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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 24<sup>TH</sup> NOVEMBER, 2003. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.06PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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## 1. ATTENDANCES & APOLOGIES

**PRESENT:** Crs DL Needham ..... Presiding Member  
KR Murphy  
AW Wigg  
JA Scott  
AJ Simpson  
WJ Kirkpatrick  
THJ Hoyer  
IJ Richards  
JC Star ..... from 8.00pm

**APOLOGIES:** Cr JE Price

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

**GALLERY: 12**

## 2. PUBLIC QUESTION TIME:

### 2.1 Response To Previous Public Questions Taken On Notice

Public Question time commenced at 7.06pm

Bill Bishop, 49 Chestnut Road, Jarrahdale

Q Is there any possibility of a full time Ranger being stationed at the Gooralong Park camping area or alternatively a boom gate with a ranger on duty at the weekends.

A The Chief Executive Officer advised that the Water Corporation and CALM are responsible for the provision of ranger services and therefore resourcing of ranger services in the Gooralong Park is not a matter for Council to determine. It is recognised that these agencies do have financial constraints and a full time ranger at Gooralong may not be possible.

Regarding the matter of a boom gate, there is an item going to Council this evening – referred Mr Bishop to page 5 of the OCM agenda.

Wally Schmidt, 43 Chestnut Drive, Jarrahdale

Q Can we get cat owners in Chestnuts to comply with existing covenants or is the covenant no longer functional?

A The Director Sustainable Development advised that Council was not a party to the covenants. The covenants are between the landowner and the developer. However, there are provisions in Council's Town Planning Scheme relating to cats within the Chestnuts Estate that Council can enforce. Consequently, there will be an item going to December Planning Committee dealing with this issue.

Robert Fogarty, 2 Marginata Parade, Jarrahdale

Q I believe the keeping of cats in the Chestnuts Estate in Jarrahdale is under the control of the Serpentine Jarrahdale Shire and would like to know if the Council is acting to remove cats from the Chestnuts Estate?

A The Director Sustainable Development advised that there would be an item going to December Planning Committee dealing with this issue.

Public Question time concluded at 7.12pm

**3. PUBLIC STATEMENT TIME:**

**4. PETITIONS & DEPUTATIONS:**

Cr Kirkpatrick tabled two (2) petitions to Council.

1. Gooralong Park: That the petition shall be accepted.  
Residents (signed by 24 residents) of Chestnuts Estate, Jarrahdale supporting the proposed closure of Gooralong Park (except for pedestrians) for a period of approximately six (6) months until such time as a management plan for the park is formulated. They would like to see a ranger in place and perhaps a fee to utilise the park's facilities.
2. Cats at Chestnuts Estate Jarrahdale: That the petition be accepted and referred to a committee for consideration and report.  
Residents (signed by 23 residents) of Chestnuts Estate requesting that the Serpentine Jarrahdale Shire enforce the restriction set out in Annexure C of the Contract for Sale of Land. Clause 4.2 – Land Use (iv) "The keeping of domestic cats is not permitted".

**5. PRESIDENT'S REPORT:**

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

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

7.1 Ordinary Council Meeting – 27<sup>th</sup> October, 2003

**COUNCIL DECISION**

**Moved Cr Wigg seconded Cr Hoyer  
That the minutes of the Ordinary Council Meeting held on 27<sup>th</sup> October, 2003 be confirmed.  
CARRIED 8/0**

**REPORTS OF COMMITTEES:**

7.2 Corporate Services

C031/11/03 OFFICE ACCOMMODATION FOR COUNCIL STAFF (RS0136)	
Proponent	D.E Price – Chief Executive Officer
Officer	D.E Price – Chief Executive Officer
Signatures - Author:	
Senior Officer:	
Date of Report	3 November 2003
Previously	CEO's Report OCM 23 June 2003
Disclosure of Interest	
<b>Delegation</b>	<b>Council</b>

In Brief  
Council is requested to agree to an alternative solution to the administration office extension.  
  
It is proposed to re-locate the Design Team to the Operations Centre.

**Background**

Council resolved to pursue the design and costing of the extension to the Mundijong Administration Building in the 2003/2004 budget at the June Ordinary Council meeting.

Consequently local architect, Scott Hambley has been engaged for the fixed lump sum fee of \$3,800 plus GST to prepare a schematic design site plan and floor plan, with the provision of an estimate of construction and fit out costs from a qualified quantity surveyor. The schematic design is currently being progressed with Mr Hambley by a working group of Council staff. The concept being considered involves the integration of the library and the administration building via a single entry foyer.

**Comments**

Council has recognised through the commitments made in this years budget that the issue of office accommodation has now become something that needs to be addressed, however, the concept of the buildings and land currently used as the administration office for a future high school site remains very feasible and practicable. There remains a need to try and deliver a solution to the office accommodation, but not diminish the prospects of the high school concept.

Therefore, an alternative solution which has been considered by the Executive team and will provide the "breathing space" currently needed to give the high school concept its greatest chance of success is to locate all of the Asset Services team (except Director Asset Services and a Support Officer and Fire and Emergency Services staff) to a single central location by providing additional accommodation at the Operations Centre. This will not only create additional office accommodation in the administration building, but also address the

restricted accommodation and facilities issues, such as only one toilet (no male/female toilets) which also exist at the Operations Centre.

It is proposed that the new accommodation and the existing buildings at the Operations Centre (Office and staff lunch room) would be matched in an appropriate way subject to available funds.

There are a number of benefits in this proposal, including;

- Improved office accommodation at both the Administration office and the Operation centre. The relocation of Design Team (seven staff) to the Operations Centre provides an immediate accommodation improvement to the Administration office.
- A one stop shop Asset Services customer services contact from 7:00 am to 5:00pm.
- The advantages in Design / Operations service teams being able to communicate easier and the Manager Asset Service having the ability to directly co-ordinate and monitor Operations programs with Operations staff from a centralised location.
- Better co-ordination and communications between all Asset Services staff involved in design, construction and maintenance activities.
- Communication and IT infrastructure is in place between Administration and Operations Centre, and can be easily upgraded. For example, it is proposed that the phone system from the Byford office would be reused at the Operations Centre when it closes.
- Improved ablution facilities will be provided to accommodate additional staff.
- Deferment of record storage requirements is possible due to additional space which would be created at Administration office.
- The extension to the Administration building can be deferred for several years which will enable a final outcome on the school proposal to be resolved.
- The concept of a transportable enables the sale of this asset if a high school proceeds and Council relocates the Administration centre to the Operations Centre.

The increased accommodation at the Operations Centre will be able to be either re-used by Council at a later date when more permanent extensions or a new building is agreed to, or alternatively will be able to be disposed of to recover some of the initial capital outlay.

Council has also included funds in the 2003/2004 budget to establish additional record storage to free up space in the main administration building. The relocation of records from storage from the Administration building to an off site storage facility is estimated to cost \$10,000. This cost may be deferred or not required depending on the success of this proposal. It is recommended that the relocation of records from storage in the Mundijong Administration building to an off site storage facility proceed on if deemed required by the Chief Executive Officer, and budget funds are available following the re-location of the Design team to suitable accommodation at the Operations Centre.

The matter is now being referred to Council for consideration. If agreement can be obtained it is proposed that officers will proceed with finalising costs etc and actioning immediately.

**Sustainability Statement**

The proposed temporary facilities at the Operations Centre will enable Council a reasonable period of time to know the outcome of the proposed high school proposal. The decision to provide an alternative medium term solution to staff accommodation will enable the immediate issue of space to be addressed via temporary accommodation, in a financially responsible approach that will not jeopardise the high school proposal.

**Statutory Environment:**

Local Government Act, Statutory Building and Planning Requirements may be applicable.

**Policy Implications:**

CWSP16 “Guidelines for the Purchase of Goods and Services”.

**Financial Implications:**

Council has included funds of \$100,000 (MOC 614) in the 2003-2004 budget to provide office extension design and temporary office accommodation.

Indicative costs of a 12m x 3m module with air conditioning and lights/power is \$15,000 each plus transportation and installation. Each module provides comfortable accommodation for 4 staff, therefore, initially at least 2 modules will be required.

The option to lease has been considered, however with a lease fee at approximately \$7,800 per module, per annum, it is not considered cost effective to lease the transportables. This decision is based on:

- i) the minimum requirement for this arrangement will be at least two to three years;
- ii) the buildings will be able to either be re-used by Council at a later date when more permanent extensions or a new building is agreed to, or alternatively will be able to be disposed of to recover some of the initial capital outlay.

New furniture and equipment will be required to be provided in the offices, which will be funded from the current budget (MOC 614).

It also proposed that a separate ablution facility would be provided to upgrade the current facilities at the Operations Centre. Estimated cost is \$12,000 plus connection to a suitable effluent disposal system. This would be funded from the current budget (MOC 614).

The Forward Financial Plan 2003 - 2008 does not provide funding for the extension of the Administration building, but forecasts a new building in 2005/2006 based on the High School Feasibility Study.

**Strategic Implications:**

2003 Strategic Plan – People and Community strategy – Develop good services for health and well being. “Key Action” - “Increase educational and skill development facilities”.

Governance strategy – Promote best practice through demonstration and innovation. Key Action – “Undertake management practice in work teams that facilitates creative design and implementation”.

**Community Consultation:**

Asset Services Staff have been consulted.

**Voting Requirements:**

**Normal**



**CRC031 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Simpson seconded Cr Kirkpatrick**

**Council agrees to:**

- a) Complete the schematic design site plan and floor plan for the Mundijong Administration office extension currently being prepared by Mr Scott Hambley.
- b) Defer making any decision on the Mundijong Administration Office until the outcomes of the high school proposal for the site are finalised.
- c) Proceed with the re-location of the Design team to suitable accommodation at the Operations Centre.
- d) Provided upgrade of current toilet facilities at the Operations Centre to accommodate additional staff.
- e) The relocation of records from storage in the Mundijong Administration building to an off site storage facility if deemed required by the Chief Executive Officer.
- f) Costs for a), c), d) and e) above are to be funded as per the 2003-2004 budget account MOC 614 Office Extensions Design.

**CARRIED 8/0**

7.3 Asset Services

Note: Asset Services Committee dealt with all items under Committee Delegation in accordance with Resolution SM054/05/03

7.4 Community & Recreation Development

CRD12/11/03 GOORALONG PARK, JARRAHDAL – TRANSFER OF LAND AND FUTURE MANAGEMENT (A0026)		
Proponent	Senior Ranger	<u>In Brief</u>  Update Council on the history and progress of negotiations relating to the transfer of land, incorporation of the site to National Parks and future management plans of the Gooralong Park recreational area
Officer	Brian Owston – Senior Ranger	
Signatures - Author:		
Senior Officer:		
Date of Report	29.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	Council	

**Background**

There has been a lengthy evolution of complaints, enquires, events, reports and proposals for the Gooralong Campsite on record since 1 January 1994 through to 29 October 2003. A brief history is as follows:

**Complaints:**

01/01/94 to 26/10/03:

Ongoing reports of violence, anti-social behaviour, vandalism, off road vehicles and traffic matters.

Patrols and visits ongoing by Police, the Department of Conservation & Land Management, Water Catchment and Council's Rangers.

**Proposed Closure of the Park:**

15/09/96 to 10/02/97:

- \* Department of Conservation & Land Management advertised intention to close Gooralong Park for camping, effective 09/12/96.
- \* Council wrote to the Department of Conservation & Land Management requesting reasons for the closure.
- \* Meetings were held with Council and the S-J Tourist Information Centre.
- \* Council held meetings with the Department of Conservation & Land Management and Water & Rivers and sent letters to the authorities requesting reconsideration of the closure and requested input into future management plans.
- \* At the Ordinary Council Meeting on 28/10/96, Council resolved to
  - (i) meet with the Department of Conservation & Land Management District Manager,
  - (ii) write to the Department of Conservation & Land Management, Water & Rivers and lobby local Members of Parliament against the closure,
  - (iii) the then Chief Executive Officer to write to Water & Rivers, Water Corporation and the Department of Conservation & Land Management to establish the progress of the land transfer and the status of the proposed catchment and pump back station.
- \* The Department of Conservation & Land Management rescinded decision to close Gooralong Park on 10/02/97.

**Summary of the History of the Land Transfer and Memorandum of Understanding:**  
10/02/97 to 02/03/03:

- \* Over this period the Shire has taken every possible action to hasten a resolution to this matter. This has involved significant resources and continued effort by the Shire with many representations by the Shire President and Chief Executive Officer to senior Departmental officers and relevant Ministers, a prolific amount of correspondence between the Shire and various stakeholders, meetings on numerous occasions and countless contacts being made to determine the current status.

**Current Status:**

03/03/03 – 28/10/03:

- \* During this period there have been reports of continued violent, antisocial behaviour, vandalism, off road vehicles and traffic incidents, joint patrols and attendance undertaken by Police, Department of Conservation & Land Management, Catchment and Council's Rangers.
- \* There have been requests to pursue the progress of the land transfer, Memorandum of Understanding and the future management plans for Gooralong Park. During the period 02/04/03 to 27/10/03, five requests were passed on to the Senior Ranger by management, a number of briefings were held with staff and Councillors and 27 telephone enquires were made by the Senior Ranger to the Department of Conservation & Land Management and Water Corporation with the resulting information indicating that negotiations remain underway with the intention that Gooralong Park be incorporated into the Serpentine National Park.
- \* A further request for an update of information was made by the Senior Ranger 27/10/03 which indicated that negotiations are continuing with no change from previous reports.
- \* A letter was sent to the Department of Conservation & Land Management District Manager 28/10/03 requesting a progress report on the negotiations and future management plans.

**Comments**

Delays while the land transfer negotiations remain unresolved by the government agencies mean that there are continuous incidents at the park. In the interim, short term actions should be undertaken for the safety and amenity of the community and visitors. At present the only realistic and viable option would be to install and lock gates on all accesses, to close the park to camping and maintain the park for day use only.

There would be a number of issues worth considering when determining whether to recommend and pursue this course of action, and some would be:

- \* Parking issues relating to daytime use, as cars will park on roads and verges adjacent to the locked gates. This is likely to cause inconvenience and complaints from adjacent landowners.
- \* Disabled access to the facilities would be severely restricted.
- \* Increased response time by emergency services.
- \* Minimal impact on illegal off road vehicle operators.
- \* Illegal camping.
- \* Redirection of an undesirable element to other areas.

### **Sustainability Statement**

The long term future of the campsite and recreation area would be considered as an integral part of a regional and local tourist strategy and attraction. The proposed management plan has not been completed and details of the plan are not known at this time.

**Statutory Environment:** CALM Act (as amended)

**Policy Implications:** Nil at present

**Financial Implications:** There are currently limited financial implications which are associated with the ongoing patrols of the area by Council's Rangers

**Strategic Implications:** Key Sustainability Results Areas

**1 People & Community**  
*Objective 1: Good quality of life for all residents*  
Strategies:  
5 Protect natural heritage assets in the Shire of Serpentine-Jarrahdale  
6 Ensure a safe and secure community

**2 Environment**  
*Objective 1: Protect natural resources*  
Strategy:  
1 Increase awareness of the value of environmental requirements towards sustainability

**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:** There will need to be a period of consultation with other statutory authorities, community and community groups on transfer of the affected land and as a part of the management plan. Should the Department of Conservation & Land Management temporarily close the park, there will need to be a period of advertising of the proposed closure.

**Voting Requirements:** Normal

Cr Richards left the meeting at 7.23pm and returned at 7.27pm  
G Dougall left the meeting at 7.24pm and returned at 7.26pm

### **CRCRD12 ORIGINAL MOTION/Committee/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Kirkpatrick

1 That Council recommends that the Department of Conservation & Land Management and Water Corporation consider:

- \* The temporary closure of Gooralong Park Recreation Area for the purpose of camping and access by vehicles.
- \* Gooralong Park be maintained for day use by visitors.
- \* Locked gates be installed at the following accesses – near the intersection of Robinswood Follow and Jarrahdale Roads, main entrance to the park on Chestnut Road and the access trail on Chestnut Lane.
- \* Signage and advertising be undertaken to advise users of the closure.
- \* Alternate parking areas / restrictions be addressed as part of the successful implementation of the closure.
- \* Emergency Services be advised of the decision.

