominated as first deputy and Cr ----- as second deputy, should Cr Star or Cr Hoyer not be able to attend.

2. Council requests their delegates to attend:

1. Sunday 3 August 2003 @ 11:30am – Annual General Meeting of LGA
2. Sunday 3 August 2003 @ 1:00pm – Annual General Meeting of WALGA

3. Council delegates are to vote the following way on items on the 2003 LGA AGM Agenda:

- 1.1 Dissolution of the Local Government Association of Western Australia:-
Support or Not support

4. Council delegates are to vote the following way on items on the 2003 WALGA AGM Agenda:

1. **Development**

- 1.1 Control over subdivision approvals by WA Planning Commission - **Support or Not support**
- 1.2 Liquor Licensing – **Support or Not support**
- 1.3 Representation by the Office of Native Title – **Support or Not support**

2. Governance

- 1.1 Chief Executive Officer performance evaluation – **Support or Not support**
- 1.2 Deputy President – Presiding at meetings – **Support or Not support**
- 1.3 Federal and State Constitution recognition of local governments – **Support or Not support**
- 1.4 State Budget Allocations – Advice to local governments – **Support or Not support**
- 1.5 Elected member remuneration – **Support or Not support**

3. Transport

- 1.1 State road funds to local government – **Support or Not support**
- 1.2 Road funding – Lancelin to Cervantes coast road – **Support or Not support**

CRSM001 Committee Recommended Resolution

1. Councillors Star and Hoyer be nominated as the Serpentine Jarrahdale Shire voting delegates, for the 2003 Annual General Meetings for the Western Australian Local Government Association to be held on Sunday, 3 August 2003.

Cr Murphy be nominated as first deputy and Cr Hoyer as second deputy, should any Councillors be unable to attend.

2. Council requests their delegates to attend:

1. Sunday 3 August 2003 @ 11:30am – Annual General Meeting of LGA
2. Sunday 3 August 2003 @ 1:00pm – Annual General Meeting of WALGA
3. Sunday 3 August 2003 @ 11:30am – Annual General Meeting of CSCA

3. Council delegates are to vote the following way on items on the 2003 LGA and CSCA AGM Agenda:

- 1.1 Dissolution of the Local Government Association of Western Australia:-
Support

4. Council delegates are to vote the following way on items on the 2003 WALGA AGM Agenda:

1. Development

- 1.1 Control over subdivision approvals by WA Planning Commission - **Support**
- 1.2 Liquor Licensing – **Support**
- 1.3 Representation by the Office of Native Title – **Support**

2. Governance

- 1.1 Chief Executive Officer performance evaluation – **Not support**
- 1.2 Deputy President – Presiding at meetings – **Support**
- 1.3 Federal and State Constitution recognition of local governments – **Support**
- 1.4 State Budget Allocations – Advice to local governments – **Support**
- 1.5 Elected member remuneration – **Support**

3. Transport

- 1.1 State road funds to local government – **Support**
- 1.2 Road funding – Lancelin to Cervantes coast road – **Not support**

Note: The Officer Recommended Resolution was altered to enable a Council delegate to also attend the CSCA AGM.

CRSM001 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Simpson that

1. Councillors Star and Hoyer be nominated as the Serpentine Jarrahdale Shire voting delegates, for the 2003 Annual General Meetings for the Western Australian Local Government Association to be held on Sunday, 3 August 2003.

Cr Murphy be nominated as first deputy and Cr Hoyer as second deputy, should any Councillors be unable to attend.

2. Council requests their delegates to attend:

1. Sunday 3 August 2003 @ 11:30am – Annual General Meeting of LGA
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3. Council delegates are to vote the following way on items on the 2003 LGA and CSCA AGM Agenda:

- 1.1 Dissolution of the Local Government Association of Western Australia:-
Support

4. Council delegates are to vote the following way on items on the 2003 WALGA AGM Agenda:

1. Development

- 1.1 Control over subdivision approvals by WA Planning Commission - **Support**
- 1.2 Liquor Licensing – **Support**
- 1.3 Representation by the Office of Native Title – **Support**

2. Governance

- 1.1 Chief Executive Officer performance evaluation – **Not support**
- 1.2 Deputy President – Presiding at meetings – **Support**
- 1.3 Federal and State Constitution recognition of local governments – **Support**
- 1.4 State Budget Allocations – Advice to local governments – **Support**
- 1.5 Elected member remuneration – **Support**

3. Transport

- 1.1 State road funds to local government – **Support**
- 1.2 Road funding – Lancelin to Cervantes coast road – **Not support**

5. Council accepts that their delegates may also have to vote on any late items which are received before the AGM's without reference back to Council.

CARRIED 9/0

Note: The Committee Recommended Resolution was changed by adding point 5 - to allow for delegates to vote on late items at the AGM's.

SM002/07/03 PUBLIC INTEREST DISCLOSURE ACT 2003 (A1048)		
Proponent	Office of the Public Sector Standards Commissioner	In Brief Adopt a Council Policy - Public Interest Disclosure Act 2003.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	8 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Object of the Act

The *Public Interest Disclosure Act 2003 (The Act)* commenced operation on 1 July 2003. The object of the Act is to:

facilitate the disclosure of public interest information;
provide protection for those who make disclosures; and
provide protection for those who are the subject of a disclosure.

This is achieved by:

- * protecting the person making the disclosure from legal or other action;
- * providing for the confidentiality of the identity of the person making the disclosure and a person who is the subject of a disclosure; and
- * providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure

Local Government is recognised as a “Public Authority” under the Act.

A copy of Part 1. Public Interest Disclosure Act 2003 “Rights and Obligations” is with the attachments marked SM002.1/07/03.

Comments

The Public Interest Disclosure Act 2003 aims to facilitate the disclosure of public interest information and to provide protection for those who make disclosures and for those who are the subject of disclosures. Changes may be made to these Guidelines from time to time at which time all public authorities will be informed by the Office of the Public Sector Standards Commissioner when this occurs.

To ensure that Council complies with the requirements of the Act, a Work Procedure has been developed and agreed by the Executive which details the intent of and application of the Guidelines. ***(A copy of CSWP45 – Public Interest Disclosure Act 2003 is provided at attachment SM002.2/07/03).*** It is also suggested that Council adopt the following policy in relation to this Act, which will refer to CSWP45;

Draft Policy – CSP32 PUBLIC INTEREST DISCLOSURE ACT 2003

The Serpentine Jarrahdale Shire (The Council) acknowledges its obligations under the *Public Interest Disclosure Act 2003 (The Act)* and in doing so:-

- A) will ensure that staff are supported under the *Public Interest Disclosure Act 2003*, the Council:-
- * Does not tolerate corrupt or other improper conduct, including mismanagement of community resources, in the exercise of the public functions of the Serpentine Jarrahdale Shire and its officers, employees and contractors.
 - * Is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.
 - * Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.
 - * Does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.
- B) has in place an internal procedure (CSWP45 Public Interest Disclosure Act 2003 Work Procedure) that describes the manner in which:-
- * Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council. The person from time to time holding or acting in the position of Director Corporate Services is designated as the Public Interest Disclosure Officer, or PID Officer, of the Serpentine Jarrahdale Shire.
 - * The PID Officer shall investigate the information disclosed, or cause that information to be investigated.
 - * The PID Officer may take action following the completion of the investigation.
 - * The PID Officer shall report to the informant as to the progress and outcome of that investigation and the action taken as a consequence.
 - * The confidentiality of the informant, and any person who may be the subject of a public interest disclosure, shall be maintained.
 - * Records as to public interest disclosures shall be maintained and reporting obligations complied with.

Sustainability Statement

Not applicable

Statutory Environment:

Public Interest Disclosure Act 2003

Policy Implications:

A new policy is being established under this item to meet the requirements of the Public Interest Disclosure Act 2003.

Financial Implications:

Not applicable

Strategic Implications:

2003 Strategic Plan - Key Result Area 4, Objective 3 “Comply with State and Federal policies and legislation and the local government act in the most cost effective way”.

Community Consultation:

The guidelines suggest that Part 1. *Public Interest Disclosure Act 2003* “Rights and Obligations” should be made available to officers and employees of Public Authorities and members of the public who may wish to disclose public interest information under the Act.

Voting Requirements:

Normal

CRSM002 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Scott that Council adopts the following Policy:

Policy – CSP32 PUBLIC INTEREST DISCLOSURE ACT 2003

The Serpentine Jarrahdale Shire (The Council) acknowledges its obligations under the *Public Interest Disclosure Act 2003 (The Act)* and in doing so:-

A) will ensure that staff are supported under the *Public Interest Disclosure Act 2003*, the Council:-

- * Does not tolerate corrupt or other improper conduct, including mismanagement of community resources, in the exercise of the public functions of the Serpentine Jarrahdale Shire and its officers, employees and contractors.
- * Is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.
- * Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.
- * Does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

B) has in place an internal procedure (CSWP45 Public Interest Disclosure Act 2003 Work Procedure) that describes the manner in which:-

- * Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council. The person from time to time holding or acting in the position of Director Corporate Services is designated as the Public Interest Disclosure Officer, or PID Officer, of the Serpentine Jarrahdale Shire.
- * The PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- * The PID Officer may take action following the completion of the investigation.
- * The PID Officer shall report to the informant as to the progress and outcome of that investigation and the action taken as a consequence.
- * The confidentiality of the informant, and any person who may be the subject of a public interest disclosure, shall be maintained.
- * Records as to public interest disclosures shall be maintained and reporting obligations complied with.

CARRIED 9/0

SM003/07/03 CONFIDENTIAL - LEGAL MATTER (H0054)		
Proponent	Workers Compensation Act	In Brief To consider advice from Council's solicitors in relation to the Workers Compensation claim made on 12 March 2001 and 28 February 2002.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	15 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

CRSM003 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Star that

1. Council receives and notes the information relating to the Workers Compensation matter in regard to the incidents that occurred on 12 March 2001 and 28 February 2002, and agrees to undertake action recommended by Council's solicitors.
2. Subject to agreement between the Shire President and Deputy Shire President, the Chief Executive Officer be delegated authority to settle this matter.

CARRIED 9/0 ABSOLUTE MAJORITY

SM004/07/03 REVIEW OF THE WALGA MODEL CODE OF CONDUCT (A0031)		
Proponent	Western Australian Local Government Association	In Brief
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	15 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The Western Australian Local Government Association has forwarded a discussion paper in relation to establishing a minimum standard code of conduct for elected members. The document has not been formally adopted by either WALGA nor the State Government. WALGA are requesting comments in relation to this paper by 1 August 2003 so that these comments may be considered by the Governance Policy Team and forwarding for consideration to State Council. An information forum is being considered to further review this topic before the end of the year.

Comments

Attached as a hard copy to this agenda and marked SM004.1/07/03 is a copy of the discussion paper for consideration. It is suggested that any comments may be made during discussion of this item during the committee or forwarded by individual councillors personally. This document deals with elected members and therefore councillors should take an interest in reading the paper and becoming familiar with the propositions being provided.

Statutory Environment:

Is proposed to be included as part of regulations to the Local Government Act 1995.

Policy Implications:

No policy implications.

Financial Implications: No financial implications

Community Consultation: Not required

Voting Requirements: Normal

Officer Recommended Resolution

The report on the Review of the WALGA Model Code of Conduct be noted.

CRSM004 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Scott that

1. Councillors undertake a workshop with Director Corporate Services prior to 1 August 2003 to consider and prepare the Council response.
2. The response be included in the August Strategic Management Committee Information Report.

CARRIED 9/0

Note: The Officer Recommended Resolution was altered to enable Councillors to workshop their response to the questions asked by WALGA.

Cr Price declared an interest affecting impartiality in respect of item SM005/07/03, that as a Council delegate and Chairperson of the Serpentine-Jarrahdale Tourism Association, that his connection with this group does not affect how he will vote on this matter.

SM005/07/03 2003/2004 BUDGET (A1157)		
Proponent	Local Government Act 1995	In Brief To recommend to Council to adopt the proposed 2003/2004 statutory budget.
Officer	G R Dougall – Director Corporate Services	
Signatures – Author:		
Senior Officer:		
Date of Report	7 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Section 6.2 of the Local Government Act 1995 requires local governments to prepare an annual budget not later than 31st August in each financial year. Each local government is to prepare and adopt the budget in the form and manner prescribed and by absolute majority.

In the preparation of the budget the local government is to have regard to the contents of the plan of principal activities accepted under section 5.58 and is to prepare a detailed estimate for the current year of;

1. The expenditure by the local government,
2. The revenue and income, independent of general rates, and
3. The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue.

The budget is to incorporate;

1. Particulars of the estimated expenditure to be incurred by the local government;
2. Detailed information relating to the rate and service charges which will apply to land within the district, including the estimated amount to be yielded by the rate and the

- rate of interest to be charged by the local government on unpaid rates and service charges;
3. The fees and charges proposed to be imposed;
 4. The particulars of borrowings and other financial accommodation proposed;
 5. Details of the amounts to be set aside in, or used from, reserve accounts and the purpose for which they are to be used;
 6. Particulars of proposed land transactions and trading undertakings; and
 7. Such other matters as prescribed.

Comments

The budget has been developed in accordance with the Forward Financial Plan adopted by Council in May, 2003 (CRSM055/05/03). The proposed budget presented this year has been based on a 6% rate increase and is in a slight deficit of \$3,179. At a working group meeting of councillors held on Thursday, 17 June it was decided to advertise, in accordance with section 6.36 of the Local Government Act 1995, the intention to differential rate with a 6% rate increase on the previous year. This advertisement is open for public comment until 16 July 2003, and also stated the intention for a reduction in the Farmland Concession from 31% to 25%, a bushfire levy of \$21.00 per property and for no specified area rate to be charged for the Chestnuts estate drainage this year.

Attached as a hard copy to this agenda and marked SM005.1/07/03 is a hard copy of the 2003/2004 budget.

Below are some of the more relevant points in relation to this document;

Grants Commission

Advice was received from the Western Australian Local Government Grants Commission on 1 July 2003, detailing the notional grant allocations for 2003/2004. The grants were calculated on the basis of the state receiving \$173 million which is a 4.5% increase on the previous year. The allocations are still subject to final approval of the Commonwealth Government. Unfortunately the Shire's grant has been reduced by \$13,000 on the previous year. A total of \$1,589,482 will be provided with an additional \$30,000 also being provided for bridge works. This bridge works is generally undertaken by Main Roads WA and therefore these funds are held to pass on once the works are completed.

State Government Valuation Subsidy

Property valuations provided by the Valuer General's Office has previously been subsidised by 50% by the State Government. Councillors may recall that State proposed that it would abolish this subsidy last year and despite a submission from the Western Australian Local Government Association it has been decided to end that arrangement from July 1. The current valuation per property is \$160. The valuation costs for gross rental value properties may be shared with the Water Corporation in areas where the Corporation use these values for water rates, however the Corporation are considering changing their rate charge based on water usage rather than a valuation. This change would see local government being responsible for the entire valuation charge. In 2003/2004 there will be a review of the unimproved valuations only, however the following year will see a review of all valuations which will see a significant increase to our valuation cost.

The Valuer General's office is holding discussions with the Minister for Emergency Services to see if the Fire and Emergency Services Authority (FESA) would be prepared to contribute to the valuation cost for the emergency services levy for gross rental value properties, no further information in relation to this issue has been provided.

An additional \$14,000 has been added to the previous year actual for this cost.

Emergency Services Levy

The volunteer emergency services areas this year have been budgeted based on the level of funding provided by the State Government through its emergency services levy. Council will receive \$291,000 for the operation of the volunteer fire brigades, \$52,830 for the operation of the volunteer state emergency service and \$280,000 for the purchase of a bulk water tanker. Due to an increase in insurance costs it is anticipated that a request will be forwarded to FESA to increase these allocations by a further \$11,391 during the year. It is expected that approximately \$220,000 will be raised towards the levy from property within this district.

Council has been notified that it will receive \$10,500 in commissions from FESA for collecting the levy, this is expected to be balanced by the requirement for Council to pay the levy on its buildings throughout the district.

Waste

The cost of waste has been based on the actual costs of last year with consideration of providing two greenwaste and one hardwaste bulk kerbside collections during the year. It is proposed that the rubbish charge will be reduced from last year to \$175.00 per kerbside service (previously \$178), \$55.00 for rubbish vouchers and \$192.50 per second kerbside service.

Insurance

This year has seen a further increase in insurance costs for Council. The total insurance allocation has increased from \$254,722 to \$294,502. The changes are indicated below;

DESCRIPTION	2002/2003	2003/2004
Bushfire	17,391	17,390
Councillors and Officers Liability	4,712	7,420
Fidelity Guarantee	824	1,136
Journey Injury	909	909
Motor Vehicle and Plant	30,659	33,058
Personal Accident/Travel	2,530	2,120
Industrial Special Risks	70,892	78,669
Public Liability	58,210	80,800
Workers Compensation	68,595	73,000
Construction Risks	Nil	1,500
TOTAL	254,722	294,502

Reserve Transfers

The following reserve fund adjustments are proposed with the budget presented for adoption;

Serpentine Tearoom Reserve (\$42,695) – it is proposed to change the name of this reserve to the Tourism Reserve. The purpose of the reserve would be for the development of tourism within the district. In accordance with resolution SM009/08/02 an amount of \$20,000 will be drawn from this reserve to provide for some of the internal equipment for the tearooms. It is also proposed that \$8,000 be drawn from this reserve to provide for contributions to the Harvest Highway and SJ Tourism Association.

Gravel Pit Reserve (\$46,385) – an allocation of \$10,000 has been provided in the budget for the establishment of a new site. These funds will be drawn from reserve.

Investment Reserve (\$283,465) – To assist in reducing some of the recurrent expenditure in the operating budget it is proposed that funds from this reserve be used to pay out the loan

79 for the Mundijong Sale Yards. The current outstanding balance on this loan is \$107,202 and by paying out this loan Council's recurrent expenditure will reduce by \$26,000 per year.

Emergency Services Reserve – the forward financial plan proposed to create a reserve for use in dealing with substantial incidents. An allocation of \$20,000 has been provided within this budget as per that plan.

Light Fleet and Plant Acquisition Reserve (\$279,006) – This reserve is will be used for the replacement of light vehicles and plant and for the purchase of plant. \$130,000 will be transferred into the reserve as a result of plant depreciation. \$72,000 will be transferred to reserve as a result of lease fees on the light vehicles, and \$460,000 will be transferred to reserve from the trade in of the plant and light vehicles.

To pay for the new plant and replacement of the plant fleet an amount of \$688,000 will be drawn from this reserve.

Community Facilities Reserve (\$198,695)– this reserve will be used to provide funding for the tender to construct and supervise the Recreation Centre for approximately \$70,000 and to establish the management of the Centre prior to opening for \$25,000.

Leave Reserve (\$135,086) – Three staff members will be taking long service leave this year. As a result \$23,000 will be draw from this reserve to pay for their leave and this will allow the organisation to employ temporary staff.

Renewable Energy Reserve (\$42791) – This project will take place early in the year and as a result all funds (\$43,000) in this reserve will be transferred to municipal to assist with the financing.

Jarrahdale Heritage Park Reserve – with the sale of the woodlot area and cottages it was proposed in the forward financial plan that some monies would become available to allow the establishment of this reserve. The budget currently provides for \$60,000 as per the plan. This amount will depend on sale prices achieved during the year and actual development costs for the site. Initially the funds provided from the sale will be used to retire the debt for the purchase of this land.

Administration Building Reserve – the forward financial plan proposed the establishment of this reserve to assist with either the building of a new centre (if the high school proposal was approved) or the extensions to the current office. The reserve will be funded through the sale of the land known as "Lee's Pit" on the corner of Karbro Drive and Soldiers Road Cardup, and the sale of the residence located at 7 Anstey Street Mundijong. It is anticipated that approximately \$207,000 will be transferred to this reserve, with some of the funds from the sale of this land being used to design the office extensions.

Information Technology Reserve – a new reserve will be established this year for the provision of IT services. It is proposed that the funds required for IT this year be placed into a reserve and any expenditure required be drawn from this reserve, any funds not needed can then be carried over the following year. The budget provides for \$251,923 to be transferred into reserve and \$251,923 out of reserve to match the expenditure in the budget.

New Loans

This budget proposes to raise four new loans. The first is for the construction of the Serpentine Jarrahdale Recreation Centre to the value of \$3,000,000. The second and third are a community self supporting loan and Council loan of \$110,000 each towards the construction of the Serpentine Pavilion. The final loan is for the possible construction of a light industrial park in Byford for \$400,000. This is subject to confirmation of a major tenant prior to commencing.

Salaries and Staff

As per the forward financial plan two new customer support officers have been included in the budget. These positions will be for the sustainable development and asset services teams. They have been included as level three positions \$66,000 to total salaries, some of this allocation has been offset by the removal of relief salaries allocations. The plan also made provision for an IT officer to assist with the maintenance of the computer network. Due to the need to balance the budget this position has not been included, however an allocation of \$13,000 has been added to total salaries to allow for an extension of the job share information services position by two days per week. The safety net increase provided to wage staff in June 2003 has added approximately \$57,000 to total salaries.