2 That the Chief Executive Officer contacts the relevant Ministers and Departmental Directors General requesting an update of progress in relation to the Land Transfer and the Future Management Plans for the Gooralong Recreation Area and timelines for completion of the same.

### **AMENDMENT**

Moved Cr Hoyer seconded Cr Murphy

That the original motion be amended to include the words “for a period of six months” to part 1.

And add part 3

“The formation of a local working group made up of Council, local Jarrahdale residents and representatives of CALM to develop a management plan in preparation of the land transfer outcome”

After debate the presiding person then put the amendments which was  
CARRIED 5/3

The presiding person then put the amended motion

### **COUNCIL DECISION**

1 That Council recommends that the Department of Conservation & Land Management and Water Corporation consider:

- \* The temporary closure of Gooralong Park Recreation Area for the purpose of camping and access by vehicles for a period of six months.
- \* Gooralong Park be maintained for day use by visitors.
- \* Locked gates be installed at the following accesses – near the intersection of Robinswood Follow and Jarrahdale Roads, main entrance to the park on Chestnut Road and the access trail on Chestnut Lane.
- \* Signage and advertising be undertaken to advise users of the closure.
- \* Alternate parking areas / restrictions be addressed as part of the successful implementation of the closure.
- \* Emergency Services be advised of the decision.

2 That the Chief Executive Officer contacts the relevant Ministers and Departmental Directors General requesting an update of progress in relation to

**the Land Transfer and the Future Management Plans for the Gooralong Recreation Area and timelines for completion of the same.**

- 3. The formation of a local working group made up of Council, local Jarrahdale residents and representatives of CALM to develop a management plan in preparation of the land transfer outcome**  
**CARRIED 5/3**

Council Note: The Committee/Officer recommended resolution was changed to tighten up the time frame and to invite community participation in the finalisation of the Management Plan for Gooralong Park.

CRD13/11/03 CONTROL OF OFF ROAD VEHICLES IN THE SHIRE (A0002)		
Proponent	Shire of Serpentine-Jarrahdale	<u>In Brief</u>
Officer	Brian Owston – Senior Ranger	A Strategy and Action Plan to manage and reduce the illegal use of off road vehicles in the Shire
Signatures - Author:		
Senior Officer:		
Date of Report	31.10.03	
Previously	CRD07/09/03	
Disclosure of Interest		
<b>Delegation</b>	Council	

### **Background**

Council's Ranger Services has been involved in the establishment of an Off Road Vehicle "Action Plan" and "Strategy" to reduce a substantial increase in illegal off road vehicle activities within the Shire. An Off Road Vehicle Committee was formed to research, document and recommend a Strategy and an Action plan to reduce the illegal use of off road vehicles on public land within the Shire. This matter was taken to Council in September 2003 and was deferred to enable further consultation to be undertaken with Councillors and the relevant staff.

### **Comments**

Council's Ranger Services, in conjunction with other government authorities and stakeholders, developed a number of strategies and actions to reduce and assist with the management of off road vehicles within the Shire. If adopted and proven to be successful, a number of concepts and experiences learnt may be investigated for other districts.

The recommendations of the ORV Committee are outlined below:

#### **1 Westrail Reserves:**

- 1.1 *Additional and larger signage be put in place at the following locations - Pruden Road Mundijong, Banksia Road Oldbury, Eleventh Avenue Wungong, Thomas Road Byford.*
- 1.2 *Complete fencing across the following Rail Reserves - Pruden Road, Watkins Road and Wright Road Mundijong. This fencing should span across the entire unused rail reserve with locked access gates.*
- 1.3 *Signage be placed on strategic accesses to the Darling Scarp Regional Park and the Jandakot Regional Park.*

#### **2 Patrol Schedule:**

- 2.1 *Maintain regular and visual active patrols in the affected areas by all of the relevant authorities.*
- 2.2 *Patrols remain ongoing and planned. All authorities indicated participation subject to notice and availability of staff.*
- 2.3 *Locate and target the most likely area where offenders park transport vehicles and trailers.*
- 2.4 *An owner and stolen motorcycle data base to be created and maintained.*

### **3 Education:**

- 3.1 *Education of enforcement agencies, the community, off road vehicle users, potential offenders and motorcycle retail outlets.*
- 3.2 *Enforcement agencies need to acquaint themselves with what motivates and challenges the offender.*
- 3.3 *Notice (as used for firearms) in the "for sale" columns of newspapers that the use of motorcycles in prohibited and unauthorised areas is an offence (listing the penalties and outcomes).*
- 3.4 *Seek industry and club support and assistance with public and off road vehicle user education on request.*
- 3.5 *For the community, authorities and other stakeholders to understand that the use of Registered Motor Cycles is permitted on any public road, track or area where normal vehicle access is permitted and in any area where off road vehicle activity is permitted or authorized.*

### **4 Legislative:**

- 4.1 *That a Serpentine Jarrahdale Shire Off Road Vehicle Advisory Committee be established to oversee these recommendations, advise Council and other agencies, authorities and stakeholders on matters relating to off road vehicle use, assist and advise on planning of any off road or recreational vehicle activity or event and to maintain a liaison with the State Off Road Vehicle Advisory Committee.*
- 4.2 *Creation of three categories of areas ie Prohibited, Unauthorized and Authorized/Permitted areas.*
- 4.3 *Create an alternative off road vehicles registration and identification system.*
- 4.4 *Review and recommend amendments to the existing Control of Off Road Vehicles Act in consultation with the industry, user groups and State Government.*

### **5 Motor Cycle Resource:**

*That two x 2 wheel motorcycles working in company with 4WD support is considered the most appropriate and effective tools available to access user areas and allowing approach, discussion, education and a more effective deterrent. The use of 4WD vehicles, although essential in off road vehicles operations, is inadequate for access into areas currently used by off road vehicle operators, and often creates a challenge to the offenders, in addition, offenders will be less likely to attempt evasion, as another motorcycle does not pose a threat.*

- 5.1 *That the affected authorities and agencies lease and operate two registered 250cc motorcycles on a trial basis for a period of 12 months. To seek funding for the lease, operating costs and ancillary and safety equipment through retail outlets, insurance council and local industry, and to approach recognized motorcycle clubs to provide training and support).*
- 5.2 *That the affected authorities and agencies purchase and operate two Road Registered Motorcycles to maximum capacity of 250cc. (To investigate funding programs, approach retail outlets, insurance council and local industry to fund the purchase, operation and with the provision of associated equipment; and to approach a number of recognized motorcycle clubs to provide training support).*
- 5.3 *That the committee provide strict user operation guidelines.*

### Discussion

A workshop was undertaken by Councillors and Staff with a number of recommended outcomes which are now reflected in the Officer Recommended Resolution, the key recommended outcomes are as follows:

- (a) In addition to what is currently proposed, signage be placed at Thomas and Nettleton Roads, Byford, Jubb Road, Jarrahdale and Gobby Road, Keysbrook.
- (b) In relation to recommendation 1.2, it was suggested that a fence with a gate be installed to allow walking access or a "cavaletti" type barrier be installed along the Pruden Road entrance to the Westrail reserve. Westrail advised that consideration would only be given to a 1.5 metre high exclusion fence be constructed of steel post and weldmesh and installed on the Westrail Reserve, 150 mtrs south of the Pruden Road intersection.
- (c) That additional information be provided in relation to the acquisition and operation of Motor Cycles as a deterrent and tool to achieve the Action Plan outcomes.
- (d) That a trial be undertaken on the Foxtan Drive Reserve in Oakford of a "Cavaletti" type barrier at the southern access to the reserve.

In relation to (d), it strongly recommended that we seek legal advice in relation to duty of care, the liability and litigation potential of the installation of these barriers and whether any legal precedence has been determined previously before this matter is signed off and proceeding into the construction and installation. These are some issues which should be considered:

#### Police Act & Criminal Code -

- (a) It is an offence to - "illegally, wilfully or negligently install a device or material items which is or are, designed to, likely to, or may result in the causing of injury or death of a person or an animal be it in the ownership of that person or another person or for the purpose of entrapment or exclusion".
- (b) It is an offence to - "illegally, wilfully or negligently install a device or material items which is or are designed to exclude or impede entry to any land or lands to which a person is likely to have an implied or reasonable lawful access, be it public land or land in private ownership or leasehold".

#### Exemptions and defence to these provisions:

- (a) "a gate, fence or similar barrier which is locked or permanently affixed and designed to exclude entry"
- (b) the above acts do not recognise whether the "entry or exit" activity is unauthorised, illegal or other.

### Sustainability Statement

The Off Road Vehicle Strategy and Action Plan is intended to provide a long-term sustainable outcome in the reduction and management of off road vehicles within the Shire.

**Statutory Environment:** Control of Off Road Vehicle Act 1978 (as amended)

**Policy Implications:** Nil

**Financial Implications:** Any additional financial implications associated with the Strategy and Plan will be investigated and reported back to Council at a later date.

**Strategic Implications:** Key Sustainability Result Areas

## **1 People & 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

## **2 Environment**

*Objective 1: Protect natural resources*

Strategy:

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

## **4 Governance**

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

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:**

Community consultation is recommended. Once an "Action Plan" and "Strategy" have been adopted, a joint authority and stakeholder advertising and media promotion will be undertaken.

### **Voting Requirements:**

**Normal**

### **Officer Recommended Resolution**

It is agreed that the following actions be undertaken:

#### **1 Westrail, CALM and Council Reserves:**

- 1.1 Additional and larger signage be put in place at the following locations – Pruden Road Mundijong, Banksia Road Oldbury, Eleventh Avenue Wungong, Thomas and Nettleton Roads Byford, Jubb Road Jarrahdale and Gobby Road, Keysbrook .
- 1.2 Complete fencing across the Pruden Road entrance of the Rail Reserve. This fencing will be 1.5 metre high weldmesh and will span across the entire unused rail reserve approximately 150 metres south of the Pruden Road rail crossing.
- 1.3 Signage be placed on strategic accesses to the Darling Range Regional Park and the Jandakot Regional Park.
- 1.4 Subject to legal advice being sought by Council in relation to duty of care, liability and litigation potential, that a "cavaletti" type barrier be installed on the Foxton Road Reserve for a trial period to evaluate the effectiveness in deterring off road vehicle use and allowing equine and walking access.
- 1.5 Council to investigate whether any Local Authorities that have these or similar barriers installed and whether a risk analysis, legal opinion or any liability consideration has been given to the installation of these devices in their locations.

#### **2 Patrol Schedule:**

- 2.1 Maintain regular and visual active patrols in the affected areas by all of the relevant authorities.
- 2.2 Patrols remain ongoing and planned. (All authorities indicated participation subject to notice and availability of staff.)
- 2.3 Locate and target the most likely area where offenders park transport vehicles and trailers.
- 2.4 An owner and stolen motorcycle data base to be created and maintained.



### **3 Education:**

- 3.1 Education of enforcement agencies, the community, off road vehicle users, potential offenders and motorcycle retail outlets.
- 3.2 Enforcement agencies need to acquaint themselves with what motivates and challenges the offender.
- 3.3 Notices be placed (as used for firearms) in the “for sale” columns of newspapers that the use of motorcycles in prohibited and unauthorised areas is an offence (listing the penalties and outcomes).
- 3.4 Seek industry and club support and assistance with public and off road vehicle user education on request.
- 3.5 Improve awareness amongst the community, authorities and other stakeholders that the use of Registered Motor Cycles is permitted on any public road, track or area where normal vehicle access is permitted and in any area where off road vehicle activity is permitted or authorized.

### **4 Legislative:**

- 4.1 That a Serpentine-Jarrahdale Shire Off Road Vehicle Committee be established to advise Council and other agencies, authorities and stakeholders on matters relating to off road vehicle use, assist and advise on planning of any off road or recreational vehicle activity or event and to maintain a liaison with the State Off Road Vehicle Advisory Committee.
- 4.2 That the creation of three categories of areas ie Prohibited, Unauthorized and Authorized/Permitted areas be pursued.
- 4.3 Create an alternative off road vehicle registration identification system with the use of “high visibility” registration plates and a 24 hour accessible database which links with the WA Police stolen vehicle and property database.
- 4.4 Review and recommend amendments to the existing Control of Off Road Vehicles Act in consultation with the industry, user groups and State Government.

### **5 Motor Cycle Resource:**

That Council cease enquires and research relating to the acquisition or lease and use of motorcycles in relation to the control of Off Road Vehicles.

Committee Note: Officers advised the Chair that the original motion was required to be voted on, however, this did not occur and the new motion was put to the vote. The Officer Recommended Resolution was altered to require a portion of the fencing of the Pruden Road rail reserve to be at 1m height and that a pedestrian access stile be provided.

### **CRCRD13 ORIGINAL MOTION/Committee Recommended Resolution**

Moved Cr Wigg seconded Cr Hoyer

That the following actions be undertaken:

A 1 Westrail, CALM and Council Reserves:

- 1.1 Additional and larger signage be put in place at the following locations – Pruden Road Mundijong, Banksia Road Oldbury, Eleventh Avenue Wungong, Thomas and Nettleton Roads Byford, Jubb Road Jarrahdale and Gobby Road, Keysbrook .
- 1.2 Signage be placed on strategic accesses to the Darling Range Regional Park and the Jandakot Regional Park.
- 1.3 Subject to legal advice being sought by Council in relation to duty of care, liability and litigation potential, that a “cavaletti” type barrier be installed on the Foxton Road Reserve for a trial period to evaluate the effectiveness in deterring off road vehicle use and allowing equine and walking access.

- 1.4 Council to investigate whether any Local Authorities that have these or similar barriers installed and whether a risk analysis, legal opinion or any liability consideration has been given to the installation of these devices in their locations.
  
- 2 Patrol Schedule:
  - 2.1 Maintain regular and visual active patrols in the affected areas by all of the relevant authorities.
  - 2.2 Patrols remain ongoing and planned. (All authorities indicated participation subject to notice and availability of staff.)
  - 2.3 Locate and target the most likely area where offenders park transport vehicles and trailers.
  - 2.4 An owner and stolen motorcycle data base to be created and maintained.
  
- 3 Education:
  - 3.1 Education of enforcement agencies, the community, off road vehicle users, potential offenders and motorcycle retail outlets.
  - 3.2 Enforcement agencies need to acquaint themselves with what motivates and challenges the offender.
  - 3.3 Notices be placed (as used for firearms) in the “for sale” columns of newspapers that the use of motorcycles in prohibited and unauthorised areas is an offence (listing the penalties and outcomes).
  - 3.4 Seek industry and club support and assistance with public and off road vehicle user education on request.
  - 3.5 Improve awareness amongst the community, authorities and other stakeholders that the use of Registered Motor Cycles is permitted on any public road, track or area where normal vehicle access is permitted and in any area where off road vehicle activity is permitted or authorized.
  
- 4 Legislative:
  - 4.1 That a Serpentine-Jarrahdale Shire Off Road Vehicle Committee be established to advise Council and other agencies, authorities and stakeholders on matters relating to off road vehicle use, assist and advise on planning of any off road or recreational vehicle activity or event and to maintain a liaison with the State Off Road Vehicle Advisory Committee.
  - 4.2 That the creation of three categories of areas ie Prohibited, Unauthorized and Authorized/Permitted areas be pursued.
  - 4.3 Create an alternative off road vehicle registration identification system with the use of “high visibility” registration plates and a 24 hour accessible database which links with the WA Police stolen vehicle and property database.
  - 4.4 Review and recommend amendments to the existing Control of Off Road Vehicles Act in consultation with the industry, user groups and State Government.

5 Motor Cycle Resource:

That Council cease enquires and research relating to the acquisition or lease and use of motorcycles in relation to the control of Off Road Vehicles.

B Complete fencing across the Pruden Road entrance of the Rail Reserve. This fencing will be 1.5 metre high weldmesh and will span across the entire unused rail reserve approximately 150 metres south of the Pruden Road rail crossing. Council to write to Westrail requesting that part of the fencing at the Pruden Road entrance to the rail reserve be 1m high and that a pedestrian access stile be accommodated.

### AMENDMENT

Moved Cr Murphy moved seconded Cr Kirkpatrick that item 3.5 be deleted from the original motion.

After debate the presiding person then put the amendment which was  
CARRIED 5/3

The presiding person then put the amended motion

### COUNCIL DECISION

That the following actions be undertaken:

**A 1 Westrail, CALM and Council Reserves:**

1.1 Additional and larger signage be put in place at the following locations – Pruden Road Mundijong, Banksia Road Oldbury, Eleventh Avenue Wungong, Thomas and Nettleton Roads Byford, Jubb Road Jarrahdale and Gobby Road, Keysbrook .

1.2 Signage be placed on strategic accesses to the Darling Range Regional Park and the Jandakot Regional Park.

1.3 Subject to legal advice being sought by Council in relation to duty of care, liability and litigation potential, that a “cavaletti” type barrier be installed on the Foxtan Road Reserve for a trial period to evaluate the effectiveness in deterring off road vehicle use and allowing equine and walking access.

1.4 Council to investigate whether any Local Authorities that have these or similar barriers installed and whether a risk analysis, legal opinion or any liability consideration has been given to the installation of these devices in their locations.

**2 Patrol Schedule:**

2.1 Maintain regular and visual active patrols in the affected areas by all of the relevant authorities.

2.2 Patrols remain ongoing and planned. (All authorities indicated participation subject to notice and availability of staff.)

2.3 Locate and target the most likely area where offenders park transport vehicles and trailers.

2.4 An owner and stolen motorcycle data base to be created and maintained.

**3 Education:**

3.1 Education of enforcement agencies, the community, off road vehicle users, potential offenders and motorcycle retail outlets.

3.2 Enforcement agencies need to acquaint themselves with what motivates and challenges the offender.

3.3 Notices be placed (as used for firearms) in the “for sale” columns of newspapers that the use of motorcycles in prohibited and unauthorised areas is an offence (listing the penalties and outcomes).

3.4 Seek industry and club support and assistance with public and off road vehicle user education on request.

**4 Legislative:**

4.1 That a Serpentine-Jarrahdale Shire Off Road Vehicle Committee be established to advise Council and other agencies, authorities and stakeholders on matters relating to off road vehicle use, assist and

- advise on planning of any off road or recreational vehicle activity or event and to maintain a liaison with the State Off Road Vehicle Advisory Committee.
- 4.2 That the creation of three categories of areas ie Prohibited, Unauthorized and Authorized/Permitted areas be pursued.
- 4.3 Create an alternative off road vehicle registration identification system with the use of “high visibility” registration plates and a 24 hour accessible database which links with the WA Police stolen vehicle and property database.
- 4.4 Review and recommend amendments to the existing Control of Off Road Vehicles Act in consultation with the industry, user groups and State Government.
- 5 Motor Cycle Resource:**
- That Council cease enquires and research relating to the acquisition or lease and use of motorcycles in relation to the control of Off Road Vehicles.
- B Complete fencing across the Pruden Road entrance of the Rail Reserve.** This fencing will be 1.5 metre high weldmesh and will span across the entire unused rail reserve approximately 150 metres south of the Pruden Road rail crossing. Council to write to Westrail requesting that part of the fencing at the Pruden Road entrance to the rail reserve be 1m high and that a pedestrian access stile be accommodated.
- CARRIED 5/3**

Council Note: The Committee Recommended resolution was amended to discourage the use of off road vehicles.

7.5 Strategic Management

SM019/11/03 COUNCIL COMMUNITY SATISFACTION SURVEY (A0254)		
Proponent	Council	<b>In Brief</b>  Advise Council of the 2003 Council Performance Monitor Survey results.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	6 November 2003	
Previously	A108/01/00, SM061/06/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

Council last undertook a community satisfaction survey in 1999. The survey was very limited, but cost effective. The survey was conducted by “Market Intelligence”.

Council has not chosen to undertake another detailed community survey since this time as the general view was that until Council started to promote and market the changes that it was undertaking and the improvements that were being progressed, the communities perceptions would be difficult to change.

At the June 2003 Ordinary Council meeting Council agreed to:

*“express their interest in participating in this survey this year to Market Intelligence, and that funding be considered as part of the 2003/2004 budget deliberations.”*

Funding was provided in the 2003/2004 budget which has enabled Council to join a local government research syndicate to evaluate and monitor its performance across a range of services and facilities this year.

### **Comments**

**The 2003 Council Performance Monitor (survey) is provided for Councils information at attachment [SM019.1-11-03.ppt](#).** The survey was undertaken through 400 telephone interviews being conducted with residents in the shire. These results have been compared with the previous study conducted with 150 residents in 1999.

The following local governments participated in this years syndicate.

Serpentine Jarrahdale Shire  
City of Armadale  
City of Cockburn

City of South Perth  
City of Joondalup  
City of Mandurah

### **OVERALL SATISFACTION RATINGS**

	<u>1999</u>	<u>2003</u>
Satisfied (6 to 10)	34%	<b>66%</b>
Very satisfied (8, 9 or 10)	9%	<b>36%</b>

The survey results are positive and validate Councils commitment and foresight in 1998 to introduce the “People and Partnership” program. It can be said that for much of the past five (5) years the challenge facing Serpentine-Jarrahdale as an organisation has been to build a culture of change and continuous improvement. Whilst results are pleasing, it also should be acknowledged there is still improvement opportunities to be had.

A link between the improvements that have been occurring externally can clearly be made with those internally. The internal staff satisfaction survey results undertaken by Neil Pope and Associates since 1998, shown below, summarise the improvements within and external to the organisation.

			2002	01	00	99	98	Aus Ave
ORGANISATION	AS	AN	3.31	3.23	3.14	3.21	3.07	2.73
EMPLOYER								

Council should feel very pleased with their achievements over the past four (4) to five (5) years. A presentation on the survey results will be provided to Councillors at the conclusion of the Strategic Management Committee meeting, by representatives from Australian Market Intelligence and Catalyse, who conducted the work for Council.

### **Sustainability Statement**

The survey has provided Council with data from the community that will assist in better understanding how we can deliver sustainable outcomes.

### **Statutory Environment:**

The Local Government Act encourages greater community participation and greater accountability of local governments to their communities. At the same time, residents are beginning to expect the same.

### **Policy Implications:**

Council has no policy position on undertaking a community survey, however, service teams do undertake some community surveying on specific areas as part of their quarterly reporting and monitoring.

It is suggested that Council should consider a Policy of undertaking this type of Community Satisfaction survey every two (2) years.

**Financial Implications:**

Council participated in the Evaluate Plus survey,

<b>Sample Size</b>	
n=400	
<b>Evaluate</b> (compulsory)  Overall satisfaction, plus  10 benchmark services, and  Demographics	\$5,300
<b>Evaluate Plus</b>  Up to 10 additional services	\$3,200

The cost of Evaluate Plus (400 sample) was \$8,500 ex GST, which was included in the 2003-2004 budget (MOC 525).

**Strategic Implications:**

The survey has in a number of areas confirmed the work undertaken by Council in 2002 when the Strategic Plan was reviewed.

**Community Consultation:**

This item is related to Council undertaking consultation with the community to gauge the level of satisfaction. It recommended that Council thank the community for participating and feedback the results to promote the good work that Council is doing.

**Voting Requirements:**

Normal

**CRSM019 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Kirkpatrick seconded Cr Simpson**

- 1. Council notes the results of the 2003 Council Performance Monitor survey findings.**
- 2. Council agrees to:**
  - a) provide feedback to the community on the results from the 2003 Council Performance Monitor survey findings with the emphasis being on education and promotion of the work Council is doing to continue to improve the overall satisfaction of services to the community.**
  - b) establish a policy of conducting a Council Performance Monitor survey, or similar, every two (2) years to measure the level of satisfaction with Council's delivery of services to the community.**

**CARRIED 8/0**

SM020/11/03 ANNUAL REPORT 2002/2003 (A0006)		
Proponent	Local Government Act 1995	<b>In Brief</b>  That Council accepts the 2002/2003 Shire of Serpentine Jarrahdale Annual Report.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	6 November 2003	
Previously	SM016/10/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

The Local Government Act 1995 (the Act) requires the Annual Report to be adopted by Council no later than 31 December after that financial year.

Local governments are to prepare an annual report for each financial year. This annual report is to contain:-

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

At the October Strategic Management Committee (and audit committee) a recommendation was forwarded to Council to approve the wording for the annual report so that the printing arrangements could be started. Council adopted this recommendation. Now that the audit process has been completed Council is required to adopt the Annual Report in accordance with the Act.

**Comments**

The audit was undertaken during the week commencing 27 October 2003 and is expected to be finalised and signed on Monday, 10 November 2003. This will allow sufficient time to include the audit report with the Annual Report and provide financial statements to the community prior to the Electors Meeting to be held on 3 December 2003.

No major issues have been raised as part of the audit process. The Audit Manager from Grant Thornton has been invited to attend the Strategic Management Committee Meeting to answer any councillor questions in relation to the audit. A copy of the financial statements and accounts has been provided with this agenda in hard copy format for easier reference and is marked **Attachment SM020.1/11/03**.

**A copy of the complete Annual Report for 2002/2003 is also provided at Attachment SM020.2/11/03.**

**Statutory Environment:**

Section 5.53 of the Local Government Act 1995 requires local governments to prepare an annual report for each financial year and stipulates the format of the report. Section 5.54 states that this report is to be accepted by the local government no later than 31 December each year unless the auditors report is not available.

Section 7.2 of the Local Government Act 1995 states that *“the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”*

Section 7.9 (1) of the Act states *“An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) The Mayor or President,*
- b) The CEO of the local government, and*
- c) The Minister.”*

**Policy Implications:**

Work Procedure WCSP2 – Elector Meetings (annual) provides that Annual meetings of electors be held on the first Wednesday in December each year in Mundijong, commencing at 7:00pm provided that this is not more than 56 days after Council accepts the annual report for the previous financial year (s5.27(2) Local Government Act 1995).

**Financial Implications:**

The final position of Council at 30 June 2003 was a deficit of \$270,000. This deficit was greater than the anticipated \$50,000 predicted in April when presenting the March quarterly financial report to Council. This greater figure was the result of income from the sale of two fire plant items not being received or raised until this financial year (\$55,000), costs associated with development of the Woodlot subdivision and Jarrahdale Heritage Park Project created a small overrun in the anticipated costs of projects for the Jarrahdale Heritage Park (\$54,000), a cost overrun in the construction of Adams Street (\$51,000) and an overrun of road maintenance costs (\$100,000).



A large part of this deficit can be managed in the current financial year (2003/2004) as a result of the items budgeted for last year that did not occur, actually occurring in this year. The sale of the two light fire tankers occurred in late July. The \$55,000 income was not a budget consideration for this year so could be offset against the deficit. The Jarrahdale Heritage Park subdivision and sale of property was budgeted again this year. Funds from this sale are to go into repayment of the debt and reimbursement of previous years debt repayment made out of municipal funds. The balance is to be placed into reserve. The \$54,000 balance that did not occur last year will be addressed when calculating the surplus this year along with the over expenditure in the last financial year.

An allocation of \$30,000 has been made in this years budget for the provision of an Asset Services Customer Support Officer. However, it was suggested in the budget process that due to the reduced hours of the Byford office an officer may be transferred from Customer Relations to the Asset Services Team to be used to reduce the deficit and that these funds may not be allocated for this purpose and may be used to reduce the forecast deficit.

This leaves a balance deficit of \$130,000. A budget amendment will be provided in the first quarter budget review in the Asset Services budget for this amount. This will balance the over expenditure in this area that occurred last year.

**Strategic Implications:**

**4 Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Section 5.55 of the Local Government Act 1995 states that *“the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”*

**Voting Requirements:**

Normal

**CRSM020 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Wigg seconded Cr Hoyer

1. The 2002/2003 Annual Report for the Shire of Serpentine Jarrahdale be accepted.
2. Council notes that the 2002/2003 Annual Report has been advertised in November in accordance with the Local Government Act 1995.

**CARRIED 8/0**

SM021/11/03 QUARTERLY FINANCIAL REPORT – SEPTEMBER 2003 (A0924/03)		
Proponent	Local Government Act 1995	<b>In Brief</b>  To receive the September quarter financial report, approve the recommended changes to the adopted budget 2003/2004.
Officer	C Green – Manager Finance	
Signatures - Author:		
Senior Officer:		
Date of Report	10 November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

Regulation 34(1)(b) of the Local Government (Financial Management) Regulations 1996 require that quarterly financial reports be presented to Council for the periods ending 30 September, 31 December, 31 March and 30 June at either the next ordinary meeting after the end of the period, or if not prepared in time to the next ordinary meeting after that meeting.

The format of the report is to be set out providing the following information;

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

### **Comments**

This review contains all committed purchase orders that have been raised against the budget provisions as well as actual payments made to those provisions. This simply means that some accounts will have the projected expenditure requirements into the next couple of months included. This provides the most up to date projection.

This report will indicate all significant variations that are considered to effect the end of year result and other budget changes as a result of a review of the budget requirements. Where a variation is not considered to significantly effect the end of year result or is anticipated to correct itself prior to the end of year no comment has been made.

***A copy of the Financial Report is included with the attachments and marked SM021.1/11/03.*** The report reflects the period to 30 September 2003.

### **General Purpose Funding**

**GFI263 - Fees and Charges** - A \$2,000 donation was received from WA Landfill Services for the rural roadside rubbish collection program.

**GFI265 - Reimbursements** - The re-imburement from staff for uniforms is the major factor for the variance in this account.

### **Governance**

**MOC611 - Election Expenses** - WA Electoral Commission provided indicative advice that the election costs would be \$4,500, however actual invoice was for \$9,154.

**CRE507 - Staff Uniforms** - These amounts are offset against the reimbursements GFI265

### Law, Order and Public Safety

**ESD404 Proceeds from sale** - This account will increase by \$55,000 to \$78,200. This increase is the extra income from the sale of two light tankers.

### Community Amenities

**TPL176 - Planning Fee** - \$2,000 received for Extractive Industries Licence.

**WAS500 - Salaries** - This account will be reduced by \$4,827 to \$58,752. This is the salary component of the administration support officer that has been held over in the interim due to the intention to close the Byford office. An officer from Customer Relations has been moved into this role.

**CEM500 - Salaries** - This account will be reduced by \$1,609 to \$8,763. This is the salary component of the administration support officer that has been held over in the interim due to the intention to close the Byford office. An officer from Customer Relations has been moved into this role.

### Recreation and Culture

**OSR101 - Contributions** - \$4,429 Insurance claim for the irrigation pipes at the Pony club.

**HOP625 - Hopelands School** - General maintenance costs, including an allocation for Gary Ward salary.

**OSR500 Salaries** - This account will be reduced by \$4,827 to \$43,666. This is the salary component of the administration support officer that has been held over in the interim due to the intention to close the Byford office. An officer from Customer Relations has been moved into this role.

### Library

**Library Salaries – LIB500** – A request has been forwarded from the Principal Librarian to increase the staff resources available to the library by one day per week (8 hours). Currently there is 1.3 full time employees equivalent hours per week. This would move it closer to 1.5 full time employees for the second half of the financial year with this adjustment. It is suggested that the following items be deleted from the following accounts:

Account	Description
LIB626	\$1,200 (Shelving – To be deferred to the next budget to accommodate the new input of stock from State Library. Some changes have been made to layout and placement of stock to meet current needs. Shelving acquired in 2004/2005 will suit new stock input for that year)
LIB555	\$150 (Door Counter – Requested by State Library service as a requirement to collect statistics of library visitors. This too can be deferred for another year)
LIB626	\$230 (Signage – The new library sign was budgeted for \$300 but actual expenditure was \$70)
LIB513	\$150 (Courier – Council was advised of the possible increase in cost of the State Library courier service. This has not eventuated for this year. Actual expenditure gave us \$150 spare)

LIB771	\$400 (Purchase of books – Library staff are prepared to spend less this year on input of locally purchased items due to the input of State Library stock and less shelving available. Some funds are required to meet demand for stock gaps identified locally that the State Library does not cover)
LIB535	\$200 (Book Trolley – Deferred to next year. The initial request was to assist staff in processing new books. We will continue with current practices and rebudget next year)
ITS555	\$730 (Workstation – Was originally planned for an Information Officer to be placed in Records. At this stage there is not enough space to have it put in place)
LIB500	\$4,050

## Transport

**MOR805 - Reseals** - This account will be reduced by \$130,000 to \$300,240 to offset the deficit b/fwd this financial year.