Provision has also been made to continue the part time youth officer position for \$15,000 after the completion of the grant funds and the employment of a part time economic development and tourism officer for \$30,000.

Forward Financial Plan Items

Many of the plan items have already been mentioned in this item. The below table provides an indication of where to locate plan items in the schedule and provides details on any variance to the plan;

ITEM	LOCATION	PAGE	PLAN AMOUNT	BUDGET AMOUNT	VARIANCE
Payment for 2002 fire units, 50%	Fire Prevention		\$102,000	\$102,000	
Emergency Service Plant Purchases	Fire Prevention		\$371,140	\$280,000	(\$91,000) FESA approval only provided for 1 unit.
Emergency Reserve	Supporting Notes		\$20,000	\$20,000	
Waste Management	Sanitation		\$661,938	\$702,259	Costs aligned to actual costs
Protection of Environment	Protection of Environment		\$276,667	\$362,890	Includes renewable energy project and Commonwealth biodiversity grant
Town Planning	Town Planning		\$398,319	\$481,521	Includes carryover work of \$55,000 and consultancy work of \$26,000.
Jarrahdale Heritage Park	Town Planning Schemes		\$717,000	\$731,000	Includes \$15,000 for interpretive pole
Replacement of Plant	Budget	Various	\$714,070	\$688,000	Based on actual figures
Councillor sitting fees	Members of Council		\$10,000	\$10,000	
Econ Dev/Tourism Officer	Tourism		\$35,000	\$30,000	
Part time Youth	Community		\$15,000	\$15,000	

ITEM	LOCATION	PAGE	PLAN AMOUNT	BUDGET AMOUNT	VARIANCE
Officer	Development				
Network Systems Officer	Information Services		\$20,000	\$13,000	Increase in hours for information officers, new staff member not provided for
Industrial Park Development	Town Planning Schemes		\$800,000	\$800,000	
Customer Support Officers	Assets and Planning		\$40,000	\$66,000	Actual cost
Administration Building Reserve	Notes		\$50,000	\$207,000	Includes sale proceeds of 7 Anstey Street
Administration Design	Members of Council		\$150,000	\$100,000	Decreased to allow for design of office extension rather than new building
Sports Hardcourt	Other Recreation		\$10,000	\$4,000	Only one request at time of budget preparation
Trails	Public Parks		\$62,000	\$62,000	
Townscape	Public Parks		\$50,000	\$77,000	Includes \$27,000 in carryovers
Recreation Centre	Other Recreation		\$3,970,000	\$3,990,000	
Peel marketing strategy	Tourism		\$11,000	\$11,000	
Reserves Maintenance	Public Parks		\$15,000	\$6,000	
Transport	Transport		\$2,644,810	\$2,645,000	

Items Carried Forward

The following items have been brought forward from the previous year;

Contribution by landcare towards the Commonwealth Biodiversity project of \$12,000.
Commonwealth Biodiversity grant for \$28,420.
Manjedal Brook rehabilitation grant \$7,640.
Volunteer fire brigade family fun day contributions \$3,400
Byford Detailed Area Plan \$30,000.
Town Planning Scheme Review \$25,000.
Byford Structure Plan \$2,000.
Regional Solutions Grant for Recreation Centre \$100,000.
Mundijong change-rooms design \$5,000.
Regional Grant for Serpentine Dam tearooms upgrade \$27,000.
Youth Officer grant \$3,500.
Clem Kentish Store room addition contribution \$10,000.
Townscape works \$17,000.
Development application income \$10,000.

This is a total of \$280,960.

Fees and Charges

A list of fees and charges is also provided for consideration with the budget. This list was forwarded to the Corporate Services Committee in June. Some new fees have been added to this document since June to allow for tender document charges and health fees, also the Oakford Community Centre fees.

Conclusion

This budget brings together additional recurrent expenditure totalling \$504,000 or a 13% increase in the current rate base with only a 6% actual rate increase. This expenditure increase is brought about by;

Item	Value	Percentage of Rates
Recreation Centre loan repayment (50% only)	\$153,000	4%
Staff positions, safety net increase, pay increases	\$190,000	4.75%
Insurance increase	\$ 43,000	1%
Landcare contribution	\$ 80,000	2%
Councillor sitting fees	\$ 10,000	0.25%
Valuation costs subsidy withdrawal	\$ 15,000	0.375%
Decrease in Grants Commission	\$ 13,000	0.325%
TOTAL	\$504,000	12.7%

Some of the notes in the document are still to be finalised. These incomplete notes mainly relate to the requirements of the Local Government Act and Accounting Standards and will be finalised next week when most of the initial end of year balancing will be completed and after this workshop to ensure any changes are included in the notes. The schedules at the end of the document (from pages 32 to 115) provide all account detail on estimated actual expenditure and income.

Sustainability Statement

This budget provides a balance of services and improvement projects for the community. It demonstrates the allocation of scarce resources in an efficient and effective manner to provide the outcomes expected by the community.

Statutory Environment: Local Government Act 1995.

Policy Implications: No policy implications

Financial Implications: The proposed budget is presented as a balanced budget with a deficit of \$3,179 at the end of the year. The rates increase provides the minimum requirement from the community to fund all of the services provided within the document.

Strategic Implications: The budget will allow Council to deliver the objectives provided in the strategic plan

Community Consultation: Consultation has been provided for the intention to differential rate in accordance with the Local Government Act 1995

VOTING REQUIREMENTS: **ABSOLUTE MAJORITY**

Officer Recommended Resolution

In accordance with Section 6.36 of the Local Government Act 1995, and subject to the public consultation period being finalised and Ministerial approval being granted, the following differential rates be imposed in the 2003/2004 statutory budget:

DIFFERENTIAL RATE	PROPOSED 2003/2004		
	GRV RATE IN \$	UV RATE IN \$	MIN RATE
Rural Living - Special Rural Rural Living AB Farmlet		0.0066578	626
Rural		0.005725	626
Residential	0.086415		509
Residential Vacant	0.1523		530
Commercial	0.04943		583
Public Purposes		0.006875	626
Public/Commercial	0.19817		509
Historic	0.15444		509
Special Use - 1B	0.08471		1378
Special Residential	0.08134		583
Special Residential Vacant	0.2111		583
Showroom/Warehouse	0.08956		583
Light Industrial	0.1392		583
Forest Lease		0.005497	509
Units- Rowley Rd	0.08673		424
Caravan Parks	0.07562		5300
Special Use - 1A	0.1306		5300
Intensive Farming Rural		0.006687	626
Mining Tenement		0.010992	730
Light Industry/Residential Comp	0.1392	0.008932	626
Specified Area Rate - Chstnuts Estate		0	0

The recommended response to the submissions received in relation to the differential rate public consultation be adopted and provided to each submission with an acknowledgement of thanks for their submission.

2. Rate Concessions

Rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

Rate Concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

3. Discount on Rates

Council grants a 3% discount on rate payments fully paid before the 21st day from date of issue for the 2003/2004 financial year.

4. Service Charge

A Bushfire Levy Service Charge of \$21.00 per property be imposed in the 2003/2004 statutory budget in accordance with section 6.38 of the Local Government Act 1995.

5. Fees and Charges

The fees and charges provided within the 2003/2004 statutory budget be adopted.

6. Due dates for rate instalment payments

The due dates for rate instalment payments for the 2003/2004 statutory budget be:

Full Payment discount	15 th September 2003
1 st Instalment	29 th September 2003
2 nd Instalment	24 th November 2003
3 rd Instalment	26 th January 2004
4 th Instalment	23 rd March 2004

7. Interest rates and administration charge for instalment payments

An administration charge of \$5.00 be applied to instalment payments and an interest charge of 5.5% be applied in the 2003/2004 statutory budget.

8. Accrual of interest on overdue rates

Penalty interest of 11% per annum be applied to overdue rates in the 2003/2004 statutory budget.

9. Accrual of interest on outstanding debtors

Interest of 11% per annum be applied to overdue debtors in the 2003/2004 statutory budget.

10. Fees, expenses and allowances for Council members

The fees, expenses and annual allowances to be paid to members of Council in the 2003/2004 statutory budget be as follows:

Presidents Annual Sitting Fee	\$12,000
Councillor Annual Sitting Fee (per councillor)	\$ 6,000
Reimbursement of Telecommunications	\$ 5,500
Reimbursement of Travel Allowance (Total)	\$12,000

11. 2003/2004 Budget

The 2003/2004 Municipal Budget, as presented, be adopted.

12. Ministerial Approval for Differential Rate

The Chief Executive Officer seeks Ministerial approval for the adopted differential rates subject to any public submissions received during the advertising period.

13. Authority to call tenders

- (a) The Chief Executive Officer be delegated authority to invite tenders for works and services in the statutory 2003/2004 budget, where required in accordance with the provisions of the Local Government Act 1995 and Council's Purchasing Policy CSP2.
- (b) The Chief Executive Officer be delegated authority to specify selection criteria for all tenders called in accordance with 13a above.

14. Tourism Reserve

The Serpentine Dam Tearoom Reserve be renamed as the Tourism Reserve.

Supplementary Information

As part of requirement for adopting differential rates, local government is required to advertise its differential rates for a period of not less than 21 days prior to their adoption.

An advertisement has been placed in the Weekend Examiner newspaper requesting submissions by Wednesday 16 July 2003. Eleven submissions were received by the due date, all made reference to the proposed reduction in the Farmland Concession. No submissions have been received since the due date.

The table below provides detail to the submissions received and a brief recommendation for a response to the submission;

NAME	SUBMISSION	RECOMMENDED RESPONSE
1. E Love	Retain 31% rate for Farmland concession if Council wishes to retain rural industry in the community.	The Farmland concession will be maintained at the current 31% level.
2. R Richardson	Retain 31% rate for Farmland concession as the effective rate increase would be 20% once valuation and the general rate increase is applied.	As above. The rate in the dollar would be adjusted to account for the average change in property valuations before applying any general increase in rates.
3. M Richardson	Retain 31% rate for Farmland concession as the effect included with the valuation change is significant.	As above for 2.
4. F Senior	Retain 31% Farmland concession otherwise these properties will be forced to subdivide.	As above for 1.
5. G Manning	Retain 30% Farmland concession. Without it farmers will be forced to move from the district.	As above for 1. Council does support the farming community and provides this concession as a consequence of its support of the rural economy and focus.
6. P Bates	Retain 31% Farmland concession.	As above for 1.
7. S McKay and R Hoskin	Retain 31% Farmland concession. This reduction plus the 6% general increase will have a significant effect on our total rates.	As above for 1.
8. S Lutey	Retain 31% Farmland concession. Council could have consulted on this issue better as not everybody has time to read the paper.	As above for 1. Council does indicate it's intention each year in the local paper and does advertise our Forward Financial Plan each year through our Jazz newsletter which also provides an indication of rate increases.
9. S Land	Retain 31% Farmland concession. The general increase of 6% plus valuation increases will adversely affect farmers without changing the concession as well. Council undertook to maintain a 4% annual increase in 2001 but has failed to hold that obligation.	As per 2 above. Council itself has not ever resolved to maintain a 4% annual increase but does endeavor to only increase rates by the amount required to provide community services to expectations.
10. L & A Rhodes	Retain 31% Farmland concession and do not increase rates this year as rates have increased	As per 1 above. Council has applied a general 6% rate increase to meet the community

NAME	SUBMISSION	RECOMMENDED RESPONSE
	every year for the last ten years. Farmers should not be asked to support the Byford Recreation Centre.	expectations for this year. Without any growth in rates Council would not be able to deliver many of these services and due to increasing responsibilities would actually have diminished capacity to provide these services.
11. J & G van Leeuwen	Retain 31% Farmland concession.	As per 1 above.

Council is required to consider these submissions prior to the adoption of the differential rates. As can be seen most of the submissions related to the Farmland concession, one requested that Council consider not increasing rates at all this year.

The draft budget document presented before you today has not included any change to the Farmland concession and therefore the recommendation should be changed to reflect a concession of 31%.

CRSM005 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Kirkpatrick that in accordance with Section 6.36 of the Local Government Act 1995, and subject to the public consultation period being finalised and Ministerial approval being granted, the following differential rates be imposed in the 2003/2004 statutory budget:

DIFFERENTIAL RATE	PROPOSED 2003/2004		
	GRV RATE IN \$	UV RATE IN \$	MIN RATE
Rural Living - Special Rural Rural Living AB Farmlet		0.006169	624
Rural		0.005487	624
Residential	0.086008		506
Residential Vacant	0.151582		580
Commercial	0.049194		580
Public Purposes		0.006637	624
Public/Commercial	0.197243		506
Historic	0.0153714		506
Special Use - 1B	0.084316		1372
Special Residential	0.080961		580
Special Residential Vacant	0.21014		580
Showroom/Warehouse	0.089142		580
Light Industrial	0.138542		580
Forest Lease		0.005186	506
Units- Rowley Rd	0.086321		422
Caravan Parks	0.075269		5275
Special Use - 1A	0.129972		5275
Intensive Farming Rural		0.006223	624
Mining Tenement		0.01037	727
Light Industry/Residential Comp	0.138542		624
Specified Area Rate - Chstnuts Estate		0	0

The recommended response to the submissions received in relation to the differential rate public consultation be adopted and provided to each submission with an acknowledgement of thanks for their submission.

2. Rate Concessions

Rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

Rate Concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

3. Discount on Rates

Council grants a 3% discount on rate payments fully paid before the 21st day from date of issue (15th September 2003) for the 2003/2004 financial year.

4. Service Charge

A Bushfire Levy Service Charge of \$21.00 per property be imposed in the 2003/2004 statutory budget in accordance with section 6.38 of the Local Government Act 1995.

5. Fees and Charges

The fees and charges provided within the 2003/2004 statutory budget be adopted.

6. Due dates for rate instalment payments

The due dates for rate instalment payments for the 2003/2004 statutory budget be:

Full Payment discount	15 th September 2003
1 st Instalment	30 th September 2003
2 nd Instalment	1 st December 2003
3 rd Instalment	30 th January 2004
4 th Instalment	30 th March 2004

7. Interest rates and administration charge for instalment payments

An administration charge of \$5.00 be applied to instalment payments and an interest charge of 5.5% be applied in the 2003/2004 statutory budget.

8. Accrual of interest on overdue rates

Penalty interest of 11% per annum be applied to overdue rates in the 2003/2004 statutory budget.

9. Accrual of interest on outstanding debtors

Interest of 11% per annum be applied to overdue debtors in the 2003/2004 statutory budget.

10. Fees, expenses and allowances for Council members

The fees, expenses and annual allowances to be paid to members of Council in the 2003/2004 statutory budget be as follows:

Presidents Annual Sitting Fee	\$12,000
Councillor Annual Sitting Fee (per councillor)	\$ 6,000
Reimbursement of Telecommunications	\$ 5,500
Reimbursement of Travel Allowance (Total)	\$12,000

11. 2003/2004 Budget

The 2003/2004 Municipal Budget, as presented, be adopted.

12. Ministerial Approval for Differential Rate

The Chief Executive Officer seeks Ministerial approval for the adopted differential rates subject to any public submissions received during the advertising period.

13. Authority to call tenders

- (a) The Chief Executive Officer be delegated authority to invite tenders for works and services in the statutory 2003/2004 budget, where required in accordance with the provisions of the Local Government Act 1995 and Council's Purchasing Policy CSP2.
- (b) The Chief Executive Officer be delegated authority to specify selection criteria for all tenders called in accordance with 13a above.

14. Tourism Reserve

The Serpentine Dam Tearoom Reserve be renamed as the Tourism Reserve.

15. Amendment

ENV701 is to be reduced by \$20 000 to \$112 000, thus reducing the average general rate increase to 5.5%.

16. Byford Office

The Byford office hours be reduced to 3.5 hours per day on weekdays with the exception being at rate time when the Chief Executive Officer may extend the hours where appropriate. The Officer resource which will be created through the reduction in hours is to be made available to the Mundijong Administration office.

17. Support Officer

The appointment of one Support Officer position included in the 2003/2004 budget is to be deferred with the Chief Executive Officer determining the success of reducing the Byford office hours after six months. These funds may be used, if available, to offset any deficit at the completion of the 2002/2003 financial year should the Chief Executive Officer determine that the additional position is not required.

18. Recreation Facility/Byford Office Closure

The Byford office services at the completion of the current lease arrangement are to be transferred to the Recreation facility as part of any facilities management agreement Council enters into. The current Byford office is then to be closed.

CARRIED 9/0 ABSOLUTE MAJORITY

Note: The Officer Recommended Resolution was altered for the following reasons:

- 1. Rate in the dollar has been adjusted as a result of the reduction in ENV701 to allow for a 5.5% general rate increase.
- 2. The Farmland concession discount was amended from 25% to 31%.
- 3. Due dates for rate instalments were amended as several dates conflicted with public holidays.
- 4. Funding expenditure under ENV701 was reduced by \$20 000 following advice from Cr Star that Landcare would not require this money in 2003/2004.

5. A reduction in opening hours of the Byford Office was recommended to redirect staff resourcing from Byford back to the Mundijong Administration Office following consideration of the last six months of customer contacts made in the Byford Office (average of seven per day).
6. It was recommended that the Byford Office services be transferred to the Recreation Centre in Byford as part of the management agreement of the Centre, at the end of the current lease (when the Centre is opened and the Byford Office closed), enabling a saving in current lease costs.

SM006/07/03 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	D.E Price – Chief Executive Officer	
Signatures – Author:		
Senior Officer:		
Date of Report	14 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

SM006.1/07/03 COMMON SEAL REGISTER REPORT – JUNE 2003 (A1128)

The Common Seal Register Report for the month of June 2003 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM006.1/07/03.

SM006.2/07/03 PEEL ECONOMIC DEVELOPMENT UNIT EXECUTIVE GROUP MEETING MINUTES - 5TH JUNE 2003 (A0839)

In the attachments marked SM006.2/07/03 are the Minutes of the Peel Economic Development Unit Executive Group meeting held on 5th June 2003.

SM006.3/07/03 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – VACANCIES – WA TOURISM COMMISSION: VISITOR SERVICING REVIEW WORKING GROUP (A0163-06)

The Western Australian Local Government Association has invited elected members and/or senior officers to apply for the two vacancies (1 north and 1 south of the State) for the above Committee. The closing date for the nominations is 1 August 2003. ***In the attachments marked SM006.3/07/03 is the selection criteria and nomination form for these vacancies.***

SM006.4/07/03 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN ZONE MEETING MINUTES MAY 2003 (A0163-06)

The Minutes of the South East Metropolitan Zone meeting held on 29th May 2003 are with the attachments marked SM006.4/07/03.

CRSM006 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Star that the Information Report to 15 July 2003 be received.
CARRIED 9/0

7.5 Planning Development & Environment Meeting – 21st July, 2003

COUNCIL DECISION

Moved Cr Scott seconded Cr Hoyer

That the minutes of the Planning Development & Environment Committee Meeting held on 21st July, 2003 be received.

CARRIED 9/0

B01/07/03 RATIFICATION OF COUNCIL'S LOCAL LAW – FENCES (A0090/02)		<u>In Brief</u>
Proponent	Director Sustainable Development	Council is requested to ratify the amendments proposed to the Local Law – Fences so that the process of having the amendments gazetted may be commenced
Officer	W Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	10 July 2003	
Previously	B29/05/02	
Disclosure of Interest		
Delegation	<u>Council</u>	

Background

At its meeting held 27 May 2002 Council resolved as follows:

- 1 *Make a declaration in accordance with Clause 5.1.3 of Town Planning Scheme N^o 2 declaring that fences proposed to be erected on properties with boundaries common with the South Western Highway within the Byford Townsite, and all lots adjoining areas of public open space in areas zoned residential, special residential, commercial, showroom/warehouse, light industry, general industry and special use require prior development approval granted by Council. This declaration is to be advertised in accordance with Clause 6.3 of Town Planning Scheme N^o 2.*
- 2 *Advertise their intention to review the Fencing Local Law in accordance with the requirements of the Local Government Act 1995 with the intention of amending the Local Law to require all nonconforming fences to be assessed via an application for development approval.*

These suggested amendments were as a result of the construction of a solid screen boundary fence on land zoned rural on Karnup Road in Serpentine.

Since this resolution, Council's Local Law Review Working Group has considered amendments to the Local Law - Fences that would address the perceived deficiencies in the Local Law and thus prevent solid screen fencing being approved as boundary fencing on rural land. Other minor amendments have been incorporated and are discussed below.