At its meeting of 8 September 2003, Committee under delegation approved the following works as the 2003/2004 reseal program:

Road Name	From	To	Cost
Abernethy Rd	Bridge	Bridge Vic. Intersection Meadowbrook Dve east approx. 300m	\$10,000
Bateman St	Soldiers Rd	Gordon Way	\$3,500
Cardup Siding Rd	South Western Hwy	End Bitumen	\$28,000
Cumming Rd	Thomas Road	Orton Road	\$35,000
Daisy Rd	Soldiers Rd	Alice Road	\$2,500
Doley Road	Abernethy To # 89	Refer to AS011/08/03.	\$7,200
Feast Rd	Feast SLK 1.54 (L58)	South Western Hwy SLK 1.97	\$7,500
Gossage Rd	Bridge 250m west of Bournbrook Ave	Kargotich Road	\$7,500
Hella Kipper Dr	Nettleton Rd	Entry Statement	\$6,500
Hopeland Rd	South of Punrak Rd SLK 4.9	North of Henderson Rd SLK 5.3	\$4,000
Hopkinson Rd	Bishop Rd	North 730m Vic. L22	\$19,000
Hopkinson Rd	Gloaming Way	Rowley Rd	\$34,000
Kingsbury Dr	South Western Hwy	East 1.62Km	\$40,000
Lowlands Rd	Wright Rd	200m west Kargotich Rd	\$43,000
McKay Dr	Lewis Rd	End cul-de-sac	\$21,000
Nettleton Rd	Alcoa Railway Crossing	South 1.5Km	\$22,000
Punrak Rd	Hopeland Rd	Henderson Rd	\$43,000
Rapids Rd	Lowlands Rd	200m North Rowe Rd	\$35,000
Shanley Rd	Wright Rd	Coogly Rd	\$10,000
Wescott Rd	South Henderson	North Elliott Rd	\$14,000
Wright Rd	200M south of Randell Rd	500m further south	\$15,000
<b>TOTAL</b>			<b>\$407,700</b>

This program was based on the Shire of Serpentine-Jarrahdale 2003/2004 approved budget which had provision of \$430,240.00 for resealing/road enhancements within schedule 12 transport - maintenance of streets and roads.

A budget deficit occurred in the 2002/2003 financial year primarily due to over expenditure on Drainage Maintenance, Tree Pruning and Adams/Richardson Streets reconstruction. A reduction in spending of \$130,000 is required in 2003/2004 to offset this deficit.

Officers have reviewed the 2003/2004 budget to identify works which could be deferred to allow the deficit offset to occur. The primary criteria in identifying these works is to ensure no major impact on in-house labour or association with grant funding arrangements.

Councils reseal program is necessary to ensure the deterioration of the road network is controlled. Projects have been identified within the current program which can be deferred for 12 months without compromising the integrity of the road pavement.

The table below is a list of works recommended for exclusion from the 2003/04 program:

Road Name	From	To	Cost
Cumming Rd	Thomas Road	Orton Road	\$35,000
Kingsbury Dr	South Western Hwy	East 1.62Km	\$40,000
Rapids Rd	Lowlands Rd	200m North Rowe Rd	\$35,000
Wright Rd	200M south of Randell Rd	500m further south	\$15,000
<b>TOTAL</b>			<b>\$125,000</b>

It is recommended any surplus leftover at year end may be returned to this account.

### **Economic Services**

**WSO730 - Weed Strategy Expense** - This is the total expenditure for this account. The expenditure to date was for the Reserve Officers Local Government Bushland Managers Training Course.

### **Other Property and Services**

**JHP500 - Salaries** - This account will be reduced by \$8,045 to \$32,628. This is the salary component of the administration support officer that has been held over in the interim due to the intention to close the Byford office. An officer from Customer Relations has been moved into this role.

**WOH500 - Salaries** - This account will be reduced by \$12,871 to \$228,336. This is the salary component of the administration support officer that has been held over in the interim due to the intention to close the Byford office. An officer from Customer Relations has been moved into this role.

**JHP Reserve** - Modified to allow for \$54,000 from the over expenditure on JHP budget last year. The current budget allows for the sale of six (6) cottages and five (5) blocks from the woodlot subdivision. It is expected that all seven (7) woodlot blocks will be sold this financial year so a further adjustment will be made to this reserve at the mid year budget review.

### **Sustainability Statement**

This review provides an indication of current allocation of resources to provide services as adopted in the 2003/2004 budget. It ensures that allocations are undertaken in accordance with the adopted budget and proposes any changes required to maintain the most efficient use of the available resources.

### **Statutory Environment:**

Section 6.4 of the Local Government Act 1995 and Regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996.

**Policy Implications:** No policy implications

**Financial Implications:** As per the recommendation, the deficit of \$270,000 brought forward from the previous financial year has been eliminated by the changes recommended in this report.

**Strategic Implications:** No strategic implications

**Community Consultation:** Not required

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

**CRSM021 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy

1. Council receives the September 2003/2004 Quarterly Report in accordance with Section 6.4 of the Local Government Act 1995.
2. Council adopts the following budget adjustments to the 2003/2004 statutory budget:-

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	VARIANCE
DEFICIT B'FWD 1 JULY 2003			(270,000)
MOR805 - Road Reseals	430,240	300,240	130,240
WAS500 - Salaries	63,579	58,752	4,827
CEM500 - Salaries	10,372	8,763	1,609
OSR500 - Salaries	48,493	43,666	4,827
LIB627 – Program Maintenance	2,590	1,600	900
LIB626 – Building Maintenance	7,647	6,447	1,200
LIB555 – Consumables	250	100	150
LIB626 – Building Maintenance	6,447	6,217.00	230
LIB513 – LISWA Courier	1,000	850	150
LIB771 – Purchase Books	1,000	600	400
LIB535 – Equipment Repairs	550	350	200
ITS555 – Consumables	800	70	730
LIB500 – Salaries	88,372	92,422	(4,050)
WOH500 Salaries	241,208	228,336	12,187
JHP500 Salaries	40,673	32,628	8,045
JHP Reserve			54,000
<b>Income</b>			
ESD404 Proceeds from Sale	23,200	78,200	55,000
<b>TOTAL</b>			<b>735</b>

3. The below list be excluded from the 2003/2004 reseal program:

Road Name	From	To	Cost
Cumming Rd	Thomas Road	Orton Road	\$35,000
Kingsbury Dr	South Western Hwy	East 1.62Km	\$40,000
Rapids Rd	Lowlands Rd	200m North Rowe Rd	\$35,000
Wright Rd	200M south of Randell Rd	500m further south	\$15,000
<b>TOTAL</b>			<b>\$125,000</b>

Any surplus funds at year end may be returned to this account.  
**CARRIED 8/0 ABSOLUTE MAJORITY**

SM022/11/03 INFORMATION REPORT		
Proponent	Chief Executive Officer	<b>In Brief</b>  Information Report.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	1 November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

SM022.1/11/03 COMMON SEAL REGISTER REPORT – OCTOBER 2003 (A1128)

***The Common Seal Register Report for the month of October 2003 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [SM022.1-11-03.doc](#).***

SM022.2/11/03 LOCAL ECONOMIC DEVELOPMENT UNIT MINUTES – 10<sup>TH</sup> OCTOBER 2003 (A0436-05)

***The minutes of the Local Economic Development Unit meeting held on 10<sup>th</sup> October 2003 are in the attachments marked [SM022.2-11-03.doc](#).***

SM022.3/11/03 ACTING CHIEF EXECUTIVE OFFICER (A0039/H0031)

The Chief Executive Officer will undertake a period of leave commencing Thursday, 25 December 2003 returning to work on Monday, 19 January 2004.

During this period, Mr Glen Dougall, Director Corporate Services will undertake the Acting Chief Executive Officer duties in accordance with Council delegation AF-7 Acting Chief Executive Officer

SM022.4/11/03 REGIONAL DEVELOPMENT SCHEME – FUNDING APPLICATIONS COMMUNITY HIGH SCHOOL BUSINESS PLAN & JARRAHDAL HERITAGE PARK AMPHITHEATRE PROJECT (A0923)

Minister Bob Kucera, MLA – Minister for Tourism, Small Business, Sport and Recreation, Peel and the South West has advised that our recent applications to the Regional Development Scheme for the Community High School Business Plan and the Jarrahdale Heritage Park Amphitheatre Project have been successful. Minister Kucera made a presentation for the amount of \$21,000 for the Jarrahdale Heritage Park Amphitheatre Project at a recent visit to the Shire. The Member for Roleystone will make a presentation for \$9,000 for the Community High School Business Plan in the near future.

SM022.5/11/03 UPDATE ON SALE OF COUNCIL PROPERTIES IN JARRAHDAL (A1165)

Council authorised the Chief Executive Officer to appoint a real estate agent and to dispose of a number of properties in accordance with the Local Government Act 1995 at their September 2002 and February 2003 meetings.

SM014/09/02 - Woodlot Subdivision, cnr Jarrahdale and Kingsbury Drive, Jarrahdale  
SM045/02/03 - Millars Road Cottages, Jarrahdale

Council are provided an update on the sale of the following Council properties:

SM045/02/03 - Millars Road Jarrahdale– 6 Cottages

Lot	Status	Sale Method
807	Sold	Auction
808	Available	Auction
809	Sold	Auction
810	Sold	Auction
811	Sold	Auction
812	Sold	Auction/Delegation AF30

Total value of sales for 5 properties sold = \$491,000

Total of market valuations for 5 properties sold = \$475,000

SM014/09/02 - Woodlot Subdivision Jarrahdale – 7 Lots

Lot	Sale Price	Sale Method
820	Sold	Tender/Offer & Acceptance /Delegation AF 30
821	Sold	Tender/Offer & Acceptance /Delegation AF 30
822	Sold	Tender/Offer & Acceptance /Delegation AF 30
823	Sold	Tender
824	Sold	Tender
825	Sold	Tender
826	Sold	Tender

Total value of sales for 7 properties sold = \$ 507,000

Total of market valuations for 7 properties sold = \$432,000

SM022.6/11/03 WESTERN AUSTRALIAN BEST PRACTICE AWARDS (A0163-06)

Whole of Organisation Awards were presented to:

- \* Shire of Serpentine Jarrahdale
- \* City of Nedlands
- \* City of Gosnells
- \* City of Joondalup
- \* City of Rockingham
- \* City of Swan

The Whole of Organisation Award recognises those Councils that achieve best practice levels in the delivery of service to their customers across the whole of their organisations.

The City of Nedlands was awarded to overall Leadership in Best Practice in Local Government in Western Australia at the Awards.

**CRSM022 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Simpson seconded Cr Kirkpatrick**

**That the Information Report to 10 November 2003 be received.**

**CARRIED 8/0**



SM023/11/03 LANDCARE CENTRE SERVICE LEVEL ACCORD (A0289-03)		
Proponent	Landcare SJ Inc.	<b>In Brief</b> Council has committed \$112,000 of direct funds to the Serpentine-Jarrahdale Landcare Centre in the 2003/2004 budget. This is in addition to in-kind contributions estimated to be in the order of \$50,000. A Service Level Accord has been developed by Landcare SJ Inc. outlining the services to be provided for this level of funding. A workshop is being held on Tuesday 18 <sup>th</sup> November between representatives from the Landcare Centre and the Shire Executive to agree on the final contents of the Service Level Accord. A supplementary report will be provided to the Ordinary Council Meeting outlining the outcomes from the workshop and presenting the Service Level Accord to Council for final approval.
Officer	Joanne Abbiss – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	11 <sup>th</sup> November 2003	
Previously	SM046/02/02	
Disclosure of Interest	The officer responsible for this report is also the Shire representative on the Board of Landcare SJ Inc.	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The previous partnership agreement between the Shire and the Landcare Centre expired on the 30<sup>th</sup> June 2003.

Prior to the expiry of that agreement a workshop was held between the Shire Executive Team, the Landcare Centre Management Committee, the Landcare Business Manager and representatives from the Land Conservation District Committee and the Board of Landcare SJ-Inc to assess the success of the partnership through an examination of the achievements against the agreed outcomes. In particular the performance of the Landcare Business Manager against the Key Duties and Responsibilities contained within his Position Description was considered.

It was recognised that the Landcare Business Manager had not met many of the requirements of his Position Description and that a Business or Strategic Plan for the Landcare Centre had not been produced. Consequently the Shire provided the services of their Economic and Tourism Development Officer, Linda Butterly to complete this task.

In addition to the partnership review the parties agreed that it was important to document the terms, conditions and performance criteria under which 2003/2004 Shire funds would be provided.

The Landcare Centre undertook to provide a Service Level Accord to the Shire which was completed by the Landcare Development Officer, Cathy Lyons prior to her leaving their employ.

The Business Plan has since been considered by Landcare SJ Inc and their proposed changes will be discussed at the workshop on the 18<sup>th</sup> November 2003. The Service Level Accord produced by Landcare SJ Inc has been considered by the Shire Executive and the changes proposed by the Executive will also be discussed at the workshop.

### **Comments**

A supplementary report containing the agreed Service Level Accord will be presented for the November Ordinary Council Meeting for final approval by Council.

## **Sustainability Statement**

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

The Landcare Centre is recognised as a leader within the industry, demonstrating best practice in many projects and also in the manner in which it interacts with the community.

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

The Landcare Centre has trialled many new approaches in order to protect valuable land and water resources. The Dirk Brook project is an excellent example of the modification of a trapezoidal drain to a living stream which now provides an ecological service in terms of the improvement in water quality and provision of habitat.

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

Wherever possible locally produced or available resources are utilised for on-ground works and partnerships established.

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

The fundamental principles upon which the Landcare Centre operates are based on environmental and social responsibility. Their success has been founded on strong community partnerships and significant community capacity building has been achieved.

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

The proposal does not disadvantage any social groups. The Landcare Centre provides a service to a diverse range of residents, groups and agencies. Being a non-government agency allows.

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

The Landcare Centre employs several staff, uses local resources and suppliers to complete on ground works and assists in preserving and improving the natural heritage of the area.

**Statutory Environment:** Not applicable

**Policy Implications:** Not applicable

**Financial Implications:** Council has committed \$112,000 in the 2003/2004 budget for support of the Landcare Centre. The Service Level Accord will specify the terms under which that funding is granted.

However, Council has not identified any funding in the Forward Financial Plan beyond the 2003/2004 budget.

## **Strategic Implications:**

### **1 People and Community**

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

#### **Strategies:**

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

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

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

**2 Environment**

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

Strategies:

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

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

Strategies:

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

**3 Economic**

*Objective 1: A vibrant local community*

Strategies:

- 2 Identify value-adding opportunities for primary production.
- 3 Develop tourism potential.

**4 Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies:

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

**Community Consultation:**

The Service Level Accord was developed by the Landcare Centre and will be workshopped with the Shire Executive on the 18<sup>th</sup> November 2003.

**Voting Requirements:**

Normal

**CRSM023 Committee/Officer Recommended Resolution**

That Council notes the report on the Landcare Centre Service Level Accord and acknowledges a supplementary report will be provided to the November Ordinary Council Meeting containing the agreed Service Level Accord between the Shire and the Serpentine-Jarrahdale Landcare Centre for final approval.