Comments

The following changes have been suggested by the Local Law Review Working Group and are included in the draft amended Local Law – Fences:

Proposed Amendment	Comments
Insertion of a definition for <i>visually permeable</i> within the Interpretations Section.	The definition is consistent with the definition contained within the Residential Design Codes and relates to maintaining view through fences, particularly fences erected within the front setback. This will make the Local Law more consistent with

	the Residential Design Codes.
Insertion of sub-clause 3.3(c) under Fences in Residential Zone.	This clause relates to the construction of fences within the front setback and requires a fence to be visually permeable over 1.2m high. Again this is consistent with the Residential design Codes.
Insertion of new Clause 5 – Fences in Rural Zone	This clause requires an application for approval to be lodged for a fence in a rural zone that is not in accordance with the Fifth Schedule of the Local Law or Town Planning Scheme N ^o 2 requirements.
Inclusion of new Clause 10 – Fences Shall Not Be Constructed of Brushwood	The intent of this clause is to prohibit the use of brushwood fences on the grounds of fire safety risk presented by the material.
Inclusion of a sub-clause under General Discretion of the Council which prohibits construction of a boundary fence in the rural zone that is not visually permeable.	This sub-clause 12.3 denies Council the ability to apply discretion with regard to solid screen boundary fences in the rural zone.
Electric Fences referenced standard amended to AS/NZS 3014:2003.	The existing referenced Australian Standard relating to construction of Electric Fences is replaced with the most recent Australian Standard.

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

LOCAL GOVERNMENT ACT 1995

SHIRE OF SERPENTINE-JARRAHDAL LOCAL LAW: FENCES

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

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

2 INTERPRETATION

In this Local Law unless the context otherwise requires:

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

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

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

“*Building Line*” means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act;

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

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

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

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

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

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

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

“*Fence*” includes any structure, including a retaining wall, which is used or functions as a boundary fence;

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

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

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;
- (c) where there is any dispute as to the ground level for the purposes of calculating “*Height*” a determination of the Principal Building Surveyor of the Shire shall be conclusive.

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

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

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

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

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

“*Residential Zone*” means any portion of the district classified within the Residential Zone and Special Residential Zone in a Town Planning Scheme;

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

“*Rural Zone*” includes all land zoned Rural, Farmlet, Conservation and Agricultural Protection;

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

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

“*Special Rural Zone*” means land classified within the Rural Living A, Rural Living B, and Special Rural zones under a Town Planning Scheme;

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

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

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

3 FENCES IN A RESIDENTIAL ZONE

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

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

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

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

- (a) the fence shall be constructed of brick or masonry or some other material approved by Council; and
- (b) where a fence abuts a driveway or cross-over into a lot the fence across the front boundary shall be angled into that lot for a distance of not less than 1.5 metres along the frontage to a distance of not less than 1.5 metres from the frontage, in accordance with the diagram set out in the Fourth Schedule; and
- (c) any fence constructed within the primary street setback area is to be visually permeable 1.2m above natural ground level.

4 FENCES IN A SPECIAL RURAL ZONE

No person shall:

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

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

5 FENCES IN A RURAL ZONE

No person shall:

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

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

6 FENCES IN AN INDUSTRIAL ZONE

No person shall, without first having obtained a licence erect or commence to erect a fence in an Industrial Zone.

7 SUFFICIENT FENCE

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

(a) *In a Residential Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the First Schedule.*

(b) *In an Industrial Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Second Schedule.*

(c) *In a Special Rural Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Third Schedule.*

(d) *In a Rural Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Fifth Schedule.*

8 APPLICATION FOR APPROVAL

8.1 No person shall erect or commence to erect a fence including a retaining wall on or near a lot boundary without having first submitted to Council an application for a licence pursuant to the provisions of the Building Regulations 1989 accompanied by a plan and specifications and payment of the application fee specified by those Regulations.

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

(a) where a retaining wall is approved, the construction of that retaining wall shall be completed prior to any other development commencing on the land;

(b) if an applicant seeks approval for the use of barbed wire, that barbed wire shall not be installed in any fence below a height of 1.8 metres.

9 FENCES SHALL NOT IMPEDE WATER MOVEMENT

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

10 FENCES SHALL NOT BE CONSTRUCTED OF BRUSHWOOD

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

11 MAINTENANCE OF FENCES

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

12 GENERAL DISCRETION OF THE COUNCIL

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

13 ELECTRIFIED FENCES

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

shall remove the fence within the time specified in the notice. A person failing to remove a fence within the time specified commits an offence.

14 OBJECTIONS AND APPEALS

A person aggrieved by a decision of the Council or an authorised officer, made pursuant to this Local Law, may lodge an appeal or file an objection pursuant to the provisions in Part 9 of the Act.

15 OFFENCES

A person who contravenes a provision of this Local Law commits an offence and upon conviction is liable to:

- (a) a penalty of \$2,500; and
- (b) a maximum daily penalty of \$250 for each day during which the offence continues.

Section 7(a)

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

1 SUFFICIENT FENCE

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

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

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

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

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

2 OTHER PROVISIONS

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

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

Section 7(b)

Second Schedule
SPECIFICATIONS FOR A SUFFICIENT FENCE IN AN INDUSTRIAL ZONE

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

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

Section 7(c)

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

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

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

Section 3.3(b)

Fourth Schedule

(sketch inserted here)

Section 7(d)

Fifth Schedule

SPECIFICATIONS FOR A SUFFICIENT FENCE IN A “RURAL ZONE”

- 1 *A fence shall be erected from standard iron star pickets, concrete posts or from sawn, split or round wooden posts, or from tubular steel –*
 - (i) set not less than 450mm into the ground and not less than 1.2 metres out of the ground;
 - (ii) spacing to manufacturers guidelines;
 - (iii) each fencing post shall carry not less than five plain galvanised wires.
- 2 Subject to approval of the Shire, fences of timber, brick, stone, concrete, link mesh or other material may be erected.
- 3 *A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.*

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

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

Sustainability Statement

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Amendments to Local Laws are required to be advertised for public comment thus allowing for community input.

Does the proposal/issue disadvantage any social groups?

Not applicable.

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

Not applicable.

Statutory Environment: Local Government Act 1995 Section 3.12

Policy Implications: The proposed amendments to the existing Local Law Fences does not conflict with Council Policies

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

Strategic Implications: Key Sustainability Results Areas:
1 People and Community
Objective 1: Good quality of life for all residents
Strategies:
5 Protect natural heritage assets in the Shire
6 Ensure a safe and secure community
4 Governance
Objective 2: Formation of active partnerships to progress key programs
Strategy:
1 Improve coordination between Shire, community and other partners
Objective 3: Compliance to necessary legislation
Strategies:
2 Develop a risk management plan
3 Comply with relevant State policies and legislation

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

Voting Requirements: **ABSOLUTE MAJORITY**

Officer Recommended Resolution

That Council ratifies the amended Local Law – Fences, as above, for public comment and submission to the Department of Local Government for review. On completion of this process the Local Law be submitted to Council for adoption and Gazettal.

CRB01 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Star that Council ratifies the amended Local Law – Fences, as above with the following amendments, for public comment and submission to the Department of Local Government for review. On completion of this process the Local Law be submitted to Council for adoption and Gazettal.

1 First Schedule:

1 SUFFICIENT FENCE

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

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

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

OR an equivalent steel fence.

2 Fifth schedule:

1 A fence shall be erected from suitable material to restrain cattle -

- (i) set not less than 450mm into the ground and not less than 1.2 metres out of the ground;
- (ii) each fencing post shall carry the equivalent of not less than five plain galvanised wires.

CARRIED 9/0 ABSOLUTE MAJORITY

E002/07/02 MUNDIJONG ROAD AND DUCKPOND RESERVE MANAGEMENT PLAN (RS0116)		
Proponent	Department of Conservation and Land Management	In Brief A management plan has been drafted for Mundijong Road and Duckpond Reserve. It is recommended that Council approves the release of the draft plan for public comment and gives approval for CALM to proceed with vesting the reserves in the Conservation Commission.
Officer	Dr Sue Osborne – Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	8 th July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The following statement in correspondence from the Shire to the Department of Conservation and Land Management dated 17 June 1999, demonstrates Council's commitment to the development and implementation of a management plan for the Mundijong Road Reserve and Duckpond Reserve:

“Council is pleased to announce its support for vesting of the reserves in the National Parks and Nature Conservation Authority.

Council's support is subject to:

- *A memorandum of Understanding and management plan being prepared between the Shire, Land Conservation District Committee and CALM prior to initiation of the vesting process;*
- *The reserves being publicly identified as being jointly managed by the local community, local authority and CALM;*
- *The Department of CALM funding ongoing management of the reserves as required.”*

Since then, the Shire allocated \$2 000 towards the development of a management plan which is now available in draft format.

A copy of the draft management plan is with the attachments marked E002.1/07/03.

The purpose of the plan is to provide guidance for the future management of Mundijong Road Reserve and Duckpond Reserve. It is proposed to operate for five years but will remain in force until withdrawn or replaced.

The reserve has extremely high conservation, scientific and educational values. Namely:

- Recognised as being one of the only two intact transects of native vegetation that span the various plant communities that run east-west across the Swan Coastal Plain.
- Contains four threatened ecological communities. Two of these are ranked as Endangered.*
- These community types and the generally intact condition of the vegetation afford the reserve regional significance and the reserves are a Bush Forever site (#360).
- The reserve together with Soldiers Road Flora Reserve form a corridor of bushland from Byford to Duckpond Road and also connect with Byford to Serpentine Rail/Road reserve (Bush Forever sites 350 and 365), increasing its significance as a conservation reserve.
- Contains ten species of threatened plant taxa, 74 taxa that are characteristic of the eastern side of the Swan Coastal Plain and at least 12 taxa that are endemic to the eastern portion of the plain. The Department is legally obliged to protect Declared Rare Flora.

- The reserve has recreation value for activities such as walking, bird watching and a picnic site and is part of a Flora Road Circuit.
- The condition of the vegetation ranges is from completely degraded to excellent. Approximately 50% is classified as excellent to very good.

Land use within the reserves is identified as follows:

- A drainage reserve managed by Water Corporation, which includes a drain and drain maintenance access way.
- A road reserve utilised by Telstra, Main Roads Western Australia (MRWA), Western Power and other utility providers. A six pole power line runs through the centre of Duckpond Reserve.
- A public recreation/rest area near the corner of Mundijong and Paterson Roads. This area of approximately 0.5 hectares contains an information stand that depicts the conservation values and dieback issues, and has picnic tables. Bollards are in place to restrict access into the surrounding bush and a short trail leads into the vegetation.
- The surrounding land use of both reserves is predominately rural and rural living subdivision.

The draft plan gives consideration to the following threatening processes: clearing, road development, road maintenance, weed invasion, hydrological changes, salination grazing and trampling by horses, disease size and shape, altered fire regimes, other human usage and feral animal activity.

The following table summarises the management actions prescribed in the draft plan although there is recognition that many of these actions are already being progressed by community volunteers and/or officers of the Shire of Serpentine-Jarrahdale. In addition, the following statement clarifies that the implementation of prescribed management actions will depend on funding availability:

The provision of funds identified in this plan is dependent on budgetary and other constraints affecting the Department, as well as the need to address other priorities.

Summary of Management Actions

1. Transfer the vesting of the unallocated remnant on Mundijong Road to the CCWA
2. Establish a Co-ordination Committee
3. Liaise with current management organisations, owners, land managers and other interested groups to implement recommendations held in the Management Plan
4. Elevate the profile of Mundijong Road and Duckpond Reserves through signage
5. Disseminate information about the reserves
6. Seek an alternative route for the equestrian trail
7. Map, assess and monitor weed populations
8. Implement weed control
9. Undertake revegetation/rehabilitation
10. Fence Duckpond Reserve and intersecting corners of Mundijong Road
11. Develop and implement a Drainage Management Strategy
12. Manage dieback disease
13. Develop and implement a monitoring program
14. Develop a Fire Management Strategy
15. Remove existing rubbish from the reserves and implement measures that aim to reduce rubbish dumping
16. Establish a Multiple Use Corridor/Buffer Zone to the South of Mundijong Road Reserve
17. Assess hydrological data and develop a Salinity Management Strategy

For each management action, the draft plan prescribes the responsible agencies, a time frame and the required cash component of resources. Staff and volunteer time and in-kind

contributions are not documented. Although CALM is listed as the responsible agency for all actions, the Shire of Serpentine-Jarrahdale is also listed as a responsible agency for actions 2, 4, 13 and 17. Despite not being responsible for these four actions, the Shire would remain well informed and have an opportunity for participation through its membership of a Co-ordinating Committee.

Environment

The implementation of the draft management plan for Mundijong Road Reserve and Duckpond Reserve will provide protection for the environmental values on these reserves.

Emergency Management

Action 14 requires the development of a fire management strategy.

Sustainability Statement

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

Council support for the release of the draft plan will progress a plan that will enhance the environment and minimise environmental damage.

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

The draft management plan will ensure protection of land, water and soil resources.

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

The draft management plan will protect local indigenous biota.

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

The establishment of management partnerships through the proposed Co-ordinating Committee will assist with the acquisition of external funds for plan implementation.

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

If Council agrees, the draft management plan is to be released for community consultation. The proposed Co-ordinating Committee will include membership of the Serpentine-Jarrahdale Roadside Conservation Volunteers and the Serpentine-Jarrahdale Land Conservation District Council.

Does the proposal/issue disadvantage any social groups?

No group will be disadvantaged. However, action 6 requires that an effort be made to find an alternative route for the equestrian or multiple use trail.

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

There are no direct economic benefits. However, fulfillment of the Shires marketing slogan "Experience the Beauty" will assist tourism.

Statutory Environment:

Biota within the Mundijong Road Reserve and Duckpond Reserve are protected under the Wildlife

Conservation Act. Western Australia is currently undergoing significant changes to environmental legislation with imminent changes to the Environmental Protection Act introducing the concept of “environmental harm” and significant proposed changes to the Wildlife Conservation Act. A portion of the Mundijong Road Reserve will remain vested in the Shire.

Policy Implications:

There are no policy implications directly related to Council approval to release the draft management plan.

Financial Implications:

There are no financial implications to Council supporting the release of the draft management plan for public comment.

Once established, Shire participation in the Co-ordinating Committee and the implementation of other management actions in the plan will require staff time. This is likely to be equivalent to approximately six staff days per year. As a partner in management, the Shire is likely to be requested, and no doubt will want, to contribute equipment and funds towards the implementation of the plan. Details of the amounts and types of contributions remain unknown at this stage, but will be presented to Council in future agendas.

Strategic Implications:

Key Sustainability Result Areas

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

Provide recreational opportunities.

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

Strategies:

- 1 Foster a strong sense of community, place and belonging.
- 2 Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

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

2 Environment

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

Strategies:

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

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

Strategies:

- 1 Implement known best practice sustainable natural resource management.

3 Economic

Objective 1: A vibrant local community

Strategies:

- 3 Develop tourism potential.

4 Governance

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

Strategies:

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

Community Consultation:

Council approval to release the draft plan will allow CALM to commence the next stage of community consultation. The plan itself specifies the establishment of a Co-ordinating Committee with community members.

Voting Requirements:

Normal

Officer Recommended Resolution

1. Council approves the release of the draft Mundijong Road Reserve and Duckpond Reserve Management Plan for public consultation subject to:-
 - i) the Department of Conservation and Land Management funding ongoing management of reserves as required
 - ii) the final management plan being represented to Council for endorsement
2. Council supports the Department of Conservation and Land Management progressing the commencement of proceedings to vest Mundijong Road Reserve and Duckpond Reserve in the Conservation Commission.

CRE002 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Hoyer that

1. Council approves the release of the draft Mundijong Road Reserve and Duckpond Reserve Management Plan for public consultation subject to:-
 - i) the Management Plan being amended to state that Department of Conservation and Land Management will be funding ongoing management of reserves as required
 - ii) the final management plan being represented to Council for endorsement
2. Council supports the Department of Conservation and Land Management progressing the commencement of proceedings to vest Mundijong Road Reserve and Duckpond Reserve in the Conservation Commission.

CARRIED 9/0

Note: The Officer Recommended Resolution was altered to ensure that the Shire was not listed as being responsible for funding the management plan.

P004/07/03 PROPOSED 40 METRE HIGH LATTICE TELECOMMUNICATIONS FACILITY – LOT 1 WEBB ROAD, MARDELLA (P00475)		
Proponent	Greg Rowe and Associates	In Brief That Council approves an application dated 1 October 2001 for a 40m high Lattice Telecommunications Facility on Lot 1 Webb Road, Mardella subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	16 June 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: Woollerton Park Farm Pty Ltd
 Owner's Address: 2nd Floor, 44 Parliament Place, West Perth WA 6005
 Applicant: Greg Rowe and Associates
 Applicant's Address: 24-26 Wickham Street, East Perth WA 6004
 Date of Receipt: 2 October 2001
 Advertised: The application was initially advertised to surrounding landowners from 12 October 2001 to 7 November 2001. The application was advertised a second time to surrounding landowners for comment from 26 May 2003 until the 13 June 2003.

Submissions: Six (6) letters of 'Objection' were received in the first round of advertising. Three (3) letters of 'Objection' were received in the second round of advertising.

Lot Area: 39.7831 ha.
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Farmlet Policy Area
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Not applicable
 Townscape/
 Heritage Precinct: Not applicable
 Bush Forever: Nil
 Date of Inspection: 30 June 2003

Background

February 2002

At its Ordinary Council meeting held 25 February 2002 Council resolved the following with respect to an application for a Telecommunications Facility on Lot 1 Webb Road, Mardella:

"CRP093 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Price, seconded Cr Kirkpatrick that the proponent be requested to arrange a public meeting prior to the development of the telecommunications tower being approved at which time the concerns of the community are to be addressed.
CARRIED 8/0"

The applicant subsequently arranged a public meeting in accordance with Council's resolution. The public meeting was held on Wednesday, 2 April 2003 from 6.00pm – 8.00pm at the Landcare Centre Meeting House.

An extract of applicant's submitted report states as follows:

“Location and Access

The address of the subject land is Lot 1 Webb Road, Mardella.

The site is approximately 1.5 kilometres west-south-west of Mundijong townsite. The facility will be positioned approximately 500 metres south of Mundijong Road.

Access to the facility will be obtained via Webb Road, utilising the existing access track.

Current Uses

The land is utilised for rural purposes.

Adjoining Land Uses

Adjoining properties are predominantly used for traditional agricultural purposes. The land immediately to the north of the subject site is occupied by a racecourse and equestrian facility.

Land to the west and south (but separated from the site of the proposed facility by a distance of over 500 metres) is utilised for farmlet (i.e rural living) purposes.”

Compliance with Council’s Local Planning Policy No.3 – Telecommunications Infrastructure Policy – Mobile Phone Towers/Monopoles

The applicant considers that the following demonstrates the proposal’s compliance with the Objectives and Policy Provisions of Local Planning Policy No.3.

“Objectives

The location of the telecommunications facility provides the best possible location for the townsite of Mundijong, taking into account the zoning and predominant use of land in the locality.

The site enables the provision of mobile telecommunications network coverage to the area with minimal, if any, impact on the amenity of adjoining land uses and the environment of the area.

The nature of the surrounding land uses ensures the proposed facility will not impact on the amenity of residential areas. The site of the facility is located approximately 1 kilometre from the western edge of Mundijong townsite.

The facility is designed to facilitate co-location of services by other network carriers, thereby reducing significantly the necessity for other telecommunications infrastructure to be established in the Mundijong area.

Policy Provisions

Location:

The subject site is located in the Rural zone under TPS No.2 and outside the Landscape Protection Policy Overlay of the Shire’s Rural Strategy, as required by Local Planning Policy No.3.

The facility will be located approximately 700 metres from the nearest land zoned Urban or Urban Deferred under the Metropolitan Region Scheme. Local Planning Policy No.3 requires a minimum separation distance of only 200 metres.

There is no existing telecommunications infrastructure within 500 metres of the site of the proposed facility.

The facility will be located 500 metres south of Mundijong Road, hence, it will not have any adverse impact on the visual amenity of the western entry into Mundijong. The facility will be positioned behind an existing racetrack/equestrian facility and existing trees in the vicinity will screen the equipment cabinet(s) and lower section of the facility.

A copy of the aerial photograph is with the attachments marked P004.1/07/03.

Co-location:

The proposed facility is designed to accommodate the standard equipment of at least three (3) telecommunications carriers.

The site area, at ground level, is large enough to accommodate the standard equipment cabinets of three (3) carriers.

Design:

The equipment cabinet used by Optus will be located at the base of the pole and coloured 'Mist Green' to 'blend in' with the surrounding natural environment.

Existing vegetation will also assist with screening the cabinet and lower section of the facility.

All future antennae will be furnished in a colour to match that of the proposed lattice-framed structure. The equipment used by Optus is designed to have minimal visual impact, with respect to size, colour and means of attachment.

The use of a lattice-framed structure, as opposed to a monopole, allows for additional height and structural capacity, thereby facilitating co-location by three carriers, maximising the distance between base stations and generally reducing the overall number of base stations required in the area.

In predominantly rural areas with interspersed townsites, the use of a lower monopole structure does not enable carriers to achieve the same level of network coverage, unless additional base stations are installed. Monopoles are also less structurally capable of accommodating all of the antennae normally used by carriers. The proposed lattice-framed structure is therefore considered to represent the best design solution for the locality.

The proposal will satisfy the requirements of the Council's 'Landscaping and Revegetation on Development Policy'.

General Requirements

Upon decommissioning, Optus agree to remove the tower and reinstate the site to its original condition."

Comments

Proposal

The proposed Optus facility is to comprise a 40m high lattice tower, to which three (3) 'panel' antennae (2.25m long x 0.3m wide) and one (1) parabolic 'dish' antenna (0.6m diameter) to be attached.

The applicant advises that the proposed height (40 metres) is required to compensate for the distance that the facility is located from the townsite and main roads passing through the

Shire. A facility closer to the town would require less height, but would be less acceptable to the community from a visual amenity point of view.

The necessary Optus equipment is proposed to be housed within an equipment shelter, which will be sited adjacent to the base of the tower. The shelter is approximately 2.8m high. For security purposes, the tower and shelter is to be contained within a fenced compound.

The equipment cabinet and antennae all qualify as low impact in accordance with the Telecommunications (Low Impact Facilities) Determination.

A copy of the site plan and elevations is with the attachments marked P004.2/07/03 & P004.3/07/03.

Operational Aspects

The applicant states the following:

“The Optus facility will operate within the standards accepted by the Australian Communications Authority with regard to signal strengths.”

A copy of the submitted Appendix 3 Signal Strengths is with the attachments marked P004.4/07/03.

The applicant further states:

“With regard to the issue of interference by the Optus facility of other frequencies, it should be noted the operation of the facility by Optus is governed by the Australian Communications Authority (ACA). The ACA assigns Optus the allotted frequencies within which Optus may operate its network. These bands or frequencies are issued under licence and Optus has an obligation to remain within these allotted frequencies. If Optus does not, the network will not operate correctly and Optus would be in breach of it’s Licence.”

Scheme Requirements

The subject land is zoned ‘Rural’ under Council’s Town Planning Scheme No.2.

A telecommunications installation (telephone tower) is a use not defined in the zoning table in the Scheme. Clause 3.2.5 of the Scheme states:

If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories, the Council may:

- (a) determine the use is not consistent with the objectives and purpose of the particular zone and is, therefore, not permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purposes of the zone and, thereafter, follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

Relative to (b) above, it is considered that the proposed Telecommunications Installation is consistent with the purpose and intent of the Rural zone which is to:

Allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.

Clause 6.4.2 in Council’s Scheme contains further relevant requirements in determining an application for planning consent. The relevant requirements are listed below:

“In determining an application for planning consent the Council shall have regard to such of the following as are appropriate:

- *The purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- *The purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- *The provisions of the Scheme and any Council policy affecting the land;*
- *Any submissions received in response to giving public notice of the application;*
- *The orderly and proper planning of the locality; and*
- *The preservation of the amenity of the locality”.*

With respect to the above objectives, the Council is required to determine that the proposal is consistent with Local Planning Policy No.3 - Telecommunications Infrastructure Policy – Mobile Towers/Monopoles as well as having due regard to the submissions received. The Council should determine that the application is consistent with the orderly and proper planning of the locality prior to approving such development.

Rural Strategy

The subject land is located within the Farmlot Policy Area of the Shire’s Rural Strategy. The Rural Strategy contains the following objectives for the Farmlot Policy Area:

“To provide opportunities for:

- *Small scale keeping and rearing of stock.*
- *Small scale commercial and alternative agricultural pursuits.*
- *A ‘productive rural-living’ lifestyle in close proximity to urban areas.*
- *Small scale, home based light industry.*
- *Rural retreats”.*

The location of the subject land within the Farmlot Policy Area gives a reasonable indication of Council support for a rezoning of the subject land from ‘Rural’ to ‘Farmlot’. If the subject land is rezoned to ‘Farmlot’ in the future, there would be the potential to subdivide the subject land (currently 39.7831 ha) into blocks of minimum lot size 4 ha.

Council’s Local Planning Policy No. 3 - Telecommunications Infrastructure Policy – Mobile Towers/Monopoles (LPP No.3) does not permit telecommunication towers to be located in a lot zoned ‘Farmlot’ as it is the opinion of Council that such land use/development in these zone(s) would have prospect for adverse environmental, visual and/or heritage impact, which is not in the public/community interest and/or meet long term sustainable strategic planning objectives. It is noted here that if approved, the proposed telecommunications tower could have adverse visual and environmental impact on any future ‘Farmlot’ subdivision of the subject lot. However, as the subject land is not currently zoned ‘Farmlot’, the above provision of LPP No.3 does not strictly apply.

Further, as the proposed telecommunications facility is located in the north eastern most corner of the subject property, it is considered that the proposed location is the best location on the subject site, in order to reduce the potential for the tower to constrain future subdivision and development of the land. Council’s Scheme and relevant policy do not specify specific buffer distances for telecommunications towers to a residence.

Rural Strategy Review

The review of Council’s Rural Strategy did not make any recommendations to change the policy area for the subject land.

Evaluation of Other Sites

The applicant states the following:

“Optus has investigated a range of potential sites within the locality for the establishment of this facility.

These include the Shire’s Refuse Disposal Facility on Watkins Road and a number of other sites located east of the South West Highway at the base of the escarpment of the Darling Ranges.

Following consultation with Technical Officers at the Shire and having regard to Local Planning Policy No.3, and in particular, the requirement to locate facilities outside the Landscape Protection Policy Overlay of the Shire’s Rural Strategy, all of these potential sites were abandoned.

The proposed site is therefore considered to represent the most appropriate of all potential candidate sites investigated, with respect to visual amenity and landscape protection considerations.”

A copy of the maps showing existing and predicted coverages are with the attachments marked P004.5/07/03.

It is noted that a telecommunication tower is currently located within the Mundijong Townsite on a Westrail reserve. The tower is owned by Westrail and used for the purposes of rail operations. The applicant has advised that this site was previously investigated for the possible co-location of the Optus facility onto the existing facility. However, the site was abandoned as the existing tower, which is located in the Mundijong town centre may need to be upgraded to accommodate the Optus installations. It is not known whether the Westrail site is structurally sufficient to allow for co-location of the Optus facility. It has not been formally determined by Council whether the Westrail site is an appropriate location to upgrade the tower to allow for co-location given that the site is in the Mundijong townsite.

Local Planning Policy No.3 - Telecommunications Infrastructure Policy – Mobile Towers/Monopoles (LPP No.3)

Location

LPP No.3 states the following:

“Towers/monopoles should be located in the General Industry, Light Industry, Showroom/Warehouse (Highway Commercial, Town Centre, Mixed Business zone(s) – as identified in the draft Byford Structure Plan) and Rural zone (excluding Landscape Protection Policy Area Overlay of Councils Rural Strategy), and not in any other zone(s) listed in the Zoning Table of Town Planning Scheme No.2; as is the opinion of Council such land use/development in these zone(s) would have prospect for adverse environmental, visual, heritage impact which is not in the public/community interest and/or meet long term sustainable strategic planning objectives. Towers/monopoles will also generally not be supported by Council for location on local and/or Metropolitan Region Scheme reserves vested for an alternative purpose for reason of potential land use conflict, although each case will be considered on its own merits”.

The subject land is zoned ‘Rural’ and the above policy allows for telecommunication towers to be located in a ‘Rural’ zone. However, the subject land is located in the Farmlet Policy Area as identified in the Rural Strategy. LPP No.3 does not allow for telecommunication facilities to be located in an area zoned ‘Farmlet’.

The policy states that towers should not be located within 200 metres of land zoned Urban or Urban Deferred under the Metropolitan Region Scheme. The proposed location of the tower is not within this range.

Co-location

The policy states that carriers shall co-locate onto existing towers, other existing structures or replace existing structures wherever possible. A letter from Greg Rowe and Associates with diagrammatical evidence attached addresses the issue of co-location.

A copy of the correspondence and diagrams dated 31 January 2002 from Greg Rowe & Associates and correspondence dated 29 January 2002 from Connell Wagner are with the attachments marked P004.6/07/03.

Design

The policy states that:

“Towers should be of monopole construction, although lattice or other towers may be supported by Council where the proponent demonstrates the technical necessity of the tower and where the tower may provide additional co-location opportunities.”

“The base of the tower and associated installations shall be screened by vegetation in accordance with Council’s Landscaping and Revegetation on Development Policy (PS03).”

The proposal is for a lattice telecommunications tower. The proponent comments that:

“The use of a lattice-framed structure, as opposed to a monopole, allows for additional height and structural capacity, thereby facilitating co-location by three carriers, maximising the distance between base stations and generally reducing the overall number of base stations required in the area.”

The above comment has not been supported by documentation that demonstrates that the facility will be designed to allow for co-location. However, Council can impose a condition which requires the facility to be designed and constructed to allow for the co-location of up to three (3) carriers, in accordance with the requirements of Local Planning Policy No.3 – Telecommunications Infrastructure Policy – Mobile Towers/Monopoles.

General Requirements

The proponent comments:

“All decommissioned mobile phone towers shall be removed and the site reinstated to its original condition at the proponents cost.”

Community Consultation

The subject proposal was advertised from 12 October to 7 November 2002 to the nearest 18 surrounding landowners. During advertising a total of 6 submissions were received, all opposing the proposal.

Issues Raised:

ISSUE RAISED	RESPONSE
1. Radiation Emissions and Adverse Health Impacts	The applicant's report states that the power flux density at the nearest point of public access (Entry to Optus Compound) was calculated to be 200 000 times less than the Australian Standard.
2. Farmlot Area (appropriateness of zone for such land use)	Points raised in submission are noted. The policy objectives for the Farmlot Policy Area do not provide for such land use/development. In particular an objective refers to "enhancement of landscape and natural values". The proposal may not meet this requirement. Screening of the base of the tower will be required to reduce the impact of the equipment shelter on the surrounding amenity of the area, however, the tower itself cannot reasonably be screened.
3. Prospect for Depreciation of Property Values	Such concern is difficult to substantiate. Nearest dwelling identified on submitted site plan is approximately 560 metres away from the proposed tower.
4. Safety to Horses at Adjoining Equestrian Facility	Concern is noted however, the necessary Optus equipment is proposed to be housed within an equipment shelter, which would be sited adjacent to the base of the tower. For security purposes the tower and shelter would be contained in a fenced compound.
5. Adverse Visual Amenity Impact	The facility is to be positioned behind an existing racetrack. Existing trees nearby would provide some screening of cabinet(s) and lower section of tower when viewed from the north. The applicant proposes that the equipment cabinet be located at the base of the pole and coloured "Mist Green" to blend in with the natural environment.

The application was advertised to surrounding landowners for further comment given that a period of approximately one (1) year had lapsed between the original assessment of the application and the current assessment. The radius of advertising was also increased at the request of the community. Written correspondence allowing an opportunity for comments in relation to the public meeting on the proposal was also sent.

Council received three (3) letters of 'Objection'. The following concerns were raised in the submissions received:

ISSUE RAISED	RESPONSE
1. The land is identified for future Farmlot development. Given that the land is currently for sale and the continuing increase in demand for rural living, the land is likely to be developed within the next 2 years.	It is noted that Council's policy Local Planning Policy No.3 - Telecommunications Infrastructure Policy – Mobile Towers/Monopoles does not allow for towers to be located in an area zoned 'Farmlot'. However, it is also noted that the subject land is currently zoned 'Rural'.
2. If the application were to be approved it would have the potential to restrain future development due to a required buffer around the tower.	It is noted that it is likely that a telecommunication tower could place constraints on how future subdivision and development could occur on the subject lot.
3. The visual impact of the tower will be considerable.	A 40 metre lattice tower will have the potential to have some visual impact in the immediate area. However, the facility is to be positioned behind an

	existing racetrack. Existing trees nearby would provide some screening of cabinet(s) and lower section of tower when viewed from the north. The applicant proposes that the equipment cabinet be located at the base of the pole and coloured “Mist Green” to blend in with the natural environment.
4. A “better” location for the tower would be in the centre of the adjoining horse training facility as it would provide a suitable buffer to adjoining residents.	It is noted that there may be other potential sites throughout the Shire. However, this proposal identifies Lot 1 Webb Road as the proposed site for development.
5. The diagram of the proposed development is out of proportion in relation to the surrounding properties and thus gives a distorted view of the site.	The plan submitted has a scale, which is adequate to measure the dimensions of the proposed structure and to measure setback distances to surrounding properties. It is noted that the site plan could have been improved to make classification easier.
6. Thirty horse trainers use the adjoining horse training facility on a daily basis. Trainers feel that with the location of the proposed tower being so close to the boundary line, major difficulties will be encountered and that the Risk Management Policy could be compromised.	It is unsubstantiated whether the proposed tower will pose a threat to the safe operation of the horse training facility.
7. Issue of health and safety raised.	The applicant’s appendix report states that the power flux density at the nearest point of public access (Entry to Optus Compound) was calculated to be 200 000 times less than the Australian Standard.
8. With so much land available within the Shire, a more thorough search of suitable land should be undertaken to determine a better location for the tower.	A number of sites have been investigated in relation to the proposal by the applicant.

Petition

Local residents also provided Council with a petition against the proposed tower. The petition included a list of approximately 41 names and was received on 15 February 2002.

A copy of the petition is with the attachments marked P004.7/07/03.

Environment

The application will not involve the clearing of any native vegetation. However, It is considered that the proposal will have the potential to have a visual impact on the surrounding built and natural environment, given that the application proposes a 40 metre high lattice tower.

Emergency Management

It is considered that the proposed telecommunications facility will not have a direct impact on emergency vehicle access or management of the site.

Conclusion

The proposal for the Telecommunications tower complies with Council’s Local Planning Policy No.3 Telecommunications Infrastructure Policy – Mobile Towers/Monopoles. The submissions raised some issues such as adverse visual amenity impact in a Farmlot policy

area. However, due to the subject site being located a significant distance from existing or future urban areas these impacts are considered minimal. The site is approximately 1.5 kilometres west-south-west of Mundijong townsite. The facility will be positioned approximately 500 metres south of Mundijong Road. The subject site is considered to be the best location for the telecommunications facility in relationship to the location of the Mundijong Townsite, taking into account the current zoning and predominant use of land in the locality.

Sustainability Statement

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

The application will not involve the clearing of any native vegetation. However, It is considered that the proposal will have the potential to have a visual impact on the surrounding built and natural environment, given that the application proposes a 40 metre high lattice tower.

The facility is to be positioned behind an existing racetrack many metres from the nearest dwelling house. Existing trees nearby would provide some screening of cabinet(s) and lower section of facility. The applicant proposes that the equipment cabinet be located at the base of the pole and coloured "Mist Green" to blend in with the natural environment.

Council can impose a condition that requires the applicant to prepare a revegetation plan to adequately screen the base facilities from view.

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

The proposed facility is designed to accommodate the standard equipment of at least three (3) telecommunications carriers. The site area, at ground level, is large enough to accommodate the standard equipment cabinets of three (3) carriers.

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

It is uncertain whether the application proposes the use of locally available or produced resources.

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

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

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

The application has been referred to the surrounding community twice for comment. A previous resolution from Council also required the applicant to hold a Public Information Evening with the community in order to identify and attempt to address any concerns held by residents. The application has been advertised in accordance with Council policy requirements.

Does the proposal/issue disadvantage any social groups?

It is considered that the proposal will not directly disadvantage any social groups.

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

It is considered that the proposal will not create long term employment or economic benefit to current and future residents of the Shire.

Statutory Environment: Town Planning and Development Act 1928, Town Planning Scheme No.2.

Policy Implications: Local Planning Policy No.3 Telecommunications Infrastructure Policy – Mobile Towers/Monopoles

Financial Implications: There will be no direct financial implications to Council as a result of this application.

Strategic Implications: This proposal relates to Objective 2(1) of Key Result Area – Governance in Council's Strategic Plan, which is:

“Improve coordination between Shire, community and other partners.”

Community Consultation: The application was initially advertised to surrounding landowners from 12 October 2001 to 7 November 2001. The application was advertised a second time to surrounding landowners for comment from 26 May 2003 until the 13 June 2003 in accordance with Council policy. A public information meeting has also been held. Six (6) letters of 'Objection' were received in the first round of advertising. Three (3) letters of 'Objection' were received in the second round of advertising.

Voting Requirements: Normal

Officer Recommended Resolution

- A. Council, pursuant to Clause 3.2.5 of Town Planning Scheme N^o 2 determines that the Telecommunications Facility is consistent with the objectives and purpose of the Rural zone.
- B. Council notes the submissions received in relation to the advertising of the Telecommunications Facility pursuant to Clause 6.3 of Town Planning Scheme N^o 2.
- C. Council approves an application dated 1 October 2001 for a 40 metre high Lattice Telecommunications Facility on Lot 1 Webb Road, Mardella subject to the following conditions:
 1. Upon decommissioning the mobile phone tower, the tower shall be removed and the site reinstated to its original condition at the cost of the proponent.
 2. Provision to be made to co-locate up to three (3) additional carriers on the base station.
 3. Aviation hazard lights being installed in accordance with the specifications of the Civil Aviation Safety Authority.
 4. A building licence for the tower being obtained from the Shire of Serpentine-Jarrahdale.
 5. The tower is to be non-reflective and painted in a colour of natural or earth tonings to complement the natural surroundings. A Colour Schedule is to be submitted for the tower for approval to the satisfaction of the Director Sustainable Development prior to the issue of a building licence.
 6. If the development, subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall

- be carried out without further approval being sought and obtained from Council.
7. Development to be generally in accordance with the plan entitled “General Site Layout”, dated 7 June 2001, and the plan entitled “General Site Elevation”, dated 7 June 2001, and the proposal documentation titled “Development Application Report – Mundijong (PO359) – Proposed Telecommunications Facility – Lot 1 Webb Road, Mardella”; subject to any modifications required as a consequence of any conditions of this approval.
 8. The equipment cabinet is to be coloured “Mist Green” in accordance with the proposal documentation entitled “Development Application Report – Mundijong (PO359) – Proposed Telecommunications Facility – Lot 1 Webb Road, Mardella”.
 9. To maintain the landscape amenity valued by surrounding residents, the base of the telecommunications facility and associated installations shall be screened from view from surrounding properties by supplementing existing vegetation with newly planted vegetation to the satisfaction of the Director Sustainable Development. A revegetation plan that accords with Council’s information Note PS03 is to be submitted for approval by the Director Sustainable Development within 30 days of the date of this approval. The approved revegetation plan shall then be implemented to the satisfaction of the Director Sustainable Development.
 10. No vegetation is to be cleared or trimmed without the prior written approval of the Director Sustainable Development.
 11. Route of power source to the telecommunications facility is to be approved in writing by the Director Sustainable Development prior to the commencement of development.

CRP004 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Price that the decision regarding a proposed 40 metre high Lattice Telecommunications Facility on Lot 1 Webb Road, Mardella be deferred so that several matters can be considered in relation to the tower including:

- a) Council requests that the applicant provide written confirmation that the owner of the land is aware that the future development of the land may be affected due to the proposed location of the tower if approved.
- b) Council seeks advice regarding the short and medium term implications of approval of the tower in an area identified as future Farmlot zone where Council policy does not include uses such as a telecommunications facility.
- c) Potential alternative locations, being a previously assessed location at Councils former landfill site.

CARRIED 9/0

Note: The Officer Recommended Resolution was altered as Councillors requested further information regarding the potential impact on the long term strategic objectives of the Shire.

Note: A letter from Greg Rowe and Associates was tabled at the Council Meeting in support of the application (Trim Reference IN03/7641)

P002/07/03 INTRODUCTION OF PLANNING DEVELOPMENT AND ENVIRONMENT PORTFOLIO SYSTEM (A0039)		
Proponent	Executive Liaison Group	In Brief Council to introduce the trial of a Planning Development and Environment Portfolio system to facilitate the introduction of additional delegation to the planning team.
Officer	D E Price - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	15 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

A draft working paper has been prepared following a request to the Chief Executive Officer (CEO) by the Shire President (Cr Needham) and the Deputy Shire President (Cr Price) to look at other models that may be suitably applied to Serpentine Jarrahdale with the express focus of reducing resourcing demands initially in the Statutory areas of the Planning organisation.

There are a number of issues which have prompted the need to reconsider the issue of delegation to staff. Many of these will already be known by Councillors when they are contacted by an aggrieved customer who is not happy with the time it is generally taking for a matter to be dealt with in the current system.