**SUPPLEMENTARY REPORT**

A workshop was held on Tuesday 18<sup>th</sup> November 2003 between representatives of the Land Conservation District Committee, Landcare SJ Inc and the Shire Executive. During that meeting an agreement was reached with regard to the content of the Service Level Accord. It is recommended that Council endorse the Service Level Accord as **attached at [SM023-11-03.doc](#)** and then forward the Service Level Accord to the Land Conservation District Committee and Landcare SJ Inc for their final endorsement and signing.

**CRSM023 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Wigg seconded Cr Kirkpatrick**

- 1. That Council endorses the Service Level Accord as attached at “SM023/11/03 between the Shire, the Land Conservation District Committee and Landcare SJ Inc for the 2003/2004 financial year.**
- 2. Council forwards the Service Level Accord as attached at “SM023/11/03 to the Chair of the Land Conservation District Committee and the Chair of Landcare SJ Inc for their final endorsement and signing.**
- 3. That Council authorises the Shire President and the Chief Executive Officer to sign the Service Level Accord as attached at “SM023/11/03**

**CARRIED 8/0**

7.6 Planning Development & Environment

E007/11/03 WATER CAMPAIGN – MILESTONE 2 (A1016)		
Proponent	Shire of Serpentine – Jarrahdale	<b>In Brief</b>  The Shire is participating in the Water Campaign through the Peel Harvey Catchment Council. The intent of this report is to:  - Update Council on the progress of the Serpentine-Jarrahdale Shire in the International Council for Local Environmental Initiatives' (ICLEI) Water Campaign™.  - Seek Council's consideration / endorsement of the ICLEI Water Campaign goals for consumption reduction and water quality improvement to enable the completion of Community and Corporate Milestone Two of the campaign.
Officer	Carlie Eldridge – Manager Sustainability Unit & Damien Postma – Peel Water Campaign Project Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	7 November 2003	
Previously	E004/08/02, E002/07/02, E015/02/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

Council has joined the ICLEI Water Campaign™ in partnership with the Peel Harvey Catchment Council and other Local Governments of the Peel Region, including the City of Mandurah and the Shires of Murray and Boddington.

The Water Campaign is an international freshwater management campaign that focuses specifically on Local Governments' role in water resource issues. The objective of the Water Campaign is to provide a framework within the Serpentine-Jarrahdale Shire that:

- Improves water use efficiency and practices that effect water quality,
- Creates an holistic, integrated and practical water strategy (Local Action Plan),
- Allows for the integration of existing relevant initiatives already occurring within the Shire and the wider community and catchment.

The framework for the ICLEI Water Campaign™ is based on that developed for the highly successful Cities for Climate Protection Program™ consisting of three modules, Corporate, Community and Catchment. Each module progresses through five milestones:

- Milestone 1: Inventory of water consumption and water quality issues,
- Milestone 2: The setting of consumption reduction and water quality goals,
- Milestone 3: Development of a Local Action Plan (LAP),
- Milestone 4: Implementation of the LAP,
- Milestone 5: Evaluation of the targets and LAP.

The Water Campaign began in January 2003 and the award for Milestone One of the Corporate Module was presented to the Serpentine Jarrahdale Shire at the Oz Water Conference in April. Since this time, Milestone One for the Community module has been finalised. The achievement of Milestone One involved the creation of a water consumption inventory and completion of a water quality checklist, for the Serpentine Jarrahdale Shire's own operations for the Corporate Module and the wider community for the Community Module.

**A summary of the Corporate Inventory is with the attachments marked [E007.1-11-03.doc](#).**

## **Comments**

The setting of the corporate water consumption reduction and quality improvement goal will satisfy the requirements for ICLEI to verify and then award the Serpentine Jarrahdale Shire Corporate Milestone 2 of the Water Campaign. These goals will form the basis of the local action plan to be developed, and rather than being binding, demonstrate the Shire's commitment to responsible resource management and leadership within the community and can be adjusted as the campaign progresses.

The proposed goals are:

### **1. Corporate Consumption Reduction Goal**

To achieve a 15% reduction in water consumption (per capita population of the Shire) based on 1999/2000 consumption data by the year 2010/11 and to ensure no net increase in consumption over the same period.

### **2. Community Consumption Goals**

To achieve a domestic scheme consumption average of 100kL per person per annum within the Shire of Serpentine-Jarrahdale community by 2012. This represents a 22% reduction in per capita, annual consumption based on 2001/2002 consumption data.

To achieve a 14% reduction in non-domestic scheme water use by 2012. Non-domestic use includes all industrial, commercial and agricultural enterprises that consume scheme water.

### **3. Corporate and Community Water Quality Improvement Goal**

To implement actions to improve water quality that achieve a value of 50 points or more for both the Corporate and Community modules of the campaign as determined in accordance with the ICLEI Water Quality Action lists by 2010/11. (i.e. 50 points for the corporate module and 50 points for the community module)/

The consumption reduction goals were determined using a variety of information including:

- The consumption variations already evident over the period of data collection.
- The state-wide consumption reduction target, as outlined in the State Water Strategy.
- The overall scheme consumption reduction achievements during the 2002/03 summer water restrictions and Waterwise campaign.
- Case studies and examples from various water supply schemes throughout Australia

The residential scheme consumption reduction goal proposed is based on the overall consumption target of 155kL per person per annum for the Integrated Water Supply Scheme as stated in the State Water Strategy released by the State Government earlier this year. The gross 155kL per person per annum figure includes domestic, commercial, industrial and agricultural scheme water use of which 100kL per person per annum is considered to be the domestic component.

Unfortunately due to the non homogenous distribution of industry throughout the state, a locally derived target figure for overall scheme consumption for the municipality is not currently available from the Water Corporation. In lieu of a locally specific target, the generic state-wide reduction figure of 14% has been proposed. This figure represents the overall consumption reduction required in the Integrated Water Supply System to achieve the 155kL per person, per annum by 2012 based on current figures. It is also an intention of the Water Campaign that this reduction be achieved through efficiency gains and substitution with recycled water or harvested stormwater rather than simply the substitution high quality scheme water for high quality ground or surface water supplies.

The strategies and actions required to achieve the quality improvement goal will be based on the following priorities that were determined in consultation with the Councillors, Officers, Managers and Community of the Serpentine-Jarrahdale Shire for Milestone 1 of the Water Campaign:

<b>Corporate Module</b>	<b>Community Module</b>
<i>Council consumption reduction initiatives</i>	<i>Community water consumption reduction initiatives.</i>
<i>Land clearing and revegetation</i>	<i>Agricultural use of fertilisers.</i>
<i>Stormwater issues</i>	<i>Ground water: extraction quality and quantity.</i>
<i>Groundwater extraction and quality</i>	<i>Grey water reuse.</i>
<i>Grey water reuse</i>	

The ICLEI Water Quality Action List is a document that describes a series of actions that can be chosen to improve water quality in the environment with a point allocation for each action. Actions need to target the determined priorities and a 50 point minimum is required for the achievement of Milestone 4.

Any strategies or actions implemented that are not included on the list will be assessed by ICLEI and awarded a points value on merit and included for future councils to consider. Special cases can also be made for the upgrading of the number of points allocated based on the water quality outcome and resources involved.

***A copy of current ICLEI Water Quality Action List is with the attachments marked [E007.2-11-03.doc](#).***

The endorsement of the above goals will allow the achievement of Corporate Milestone Two of the ICLEI Water Campaign and will form the basis of the Local Action Plan to be developed for (Corporate) Milestone Three.

The Water Campaign™ goals are flexible goals, rather than a mandatory target, and can be adjusted by the municipality as the implementation of the local action plan progresses.

### **Sustainability Statement**

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

The Water Campaign is specifically designed to achieve environmental and efficiency gains, the corporate module focuses specifically on the Shires activities but community participation and capacity building is always sought and a major component of the community module.

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

The Water Campaign aims to identify types and quantify water consumption within the Shire and at a catchment level. The targets and implementation plan aim to reduce water consumption by setting targets and determining ways of engaging the community to achieve reductions in the use of water resources.

The development of a Local Action Plan and its implementation to achieve the goals developed for this report will minimise water use with the Shire's own activities.

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

The Campaign will be undertaken at a Peel Harvey Catchment level and also assess each local government area individually. All initiatives developed through the Water Campaign Local Action Plan will source solutions and products from local business where possible.

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

The campaign aims to reduce water consumption which reduces costs for water to those who make reductions and may reduce costs on a catchment and greater regional scale associated with water consumption and infrastructure required.

The consumption reduction initiatives to be developed for the Local Action Plan will have associated efficiency gains and in many cases with a short pay back period. One of the intended outcomes from developing a structured action plan to improve water quality is to gain greater access to appropriate funding from various sources for its implementation. Further many of the initiatives developed to improve water quality will involve behavioural change with very little associated cost.

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

The Water Campaign aims to assess water consumption, identify water issues, set targets and implementation plans. These will involve engaging the community in achieving the actions and targets set.

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

The endorsement of the proposed goals will not disadvantage any social groups, the achievement of these goals will provide an increase in the quality of many natural amenities enjoyed by all social groups.

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

Reduction in water consumption creates long term benefits to the community in terms of the environment and economy by reducing the cost associated with water consumption, through reducing the need for expanding infrastructure or delaying the need for water infrastructure through lower water consumption levels.

The implementation of the Local Action Plan to be developed for the achievement of these goals will provide long term benefits to the community and the Shire through more sustainable resource use and reducing the environmental impact of its operations.

**Statutory Environment:**

The initiatives being undertaken by the Shire are of a voluntary nature, demonstrating leadership in water resource management. Several of the initiatives to be developed for the LAP should pre-empt future legislative/regulatory requirements such as the (now in-force) Local Government sprinkler bans and the Water Conservation Plans soon to be required for groundwater allocation licensing through the Water and Rivers Commission (DoE).

**Policy Implications:**

In addition to on ground action it is expected that future policies are likely to result from the goals set for Corporate Milestone 2 and the Local Action Plan developed for Corporate Milestone 3.

**Financial Implications:**

There are no direct financial implications of this specific report to Council.

Following the endorsement of the Local Action Plan developed for Milestone Three, the funding of specific



strategies will need to be considered. It is envisaged that the funds requested will be a combination of existing budgetary expenditure, some new funding requests and the sourcing of grants from external sources.

Importantly, it should also be noted that many Water Campaign initiatives should save significant expenditure on water consumption, sewage charges and related energy costs both immediately and in the longer term.

**Strategic Implications:**

**1 People and Community**

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

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

**2 Environment**

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

Strategies:

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

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

Strategies:

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

**4 Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies

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

*External Strategic Implications:*

The Water Campaign Milestone 2 goals are consistent with the overall goals and objectives of the following strategic documents and studies:

- EPA Environmental Protection (*Peel Inlet-Harvey Estuary*) Policy 1992
- The State Water Strategy
- The State Sustainability Strategy
- Peel Economic Development and Recreation Management Plan (Everall 2002), and;
- *A Strategy for Water Sensitive Design on the Coastal Plain Catchment of the Peel Inlet and Harvey Estuary, currently being developed through the Peel Development Commission as part of the Coastal Catchment Initiative.*

**Community Consultation:**

Community consultation has occurred earlier in the year through the Peel-Harvey Catchment Council Annual Community Forum in regards to the corporate and community priorities. Further community consultation will occur throughout the campaign especially in regards to the Community Module.

Damien Postma has discussed the program and targets with Asset Services, Director Sustainable Development and Operations Team Leader, and have agreed to the 15% corporate target.

The community will be engaged through the community forums with Damien giving presentations on the Water Campaign and the targets.

**Voting Requirements:**

Normal

**CRE007 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Kirkpatrick seconded Cr Scott**

1. Council receives the Officers report, Water Campaign – Milestone 2.
2. Council endorses the following corporate consumption reduction and quality improvement goals:-

**Corporate Consumption Reduction Goal**

To achieve a 15% reduction in the volume of water consumed in the Shires' operations (per capita population of the Shire) based on 1999/2000 consumption data by the year 2010/11 and to ensure no net increase in consumption over the same period.

3. Council endorses the preparation of a local action plan to meet the Corporate Milestone Three requirements of the Water Campaign:-

**Community Consumption Goals**

- a) To achieve a domestic scheme consumption average of 100kL per person per annum within the Shire of Serpentine-Jarrahdale community by 2012. This represents a 22% reduction in per capita, annual consumption based on 2001/2002 consumption data.

- b) **To achieve a 14% reduction in non-domestic scheme water use by 2012. Non-domestic use includes all industrial, commercial and agricultural enterprises that consume scheme water.**

**Corporate and Community Water Quality Improvement Goal**

**To implement actions to improve water quality that achieve a value of 50 points or more for both the Corporate and Community modules of the campaign as determined in accordance with the ICLEI Water Quality Action lists by 2010/11.**  
**CARRIED 8/0**

P039/11/03 PROPOSED LIGHT INDUSTRY (IN PRINCIPLE APPROVAL) – PT LOT 521 AND PT LOT 10 SOUTH WESTERN HIGHWAY, BYFORD (P04659/01)		
Proponent	Taylor Burrell and Barnett	<b>In Brief</b>  To consider a proposal to establish an industrial business incorporating a plastics factory, concrete batching plant and hard stand area for storage of machinery and materials associated with the manufacturing. The applicants are seeking in principle support of the proposal.  It is recommended that Council grant in principle planning approval for the project subject to a formal planning application being lodged and advertised and a textual amendment being made to the Town Planning Scheme.
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	7 November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Bristile Ltd  
 Owner's Address: Locked Bag 100, Midland WA 6956  
 Applicant: Taylor Burrell Barnett (for Wormall Group of Companies)  
 Applicant's Address: PO Box 8186  
 Subiaco East 6008  
 Date of Receipt: 20 October 2003  
 Advertised: Not applicable  
 Submissions: Not applicable  
 Lot Area: 9 hectares  
 L.A Zoning: Special Use  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Conservation – Private Land  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: Near Site 271 (Cardup Brook)  
 Date of Inspection: 4 November 2003

**Background**

The applicants have been investigating sites in the Shire to establish a Light Industry for approximately six months.

The applicants originally identified a site on Kiln Road to the east of the Bristile factory, for the proposed industry. Councillors, staff and the proponents inspected this site as well as Wormalls existing factory in Maddington. Following the site visit to this property, concerns

were expressed regarding the desirability of siting this type of industry on Rural zoned land and possible impacts of the development on the landscape amenity of the escarpment.

### **Comments**

The applicants advise that they have negotiated with Bristile for a land exchange, to allow development on Pt Lot 10 and Pt Lot 521 South Western Highway, Byford. A concept plan has been submitted to Council for in principle approval prior to the applicant proceeding with further negotiations with Bristile. A formal development application will be lodged at a future date.

The concept plan is detailed below:-

*“It is now proposed to develop on Lot 521, the following:*

- *A concrete batching plant to service the current operations of its precast concrete division.*
- *Improvements to its plastics division including a larger factory, larger storage space and the introduction of Roto moulding technology; and*
- *Hard stand area for storage of machinery associated with its manufacturing.*

*Enclosed is a copy of the Concept Plan for your consideration, however there may be refinement at the development phase.*

### **Zoning**

*The subject land is included within the Special Use zone of the Town Planning Scheme No. 2. The following permitted uses are specified for the subject land:*

*“Extraction and storage of Shale and Clay and manufacture, storage and distribution of Masonry related products”*

*Given the nature of uses proposed within the development discussed in more detail below it is considered appropriate to retain the site within the Special Use zone and undertake a Text Amendment to modify the permissible uses to facilitate the development proposed.*

### **Site Description and Surrounding Uses**

*The subject land is located on the eastern side of the South Western Highway between Cardup Siding Road and Kiln Road. Located immediately to the east is the Bristile brickworks manufacturing and extraction. To the south the site on the corner of Kiln Road is also owned by Bristile and zoned Special Use. However this site is currently vacant. It is intended to be developed for the expansion of Bristile’s operations some time in the future. To the north there are two small rural properties each with an individual dwelling and further to the north is the Cardup Brook.*

*In its broader context, the subject land is located immediately to the south of the Byford townsite and future urban area. The future urban area is ultimately intended to accommodate a population in the order of 30,000 people. It is apparent that the development undertaken by Wormall may provide employment opportunities for the region and contribute to the local economy.*

### **Concept Plan**

*The development comprises the construction of the concrete batching plant and factory identified as its operations area for the plastics division. This will be a fully enclosed workshop. To the rear are a hardstand storage area for materials and machinery and a further workshop for the civil component of its operations.*

*The office and associated carparking area will be located at the front of the development on South Western Highway, however setback to Council and Main Roads standards. Overall, it is not considered an intensive use of the site. The ultimate development will be sited on an area of approximately 50% of the total site, an area of approximately 9 hectares.*

*It will be necessary to amalgamate Pt Lot 521 and Pt Lot 10. The rear boundary of the newly created Lot will however be modified to follow the existing fence line to enable some of Bristle's existing infrastructure to be retained within its holding.*

#### *Access*

*Lot 521 currently enjoys access via an existing crossover to South Western Highway centrally within the site. It is intended to relocate this crossover further to the south of Lot 510 to improve accessibility. The crossover, together with a deceleration island will be constructed to Main Roads WA standards. All vehicles will enter and exit the site via the relocated crossover.*

#### *Visibility*

*The Cardup Brook to the north forms both a physical and visual barrier to the residential development proposed on the northern side of the Brook. The Brook is heavily vegetated and this acts as a natural screen to the proposal. There will therefore, be no visual impact on the future residential development. To assist in screening the development, additional buffer planting will be undertaken.*

*The existing dwelling on the site will be utilised as a caretakers dwelling for Wormal's operations.*

*Wormal will consult with Council when selecting colours and materials for construction of the workshop and office to "tie in" with existing Council themes and colour palette.*

#### *Services*

*Existing services include power and telephone. Stormwater drainage and effluent disposal will be accommodated on site. Wormal constructs bio cycles and appropriate drainage devices as part of its operation and are therefore, extremely familiar with the requirement for this type of terrain.*

#### *Environmental Considerations*

*There are not considered to be any significant environmental issues associated with the site. The site is predominately cleared and as such does not contain any significant vegetation. Every endeavour will however, be made to retain the existing trees. The Cardup Brook further to the north is identified in Bush Forever and extends to the northern portion of Pt Lot 10, however, there will be no impact from this development on the Brook or the Bush Forever site.*

*The development is initially likely to operate from 6.00am to 6.00pm six days per week and ultimately the plastics operations may extend 24 hours per day, seven days per week. There is not expected to be significant noise generated by the plastics factory and in fact the highest noise generator is likely to be the truck movement which will comprise six per day, three into and three out of the site.*

*It will be necessary for Wormal to obtain any licences from the Department of Environmental Protection for the proposed activities.*

#### *Summary*

*It is apparent that the development of Pt Lot 521 and Pt Lot 10 is highly suitable in this location given:*

- *The proposed development will be an asset to the local economy with the opportunity to employ 30-40 staff from the surrounding area;*
- *The development proposed is highly compatible with the surrounding land uses;*
- *There is only the need to undertake a minor text amendment to the Shire's scheme to facilitate the development;*
- *Wormall are highly experienced in facilitating environmentally sustainable development, which includes latest technology on site effluent disposal and stormwater management systems that will be employed in the development of the site.*

#### *Timing/Conclusion*

*Given that we have been negotiating with the Shire for some five months to attain support to a suitable development site for Wormall, it is imperative that we now progress with the detailed planning to facilitate the earliest development of the site. We therefore, respectfully request Council's:*

- *In principle support for the development for the land; and*
- *To initiate a textual amendment to the Shire's Town Planning Scheme No. 2 to modify the existing Special Use provisions to facilitate the development proposed. This would be subject to the necessary Scheme Amendment documents being prepared."*

#### Town Planning Scheme 2

The subject land is zoned Special Use in Town Planning Scheme No. 2 (TPS 2). The permitted uses in this zone are:

*"Extraction and storage of Shale and Clay and manufacture, storage and distribution of Masonry and related products."*

A component of the existing operations of Wormall appear to be consistent with the zoning of the land, that being the manufacture, storage and distribution of masonry and related products. A planning application for the use/development of the land can be lodged by the applicant for components of the business that fit within the permissible uses for the land.

A number of other components of the proposed business are not activities that are permissible under the current zoning provisions of this land. This includes the concrete batching plant and light industry (plastics plant). A textual amendment to the Scheme (Appendix 2 Special Use Zones) is required to allow for these uses.

Clause 6.5 of the Scheme allows Council to grant in principle decisions. The Scheme states:

*"The Council's determination on an application for planning consent under the Scheme shall for all intents and purposes be an in principle decision, and shall not in any way be taken as an approval or an authority to commence any development in those cases where:*

- a) *an applicant stipulates that his application for planning consent is made in principle or uses other words indicating that intention and the Council makes a determination thereon; or*
- b) *the Council upon receiving an application for planning consent other than as set out in Clause 6.1.1, makes a decision thereon, but issues its decision otherwise than by the form referred to in Clause 6.4.4.*

*Any decision by the Council made pursuant to Clause 6.5.1 shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development."*

### Site layout

#### **A Zoning Plan and Concept Plan for the site is with the attachments marked P039.1/11/03.**

The existing driveway to the property is proposed to be relocated further south. However, it would be considered at the development approval stage that access should be sought from Kiln Road.

The plan indicates the office building and car parking located at the front of the property, with the operations shed located immediately behind the car park. The exact setback distances of these buildings are not known at this stage. It is considered from a preliminary assessment of the concept plan, that the location of the buildings is too close to the South Western Highway. If this is the case, it is likely to detract from the amenity of the area and in particular the landscape values along the Highway. The location of the buildings can be the subject of further discussions and assessment on-site with the proponents.

A large area behind the operations shed is shown as a hardstand area. This will be used for the storage of products, equipment and commercial vehicles. It will be necessary to ensure that the hardstand area is extensively screened from public view by the use of native trees and shrubs, to ensure that the landscape amenity of the area is maintained.

### Environmental Officer comments

In relation to the concrete batching plant, a code of conduct has been published by the Department of Environment. The following problems are listed:

*“Concrete batching plants have the potential to be a major cause of complaints of dust, especially cement dust, which can become dampened by rain or dew and adhere strongly to glass, paint and metal finishes. The dust generated from the aggregate, sand and road areas causes soiling of fabrics, excessive wear in precision engineering machinery, the spoiling of paint surfaces during the refinishing of automobiles and the varnishing of furniture and numerous other problems in adjacent premises.*

*The uncontrolled run-off of cement slurry from spillages and from the cleaning of agitators into storm water drains can cause severe deterioration of water quality in watercourses and ornamental drainage lakes.*

*Although most concrete batching plants are located in light and general industry areas, often residential areas are not too distant and noise from the plant, especially in the early hours of the morning, can cause unnecessary nuisance to nearby residents.”*

In relation to this advice, dust also causes significant problems if it coats vegetation, and there is a natural watercourse, which passes adjacent to the proposed development site. It is also worth considering the visual impact of storage containers if the containers are built, as far from the residential area as possible, they are likely to be visible from the South Western Highway.

A significant proportion of the issues considered in the DEP code of conduct are related to the environmental health matters of dust and noise. It would be primarily in relation to these concerns that further advice is sought regarding the likely dust and noise impacts prior to advising in principle support. There are concerns regarding cement dust on vegetation and the adjacent watercourse and there needs to be some further reassurance that the levels of dust would not damage these values.

It is recommended that the company be required to provide detailed advice/proof and commitments on how they will control noise and dust, and protect water quality and biodiversity values.

Without this detail, there is a risk in giving in principle support, but it appears that most threats to the natural environment can be managed as long as the company works with Council to develop an EMS with agreed targets and uses an effective environmental management system.

#### Other issues

The proponent will be required to address a number of issues as part of the formal assessment of a scheme amendment and planning application for this site. These issues will include stormwater management, revegetation/ screening/ landscaping of the site, boundary setbacks for buildings, access to the site, management of noise impacts and management of commercial vehicles (cleaning, servicing, fuel storage).

#### Economic benefits

The project has the potential for significant economic benefits to the Shire. This includes benefits for local business and the employment of local residents. A number of employees at the Maddington facility are currently residents of the Shire.

#### Conclusion

The site is considered suitable for a light industrial business. It is located in close proximity to the existing brickworks and land that is zoned for raw material extraction and brickworks related operations.

The proposed development is separated from the future residential development to the north by Cardup Brook. This watercourse contains extensive native vegetation (trees and shrubs), which will provide screening of the development from the future residents to the north.

The factory and hardstand areas are located approximately 300 metres from the nearest lot proposed in the RANAD residential site, north of Cardup Brook. It is unlikely that the operation would impact on the amenity of the future residents in this area, however possible noise and dust impacts will need to be addressed by the proponent during the assessment stage.

It is recommended that Council grant in principle support for the proposed development. The applicant will be required to submit formal documentation requesting Council initiate a textual amendment to the Town Planning Scheme, to facilitate the proposed development.

#### Environment

Comments from the Environment Officer are included in this report.

#### Emergency Management

Emergency management issues will be addressed as part of the rezoning and planning assessment of the proposal.

#### **Sustainability Statement**

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

These issues will need to be addressed at the rezoning and planning assessment stage of the proposal. The applicants have advised that the proposed operations will introduce best management practice in the area of stormwater management onsite.

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



These issues will need to be addressed at the rezoning and planning assessment stage of the proposal.

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

These issues will need to be addressed at the rezoning and planning assessment stage of the proposal.

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

These issues will need to be addressed at the rezoning and planning assessment stage of the proposal.

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

These issues will need to be addressed at the rezoning and planning assessment stage of the proposal.

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

These issues will need to be addressed at the rezoning and planning assessment stage of the proposal.

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

The proposal will have a significant direct economic benefit to the Shire by way of local employment opportunities and indirect economic benefits to businesses in the Shire.

**Statutory Environment:**

Town Planning and Development Act  
Town Planning Scheme No. 2  
Department of Environment Protection

**Policy Implications:**

Rural Strategy  
Local Planning Policy No. 8 – Landscape Protection (LPP No. 8)

**Financial Implications:**

There will not be any direct financial implications for the Shire in the assessment of the development.

**Strategic Implications:**

**3 Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

**Community Consultation:** The proposal will be advertised for public comment as part of the assessment of a planning application and an amendment to the Town Planning Scheme.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

1. Council pursuant to Clause 6.5.1 of Town Planning Scheme No. 2 grants in principle support for the proposed light industrial development as outlined in the submission dated 20 October 2003, for Pt Lot 10 and Pt Lot 521 South Western Highway, Byford.
2. The applicant be advised that Council's in principle support shall:
  - a) not in any way be taken as an approval or an authority to commence any development in this case; and
  - b) not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.
3. The applicant is advised that Council is prepared to consider a textual amendment to Appendix 2 (Special Use Zones) to Town Planning Scheme No. 2 to facilitate the proposal.

**Committee Note:** The Officer Recommended Resolution was changed to add point 4 regarding the exploration of a partnership with the Cleaner Production Unit and/or offset planting for greenhouse emissions.

Cr Star entered the Council meeting at 8.00pm

**CRP039 ORIGINAL MOTION/Committee Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Simpson

1. Council pursuant to Clause 6.5.1 of Town Planning Scheme No. 2 grants in principle support for the proposed light industrial development as outlined in the submission dated 20 October 2003, for Pt Lot 10 and Pt Lot 521 South Western Highway, Byford.
2. The applicant be advised that Council's in principle support shall:
  - a) not in any way be taken as an approval or an authority to commence any development in this case; and
  - b) not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.
3. The applicant is advised that Council is prepared to consider a textual amendment to Appendix 2 (Special Use Zones) to Town Planning Scheme No. 2 to facilitate the proposal.
4. Council explores with the applicant a partnership with the Cleaner Production Unit and/or offset planting for greenhouse emissions.

**AMENDMENT**

Moved Cr Needham seconded Cr Kirkpatrick  
Add a part c) to point 2 of the recommended resolution.

- C) Require further details on the proposed concrete batching plant and its future usage as Council is concerned that the concrete batching plant and its location may affect the local amenity

After debate the presiding person then put the amendment which was  
CARRIED 9/0

The presiding person then put the amended motion

### **COUNCIL DECISION**

1. Council pursuant to Clause 6.5.1 of Town Planning Scheme No. 2 grants in principle support for the proposed light industrial development as outlined in the submission dated 20 October 2003, for Pt Lot 10 and Pt Lot 521 South Western Highway, Byford.
2. The applicant be advised that Council's in principle support shall:
  - a) not in any way be taken as an approval or an authority to commence any development in this case; and
  - b) not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.
  - c) Require further details on the proposed concrete batching plant and its future usage as Council is concerned that the concrete batching plant and its location may affect the local amenity
3. The applicant is advised that Council is prepared to consider a textual amendment to Appendix 2 (Special Use Zones) to Town Planning Scheme No. 2 to facilitate the proposal.
4. Council explores with the applicant a partnership with the Cleaner Production Unit and/or offset planting for greenhouse emissions.

**CARRIED 9/0**

Council Note: The Committee Recommended resolution was amended as Council is concerned that the concrete batching plant and its location may affect the local amenity

P036/11/03 PROPOSED AMENDMENT TO REZONE PT LOT 7 THOMAS ROAD, BYFORD FROM URBAN DEVELOPMENT TO RURAL LIVING A (P04367/01)		
Proponent	Gray & Lewis	<b>In Brief</b>  Council to initiate an amendment to Town Planning Scheme No.2 to rezone the subject land from 'Urban Development' to 'Rural Living A'.
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	31 October 2003	
Previously	P022/09/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner:	P Gangemi
Owner's Address:	Banksia Tourist Village Caravan Park, Hazelmere 6055
Applicant:	Gray & Lewis
Applicant's Address:	Suite 5, 2 Hardey Street, South Perth WA 6151
Date of Receipt:	16 May 2003
Advertised:	Not applicable
Submissions:	Not applicable
Lot Area:	4 ha.
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	Rural Residential
Rural Strategy Policy Area:	Not applicable
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/	
Heritage Precinct:	Not applicable
Bush Forever:	Nil
Date of Inspection:	2 September 2003

## **Background**

Council at its meeting held on 22 September 2003 resolved as follows:

### **“CRP022 COUNCIL DECISION**

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

***That the item P022/09/03 be referred to the Planning Portfolio Group for consideration and consultation with industry representatives as to appropriate stocking and stabling rates applicable to this application.***

***CARRIED 9/1***

*Council Note: The Council was generally happy with the committee recommendations with the exception of the recommended stocking rates. To clarify the stocking rates it was considered appropriate to defer the matter back to the Portfolio Group to consult industry representatives.”*

At the Portfolio Planning Group meeting held on 20 October 2003, Colleen Rankin and Barry Hamilton gave a presentation to Councillors and staff on issues relating to the keeping of horses in the vicinity of the Byford Trotting Complex.

### **Comments**

Details of the proposal were included in P022/09/03 of September’s Planning Development and Environment agenda.

### **Stables**

The rezoning proposal included the following statement:

*“In order to maintain the integrity of the buffer, a maximum of 1 horse per lot is permitted providing horse stables are located adjacent to the bridle path to ensure a 100 metre separation between the stables and any future residence within the R20 area north of the proposed subdivisional road. No commercial stables shall be permitted on the proposed Rural Living ‘A’ lots.”*

The applicant advises that they support the limiting of horses to one or two (non commercial activities) to minimise any potential conflict with the future residential area. If commercial stables are permitted then it may affect the 100 metre buffer area.

### **Draft Byford Structure Plan**

Land on the western, northern and eastern edge of the Byford Trotting complex is identified as Rural Residential in the Structure Plan. The rationale for the Rural Residential lots in the Structure Plan, was to ensure that a buffer was created between the existing rural holdings around the Trotting complex and the future small lots in the residential areas. A notation of the Structure Plan states that equestrian use within the Rural/Residential buffer is limited to one horse per lot.