Some examples include:

1. The time it is taking for officers to research and prepare a report to Council
2. The time it takes for the matter to be taken through the current meeting cycle.
3. The staff resources involved in the current process from the time an application is received to when the matter is finally resolved.
4. Increased turn around times
5. Limited flexibility in the approach able to be taken with matters under current delegations.
6. Focus on operational rather than strategic and policy issues by Council.
7. Poor perception of Council by the community.
8. Delays for landowners/residents to commence development on their properties. There are also delays to builders and contractors and resultant cost increases to landowners caused by these delays.

The draft working paper which is with the attachments marked P002.1/07/03 was presented back to Cr Needham, Cr Price and the Chairman of Planning, Cr Star for discussion on Monday, 14 July 2003.

Comments

Currently Council has allowed limited delegation and whilst it is acknowledged that this has gradually been increasing over time, it is considered there are still opportunities to increase delegations across the organisation.

There are a number of reasons why this situation exists today, including the recognition that loss of corporate knowledge has been a factor in the regulatory areas and in more recent times, the perception that staff may not necessarily view a matter in the same way as Council, and consequently a reluctance to on-delegate and empower staff has arisen.

Council has introduced delegated authority to its Committee system to improve turn around times, and it needs to be acknowledged that this has in fact had a positive effect, however, it is considered time to review how we can improve this part of our business again.

The increasing of delegations from Council to staff has been identified as one area that significant resource savings could be made. It is therefore proposed that for an initial twelve (12) month period Council introduces the trial of portfolio systems based on the following initial approach:

For the first six (6) months, members of the Planning Development and Environment Committee will also hold a Planning and Regulatory Services portfolio position (the portfolio group). The portfolio group will not be a committee and will not be required to hold their meetings open to the public, but will undertake the role of a referral group for matters which officers would like to have dealt with under delegation rather than via Committee or Council.

This approach will also enable proponents to meet with officers and members of the portfolio group on more informal terms to discuss their proposals.

At the conclusion of the six (6) month trial, it is proposed that the portfolio group may choose to undertake a review of the success of the concept and decide on what works and what does not work, so that the second six (6) months of the trial can be made under set conditions so that when the final review and recommendation about the future of delegations is made, a full and comprehensive trial and evaluation has been made. Alternatively, they may decide to recommend to Council the introduction of more portfolio groups into other areas of Council.

It is envisaged as outlined in the draft working paper that a number of planning applications, such as scheme amendments and major development applications could more efficiently and effectively be dealt with under delegated authority and many may not necessarily require to be referred to Council for determination. These applications, on average, currently take around ninety-eight (98) days to complete.

Some examples of delegation that could be introduced in the Planning area and enable the officers and portfolio group to attend to specific matters listed below for which delegation is possible in that Act and the Town Planning Scheme include:-

- Approval of SA, AA and IP uses
- Consideration of objections received after public consultation and authority to dismiss objections that are deemed no valid or are not planning related
- Subdivisions involving more than 3 lots
- Naming of roads
- Amending conditions of a planning approval that has been granted by Council, where development has not commenced
- Retrospective planning approval
- Extractive industry licences – applications and renewals
- Oversized outbuildings
- Variation to Residential Planning Codes
- All development in the Urban Development zone
- Prosecution for breaches of TPS 2
- To initiate rezonings for land identified in the Rural Strategy
- To carry out development on reserved land in accordance with the intended purpose of the reserve
- To approve developments and impose conditions on developments in the Special Use zone where the development is consistent with TPS 2
- To determine a particular use or purpose of a development where it is not mentioned in the use class table and determine whether it should be carried out in a particular zone

These additional delegations will only be determined by the members of the Planning Development and Environment portfolio group, Director Sustainable Development and the Manager Planning and Regulatory Services.

The fail safe in this proposal is that if a matter is agreed by the portfolio group without amendment to the officers proposed conditions, this group would effectively be agreeing with the proposed conditions and consequently the matter would be dealt with under the delegation that has been granted to the relevant officer.

If an officers recommendation was altered in a way which would not constitute a correction, but rather a change to the intent of the proposed conditions, and the Director Sustainable Development or her nominee (could be the Manager Planning and Regulatory Services) don't agree, then the officers recommendation would remain and the matter would be dealt with via the Committee/Council system.

It is important to also note that this new portfolio system will not preclude officers from referring items that by nature should be considered by Committee and Council, directly to Committee and Council without the matter being initially considered by the portfolio group

Sustainability Statement

The need to find a sustainable solution which enables Councillors and staff to be comfortable with dealing with more matters under delegation is very important if we are going to progress the reduction in time and resourcing currently required. It is acknowledged that this should not be something that is introduced without some form of trial.

Statutory Environment: Local Government Act 1995

Policy Implications: No Policy implications are known

Financial Implications: No Financial implications are known

Strategic Implications: 2003 Strategic plan Key Result Area 4 – Governance Strategy “Ensure development and use of infrastructure and land complies with required standards and “Comply with state and federal policies and legislation and the local government act in the most cost effective way.

The Portfolio Group will still need to refer to Councils Strategic Plan when considering applications under delegation.

Community Consultation: Not applicable

Voting Requirements: **ABSOLUTE MAJORITY**

Officer Recommended Resolution

1. Council agrees the trial of portfolio system based on the Discussion Paper “Increasing Delegations To Planning Development & Environment (10th July 2003)” included at **Attachment P002.1/07/03.**
2. Members of the Planning, Development and Environment Committee are nominated to positions on the Planning and Regulatory Services portfolio group.
3. The following delegation under the Local Government Act 1995, as amended, be adopted by Council:-
 - Subdivisions involving more than 3 lots
 - Naming of roads
 - Extractive industry licence applications and renewals
4. The following delegation under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be adopted by Council:-
 - Approval of SA, AA and IP uses

- Consideration of objections received after public consultation and authority to dismiss objections that are deemed no valid or are not planning related
- Amending conditions of a planning approval that has been granted by Council, where development has not commenced
- Retrospective planning approval
- Oversized outbuildings
- Variation to Residential Planning Codes
- All development in the Urban Development zone
- Prosecution for breaches of TPS 2
- To initiate rezonings for land identified in the Rural Strategy
- To carry out development on reserved land in accordance with the intended purpose of the reserve
- To approve developments and impose conditions on developments in the Special Use zone where the development is consistent with TPS 2
- To determine a particular use or purpose of a development where it is not mentioned in the use class table and determine whether it should be carried out in a particular zone

Note: The Planning and Regulatory Services portfolio group would only deal with matters which were referred for consideration under the newly agreed delegations referred to in this decision. Existing delegations (Ordinary Council Meeting - May 2003) would remain in place and continue to be dealt with as is currently the case (by the officers, not the group)

CRP002 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Price that

1. Council agrees the trial of portfolio system based on the Discussion Paper "Increasing Delegations To Planning Development & Environment (10th July 2003)" included at **Attachment P002.1/07/03**.
2. Members of the Planning, Development and Environment Committee are nominated to positions on the Planning and Regulatory Services portfolio group.
3. The following delegation to the Chief Executive Officer under the Local Government Act 1995, as amended, be adopted by Council:-
 - Subdivisions involving more than 3 lots
 - Naming of roads
 - Extractive industry licence applications and renewals
4. The following delegation to the Director Sustainable Development under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be adopted by Council:-
 - Approval of SA, AA and IP uses
 - Consideration of objections received after public consultation and authority to dismiss objections that are deemed no valid or are not planning related
 - Amending conditions of a planning approval that has been granted by Council, where development has not commenced
 - Retrospective planning approval
 - Oversized outbuildings
 - Variation to Residential Planning Codes
 - All development in the Urban Development zone
 - Prosecution for breaches of TPS 2
 - To initiate rezonings for land identified in the Rural Strategy
 - To carry out development on reserved land in accordance with the intended purpose of the reserve
 - To approve developments and impose conditions on developments in the Special Use zone where the development is consistent with TPS 2
 - To determine a particular use or purpose of a development where it is not mentioned in the use class table and determine whether it should be carried out in a particular zone

Note: The Planning and Regulatory Services portfolio group would only deal with matters which were referred for consideration under the newly agreed delegations referred to in this decision. These delegations are only to be exercised after reference to the portfolio group. Existing delegations (Ordinary Council Meeting - May 2003) would remain in place and continue to be dealt with as is currently the case (by the officers, not the group).
CARRIED 9/0 ABSOLUTE MAJORITY

Note: The Officer Recommended Resolution was altered to clarify that all matters in the above delegations are to be referred to the relevant portfolio group prior to a decision being made.

Note: The Note in the Committee Recommended Resolution was altered only as a point of clarification as to the delegation process for the portfolio group.

P003/07/03 PROPOSED PARKING OF ONE COMMERCIAL VEHICLE – LOT 20 DEVON COURT, OAKFORD (P01802/01)		In Brief That Council approves an application for the parking of a Commercial Vehicle on Lot 20 Devon Court, Oakford subject to conditions.
Proponent	Adam Haines & Kylie Gibbons	
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14 April 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: J & P Carder
 Owner's Address: 39 Devon Court, Oakford
 Applicant: Adam Haines & Kylie Gibbons
 Applicant's Address: 2 Morning Cloud Vale, Willetton
 Date of Receipt: 2 April 2003
 Advertised: Application was advertised to surrounding landowners until 5 May 2003 in accordance with Council policy.
 Submissions: Two (2) letters of 'Objection' were received. Two (2) letters of support from surrounding landowners were provided by the applicant.
 Lot Area: 2.0072 ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Rural Living B Policy Area
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Not applicable
 Townscape/
 Heritage Precinct: Not applicable
 Bush Forever: Nil
 Date of Inspection: 9 May 2003

Comments

Proposal

The commercial vehicle is proposed to be parked behind the building line and at the rear of the property.

"Start time for the vehicle will be 7am;

Returning time for vehicle will be 1900.

Furthermore the vehicle in question has a Euro Spec engine which requires to meet strict environmental and noise levels. The registration number for the vehicle is: 8WS 431.”

The applicant has supplied Council with the following dimensions of the commercial vehicle:

- Width: 2 metres
- Height: 2.7 metres
- Length: 17.5 metres
- Carry capacity: loaded is 42.5 tonne

A copy of the development plan is with the attachments marked P003.1/07/03.

Scheme Requirements

The subject land is zoned ‘Special Rural’ under Council’s Town Planning Scheme No.2. Clause 5.9.1 of Council’s Scheme specifies the following objective of the ‘Special Rural’ Zone:

“The purpose and intent of the Special Rural Zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas.”

The application must be assessed to determine if the proposal is considered to be consistent with the orderly and proper planning of the locality.

Commercial Vehicle Parking is an ‘SA’ Use within the ‘Special Rural’ zone, which means Council may, at its discretion permit the use after advertising the application to surrounding landowners in accordance with Clause 6.3 of the Scheme.

Time Limited Approval

Clause 6.10 of Council’s Scheme states:

“Where the Council grants approval, the Council may impose conditions limiting the period of time for which the approval is granted.”

Rural Strategy

The subject land is located within the ‘Rural Living B’ policy area of the Shire’s Rural Strategy. The following objective of the ‘Rural Living B’ policy area is relevant to this proposal:

“RL 8. To provide opportunities for, and control over, rural enterprises conducted in association with rural living, for example:

- Craft, cottage and tourist industries;*
- Truck parking, landscape supplies, and nurseries;*
- Horse management and riding school activities;*
- Home based light industry.”*

A primary objective of the ‘Rural Living B’ policy area is to provide control over truck parking within the precinct. It is considered that in this instance, the application for a commercial vehicle can be approved with appropriate conditions in order to control the operation and use of the commercial vehicle, while at the same time providing protective measures for surrounding residents within the neighbourhood.

Community Consultation

The application was referred to twelve (12) residents who could be potentially affected by the application for commercial vehicle parking until 5 May 2003. Two (2) letters of 'Objection' were received and two (2) letters of support from surrounding landowners were provided by the applicant.

The proposal is referred to Council for consideration as two objections have been received.

The following concerns were raised in the two (2) letters of 'Objection':

1. Concern that the proposed truck is to be parked at the very rear of the property which may create undue noise as a result of the truck starting its engine early in the morning.
2. Concern that the truck may be operated at irregular hours, and may return at varying hours of the night.
3. Currently the concerned residents are enjoying the quiet rural lifestyle and would be distressed if it was disturbed by truck engine and brake sounds close by.
4. A concerned resident moved to the subject location to escape the noise of trucks. The concerned resident previously lived at Fieldview Chase in Oakford and sold their property because of the problems associated with truck activity.
5. The parking of trucks makes the area look and sound like an industrial area.

The above concerns raised are addressed below:

1. In respect of Point 1 above, the location of the area where the commercial vehicle is to be parked can be controlled through an appropriate condition on the planning approval.
2. In respect of Point 2 above, the operation hours of the truck can be controlled through placing conditions on the planning approval which restricts the operating hours of the truck.
3. In relation to Point 3 above, it is acknowledged that the activity of commercial vehicle parking may generate some noise at certain times of the day.
4. Comment noted. A search of Council's records revealed that Council had only issued one (1) approval for commercial vehicle parking in Fieldview Chase.
5. The approval can be conditioned to require the applicant to appropriately screen or house the truck in a shed to reduce the visual impact of the commercial vehicle parking on the surrounding semi-rural amenity. However, it is not intended to require the truck be parked in a shed as it is considered unreasonable given that the planning approval will be for 12 months only. The approval can be appropriately conditioned to control operation times to reduce the 'industrial' impact.

It is considered that the concerns raised by the two (2) residents can be addressed through the appropriate conditioning of the planning approval.

Given the concerns raised by two (2) residents during the referral period raised in the "Community Consultation" section below, it is considered relevant to impose a condition on the planning approval limiting the approval for a period of 12 months only, after which the applicant may make a new application to Council for commercial vehicle parking. The application may be readvertised to the community at this stage, to determine if any issue were caused as a result of the commercial vehicle parking during the 12 month period.

Environment

The proposed parking of a commercial vehicle will not involve the clearing of native vegetation. It is considered that the parking of a commercial vehicle will have a minimal impact on the natural environment.

Emergency Management

It is considered that the application for a commercial vehicle will not have an impact on emergency vehicle access or emergency management.

Sustainability Statement

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

The application for commercial vehicle parking does not propose any measures which may enhance the environment or minimise environmental damage through best practice in its field. The parking of a commercial vehicle has potential to have an impact on the built environment by way of noise. The truck is proposed to be parked behind the residential building line, however there is no intention of housing the commercial vehicle in a shed.

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

It is considered that the proposed parking of a commercial vehicle does not propose measures that minimise resource use compared to traditional development approaches.

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

Not applicable.

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

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

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

The application has been referred to surrounding landowners in accordance with Council policy.

Does the proposal/issue disadvantage any social groups?

It is considered that the proposal will not disadvantage any social groups.

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

No.

Statutory Environment:

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

Policy Implications:

Not applicable

Financial Implications:

There will be no direct financial implications to Council as a result of this application.

Strategic Implications:

This proposal relates to Objective 2 (2) of Key Result Area – People and Community in Council's Strategic Plan, which is:

“Develop compatible mixed uses and local employment opportunities in neighbourhoods.”

And Objective 2(5) of Key Result Area – People and Community, which is:

“Protect built and natural heritage for economic and cultural benefits.”

Community Consultation:

The application was referred to twelve (12) surrounding landowners in accordance with Council policy. Two (2) letters of ‘Objection’ were received. Two (2) letters of support from surrounding landowners were provided by the applicant.

Voting Requirements:

Normal

CRP003 Committee/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Wigg that Council approves an application dated 2 April 2003 for the parking of one Commercial Vehicle on Lot 20 Devon Court, Oakford subject to the following conditions:

DESCRIPTION AND DURATION

1. Development and use of the land is to generally accord with the development plan, subject to any modifications required by the conditions of this approval.
2. Approval is for the parking of one commercial vehicle only (as defined under Council’s Town Planning Scheme No.2), which for the purposes of this approval comprises the commercial vehicle registered as 8WS 431.
3. This approval is valid for a period of 12 months only, commencing from the date of this approval letter. Prior to the date of expiry of this planning approval, a new planning application for the parking of one commercial vehicle must be lodged with Council and subsequently approved by Council, if it is the intention of the landowner to continue the parking of one commercial vehicle on the subject property.
4. Approval is specific to the applicant only and does not run with the land; and does not permit the servicing or maintenance of the truck on the subject land.
5. Panel repairs, painting, mechanical servicing, wash-down or degreasing of the commercial vehicle, in part or whole, shall not occur on-site.

COMMITMENTS

6. The applicant shall implement the written commitments made in supplementary information provided to Council in correspondence dated 19 May 2003 as received by Council on 19 May 2003. The commitment(s) are that the commercial vehicle is not to be started or returned for parking on or adjacent to the property between the hours of 9pm to 7am unless otherwise approved in writing by the Director Sustainable Development.

ENGINEERING WORKS

7. Prior to parking the commercial vehicle on-site, the applicant is to construct (and thereafter maintain at his own cost), a 9 metre wide sealed crossover extending from the lot boundary to Devon Court, to the satisfaction of the Director Asset Services.

AMENITY

8. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon.
9. The development or use of the land must not cause a dust nuisance to neighbours. Where appropriate all practicable measures shall be taken to prevent/control dust nuisance and such measures shall be implemented within the time and in the manner directed by the Director Sustainable Development.

Advice Notes:

1. The applicant is advised that this approval is specific to the vehicle described in Condition 2. The replacement of the commercial vehicle with an alternative will require a new approval to be obtained from Council.
2. With regard to Condition 3, the applicant is advised that Council has issued a temporary approval for the purposes of allowing the community to determine whether this use of the land is consistent with their expectations of amenity within the local area. Upon conclusion of the first twelve (12) months of this temporary approval, the applicant may apply for an approval for a five (5) year period. The decision on whether to grant further approval will be substantially guided by the feedback received from surrounding residents, and whether the applicant has complied with the conditions of this approval to the satisfaction of the Director Sustainable Development.
3. With regard to Condition 5, the applicant is advised that approval to service or repair the commercial vehicle on site would require a separate approval from Council, and must include construction of a suitably designed service facility.
4. The applicant is advised non-hazardous goods and materials may be kept within the commercial vehicle whilst parked overnight, providing they do not adversely impact local amenity or expose local residents to an increased risk of harm.

Note: During debate Cr T Simpson foreshadowed that he would move an amendment to Part 6 (Commitments) of the Committee/Officers Recommendation.

Moved Cr Simpson seconded Cr Wigg to accept a foreshadowed motion.
CARRIED 9/0

COUNCIL DECISION/FORESHADOWED MOTION

Moved Cr Simpson seconded Cr Wigg that Council approves an application dated 2 April 2003 for the parking of one Commercial Vehicle on Lot 20 Devon Court, Oakford subject to the following conditions:

DESCRIPTION AND DURATION

1. Development and use of the land is to generally accord with the development plan, subject to any modifications required by the conditions of this approval.
2. Approval is for the parking of one commercial vehicle only (as defined under Council's Town Planning Scheme No.2), which for the purposes of this approval comprises the commercial vehicle registered as 8WS 431.
3. This approval is valid for a period of 12 months only, commencing from the date of this approval letter. Prior to the date of expiry of this planning approval, a new planning application for the parking of one commercial vehicle must be lodged with Council and subsequently approved by Council, if it is the intention of the landowner to continue the parking of one commercial vehicle on the subject property.
4. Approval is specific to the applicant only and does not run with the land; and does not permit the servicing or maintenance of the truck on the subject land.

5. Panel repairs, painting, mechanical servicing, wash-down or degreasing of the commercial vehicle, in part or whole, shall not occur on-site.

COMMITMENTS

6. The applicant shall implement the written commitments made in supplementary information provided to Council in correspondence dated 19 May 2003 as received by Council on 19 May 2003. The commitment(s) are that the commercial vehicle is not to be started or returned for parking on or adjacent to the property between the hours of 9pm to 7am unless otherwise approved in writing by the Director Sustainable Development. Not more than two truck movements per day (ie one-in and one-out of the property per day) between 7.00am and 9.00pm.

ENGINEERING WORKS

7. Prior to parking the commercial vehicle on-site, the applicant is to construct (and thereafter maintain at his own cost), a 9 metre wide sealed crossover extending from the lot boundary to Devon Court, to the satisfaction of the Director Asset Services.

AMENITY

8. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon.
9. The development or use of the land must not cause a dust nuisance to neighbours. Where appropriate all practicable measures shall be taken to prevent/control dust nuisance and such measures shall be implemented within the time and in the manner directed by the Director Sustainable Development.

Advice Notes:

1. The applicant is advised that this approval is specific to the vehicle described in Condition 2. The replacement of the commercial vehicle with an alternative will require a new approval to be obtained from Council.
2. With regard to Condition 3, the applicant is advised that Council has issued a temporary approval for the purposes of allowing the community to determine whether this use of the land is consistent with their expectations of amenity within the local area. Upon conclusion of the first twelve (12) months of this temporary approval, the applicant may apply for an approval for a five (5) year period. The decision on whether to grant further approval will be substantially guided by the feedback received from surrounding residents, and whether the applicant has complied with the conditions of this approval to the satisfaction of the Director Sustainable Development.
3. With regard to Condition 5, the applicant is advised that approval to service or repair the commercial vehicle on site would require a separate approval from Council, and must include construction of a suitably designed service facility.
4. The applicant is advised non-hazardous goods and materials may be kept within the commercial vehicle whilst parked overnight, providing they do not adversely impact local amenity or expose local residents to an increased risk of harm.