A separate report is included in this agenda regarding the final adoption of the Byford Structure Plan. It should be noted that if Council supports the keeping of more than one horse on these lots as part of this rezoning application, then the WA Planning Commission (WAPC) will need to be requested to remove the notation on the Structure Plan, that limits one horse on lots in the Rural/Residential buffer.

This notation was placed on the Structure Plan at the written request of the WAPC with a view that the local government would implement it by way of conditions placed on rezonings and development approvals. It is recommended in the Structure Plan report to deal with the removal of the notation, as a separate amendment to the Structure Plan after final adoption

by the WAPC. However, requiring the keeping of more than one horse will delay the final adoption of this amendment because it would be in contravention of the Structure Plan.

The final decision with respect to the number of horses to be kept within the rural residential buffer rests with the WAPC.

### Byford Trotting Complex

The structure plan recognises the importance of the existing trotting complex and ensures that an adequate buffer is maintained to the future residential lots.

The discussions at the Portfolio Planning Group meeting confirmed that the Council, and the community had worked hard over many years to preserve the integrity of the trotting complex area. It was stated by the industry representatives that this subdivision had the potential to impact on the integrity of the trotting complex area in several ways. These views are summarized below:

- a) the potential noise impacts from horses returning late at night from trotting venues and being unloaded in the existing trotting complex area could cause an impact on the amenity of these new residents;
- b) the subdivision overlay that is indicated could attract residents looking at development potential of the land rather than uses that were conducive to the established trotting complex;
- c) that the trotting complex saw the viability of their enterprise being sustained by further trotting people being located in the area; and
- d) it is possible to establish well managed stables on lots having more than one horse without adverse environmental impacts which could be conditioned by appropriate planning approvals.

### Planning Controls

Council can include controls on the use of the land for stables by including provision(s) in the Town Planning Scheme.

It is recommended that the rezoning of the land to Rural Living A allows stables as a discretionary use and that there be no restriction on the maximum number of horses that can be kept.

Landowners will be required to apply for planning approval for the keeping of horses on the land and construction of stables. Each planning application would be assessed on its merits and take into account the following:

1. Preparation of a management plan for the land by the landowner.
2. Use of the land being in accordance with best practice standards and Council's Guidelines for Nutrient Management.
3. Compliance with relevant provisions of the Health Act.
4. Ensuring that no connection is provided between the bridle path and the road.
5. Ensuring a 100 metre buffer is maintained between stables and the future residential lots.

### Conclusion

Officer's originally recommended in P022/09/03 in September 2003 that one horse be permitted in order to be consistent with the Byford Structure Plan, the Council's Guidelines for Planning and Nutrient Management, the prevailing lot size for equestrian use in the area being greater than 4000m<sup>2</sup> as well as the preference of the developer.

It is recommended that the initiation of the rezoning application be supported subject to the following changes:

- a) the number of horses to be kept not be specified. As stables are a discretionary use they would be subject to a planning application which would be assessed on its merits; and
- b) that the subdivision overlay be removed from the subdivision guide plan.

**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 there will not be any significant environmental issues associated with the subject rezoning application.

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

The rezoning proposal does not identify specific measures to 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 amendment, if initiated, will be advertised at the next stage of the amendment process.

*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 proposed rezoning will allow for the creation of approximately ten rural living lots. The proposal has the potential to be economically viable for the subdivider of the land.

**Statutory Environment:**

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

**Policy Implications:**

Not applicable

**Financial Implications:**

Council will need to allocate funds to the ongoing maintenance of the multiple use trail proposed as part of the subdivision guide plan.

**Strategic Implications:**

**1 People and Community**

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

Strategies:

- 1 Provide recreational opportunities.

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

Strategies:

- 2 Develop compatible mixed uses and local employment opportunities in neighbourhoods.
- 5 Protect built and natural heritage for economic and cultural benefits.

## **2 Environment**

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

### Strategies:

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

## **3 Economic**

*Objective 3: Effective management of Shire growth*

### Strategies:

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

### **Community Consultation:**

The community will have the opportunity to comment on the proposal when it is advertised for public comment.

### **Voting Requirements:**

Normal

### **Officer Recommended Resolution**

- A. The applicant be required to insert a section in the Amendment report describing site sustainability principles and how they will be applied to the estate.
- B. The applicant engaging a suitably qualified engineer to certify that the land does not contain any unsuitable landfill and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of Council.
- C. The applicant making the following modifications to the Subdivision Guide Plan:
  1. Nomination of indicative revegetation areas (local species) on subdivision guide plan to scale at the rate of 25% on each proposed lot at 600 stems per hectare and planted prior to clearance of subdivision in accordance with Council's Guidelines for Nutrient Management to the satisfaction of Council's Environmental Officer.
  2. A notation to be included on the subdivision guide plan stating that nomination of revegetation areas is indicative only and a revegetation plan will be required as a condition of subdivision. Revegetation areas shall be in accordance with Council's Guidelines for Nutrient Management and shall occur at the rate of 25% on each proposed lot at a minimum of 600 stems.
  3. Deletion of the proposed horse stable building locations on each lot.
  4. A notation to be shown on the subdivision guide plan stating that the subdivider shall ensure that prospective purchasers of the lots created are advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land, in particular that 'stables' is a use that requires planning approval and may be permitted at the discretion of the Council.
- D. The applicant submitting a copy of the revised subdivision guide plan to scale over a current aerial photograph showing the proposed locations of building envelopes on each lot.
- E. Subject to A, B, C and D above, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town

Planning Scheme No. 2 be amended to rezone Pt Lot 7 Thomas Road, Byford, from Rural to Rural Living A and include the following Special Provisions:

1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council.  
Use classes permitted (P)
  - Single House
  - Public Recreation
  - Public UtilityDiscretionary Uses (AA)
  - Ancillary Accommodation
  - Home Occupation
  - Stables

All other uses are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.

2. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.
3. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated water to all lots within the subdivision.
4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
5. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
6. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
7. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Fire and Emergency Services Authority.
8. Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
9. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those



- trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
10. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.
  11. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.
  12. The Subdivision Guide Plan referred to in Clause 11 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.
  13. Multiple use trail shall be constructed to the satisfaction of the local authority by the subdivider in accordance with the Subdivision Guide Plan.
  14. Direct vehicle access is to be restricted in accordance with the endorsed Subdivision Guide Plan.
  15. Effective buffer between stables on 4 000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be not less than 100 metres (including road reserve) to Urban Development to the north.
  16. The proposed multiple use trail at the rear of 4 000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be retained as a road reserve for access by horse floats to the lots.
  17. The drainage system is to be designed to maximise infiltration of roof and hard surfaces runoff as close to source as possible. Piped networks, where installed, are to be kept as small as practicable and incorporate gross pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into Public Open Space or Multiple Use Corridors.

#### **CRP036 COUNCIL DECISION/Committee Recommended Resolution**

##### **Moved Cr Star seconded Cr Wigg**

- A. The applicant be required to insert a section in the Amendment report describing site sustainability principles and how they will be applied to the estate.**
- B. The applicant engaging a suitably qualified engineer to certify that the land does not contain any unsuitable landfill and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of Council.**
- C. The applicant making the following modifications to the Subdivision Guide Plan:**
  - 1. Nomination of indicative revegetation areas (local species) on subdivision guide plan to scale at the rate of 25% on each proposed lot at 600 stems per hectare and planted prior to clearance of subdivision in accordance with Council's Guidelines for Nutrient Management to the satisfaction of Council's Environmental Officer.**
  - 2. A notation to be included on the subdivision guide plan stating that nomination of revegetation areas is indicative only and a revegetation plan will be required as a condition of subdivision. Revegetation areas shall be in accordance with Council's Guidelines for Nutrient Management and shall occur at the rate of 25% on each proposed lot at a minimum of 600 stems.**
  - 3. Deletion of the proposed horse stable building locations on each lot.**

4. A notation to be shown on the subdivision guide plan stating that the subdivider shall ensure that prospective purchasers of the lots created are advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land, in particular that 'stables' is a use that requires planning approval and may be permitted at the discretion of the Council.

D. The applicant submitting a copy of the revised subdivision guide plan to scale over a current aerial photograph showing the proposed locations of building envelopes on each lot.

E. Subject to A, B, C and D above, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended to rezone Pt Lot 7 Thomas Road, Byford, from Rural to Rural Living A and include the following Special Provisions:

1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council.

Use classes permitted (P)

Single House

Public Recreation

Public Utility

Discretionary Uses (AA)

Ancillary Accommodation

Home Occupation

Stables

All other uses are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.

2. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.

3. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated water to all lots within the subdivision.

4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.

5. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.

6. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where

- necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
7. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Fire and Emergency Services Authority.
  8. Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
  9. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
  10. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.
  11. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.
  12. The Subdivision Guide Plan referred to in Clause 11 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.
  13. Multiple use trail shall be constructed to the satisfaction of the local authority by the subdivider in accordance with the Subdivision Guide Plan.
  14. Direct vehicle access is to be restricted in accordance with the endorsed Subdivision Guide Plan.
  15. Effective buffer between stables on 4 000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be not less than 100 metres (including road reserve) to the southern boundaries of the Urban Development to the north.
  16. The proposed multiple use trail at the rear of 4 000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be retained as a road reserve for access by horse floats to the lots.
  17. The drainage system is to be designed to maximise infiltration of roof and hard surfaces runoff as close to source as possible. Piped networks, where installed, are to be kept as small as practicable and incorporate gross pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into Public Open Space or Multiple Use Corridors.

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was changed to amend provision 15 to include 'to the southern boundaries' to clarify the extent of the buffer required.

P041/11/03 26 LOT SUBDIVISION OF PORTION OF LOT 82 THOMAS ROAD CORNER TONKIN HIGHWAY RESERVE, BYFORD (S122982)		
Proponent	Gray & Lewis on behalf of Thomas Road Developments	<b>In Brief</b> Report on subdivision application for north west portion of Lot 82 Thomas Road, Byford for purpose of providing a recommendation to WAPC on the application. 26 lots ranging in size from 2052 sqm to 4000 sqm.
Officer	Meredith Kenny – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	4 November 2003	
Previously	Nil	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 4 November 2003  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 78 hectares  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential R2.5-R5 with R20 future subdivision overlay  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: 10 October 2003

### **Background**

This land is within the Byford Structure Plan Area and directly abuts the future Tonkin Highway reservation including the Tonkin Highway/Thomas Road future interchange. A proposed multiple use corridor is located on the southern edge of the subdivision area and runs along the alignment of the Oaklands Drain.

The land has been used for grazing purposes for many decades with very few trees existing except for some significant stands along the alignment of the Oaklands Drain.

### **Comments**

#### **Subdivision Details**

The subdivision includes 26 lots ranging in size from 2052 square metres to just over 4000 square metres, consistent with the R2.5/R5 density code designated under the Draft Byford Structure Plan. Note 4 on the Draft Byford Structure Plan requires the subdivision be designed to enable future re-subdivision of the land at a higher density (ie R20) with any application being accompanied by an overlay showing the future subdivision pattern. This application only includes those lots which will abut the northern and western boundaries of the site. Large lots without a higher density overlay, have been depicted for amenity reasons given the proximity to the future Tonkin Highway (including the Thomas Road/Tonkin Highway ramped interchange) and Thomas Road. The number of vehicles per day on the portion of Thomas Road abutting the site will vastly increase from 2006 when the construction of Tonkin Highway to Thomas Road is completed. It is likely to be sometime before the Tonkin Highway extension south of Thomas Road occurs. By this time a considerable amount of residential development is likely to have occurred within the Byford

Structure Plan Area such that the amount of traffic using Thomas Road is unlikely to decrease significantly (except perhaps with regard to large haulage vehicles).

Accordingly, it is considered that it is entirely appropriate in the interests of orderly and proper planning and the establishment of an appropriate level of amenity for future residents of this subdivision to the R2.5-R5 density abutting these regional roads and not support more dense development.

#### Detailed Area Plan

Both Local Planning Policy No. 2 (LPP2), Subdivision within the Byford Structure Plan Area, and Local Planning Policy No. 12 (LPP12), Requirements for Detailed Area Plans, apply to this development. LPP2 and LPP12 state that it is the policy of the Council not to support approval of any subdivision within the Byford Structure Plan Area prior to the preparation of a Detailed Area Plan for the whole precinct within which the subdivision is located.

The applicant has chosen to apply for subdivision approval prior to a detailed area plan being prepared for the north western precinct of the structure plan area. Whilst the importance of a detailed area plan is not disputed it is considered that there are several factors in support of a detailed area plan being required as a condition of subdivision approval for the subject land. These factors are as follows:

1. The demand for “Lifestyle” lots, such as those contained in this subdivision, in close proximity to the services provided by the Byford townsite area is currently outstripping demand. Examples include the brand new Redgum Brook estate off Malarkey Road, just south of the subject land, where all 13 lots in the subdivision sold within two weeks of coming onto the market. Another example is the “Claire Morris” estate on Eleventh Road, north-east of the subject land) where there are waiting lists of prospective buyers awaiting the release of each stage onto the market.

If there is not a continual supply of land to meet the demand then prices may become artificially inflated and, as a result, put the prospect of purchasing land in the area out of the reach of many buyers. The situation would not be conducive to economic or social sustainability in the area.

2. Subdivision of the Redgum Brook estate (also part of the original parent lot that the subject land is within) was permitted without a detailed area plan. It is considered that many of the same reasons for support of that subdivision prior to preparation of a detailed area plan also apply to this land.
3. The precinct boundaries within the Byford Structure Plan have not been finalised and may be modified prior to finalisation of the scheme amendment introducing them into the Scheme.
4. The subject land is isolated within a triangle created by Thomas Road to the north, Tonkin Highway reservation to the west and the Oaklands Drain Multiple Use Corridor to the south. This geography will mean that in terms of infrastructure and character the triangle of land will easily function as a precinct in its own right.

It is recommended that the requirement for a Detailed Area Plan (DAP) for the triangle of land bounded by Thomas Road, Tonkin Highway reservation and the Oaklands Drain Multiple Use Corridor be imposed as a condition of this subdivision instead. The developers will need to prepare the DAP to the satisfaction of the Council prior to the Council issuing clearance for the subdivision. In this way any changes necessary to subdivision design as a result of DAP (ie multi-use trails, location of POS etc.) will still be able to be addressed prior to the developer receiving final approval.

A DAP for this land should address the following criteria:

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Stormwater Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc);
  - street trees
- e) building envelopes;
- f) distribution of land uses within a lot;
- g) private open space including provisions relating to solar passive landscaping;
- h) services;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that the applicant wants to put forward for Council consideration.

As many of the lots are not oriented east-west it is important that any provisions relating to building design require the orientation/design of dwellings to be such that the main indoor and outdoor living areas face north. There are a multitude of project housing designs on the market today, which will enable this requirement to be easily achieved without landowners having to rely on costly architect-designed dwellings. Design criteria for dwellings within the subdivision should also include a requirement for a minimum width for eaves. This will prevent the development of eave-less 'Tuscan' style housing which is not appropriate in the hot, dry climate of the Swan Coastal Plain nor the character of Byford.

The building design criteria contained in the DAP can be controlled via the imposition of a restrictive covenant on the titles of the lots.

### Building Envelopes

Building envelopes should be required for all 26 lots for the purpose of maintaining the greatest possible separation from Thomas Road and the future Tonkin Highway and set aside the area of land between the rear of the building envelopes and the rear of each lot for dense revegetation to provide both a visual and noise buffer for residences to these roads.

### Sustainability Statement

#### Environmental

Pros: Dispersed built structures permit greater use of landscaping and larger private green areas (backyards); design criteria for buildings can be imposed to address energy efficient and solar passive objectives;

Cons: Large ecological footprint from extent of development, high resource consumption to develop and sustain city (eg land, water energy), high vehicle use creating high level of emissions and pollution

### Economic

Pros: Vehicle congestion is generally lower with low density development, larger lot sizes provide for less expensive extensions and additions to private homes (rather than building a second story);

Cons: High cost of infrastructure provision, high cost of travel.