CARRIED 5/4

Note: The Committee/Officers Recommended Resolution was changed to clarify the number of truck movements permitted per day and the specified hours during which those movements could occur by amending Condition 6.

P006/07/03 MUNDIJONG LINEAR PARK MASTERPLAN (RS0181)		
Proponent	Shire of Serpentine – Jarrahdale	In Brief Consultants have been engaged to design and document the Mundijong Linear Park to provide a cohesive framework for new facilities and future development. The masterplan design and documentation has been completed. This report is for endorsement of the final design and documentation.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	9 July 2003	
Previously	P249/04/03	
Disclosure of Interest		
Delegation	Council	

Background

The design and documentation of the Mundijong Linear Park was undertaken by Blackwell and Associates Landscape Architects.

The design concept was presented at April Committee by the consultants for comment and endorsement for documentation.

The committee decision was:

“CRP249 Committee Decision

Moved Cr Price, seconded Cr Star that

- 1. Council endorses the draft concept plan to guide the preparation of the final Mundijong Linear Park Master Plan.*
- 2. When the final Plan is put out for public comment, prior to adoption, public feedback be sought on naming the park, Railway Park.*

CARRIED 5/0”

Comments

The final drawings will be tabled at the committee meeting.

Comments discussed at the meeting have been incorporated into the final design.

The consultants had a meeting on site with Western Australian Government Railways Commission to discuss the landscape design over their easement.

A copy of the correspondence dated 19 May 2003 from WA Government Railways Commission in regards to the landscape design over their easement is with the attachments marked P006.1/07/03.

The consultants also had meetings and discussions with Rob Ewing regarding community art and the proposed Serpentine Jarrahdale Pathways Community Art Project to ensure they were both compatible.

An opinion of probable costs has also been prepared to allow future budget allocations for works within the park and to assist with funding applications if they are to be undertaken.

Once the plan is endorsed the community will be consulted on naming the park Railway Park as resolved at the April committee meeting.

Sustainability Statement

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

The masterplan of the Park will enhance the built environment through the provision of a variety of facilities and attractions that meet the needs of the users and also engage the users in their surroundings and the towns history. In regards to reducing environment damage the main issues of the park are soil erosion and root compaction through no defined walking tracks and people parking all throughout the park in non designated areas. The design will address both of these areas especially defining edges and parking areas.

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

The design will work with and enhance the existing environment incorporating native plants which do not require watering. The design will be low water use and have a low resource use strategy.

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

This project is the design and documentation of the Park. The materials and construction selection will be completed when funds are allocated and the use of locally available materials will be favoured.

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

The design of the park will set a framework that will allow the Shire and the community to develop the park as it becomes financially viable in a cohesive manner.

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

There has been a lot of community participation in the first stage of works completed for the park and this information has been incorporated into the final design and documentation. The masterplan will set the framework which will enable the community to see clearly the areas of opportunity to develop new parts of the park in particular community art projects.

Does the proposal/issue disadvantage any social groups?

No

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

The park provides long term recreational benefit to current and future residents of the Shire and in particular Mundijong.

Statutory Environment: Not applicable

Policy Implications: Local Planning Policy No. 16 - Paterson Street Design Guidelines.

Financial Implications: \$5 000 has been carried over in the draft 2003/2004 budget for the Mundijong Linear Park toilet. Funding will be considered as part of the 2004/2005 Forward Financial Plan.

Strategic Implications: Key Sustainability Result Areas

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2 Environment

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

Strategies:

3. Reduce water consumption.
5. Value, protect and develop biodiversity.

3 Economic

Objective 1: A vibrant local community

Strategies:

1. Develop tourism potential.

Community Consultation:

Community Consultation was undertaken as part of the completed works on the park and part of the future planning of community art in the park.

Voting Requirements:

Normal

Manager Sustainability Unit left the meeting at 2.08pm.

Officer Recommended Resolution

Council endorses the final design and documentation plans of the Mundijong Linear Park Master Plan.

CRP006 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Price that Council endorses the final design and documentation plans of the Mundijong Linear Park Master Plan as policy with the deletion of clearing of vegetation at the rear of the war memorial.

CARRIED 9/0

Note: The Officer Recommended Resolution was altered to adopt the design and documentation as policy which will allow variations to be sought by approval of Council at a later time if required.

P007/07/03 PROPOSED SUBDIVISION - LOT 802 JARRAHDAL ROAD, JARRAHDAL (S121667)		
Proponent	SJB Town Planning and Urban Design	In Brief That Council recommends to the Western Australian Planning Commission that an application dated 26 February 2003 for the subdivision of Lot 802 Jarrahdale Road, Jarrahdale be supported subject to conditions
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	29 May 2003	
Previously		
Disclosure of Interest	Shire of Serpentine Jarrahdale as landowner	
Delegation	Council	

Owner: Shire of Serpentine Jarrahdale
 Owner's Address: 6 Paterson Street, Mundijong WA 6123
 Applicant: SJB Town Planning and Urban Design
 Applicant's Address: 33-35 Pakenham Street, Fremantle WA 6160
 Date of Receipt: 6 May 2003
 Advertised: Not applicable
 Submissions: Not applicable
 Lot Area: 5.4186 ha.
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Not applicable
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Workers Cottages – Conservation Essential
 Townscape/
 Heritage Precinct: Not applicable
 Bush Forever: Nil
 Date of Inspection: 18 June 2003

Background

Millars Road Subdivision

The WA Planning Commission (WAPC) has previously approved a six (6) lot subdivision on Millars Road, Jarrahdale. The subdivision was initiated by Council in order to create separate lots for the five (5) existing mill cottages. The subdivision will allow sale with appropriate conservation covenants, of the former mill cottages.

Proposal

The WAPC has referred an application to Council for the subdivision of Lot 802 Jarrahdale Road, Jarrahdale into six (6) lots. The subdivision has a similar intent as the previous subdivision in Millars Road in that it proposes to create separate lots for the five (5) existing heritage cottages and one vacant lot.

A copy of the site plan is with the attachments marked P007.1/07/03.

The planning consultant engaged by Council has provided the following comments in support of the application:

“The properties range from 648m² to 775m² and average 672m² including the area of the truncation and have a standard module of 18m frontage by 36m depth: which conforms with the WAPC recommended width to depth ration for residential lots.

The dwellings are all connected to water and power supplies. Effluent disposal is via on site septic tanks and leach drains. The area has been the subject of the (draft) Jarrahdale Heritage Park Study, which does not contain recommendations preventing the subdivision occurring.”

Comments

Scheme Requirements

The subject land is zoned ‘Special Use’ under Council’s Town Planning Scheme No.2 (TPS 2). The subject land forms part of the Jarrahdale Historic Precinct and the following Special Provisions are applicable to the use and development of the subject land:

“1. *The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council:*

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

2. *All development shall be restricted to designated areas within the Special Use zone at the discretion of Council and shall comply with the Heritage Provisions of Part V of the Scheme.”*

The subdivision of the subject land would not conflict with the above provisions which relate to the use and development of the subject land.

The five (5) cottages located on the subject land are identified in TPS 2 - ‘Schedule of Places of Natural Beauty, Historic Buildings, and Objects of Historical or Scientific Interest’. Clause 7.12.1 of Council’s Scheme states the following with respect to buildings listed in the schedule:

“The places described in Appendix 13 are considered by the Council to be of historic, architectural, scientific, scenic or other value and should be retained in their present state or restored.”

It is considered that the proposed subdivision will not adversely affect the ability of the cottages to be retained for their historic value.

Municipal Heritage Inventory

The five (5) Workers Cottages located on the subject lot are identified within the Shire’s Municipal Heritage Inventory as well as the Shire of Serpentine Jarrahdale Town Planning Scheme – Schedule of Places and the cottages have a National Trust Classification.

The Municipal Heritage Inventory classifies the cottages as having a management category of ‘Conservation Essential’.

If the subdivision were to be approved there would be a need to put adequate measures in place to conserve the heritage character of the built cottages and guidelines for the development of the vacant lot that would be created. The development of the vacant lot would need to be complimentary to the existing heritage character of the five (5) cottages and the surrounding precinct. Conservation covenants have been prepared for the Millars Road Cottages and it is envisaged they could be reproduced for the Staff Street Cottages.

Government Sewerage Policy

The Government Sewerage Policy document states the following:

“Subdivision or density development exceeding R5 in the outer metropolitan area to be subject to the provision of reticulated sewerage, except in certain circumstances set out in the Policy, e.g. aged person’s accommodation”.

However, currently there are five (5) dwellings located on the subject lot, which all have on site septic tanks and leach drains.

Further, Clause 5.2.3 of the Government Sewerage Policy states the following:

“5.2.3 Remote and Isolated

proposals for remote and isolated subdivision or density development do not involve the potential for the creation of more than 25 lots, dwellings or single residential equivalents respectively, and the applicant can demonstrate to the satisfaction of the responsible authorities that:

- i site conditions allow for the effective on-site disposal of wastewater on a long-term basis;*
- ii residential developments do not exceed R12.5 and no individual lot on which wastewater is to be disposed is less than 700m² in area;*
- iii where in the assessment of the Water Authority of Western Australia it is not economical or practical, within the foreseeable future, to provide sewerage that is connected to its reticulated sewerage system”.*

In respect of the above the provisions of Clause 5.2.3 of the policy are addressed below:-

- The proposal is considered a remote area;
- The proposal is for less than 25 lots;
- The proposal has the potential for one additional dwelling on a proposed vacant lot. The other 5 lots are located around existing dwellings;
- Council’s Environmental Health Officer has confirmed that the sites are currently serviced by on-site effluent disposal systems and have been for many years;
- The proposal can be amended to show lots of 700m² or greater;
- The Water Corporation has confirmed the subject land is remote from reticulated sewerage and that it has no plans to sewer the area.

It is necessary to modify the subdivision plan so that no lot is less than 700m² in accordance with the requirements of the Government Sewerage Policy.

Draft Jarrahdale Heritage Park Management Plan

The subject lot falls within the draft Jarrahdale Heritage Park Management Plan. This plan shows the subject lot subdivided into six (6) lots. It is considered that the proposed subdivision is consistent with the draft Jarrahdale Heritage Park Management Plan.

Western Power

Council has received written confirmation from Western Power that the following conditions have been recommended for the proposed subdivision:

- “(1) Certification from Western Power that financial requirements have been satisfied for the provision of underground electricity to the lots approved under this application.*
- (2) High Voltage, Transformer and Switchgear sites, as may be required by Western Power Corporation being transferred free of cost to the Corporation, with the locations of the sites being to the satisfaction of the local authority”.*

Western Power also included the following advice notes to the applicant:

“Please note Western Power provides only one point of supply per green title lot;

Please note that any existing overhead service must be converted to underground.

You will need to engage a suitable electrical designer to design an underground reticulation system in accordance with Western Power’s design principles and parameters.”

Council should be aware that the provision of power to each lot created would require the allocation of funds from Council. Other costs associated with the subdivision of the land would include surveying costs, water headworks, reticulation charges and upgrading of the adjoining road.

Environment

It is considered that the proposed subdivision would not have a significant negative impact on the environment.

Emergency Management

Council’s Fire and Emergency Services Officer has commented that the subject lots are in a high fire risk area. The existing five buildings on the subject lot will not sustain a mild fire attack. There shall be a requirement for the provision of adequate fire hydrant(s) to service the proposed lots.

Sustainability Statement

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

It is considered that the proposed subdivision will not have a significant negative impact on the environment. However, given that the five (5) cottages on the subject site have local and national heritage significance, there would need to be adequate measures put in place to conserve the existing cottages and strict guidelines for the development on the vacant lot that would be created.

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

It is considered that the proposed subdivision does not propose any specific measures to minimise resource use.

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

Not applicable to an application for subdivision.

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

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

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

It is considered that the proposal is designed to be socially and environmentally responsible.

Does the proposal/issue disadvantage any social groups?

It is considered that the proposal will not disadvantage any social groups.

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

The proposal will not create long term employment or economic benefit to current or future residents of the Shire, given that it is a subdivision application and will not generate employment for residents within the Shire.

Statutory Environment: Town Planning and Development Act 1928, Town Planning Scheme No.2

Policy Implications: Government Sewerage Policy

Financial Implications: The Shire of Serpentine Jarrahdale owns the subject land and will need to allocate funds to progress the subdivision of the land. Costs to Council to proceed with the subdivision will include the provision of water, power, fire services, roads and lighting. The costs to fund the subdivision of the land will need to be considered as part of the 2004/2005 Forward Financial Plan.

Strategic Implications: This proposal relates to Objective 1(5) of Key Result Area – People and Community in Council’s Strategic Plan, which is:

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

And Objective 2(5) of Key Result Area – People and Community in Council’s Strategic Plan, which is:

“Protect built and natural heritage for economic and cultural benefits”.

Community Consultation: Not applicable

Voting Requirements: Normal

Officer Recommended Resolution

Council advises the Western Australian Planning Commission that it supports the subdivision of Lot 802 Jarrahdale Road, Jarrahdale as shown on the **attached plan marked P007.1/07/03** dated 7 July 2003, subject to the following conditions:

1. All proposed lots to have a minimum lot size of 700m² to the satisfaction of the WA Planning Commission.
2. A restrictive covenant being placed on the titles of the proposed lots that contain an existing residence to be prepared to restrict the future use and development of the Land and to maintain and conserve the cultural heritage significance of the Place.
3. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relates to the use and management of the land.
4. A memorial being placed on the title, in accordance with Section 12A of the Town Planning & Development Act, of the northernmost lot advising prospective purchasers that the lot may be affected by noise and is located within the 200m buffer of the adjoining timber mill.
5. A restrictive covenant being placed on the title of the proposed vacant lot advising that any development on the lot must be in accordance with the Jarrahdale Heritage Park Management Plan and development guidelines prepared by the Shire.
6. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.
7. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.
8. The cul-de-sac head being designed to the satisfaction and specifications of the Local Authority.
9. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
10. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
11. Street lighting being provided along the proposed access road to the satisfaction of the Local Authority.
12. All buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation to the satisfaction of the Western Australian Planning Commission.
13. Provision of an alternative treatment unit for effluent disposal will be a requirement of any new dwelling constructed on the newly created vacant lot.
14. The subdivider shall prepare and implement a Landscape and Revegetation Plan which identifies existing vegetation to be protected and proposed landscape design along the streetscape prior to the clearance of subdivision.
15. A fire hydrant to be provided on site to the satisfaction of the Local Authority.
16. The subdivider making provision for all lots to be provided with a reticulated water supply.

CRP007 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Price that

- A. Council advises the Western Australian Planning Commission that it supports the subdivision of Lot 802 Jarrahdale Road, Jarrahdale as shown on the **attached plan marked P007.1/07/03** dated 7 July 2003, subject to the following conditions:

1. All proposed lots to have a minimum lot size of 700m² to the satisfaction of the WA Planning Commission.

2. A restrictive covenant being placed on the titles of the proposed lots that contain an existing residence to be prepared to restrict the future use and development of the Land and to maintain and conserve the cultural heritage significance of the Place.
3. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relates to the use and management of the land.
4. A memorial being placed on the title, in accordance with Section 12A of the Town Planning & Development Act, of the northernmost lot advising prospective purchasers that the lot may be affected by noise and is located within the 200m buffer of the adjoining timber mill.
5. A restrictive covenant being placed on the title of the proposed vacant lot advising that any development on the lot must be in accordance with the Jarrahdale Heritage Park Management Plan and development guidelines prepared by the Shire.
6. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.
7. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.
8. The cul-de-sac head being designed to the satisfaction and specifications of the Local Authority.
9. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
10. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
11. Street lighting being provided along the proposed access road to the satisfaction of the Local Authority.
12. All buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation to the satisfaction of the Western Australian Planning Commission.
13. Provision of an alternative treatment unit for effluent disposal will be a requirement of any new dwelling constructed on the newly created vacant lot.
14. The subdivider shall prepare and implement a Landscape and Revegetation Plan which identifies existing vegetation to be protected and proposed landscape design along the streetscape prior to the clearance of subdivision.
15. A fire hydrant to be provided on site to the satisfaction of the Local Authority.
16. The subdivider making provision for all lots to be provided with a reticulated water supply.

B. Council advises the Western Australian Planning Commission that it does not believe site conditions would permit below ground power and Council would favour above ground power for the single lot that is created.

CARRIED 9/0

Note: The Officer Recommended Resolution was altered with the addition of Part B advising that below ground power would not be suitable for the single lot that is created. Council would prefer to discuss the introduction of aerial bundled cabling from the nearest suitable Western Power power source to the vacant lot.

Cr Simpson declared an interest in Item P008/07/03 as he owns the adjoining property and left the Council meeting at 8.09pm

P008/07/03 PROPOSED SUBDIVISION - LOT 68 SOUTH WESTERN HIGHWAY, BYFORD (S111781)		
Proponent	Gray & Lewis Planning Consultants	In Brief The application is seeking approval of the WA Planning Commission to subdivide Lot 68 South Western Highway, Byford. A modified subdivision plan has been submitted for this land. It is recommended that the modified proposal not be supported.
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	9 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: P Gangemi
 Owner's Address: Lot 68 South Western Highway, Byford
 Applicant: Gray & Lewis Planning Consultants
 Applicant's Address: Suite 5, 2 Hardy Street, South Perth
 Date of Receipt: 5 May 2003 – Revised concept plan 26 June 2003
 Advertised: No
 Submissions: Not applicable
 Lot Area: 6.36 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential (R20)
 Rural Strategy Policy Area: Excluded
 Rural Strategy Overlay: Landscape Protection Policy Area
 Municipal Inventory: Not applicable
 Townscape/
 Heritage Precinct: Not applicable
 Bush Forever: Not applicable
 Date of Inspection: 15 May 2003

Background

At its Ordinary meeting held 26 May 2003, Council considered a subdivision for Lot 68 South Western Highway, Byford and resolved that:

"CRP264 COUNCIL DECISION/AMENDED MOTION

Moved Cr Price seconded Cr Star

A. *The WA Planning Commission be advised that the Shire does not support the proposed subdivision (WAPC Ref No. 111781), of Lot 68 South Western Highway, Byford, for the following reasons:*

1. *The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.*
2. *The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to the a Detailed Area Plans being prepared to "enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan".*
3. *The applicant has not adequately addressed requirements of Local Planning Policy No. 12 - Requirements for Detailed Area Plans.*

4. *Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented. In addition, the applicant has not addressed how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.*
 5. *Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.*
 6. *Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.*
 7. *The applicant has not submitted a Noise Modelling Report prepared by a qualified acoustic consultant identifying the potential noise impact of South Western Highway and railway line on the subject land. The absence of a Detailed Area Plan removes the mechanism by which mitigation measures can be required.*
 8. *The design related to this application includes land not owned by the applicant and Council has not received an application to subdivide the land.*
- B. *The Director Sustainable Development form a working group with the Manager for Metropolitan South to develop a greater understanding of Council's reasons for refusal and the information that was outstanding in the application for the subdivision of Lot 68 South Western Highway, Byford and to determine a way forward to ensure sustainable development occurs in the Byford Urban Cell.*

CARRIED 8/0"

Relative to Council's resolution, a meeting was arranged with officers at the Department of Planning and Infrastructure (DPI) to discuss the various issues associated with this subdivision. The landowner and his planning consultant also attended this meeting.

The DPI officers advised that the Western Australian Planning Commission (WAPC) is required to make a determination on the subdivision application as it has passed the required 90 day period for the Commission to make a decision on the application. It was agreed by all parties at the meeting that the applicant would submit further information to the Shire to allow staff to reassess the subdivision application and present a report to the Council.

Comments

The applicant has submitted a local Structure Plan and proposed subdivision plan for Lot 68 and the adjoining Lot Pt 3. ***A copy of the local structure plan and subdivision plan (Option 1) and the local structure plan and subdivision plan (Option 2) is shown on the attachments marked P008.1/07/03 & P008.2/07/03.***

Option 1

This original plan has been modified to incorporate drainage swales in the public open space (POS) and to increase the width of the road reserves. The modified plan incorporates the following:

Lot Size and Layout

The subdivision plan shows the provision of 74 single residential lots at a R20 density with lot sizes between 437m² to 582m². Five grouped housing lots are located adjacent to George Street and developed to a R30 density with lot sizes between

342m² and 360m².

The subject land and the adjoining Lot Pt 3 are shown in the draft Byford Structure Plan as a residential area with a R20 density. The Residential Design Codes state that for a R20 area, an average lot size of 500m² and minimum lot size of 440m² applies. The subdivision plan for Lot 68 does not meet the minimum or average lot size requirements for the R20 zone.

The WAPC encourages a mixture of lot sizes in order to provide a greater degree of housing choice. A wide range of both lot sizes and housing types is needed to cater for increasingly diverse household types. The proposed pocket of five small-grouped housing lot is supported from the planning point of view, however is inconsistent with the density proposed in the draft Byford Structure Plan. The WAPC will be advised that the subdivision must be modified to ensure that the lots achieve the minimum and average lot size requirements for a R20 density, should the WA Planning Commission decide to approve Option 1.

Street Network & Layout

The road layout of the subdivision area should facilitate walking, cycling and the use of public transport for access to daily activities. It should be site responsive and highly interconnected. The subdivision plan depicts a street network, which displays a “modified grid” layout to provide permeability for all road and path users.

The width of road reserves provided within the subdivision application area is considered acceptable. Given that this “estate” will generate a low volume of vehicular traffic larger road reserve widths are not warranted in this particular instance.

In terms of footpath provision, the following statements from “Liveable Neighbourhoods” should be noted:

“Footpaths may be omitted from one side of the street only where:

Vehicle speeds are very low and future traffic volumes will be less than 1,000 vpd.

In streets where future vehicle volumes will be less than 300 vpd, footpaths may be omitted.”

In view of the above, should Option 1 be approved by the Commission it is recommended that footpaths be provided on all streets (one side only) within the subdivision application area. The exception being along George Street where a dual-use pedestrian/bike path should be provided desirably 2.5 metres wide, in accordance with Austroads standards and specifications. In addition, the footpath shall be of a minimum width of 1.5 metres.

Public Open Space (POS)

A total of 1.18 hectares of POS has been provided on Pt Lot 3 and the adjoining Lot 68, with 6133m² apportioned to Lot 68 and 5637m² set aside for Pt Lot 3. The total lot area of Lot 68 is 6.35 hectares of which 2165m² needs to be deducted for future road widening of South Western Highway. The applicant in this instance has satisfied the 10% POS requirement by providing 6133m² of POS for Lot 68.

Neighbourhood parks according to “Liveable Neighbourhoods” should be between 3000m² to 5000m², or larger, to serve about 600 dwellings, being a maximum 400 metre walking distance from most dwellings. The neighbourhood park should have streets on all sides or have a portion of its perimeter (approximately 25%) abutting development, which provides adequate surveillance. The subdivision plan and local structure plan submitted shows the provision of a 15 metres wide road reserve encompassing the proposed central public open space area. The neighbourhood park is shared between Pt lot 3 to the north and Lot 68 (being the subject site) to the south.

Option 2

A modified local subdivision plan and proposed structure plan has been submitted for the subject lots. The plan incorporates the following:

1. An area of POS is shown along the creek line between South Western Highway and Thomas Road. This POS will serve the purpose of a drainage corridor and allow the retention of an existing group of mature trees in the middle of the property. This would retain the only existing vegetation on the lot.

A significant portion of Pt Lot 3 is shown as POS. The total area of the POS is not known at this stage, however it would certainly be above the necessary 10% POS contribution as required by existing policies of the WAPC. If the owner gives up more than 10% of the land as POS, then Council would be required to compensate the landowner in accordance with the requirements of the Town Planning and Development Act.

The Concept Plan submitted over Pt Lot 3 is indicative only and would be subject to detailed planning by the landowner at a later date. The detailed planning of the adjoining property would aim to limit the amount of POS given up by the landowner and avoid the need for Council to provide compensation.

2. The residential area is divided into two sections by the POS corridor. Single residential lots are proposed at an R20 density and include two R40 grouped housing sites along Thomas Road.

Comments from the Manager Sustainability Unit reviewing Option 2 are with the attachments marked P008.3/07/03.

Stormwater Drainage

The applicants have advised:

“Under either design, the Council’s objectives in respect to its Water Sensitive Design Policy can be achieved to maximise infiltration of roof and hard stand surfaces runoff as close to source as possible. Piped network, where installed, can be kept as small as practicable and incorporate gross pollutant and sediment trapping devices prior to outfall to infiltration area. Option 2 would be better suited to meet Water Sensitive Urban design objectives. If Council decides in favour of this option, the Byford Structure Plan and Byford Urban Water Drainage Strategy will need to be modified.”

The Byford Urban Stormwater Management Strategy (BUSMS) sets out design principles on how to deal with stormwater for this catchment. The BUSMS identifies surface water flow, flood level criteria and water quality objectives for the Byford Structure Plan area.

A swale was proposed along the South Western Highway and Thomas Road, road reserves. Details relating to the disposal of drainage are not provided and are shown to be incorporated into the POS. The development indicates that no fill is required for the subdivision, however further details are required to confirm this. Preliminary assessment has indicated that fill is likely to be necessary on this land.

Noise

Throughout residential areas many major roads, rail lines and some industries generate high levels of noise, which may be detrimental to residential amenity. In conventional development, solutions have often required large setback distances, noise bunds and high solid walls. However, these solutions have typically sterilised land. Design solutions exist to enable lots to be provided and developed adjacent to noise-generators. These include options such as providing a continuous “wall”, specially designed and constructed buildings through to dwelling layouts, which locate bedrooms away from noise sources.

The railway reserve to the west of the subdivision will be a source of noise. In addition, there are numerous properties that are potentially affected by noise from the South Western Highway. In this respect, the applicant is proposing to place memorials on the titles of those lots located within close proximity to the Highway, to advise of potential noise impacts.

The most practical means of attenuating traffic noise is to construct a solid masonry wall on the property boundary. However, this approach is not favoured due to the likely segregation and surveillance issues for community.

A ten metre wide POS corridor adjacent to the South Western Highway road widening will be required as a subdivision condition. This POS corridor can then be planted with dense indigenous vegetation.

Town Planning Scheme No. 2

1. Structure Plan

Clause 5.18.1.1 of the Scheme requires that a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.

Draft Byford Structure Plan

At its meeting held 22 January 2001, Council adopted the draft Byford Structure Plan. In July 2001, the WAPC adopted the Structure Plan subject to a number of modifications being made to the Plan and completion of the Byford Urban Stormwater Strategy. The Structure Plan has now been amended to reflect the recommendations of the Stormwater Strategy and will be finalized in the near future.

In accordance with the requirements of the Scheme and Local Planning Policy No. 12, a structure plan has been prepared for the subject land.

2. Detailed Area Plan (DAP)

Clause 5.18.5.1 (a) states that:

- “(i) The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- “(ii) A person may prepare and submit to the local government a detailed area plan.”*

A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted:

- (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
- (ii) in place of a Residential Structure Plan or a Structure Plan; or
- (iii) for any other planning purpose.

The local government is required to either approve with or without conditions or refuse to approve a detailed area plan. Once approved by the local government, the detailed area plan is to be used as a basis for:

- (a) making recommendations to the Commission on subdivision applications; and
- (b) determining development applications

with respect to the land subject to the detailed area plan.

Council is required adopt a DAP before Council will consider any subdivision referral from the WAPC.

In response to Council's previous decision not to support the subdivision of Lot 68 on the basis that a DAP had not been prepared for the property, the applicants advise:

"In respect to the Detailed Area Plan provisions, it must be recognized that the subject precinct is just a small infill area of approximately 12 hectares of which my client owns only half. The predominate use is for traditional residential lots of 500m² (R20).

Because of the relatively small area and the fact that a railway station does not presently exist (and will not for some years), there simply will not be demand for the variety of uses and lot sizes that are proposed in areas such as Atwell South in the City of Cockburn upon which the Detailed Area Plan requirements seem to have been based. Certainly as we move to the larger greenfields areas west of the railway line the sort of diversity in lot sizes and land uses is something we hope to achieve. In the meantime, Council needs to accept this proposal for what it is a, a relatively straight forward low density infill subdivision for which there is an existing demand."

A document outlining a DAP for the subject land has been submitted and is with the attachments marked P008.4/07/03.

Staff have examined the DAP submitted by the applicant and it is considered that the document does not satisfactorily meet the requirements of the Scheme. A number of specific provisions of the DAP need to be modified to ensure that they can be implemented and development in the area controlled by Council.

It is acknowledged that the applicant has attempted to the prepare Detailed Area Plan provisions for the subdivision. This is the first major DAP to be prepared in the Shire for a residential area. The preparation and assessment of DAP's in the Shire is relatively new and has not occurred to date.

Conclusion

This subdivision application will soon be assessed by the WAPC and a determination will be made. Since the last time Council considered the subdivision application, the applicant has submitted revised plans which attempt to address Council's concerns relating to the design of the subdivision. (Option 2). The applicant has also submitted Detailed Area Plan provisions for this land.

The modified plan (Option 2) is supported by staff and ensures the protection of the watercourse. This plan is an improvement on the subdivision plan recently considered by Council.

However, the provisions in the DAP are required to be further refined and developed to ensure that all the necessary controls that need to apply to this land, are in place.

Staff are prepared to work with the applicant to further develop these DAP provisions, however until these matters are resolved, the subdivision of this land is not supported.

Sustainability Statement

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

The DAP that has been submitted is not considered to be acceptable to meet the requirements of the Scheme to ensure the orderly subdivision and development of land.

However it is considered, that the DAP that has been submitted could be further modified to address the issues of concern that have been raised in this report.

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

The design of the draft Byford Structure Plan is loosely based upon the Liveable Neighbourhoods/Community Design Codes, but a stronger commitment to its principles would be achieved if a DAP was first prepared.

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

The application has not demonstrated a commitment to the use of local materials.

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

The applicant has not demonstrated this.

Does the proposal/issue disadvantage any social groups?

The proposal does not inherently disadvantage indirectly or directly, any social group.

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

The application area will not directly create any future employment. However, there will be a range of retail, commercial, industrial and mixed-use facilities provided within the draft Structure Plan area, which will service the needs of the local and wider community and provide employment opportunities accordingly.

These benefits will be somewhat offset by the higher cost in restoring catchment water quality and meeting the higher energy demands that would result from implementing this subdivision design, compared to an alternative design that is more consistent with the objectives of the draft Byford Structure Plan and Byford Urban Stormwater Strategy.

Statutory Environment:

Town Planning and Development Act 1928.
Town Planning Scheme No. 2 (TPS 2).
Amendment No. 69 to TPS 2.
Liveable Neighbourhoods/Community Design Codes
Austrroads
Residential Design Codes (October, 2002)

Policy Implications:

Draft Byford Structure Plan (2000)
Byford Urban Stormwater Management Strategy (2002)

Financial Implications:

The subdivider/developer should be responsible for payment of infrastructure contributions for the Byford Structure Plan area, although at present the subdivider/developer proposes that Council will coordinate and cover the cost of some subdivisional works

Strategic Implications:

Objectives 1(6) and 2(3) of People and Community. Objectives 1(1), 1(3), 1(4), 1(5) and 2(1) of Environment. Objectives 1(1), 2(1), 3(3) of Economic Development and Objectives 1(4), 3(1) and 3(3) of Governance from the Shire's Strategic Plan are applicable to the proposal.

Community Consultation:

There are no requirements to carry out consultation with the public and/or government agencies in respect to the proposed subdivision.

Further consultation is currently being carried in relation to the Draft Byford Structure Plan.

Voting Requirements:

Normal

Officer Recommended Resolution

- A. Council advises the WA Planning Commission that the Shire does not support the modified subdivision plan (Option 2) dated 24 June 2003 of Lot 68 South Western Highway, Byford, for the following reasons:
1. the application has not demonstrated that the submitted detailed area plan comprehensively addresses the requirements of Clauses 5.18.5 of Town Planning Scheme No. 2, being to enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan.
 2. The applicant has not adequately addressed the requirements of the Shire's Local Planning Policy No. 12 - Requirements for Detailed Area Plans.
 3. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented.
 4. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.
 5. The proposal does not adequately address how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.
- B. Council advises the WA Planning Commission that, relative to A(1) above, it is considered the submitted detailed area plan can be further modified to ensure that there are adequate controls to address the Shire's concerns regarding the subdivision and development on the land, as outlined in the Officers report.
- C. Council advises the WA Planning Commission that the subdivision design as shown on the submitted plan (Option 2) dated 24 June 2003 should be modified to allow for best practice passive solar design. The subdivision design can be easily modified to allow for north – south roads and a majority of the lots to be orientated east-west.
- D. Council advises the WA Planning Commission that if the WA Planning Commission approves the subdivision of Lot 68 South Western Highway, Byford (Option 2 dated 24 June 2003), the following conditions are recommended:

CONTRIBUTIONS

1. The subdivider paying a contribution to the Shire towards the provision of common infrastructure for the Byford Structure Plan area. The amount of which is to be negotiated with the Director Sustainable Development and Director Asset Services.

ENGINEERING

2. A traffic impact study is prepared identifying the traffic impact on all adjoining roads to the satisfaction of the Shire. Traffic management and traffic control

- devices as identified in the traffic impact study are to be constructed to the satisfaction of the Director Asset Services.
3. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
 4. Subdivision is to be designed in accordance with the Shire's "Engineering Standards for Subdivision Development".
 5. Road reserve widths within the subdivision are to be determined by the Shire's Asset Services.
 6. Construction of roundabouts within and adjoining the subdivision is to be to the specifications of the Shire's Asset Services. Relative to this condition a roundabout is required on George Street.
 7. The full length of George Street is to be constructed to an urban standard where it abuts the subdivision to the satisfaction of the Local Authority.
 8. Land is to be given up for road widening purposes for South Western Highway to the satisfaction of Main Roads WA.
 9. The provision of a dual use path on George Street and footpaths on one side of all local roads in the subdivision to the satisfaction of the Shire. Dual use paths are to be constructed in accordance with the requirements of Bikewest and the Local Authority and all other footpaths are to be a minimum width of 1.2 metres.
 10. Due to the nature of the foundation material, or prevailing high water table, each lot must be serviced by sub soil drains to the satisfaction of the Shire.
 11. The land being filled and/or drained to the satisfaction of the Shire, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost
 12. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Shire.
 13. Compliance with the requirements of the Byford Urban Stormwater Management Strategy to the satisfaction of the Shire.
 14. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
 15. The land being graded and stabilized at the subdivider's cost to the satisfaction of the Shire.

SERVICES

16. The applicant making arrangements with and to the satisfaction of the Water Corporation for the provision of reticulated water to all lots within the subdivision.
17. The applicant making arrangements with and to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots within the subdivision.
18. Provision of underground power to Western Power and the Shire's requirements including the provision of street lighting.

PUBLIC OPEN SPACE

19. Provision of at least 10% public open space within the subdivision to the satisfaction of the Shire. Relative to this condition the subdivision shall be modified to provide public open space to a minimum width of 10 metres being provided as a buffer between residential lots and the South Western Highway.

20. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a “Reserve for Recreation” and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.
21. The detailed design, construction and landscaping of the public open space/ drainage reserve(s) being to the satisfaction of the Shire.

GENERAL

22. A 0.1 metre wide pedestrian accessway being provided along South Western Highway in order to prevent access into the subdivision area. Such land to be shown on the Diagram or Plan of Survey as a pedestrian accessway, vested in the Crown under Section 20A of the Town Planning and Development Act 1928 and ceded free of cost and without any payment of compensation by the Crown.
23. Uniform fencing along the boundaries of all of the proposed lots abutting South Western Highway to be constructed to the satisfaction of the Shire.
24. All existing buildings and effluent disposal systems on the land are to be removed to the satisfaction of the Shire. A demolition licence is required prior to removing the buildings.
25. A geotechnical report being provided on the soil conditions of the land to the specifications of the Shire.
26. The subdivider making arrangements satisfactory to the Shire to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government Town Planning Scheme, which relates to the land use and management of the land.
27. Measures being taken to the satisfaction of the Shire to ensure identification and protection of any vegetation on the site worthy of retention prior to the commencement of site works.
28. A memorial pursuant to Section 12A of the Town Planning and Development Act, being placed on the title of lots identified by the Shire and the Western Australian Planning Commission, to ensure that prospective purchasers are made aware that the land may be affected by noise from the South Western Highway.
29. The proposed lot sizes to comply with the minimum area of lot per dwelling specified in the Residential Design Codes – R20 and as indicated on the draft Byford Structure Plan as R20, to the satisfaction of the Shire.
30. The subdivider providing a Detailed Area Plan to the satisfaction of the local authority in accordance with Local Planning Policy No. 12.

Advice Notes:

1. Consultants should meet with Council’s Asset Services to discuss engineering and design conditions.
 2. The Shire is prepared to accept a cash-in-lieu contribution for the shortfall in public open space for the subdivision.
 3. In respect to condition 27, the applicant is required to lodge a plan showing all existing vegetation overlaid on the subdivision plan.
- E. The Manager Planning and Regulatory Services and Manager Sustainability Unit be authorised to meet with officers of the Department for Planning and Infrastructure to negotiate any further subdivision conditions that are deemed necessary, if the WAPC is to approve the subdivision of this land.
- F. This report and the Manager Sustainability Unit comments be forwarded to the Department for Planning and Infrastructure and the proponent.

CRP008 Committee Recommended Resolution

- A. Council advises the WA Planning Commission that the Shire does not support the modified subdivision plan (Option 2) dated 24 June 2003 of Lot 68 South Western Highway, Byford, for the following reasons:
1. the application has not demonstrated that the submitted detailed area plan comprehensively addresses the requirements of Clauses 5.18.5 of Town Planning Scheme No. 2, being to enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan.
 2. The applicant has not adequately addressed the requirements of the Shire's Local Planning Policy No. 12 - Requirements for Detailed Area Plans.
 3. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented.
 4. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.
 5. The proposal does not adequately address how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.
- B. Council advises the WA Planning Commission that, relative to A(1) above, it is considered the submitted detailed area plan can be further modified to ensure that there are adequate controls to address the Shire's concerns regarding the subdivision and development on the land, as outlined in the Officers report.
- C. Council advises the WA Planning Commission that the subdivision design as shown on the submitted plan (Option 2) dated 24 June 2003 should be modified to allow for best practice passive solar design. The subdivision design can be easily modified to allow for north – south roads and a majority of the lots to be orientated east-west.
- D. Council advises the WA Planning Commission that if the WA Planning Commission approves the subdivision of Lot 68 South Western Highway, Byford (Option 2 dated 24 June 2003), the following conditions are recommended:

CONTRIBUTIONS

1. The subdivider paying a contribution to the Shire towards the provision of common infrastructure for the Byford Structure Plan area. The amount of which is to be negotiated with the Director Sustainable Development and Director Asset Services.

ENGINEERING

2. A traffic impact study is prepared identifying the traffic impact on all adjoining roads to the satisfaction of the Shire. Traffic management and traffic control devices as identified in the traffic impact study are to be constructed to the satisfaction of the Director Asset Services.
3. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving

- an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
4. Subdivision is to be designed in accordance with the Shire's "Engineering Standards for Subdivision Development".
 5. Road reserve widths within the subdivision are to be determined by the Shire's Asset Services.
 6. Construction of roundabouts within and adjoining the subdivision is to be to the specifications of the Shire's Asset Services. Relative to this condition a roundabout is required on George Street.
 7. The full length of George Street is to be constructed to an urban standard where it abuts the subdivision to the satisfaction of the Local Authority.
 8. Land is to be given up for road widening purposes for South Western Highway to the satisfaction of Main Roads WA.
 9. The provision of a dual use path on George Street and footpaths on one side of all local roads in the subdivision to the satisfaction of the Shire. Dual use paths are to be constructed in accordance with the requirements of Bikewest and the Local Authority and all other footpaths are to be a minimum width of 1.2 metres.
 10. Due to the nature of the foundation material, or prevailing high water table, each lot must be serviced by sub soil drains to the satisfaction of the Shire.
 11. The land being filled and/or drained to the satisfaction of the Shire, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost
 12. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Shire.
 13. Compliance with the requirements of the Byford Urban Stormwater Management Strategy to the satisfaction of the Shire.
 14. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
 15. The land being graded and stabilized at the subdivider's cost to the satisfaction of the Shire.

SERVICES

16. The applicant making arrangements with and to the satisfaction of the Water Corporation for the provision of reticulated water to all lots within the subdivision.
17. The applicant making arrangements with and to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots within the subdivision.
18. Provision of underground power to Western Power and the Shire's requirements including the provision of street lighting.

PUBLIC OPEN SPACE

19. Provision of at least 10% public open space within the subdivision to the satisfaction of the Shire. Relative to this condition the subdivision shall be modified to provide public open space to a minimum width of 10 metres being provided as a buffer between residential lots and the South Western Highway.
20. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.
21. The detailed design, construction and landscaping of the public open space/ drainage reserve(s) being to the satisfaction of the Shire.

GENERAL

22. A 0.1 metre wide pedestrian accessway being provided along South Western Highway in order to prevent access into the subdivision area. Such land to be shown on the Diagram or Plan of Survey as a pedestrian accessway, vested in the Crown under Section 20A of the Town Planning and Development Act 1928 and ceded free of cost and without any payment of compensation by the Crown.
23. Uniform fencing along the boundaries of all of the proposed lots abutting South Western Highway to be constructed to the satisfaction of the Shire.
24. All existing buildings and effluent disposal systems on the land are to be removed to the satisfaction of the Shire. A demolition licence is required prior to removing the buildings.
25. A geotechnical report being provided on the soil conditions of the land to the specifications of the Shire.
26. The subdivider making arrangements satisfactory to the Shire to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government Town Planning Scheme, which relates to the land use and management of the land.
27. Measures being taken to the satisfaction of the Shire to ensure identification and protection of any vegetation on the site worthy of retention prior to the commencement of site works.
28. A memorial pursuant to Section 12A of the Town Planning and Development Act, being placed on the title of lots identified by the Shire and the Western Australian Planning Commission, to ensure that prospective purchasers are made aware that the land may be affected by noise from the South Western Highway.
29. The proposed lot sizes to comply with the minimum area of lot per dwelling specified in the Residential Design Codes – R20 and as indicated on the draft Byford Structure Plan as R20, to the satisfaction of the Shire.
30. The subdivider providing a Detailed Area Plan to the satisfaction of the local authority in accordance with Local Planning Policy No. 12.
31. No permanent entry statements are to be erected.

Advice Notes:

1. Consultants should meet with Council's Asset Services to discuss engineering and design conditions.
 2. The Shire is prepared to accept a cash-in-lieu contribution for the shortfall in public open space for the subdivision.
 3. In respect to condition 27, the applicant is required to lodge a plan showing all existing vegetation overlaid on the subdivision plan.
- E. The Manager Planning and Regulatory Services and Manager Sustainability Unit be authorised to meet with officers of the Department for Planning and Infrastructure to negotiate any further subdivision conditions that are deemed necessary, if the WAPC is to approve the subdivision of this land.
- F. This report and the Manager Sustainability Unit comments be forwarded to the Department for Planning and Infrastructure and the proponent.

Note: The Officer Recommended Resolution was altered with the addition of condition 31 to prevent permanent entry statements being erected.

CRP008 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Star that

A. Council advises the WA Planning Commission that the Shire does not support the modified subdivision plan (Option 2) dated 24 June 2003 of Lot 68 South Western Highway, Byford, for the following reasons:

1. the application has not demonstrated that the submitted detailed area plan comprehensively addresses the requirements of Clause 5.18.5 of Town Planning Scheme No. 2, being to enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan.
2. The applicant has not adequately addressed the requirements of the Shire's Local Planning Policy No. 12 - Requirements for Detailed Area Plans.
3. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented.
4. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.
5. The proposal does not adequately address how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.

B. Council advises the WA Planning Commission that, relative to A(1) above, it is considered the submitted detailed area plan can be further modified to ensure that there are adequate controls to address the Shire's concerns regarding the subdivision and development on the land, as outlined in the Officers report.

C. Council advises the WA Planning Commission that the subdivision design as shown on the submitted plan (Option 2) dated 24 June 2003 should be modified to allow for best practice passive solar design. The subdivision design can be easily modified to allow for north – south roads and a majority of the lots to be orientated east-west.

D. Council advises the WA Planning Commission that if the WA Planning Commission approves the subdivision of Lot 68 South Western Highway, Byford (Option 2 dated 24 June 2003), the following conditions are recommended:

CONTRIBUTIONS

1. The subdivider paying a contribution to the Shire towards the provision of common infrastructure for the Byford Structure Plan area. The amount of which is to be negotiated with the Director Sustainable Development and Director Asset Services.

ENGINEERING

2. A traffic impact study is prepared identifying the traffic impact on all adjoining roads to the satisfaction of the Shire. Traffic management and traffic control devices as identified in the traffic impact study are to be constructed to the satisfaction of the Director Asset Services.
3. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the

- subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
4. Subdivision is to be designed in accordance with the Shire's "Engineering Standards for Subdivision Development".
 5. Road reserve widths within the subdivision are to be determined by the Shire's Asset Services.
 6. Construction of roundabouts within and adjoining the subdivision is to be to the specifications of the Shire's Asset Services. Relative to this condition a roundabout is required on George Street.
 7. The full length of George Street is to be constructed to an urban standard where it abuts the subdivision to the satisfaction of the Local Authority.
 8. Land is to be given up for road widening purposes for South Western Highway to the satisfaction of Main Roads WA.
 9. The provision of a dual use path on George Street and footpaths on one side of all local roads in the subdivision to the satisfaction of the Shire. Dual use paths are to be constructed in accordance with the requirements of Bikewest and the Local Authority and all other footpaths are to be a minimum width of 1.2 metres.
 10. Due to the nature of the foundation material, or prevailing high water table, each lot must be serviced by sub soil drains to the satisfaction of the Shire.
 11. The land being filled and/or drained to the satisfaction of the Shire, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost
 12. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Shire.
 13. Compliance with the requirements of the Byford Urban Stormwater Management Strategy to the satisfaction of the Shire.
 14. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
 15. The land being graded and stabilized at the subdivider's cost to the satisfaction of the Shire.

SERVICES

16. The applicant making arrangements with and to the satisfaction of the Water Corporation for the provision of reticulated water to all lots within the subdivision.
17. The applicant making arrangements with and to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots within the subdivision.
18. Provision of underground power to Western Power and the Shire's requirements including the provision of street lighting.

PUBLIC OPEN SPACE

19. Provision of at least 10% public open space within the subdivision to the satisfaction of the Shire. Relative to this condition the subdivision shall be modified to provide public open space to a minimum width of 10 metres being provided as a buffer between residential lots and the South Western Highway.
20. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.
21. The detailed design, construction and landscaping of the public open space/drainage reserve(s) being to the satisfaction of the Shire.

GENERAL

22. A 0.1 metre wide pedestrian accessway being provided along South Western Highway in order to prevent access into the subdivision area. Such land to be shown on the Diagram or Plan of Survey as a pedestrian accessway, vested in the Crown under Section 20A of the Town Planning and Development Act 1928 and ceded free of cost and without any payment of compensation by the Crown.
23. Uniform fencing along the boundaries of all of the proposed lots abutting South Western Highway to be constructed to the satisfaction of the Shire.
24. All existing buildings and effluent disposal systems on the land are to be removed to the satisfaction of the Shire. A demolition licence is required prior to removing the buildings.
25. A geotechnical report being provided on the soil conditions of the land to the specifications of the Shire.
26. The subdivider making arrangements satisfactory to the Shire to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government Town Planning Scheme, which relates to the land use and management of the land.
27. Measures being taken to the satisfaction of the Shire to ensure identification and protection of any vegetation on the site worthy of retention prior to the commencement of site works.
28. A memorial pursuant to Section 12A of the Town Planning and Development Act, being placed on the title of lots identified by the Shire and the Western Australian Planning Commission, to ensure that prospective purchasers are made aware that the land may be affected by noise from the South Western Highway.
29. The proposed lot sizes to comply with the minimum area of lot per dwelling specified in the Residential Design Codes – R20 and as indicated on the draft Byford Structure Plan as R20, to the satisfaction of the Shire.
30. The subdivider providing a Detailed Area Plan to the satisfaction of the local authority in accordance with Local Planning Policy No. 12.
31. No permanent entry statements are to be erected.

Advice Notes:

1. Consultants should meet with Council's Asset Services to discuss engineering and design conditions.
 2. The Shire is prepared to accept a cash-in-lieu contribution for the shortfall in public open space for the subdivision.
 3. In respect to condition 27, the applicant is required to lodge a plan showing all existing vegetation overlaid on the subdivision plan.
- E. The Manager Planning and Regulatory Services and Manager Sustainability Unit be authorised to meet with officers of the Department for Planning and Infrastructure to negotiate any further subdivision conditions that are deemed necessary, if the WAPC is to approve the subdivision of this land.
- F. This report and the Manager Sustainability Unit comments be forwarded to the Department for Planning and Infrastructure and the proponent.
- G That Council offer a media release, consistent with Condition "A", highlighting the merits of a long and commendable community visioning processes that has resulted in a new development plan for Byford which is nearly complete

CARRIED 8/0

Note: The Committee Recommended Resolution was changed with the addition of Part G.

Cr Simpson did not vote and returned to the meeting at 8.26pm.

Cr Hoyer declared a financial interest in Item P10.1/07/03, due to business reasons and left the meeting at 8.27pm

P10.1/07/03 PROPOSED LANDFILL FOOTPRINT MODIFICATION – SOUTH CARDUP LANDFILL SITE – LOT 10 SHALE ROAD, CARDUP (P00066/02)		
Proponent	Shire of Serpentine Jarrahdale	In Brief
Officer	Cr Price	
Signatures - Author:		
Senior Officer:		
Date of Report	21 July 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

CRP10.1 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Price that Council writes to the Minister for the Environment referring to correspondence dated 5th June 2003 from J Treloar concerning the proposed landfill footprint modification of the South Cardup landfill site making the point that Council considers the proposed modification to the footprint a substantial change and requests that the Minister arrange for a suitably qualified Officer of the Department of Environment to meet with elected members and officers of Council to discuss this matter at the earliest opportunity.
CARRIED 8/0

Cr Hoyer did not vote and returned to the meeting at 8.28pm

- 8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**
- 9. CHIEF EXECUTIVE OFFICER'S REPORT**
- 10. URGENT BUSINESS:**
- 11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**
- 12. CLOSURE:**

There being no further business the meeting closed at 8.29pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

13.1 Asset Services

AS001/07/03 RFT C16/2002-03 DISPOSAL OF SURPLUS FIREFIGHTING EQUIPMENT (A1190)		
Proponent	Shire of Serpentine Jarrahdale	In Brief <i>Council is requested to approve the selected tenderer for the disposal of two surplus fire fighting vehicles.</i>
Officer	Paul Bachman, Contract Administration Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	17 June 2003	
Previously	AS057/04/03	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRAS001 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Simpson that the tenders from Integrated Tree Cropping Pty Ltd of \$30,100.00 (GST inclusive) for the purchase of 1BJH632 1998 HJ75RP Toyota Landcruiser Fast Attack Unit and \$31,115.00 (GST inclusive) for 1BJD936 1998 HJ75RP Toyota Landcruiser Fast Attack Unit be accepted.
CARRIED 5/0

AS002/07/03 POLICY FOR RESERVE IMPROVEMENT/DEVELOPMENT BY THE COMMUNITY (A0314)		
Proponent	Serpentine-Jarrahdale Shire	In Brief <i>Council is fortunate to have many motivated individuals and groups who regularly conduct on-ground work to improve Shire reserves. In the past communication has been a problem and works have been taking place unbeknown to the Shire. It is recommended that Council adopt the following policy and process to ensure the Shire is aware (and approves) of these community projects.</i>
Officer	Brett Dunn	
Signatures - Author:		
Senior Officer:		
Date of Report	20/06/03	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

Officer Recommended Resolution

That Council adopts the following policy for Reserve Improvement/Development by the Community as AP26.

POLICY FOR RESERVE IMPROVEMENT/DEVELOPMENT BY THE COMMUNITY

Responsibility: The Director of Asset Services

The following policies apply to improvement or development works carried out by the community on Council reserves.

POLICY CLAUSE	EXPLANATION AND IMPLEMENTATION ISSUES
1. Any work carried out by the community on Council reserves must be in accordance with the endorsed Management Plan for that reserve.	Self explanatory
2. If a Management Plan is not in existence, any community improvement or development works must be assessed through the “Reserves Improvement or Development Approval Process” prior to their commencement.	<p>With a new Management Plan Framework recently adopted by Council it will be some time until majority of the Shire’s reserves have Management Plans. This process is designed, in the interim, so that the Shire has knowledge and approves all community on-ground works on reserves to ensure:</p> <ul style="list-style-type: none"> • Works are in accordance with purpose/values of the reserve. • Shire and Depot staff know of works taking place to prevent accidental damage to plantings or structures during maintenance activities. • Activities on the reserve will not cause a public liability concern.
3. Only local native species are to be planted on reserves.	Shire and/or Landcare Officers can assist in providing advice for suitable species to be planted on reserves. Only local native species are recommended as they are low maintenance, have a greater chance of survival and do not pose a risk of becoming a problem weed in the future.
4. Unless part of an agreed partnership project with the Shire, community groups/members are responsible for the ongoing maintenance of any plantings or structures on Council reserves for 2 years.	<p>Mass plantings of seedlings require ongoing maintenance (predominately weed control) to ensure plants survive. In the past some planting projects have taken place with little thought to the issue of further maintenance. Reserve management budgets have been stretched to accommodate these planting sites. Prior to these projects taking place it should be agreed upon between the Shire and the community group who will be responsible for the initial ongoing management, thus the Shire can budget for any contributions.</p> <p>By the same token, structures such as horse jumps must be maintained to ensure they are safe. This maintenance should also be agreed upon with the community group prior to any work taking place.</p>

CRAS002 COMMITTEE DECISION

Moved Cr Hoyer seconded Cr Simpson that Council adopts the following policy for Reserve Improvement/Development by the Community as AP26.

POLICY FOR RESERVE IMPROVEMENT/DEVELOPMENT BY THE COMMUNITY

Responsibility: The Director of Asset Services

The following policies apply to improvement or development works carried out by the community on Council reserves.

POLICY CLAUSE	EXPLANATION AND IMPLEMENTATION ISSUES
1. Any work carried out by the community on Council reserves must be in accordance with the endorsed Management Plan for that reserve.	Self explanatory
2. If a Management Plan is not in existence, any community improvement or development works must be assessed through the “Reserves Improvement or Development Approval Process” prior to their commencement.	<p>With a new Management Plan Framework recently adopted by Council it will be some time until majority of the Shire’s reserves have Management Plans. This process is designed, in the interim, so that the Shire has knowledge and approves all community on-ground works on reserves to ensure:</p> <ul style="list-style-type: none"> • Works are in accordance with purpose/values of the reserve. • Shire and Depot staff know of works taking place to prevent accidental damage to plantings or structures during maintenance activities. • Activities on the reserve will not cause a public liability concern.
3. Only local native species are to be planted on reserves.	Shire and/or Landcare Officers can assist in providing advice for suitable species to be planted on reserves. Only local native species are recommended as they are low maintenance, have a greater chance of survival and do not pose a risk of becoming a problem weed in the future.
4. Unless part of an agreed partnership project with the Shire, community groups/members are responsible for the ongoing maintenance of any plantings on Council reserves for 2 years. Structure to be maintained by the community group members.	<p>Mass plantings of seedlings require ongoing maintenance (predominately weed control) to ensure plants survive. In the past some planting projects have taken place with little thought to the issue of further maintenance. Reserve management budgets have been stretched to accommodate these planting sites. Prior to these projects taking place it should be agreed upon between the Shire and the community group who will be responsible for the initial ongoing management, thus the Shire can budget for any contributions.</p> <p>By the same token, structures such as horse jumps must be maintained to ensure they are safe. This maintenance</p>

POLICY CLAUSE	EXPLANATION AND IMPLEMENTATION ISSUES
	should also be agreed upon with the community group prior to any work taking place.

CARRIED 5/0

Note: The Officer Recommendation was changed to separate responsibility of maintenance to plants and structures.

AS007/07/03 INFORMATION REPORT		
Proponent		In Brief <i>To receive the information report to the 30 June, 2003</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS007 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Hoyer hat the information report to the 30 June 2003 be received .

CARRIED 5/0

AS008/07/03 DISTRICT EMERGENCY MANAGEMENT COMMITTEE – LOCAL GOVERNMENT REPRESENTATION (A0202)		
Proponent	CEO, Shire of Murray	In Brief Council is requested to endorse the nomination of Councillor Christine Thompson as the Peel Region Representative on the District Emergency Management Committee.
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	10 July 2003	
Previously	AS067/05/01	
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS008 COMMITTEE DECISION/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Simpson that Council endorses the nomination of Councillor Christine Thompson from the Shire of Murray as the local government representative for the Peel Region on the District Emergency Management Committee.

CARRIED 5/0

13.2 Community & Recreation Development

CRD01/07/03 AUSPISCING COMMUNITY ARTS PROJECTS GRANTS (A0034-03)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief Grants applications for two community arts projects within the Shire have been prepared. These grants are to community organisations within the Shire but as they are not GST registered they require the Shire to auspice the grants for them. This report seeks approval to auspice the grants.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	4 June 2003	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM054/05/03	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Price

- 1 Council retrospectively endorses the signing of the auspicing agreement for the Serpentine Jarrahdale Pathways in the Community Project.
- 2 Council endorses the signing of the auspicing agreement for the Byford Peace Memorial Community Art Project.

CARRIED 5/0

CRD02/07/03 INFORMATION REPORT		
Proponent		In Brief Information Report
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	27.06.03	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM054/05/03	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Needham seconded Cr Price that Council accepts the June 2003 Information Report

CARRIED 5/0

13.3 Building Services

B02/07/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u> <i>Information report</i>
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	11.07.03	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM054/05/03	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Price seconded Cr Murphy that Council accepts the June 2003 Information Report.
 CARRIED 5/0

13.4 Health Services

H01/07/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u> <i>Information report</i>
Officer	David Richards - Environmental Health Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14.07.03	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM054/05/03	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Needham seconded Cr Scott that Council accepts the information report for June 2003.
 CARRIED 5/0

13.5 Planning Development & Environment

E001/07/03 RESTRICTIVE COVENANT - LOT 341 BALMORAL ROAD, JARRAHDAL (P01407)		
Proponent	Department of Conservation and Land Management	In Brief The Department of Conservation and Land Management has received an application to place a restrictive covenant on Lot 341 Balmoral Road Jarrahdale under Section 129BA of the <i>Transfer of Land Act 1893</i> . The Department is seeking the Shire's comments regarding this application. It is recommended that Council supports this application for a conservation covenant on this private land.
Officer	Dr Sue Osborne – Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	7 th July 2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRE001 Committee Decision/Officer Recommended Resolution

Moved Cr Price, seconded Cr Needham that Council supports the placement of a restrictive covenant on Lot 341 Balmoral Road, Jarrahdale under Section 129BA of the Transfer of Land Act 1893.

CARRIED 5/0

E003/07/03 CITIES FOR CLIMATE PROTECTION – CCP PLUS AND TDM (A0956)		
Proponent	Shire of Serpentine – Jarrahdale	In Brief The Council completed The Cities for Climate Protection program earlier this year successfully completing milestone 5. ICLEI now offer CCP Plus to councils who have completed the program and the major CCP Plus program at present, is travel demand management. This report requests Council approves the Shire joining CCP Plus and undertaking a Travel Demand Management Program.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	16 July 2003	
Previously	E021/04/03, P197.9/12/02	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRE003 Committee Decision/Officer Recommended Resolution

Moved Cr Needham, seconded Cr Price that

1. Council resolves to continue its commitment to the Cities for Climate Protection Program by becoming a member of CCP™ Plus.
2. Council commits to undertaking the Travel Demand Project for the Byford Structure Plan Area upon successful funding approval for the \$4 000 Travel Demand Assistance Program.

CARRIED 5/0

P001/07/03 PROPOSED ROAD NAMES – LOT 1253 ORTON ROAD, OAKFORD (S121097)		
Proponent	Dykstra & Associates	In Brief Council supports the name Northerly Lane for the internal road within a subdivision in Kargotich Road, Oakford.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	27 May 2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP001 Committee Decision/Officer Recommended Resolution

Moved Cr Murphy, seconded Cr Needham that Council advises DOLA that it supports the name Northerly Lane for the internal road within the subdivision of Lot 267, Lot 268 and Lot 269 Kargotich Road, Oakford.
CARRIED 5/0

P005/07/03 DRAFT LOCAL PLANNING POLICY 14: WELLARD AND RICHARDSON STREET, SERPENTINE DESIGN GUIDELINES (A1152)		
Proponent	Shire of Serpentine – Jarrahdale	In Brief Urban Design Guidelines have been prepared for Wellard and Richardson Streets in the centre of Serpentine, which focus on the built form. The guidelines have been drafted as a local planning policy to define and control the type of future development that occurs in the towns main street. Council is asked to approve the draft LPP for advertising.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	8 July 2003	
Previously	P248/04/03	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP005 Committee Decision/Officer Recommended Resolution

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

P009/07/03 INFORMATION REPORT			
Proponent	Director Sustainable Development		In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development		
Signatures - Author:			
Senior Officer:			
Date of Report	23 June 2003		
Previously			
Disclosure of Interest			
Delegation	Committee - In accordance with Resolution SM054/05/03		

CRP009 Committee Decision/Officer Recommended Resolution

Moved Cr Needham, seconded Cr Price that the Information Report to 11 July 2003 be received.
 CARRIED 5/0

I certify that these minutes were confirmed at the ordinary council meeting held on 25th August, 2003

.....
 Presiding Member

.....
 Date