### Social

Provides for diversity of lot sizes within Byford Structure Plan Area thereby enabling more balanced, less homogenous population; more open space, larger private living areas.

### **Statutory Environment:**

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

### **Policy Implications:**

Draft Byford Structure Plan – complies with intent and objectives of Draft Byford Structure Plan.

LPP2 – Subdivision within the Byford Structure Plan Area.

LPP4 – Revegetation

LPP6 – Water Sensitive Design

LPP9 – Multiple Use Trails Within the Shire

LPP12 – Requirements for Detailed Area Plans

### **Financial Implications:**

Expenditure: Future maintenance of POS (developer is required to maintain POS for the first two years); Future maintenance of drainage and road infrastructure; street lighting power costs.

Income: Rates income from 26 new properties.

### **Strategic Implications:**

This proposal relates to Objectives 1 (1) and 1 (4) of Key Result Area – Environment in Council's Strategic Plan, which are:

*“Increase awareness of the value of environmental requirements toward sustainability”.*

*“Promote water efficient practices”*

This proposal relates to Objective 1 (4) of Key Result Area – Governance in Council's Strategic Plan, which is:

*“Develop protocols for local planning to ensure consideration of sustainable outcomes”.*

### **Community Consultation:**

Not required.

### **Voting Requirements:**

Normal

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## **Officer Recommended Resolution**

The Western Australian Planning Commission be advised that the Council supports the approval of the subdivision of portion of Lot 82 Thomas Road, Byford subject to the following conditions being imposed:

### DETAILED AREA PLAN

#### 1. Detailed Area Plan Required

The developer preparing a Detailed Area Plan for the land bounded by Tonkin Highway reservation to the west, Thomas Road to the north and the Oaklands Drain to the south, such plan is to address the following matters:

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc);
  - street trees.
- e) Revegetation of 25% of the area of each lot with particular emphasis to be placed on the landscape buffer areas at the rear of the lots;
- f) building envelopes;
- g) distribution of land uses within a lot;
- h) private open space including provisions relating to solar passive landscaping;
- i) services;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that the applicant wants to put forward for Council consideration.

#### 2. Restrictive Covenant (Design Guidelines for Dwellings)

A restrictive covenant to be placed on the Certificates of Title of all lots advising of the requirement to comply with the elements of the Detailed Area Plan relating to Dwelling design, construction and orientation to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. The restrictive covenant to state as follows:

*"The design, construction and orientation of any dwelling constructed on this land shall be consistent with the criteria for such contained in the Detailed Area Plan for the area containing this land".*

### ROADS

#### 3. Constructed Road



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.

4. Truncation

Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.

5. Widening (Road)

Thomas Road being widened by 15 metres along the frontage of the land the subject of this application by the subdivider transferring the land required to the Crown free of cost for revesting in Her Majesty as of Her former Estate for the purpose of road widening to the satisfaction of the Western Australian Planning Commission

6. Intersection Design

*The intersections depicted on the attached plan dated 3 November 2003 and marked P041.1/11/03* being designed and constructed to the satisfaction of the Western Australian Planning Commission.

7. Developer Contributions

The subdivider making a proportional contribution to the Local Government for the provision of arterial roads, public open space and associated facilities (including administrative costs) to service the Byford Structure Plan Area to the satisfaction of the Western Australian Planning Commission.

8. Multiple Use Trail (Agreement/Plan)

The applicant executing an agreement with the Local Government for the construction of multiple use trails/cycleways (and ancillary facilities such as bridges, underpasses, overpasses, median crossings, etc) to the satisfaction of the Western Australian Planning Commission.

9. PAW (Restrict Road Access)

Provision of a 0.1 metre wide pedestrian access-way between the rear of the lots and the Thomas Road and Tonkin Highway reservations except where subdivisional roads intersect Thomas Road in order to restrict vehicular through traffic to the satisfaction of the Western Australian Planning Commission.

10. Restrictive Covenant Restricted Access

A restrictive covenant to be placed on the Certificates of Title of lots 1 to 26 advising of restrictions on road access, in accordance with section 129BA of the Transfer of Land Act 1893 to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. The restrictive covenant to state as follows:

*"All vehicular access to and from this lot must be obtained at all times from the new subdivisional road depicted on the plan. Vehicular access and egress is not permitted from Thomas Road or the Tonkin Highway reservation at any time."*

PUBLIC OPEN SPACE

11. Public Open Space

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 to the satisfaction of the Western Australian Planning Commission.

12. Reserve for Recreation

At least ten percent of the gross subdivisible area, in a position to be agreed between the subdivider and the Local Government, 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 to the satisfaction of the Western Australian Planning Commission.

13. POS/Drainage

Combined Public Open Space and drainage reserves may be provided where the area of such reserves is in excess of 10% of the gross area of the subdivision and their location and provision is to be agreed between the subdivider and the Local Government are to be vested in the Crown under Section 20A of the Town Planning and Development Act (as amended) and ceded free of cost to the Crown and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.

## VEGETATION

14. Vegetation Clearance

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.

15. Landscape Plan for Public Open Space

The Local Government for approval prior to any site works for the Public Open Space to the satisfaction of the Western Australian Planning Commission.

16. Maintenance (two years)

The subdivider shall be responsible for the maintenance of developed public open space for a period of two years or two summer seasons from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.

17. Vegetation Management Plan

The subdivider shall prepare a vegetation management plan for the subdivision to the satisfaction of the local authority. The vegetation management plan shall:

- (a) include vegetation management on private land and reserves.
- (b) include the following:
  - i) weed management and rehabilitation;
  - ii) the protection of existing mature trees and remnant vegetation and the planting of new locally native trees and shrubs;
  - iii) The management plan shall identify dead trees on the property to be removed by the subdivider.
- (c) The subdivider lodging a bond or bank guarantee with the Local Authority to ensure the survival of remnant vegetation and revegetation after subdivisional works within two years after subdivision clearance to the satisfaction of the Local Authority.

## DRAINAGE AND FILLING

18. Connection

The land being connected to the comprehensive district drainage system depicted in the Byford Urban Stormwater Management Strategy (2003) at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

19. Adequate Outlet System

The land being provided with an adequate outlet drainage system in accordance with the Byford Urban Stormwater Management Strategy at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

20. Stabilised

The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

21. Fill/Drainage

The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

22. Easement

Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.

23. Water Sensitive Drainage Features

Any required water sensitive drainage features being designed, constructed and landscaped in accordance with water sensitive urban design principles to maximise detention time, and minimise the discharge of nutrients, in accordance with the Byford Urban Stormwater Management Strategy to the satisfaction of the Western Australian Planning Commission.

24. Monitoring

The subdivider to fund the ongoing monitoring and maintenance of any required water sensitive drainage features, to be determined by, and upon the terms and conditions acceptable to, the Western Australian Planning Commission.

25. Bore (Location)

The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.

26. Bore (Retained)

Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.

27. Bore (Filled)

Where a well or bore is located within the subdividable area, the applicant shall either:-

- (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR
- (b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.

28. Locate and Decommission Effluent Disposal System

The location of any on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.

29. Geotechnical Certification

Land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.

30. Fill Compaction

The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.

31. Drainage Infrastructure

Arrangements being made to the satisfaction of the Western Australian Planning Commission for a pro-rata contribution for the land required for drainage purposes and other drainage headworks/infrastructure as identified in the Byford Urban Stormwater Management Strategy (2003).

32. Drainage Management Plan

Arrangements being made to the satisfaction of the local government for the preparation of an on-going Drainage Management Plan for the long term monitoring and maintenance of the water sensitive drainage features. The Drainage Management Plan to be prepared at the cost of the subdivider in accordance with the Byford Urban Stormwater Management Strategy and to the satisfaction of the Western Australian Planning Commission.

## SERVICES

33. Street Lighting

Street lighting being provided within all new subdivisional roads to the satisfaction of the Western Australian Planning Commission. All lighting to be standard Western Power fixtures. Any decorative fixtures are to be specifically approved by Council.

34. Fire Management

The subdivider undertaking measures to provide for bush fire control, including strategic fire breaks, alternative fire breaks, access and gates, fire hydrants, dam and water courses, or to the specifications of the Fire and Emergency Services Authority and Local Government to the satisfaction of the Western Australian Planning Commission.

35. Bush Fire Management Plan

Fire and Emergency Services Authority and the Local Government for the ongoing protection of the subdivision to the satisfaction of the Western Australian Planning Commission.

36. Padmounts

The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.

37. Uniform Fencing

Uniform fencing to be provided along the rear boundaries of all the proposed lots abutting Thomas Road and the Tonkin Highway road reservation and to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission. Uniform fencing to consist of open style post and rail or post and three strand wire fencing only.

38. Building Envelopes

Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building and peg envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.

## DESIGN AND CONSTRUCTION

39. Plans and specifications (Infrastructure and Services)

Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site

works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.

40. Plans and specifications (Landscaping and Revegetation)

Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.

41. Air Quality Management

The carrying on of the subdivision must not cause a dust nuisance to neighbours during construction. The subdivider is required to submit an Air Quality Management Plan in accordance with the Local Government's Guidelines for the Preparation of Dust Management Plans. This Plan is to be approved by the Local Government's Environmental Health Services prior to the commencement of earthworks and complied with for the duration of the construction works.

42. Site Features

Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.

43. Flora and Fauna Survey

Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan to the Local Government identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna to the satisfaction of the Western Australian Planning Commission.

44. Compliance

The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.

45. Site Works (Time)

No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission

46. Advisory Sign

The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining the proposed future development of the land in accordance with the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development.

## LEGAL

47. Memorials (Hazard)

Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

*"The subdivider making satisfactory arrangements with the Western Australian Planning Commission to ensure that prospective purchasers of the lots created backing onto the adjoining primary regional road/ other regional road reserves will be advised of the potential for noise and amenity impacts associated with the future development of the reservations for regional transport facilities."*

48. Use / Management / Advice to Purchasers

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 relate to the use and management of the land.

#### ADVICE TO APPLICANT

##### A1. Bushfire Document (Advice to Purchasers)

The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.

##### A2. Approval

The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.

##### A3. Obligations

The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.

##### A4. Dust Control Guidelines

The applicant is advised that the Department of Environment, Water and Catchment Protection has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.

##### A5. Clearing of Land

Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.

##### A6. POS requirements

The Local Government and the applicant are advised that unless otherwise agreed to by the Western Australian Planning Commission, the first Diagram or Plan of Survey (Deposited Plan) lodged for the Western Australian Planning Commission's endorsement shall include the Public Open Space required by Condition 12 of this approval, identified as a Reserve for Recreation, and shall include the creation of other lots within the subdivision to ensure that the Public Open Space land is properly vested under Section 20A on transfer of those lots.

##### A7. Use and management of the land

The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.

##### A8. Fill / Drain Condition

The applicant is advised to liaise with the Local Government regarding the detailed requirements of Condition 21, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas in accordance with the Byford Urban Stormwater Management Strategy.

##### A9. No Burning of Vegetation

The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.

#### ADVICE TO WESTERN AUSTRALIAN PLANNING COMMISSION

A10. The Western Australian Planning Commission is reminded of the need to consult where appropriate with relevant authorities and apply conditions relating to the following matters:

- Padmount sites - Western Power
- Underground Power - Western Power
- Reticulated Fire Hydrants - Fire and Rescue Services of WA
- Reticulated Water - Water Corporation
- Reticulated Sewer - Water Corporation
- Aboriginal Sites - Dept of Aboriginal Affairs
- Regional Road Reservations - Main Roads WA

Accepting that the above list is not finite.

#### **CRP041 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Hoyer seconded Cr Star**

**That the Western Australian Planning Commission be advised that the Council supports the approval of the subdivision of portion of Lot 82 Thomas Road, Byford subject to the following conditions being imposed:**

#### **DETAILED AREA PLAN**

##### **1. Detailed Area Plan Required**

**The developer preparing a Detailed Area Plan for the land bounded by Tonkin Highway reservation to the west, Thomas Road to the north and the Oaklands Drain to the south, such plan is to address the following matters:**

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc);
  - street trees.
- e) Revegetation of 25% of the area of each lot with particular emphasis to be placed on the landscape buffer areas at the rear of the lots;
- f) building envelopes;
- g) distribution of land uses within a lot;
- h) private open space including provisions relating to solar passive landscaping;
- i) services;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;

- solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill:
- o) any other sustainability initiatives that the applicant wants to put forward for Council consideration.

## **2. Restrictive Covenant (Design Guidelines for Dwellings)**

A restrictive covenant to be placed on the Certificates of Title of all lots advising of the requirement to comply with the elements of the Detailed Area Plan relating to Dwelling design, construction and orientation to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. The restrictive covenant to state as follows:

*"The design, construction and orientation of any dwelling constructed on this land shall be consistent with the criteria for such contained in the Detailed Area Plan for the area containing this land".*

## **ROADS**

### **3. Constructed Road**

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.

### **4. Truncation**

Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.

### **5. Widening (Road)**

Thomas Road being widened by 15 metres along the frontage of the land the subject of this application by the subdivider transferring the land required to the Crown free of cost for revesting in Her Majesty as of Her former Estate for the purpose of road widening to the satisfaction of the Western Australian Planning Commission

### **6. Intersection Design**

*The intersections depicted on the attached plan dated 3 November 2003 and marked P041.1/11/03* being designed and constructed to the satisfaction of the Western Australian Planning Commission.

### **7. Developer Contributions**

The subdivider making a proportional contribution to the Local Government for the provision of arterial roads, public open space and associated facilities (including administrative costs) to service the Byford Structure Plan Area to the satisfaction of the Western Australian Planning Commission.

### **8. Multiple Use Trail (Agreement/Plan)**

The applicant executing an agreement with the Local Government for the construction of multiple use trails/cycleways (and ancillary facilities such as bridges, underpasses, overpasses, median crossings, etc) to the satisfaction of the Western Australian Planning Commission.



**9. PAW (Restrict Road Access)**

Provision of a 0.1 metre wide pedestrian access-way between the rear of the lots and the Thomas Road and Tonkin Highway reservations except where subdivisional roads intersect Thomas Road in order to restrict vehicular through traffic to the satisfaction of the Western Australian Planning Commission.

**10. Restrictive Covenant Restricted Access**

A restrictive covenant to be placed on the Certificates of Title of lots 1 to 26 advising of restrictions on road access, in accordance with section 129BA of the Transfer of Land Act 1893 to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. The restrictive covenant to state as follows:

*"All vehicular access to and from this lot must be obtained at all times from the new subdivisional road depicted on the plan. Vehicular access and egress is not permitted from Thomas Road or the Tonkin Highway reservation at any time."*

**PUBLIC OPEN SPACE**

**11. Public Open Space**

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 to the satisfaction of the Western Australian Planning Commission.

**12. Reserve for Recreation**

At least ten percent of the gross subdivisible area, in a position to be agreed between the subdivider and the Local Government, 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 to the satisfaction of the Western Australian Planning Commission.

**13. POS/Drainage**

Combined Public Open Space and drainage reserves may be provided where the area of such reserves is in excess of 10% of the gross area of the subdivision and their location and provision is to be agreed between the subdivider and the Local Government are to be vested in the Crown under Section 20A of the Town Planning and Development Act (as amended) and ceded free of cost to the Crown and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.

**VEGETATION**

**14. Vegetation Clearance**

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.

**15. Landscape Plan for Public Open Space**

A landscape plan be submitted to the Local Government for approval prior to any site works for the Public Open Space to the satisfaction of the Western Australian Planning Commission.

**16. Maintenance (two years)**

The subdivider shall be responsible for the maintenance of developed public open space for a period of two years or two summer seasons from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.

#### **17. Vegetation Management Plan**

The subdivider shall prepare a vegetation management plan for the subdivision to the satisfaction of the local authority. The vegetation management plan shall:

- (a) include vegetation management on private land and reserves.
- (b) include the following:
  - i) weed management and rehabilitation;
  - ii) the protection of existing mature trees and remnant vegetation and the planting of new locally native trees and shrubs;
  - iii) The management plan shall identify dead trees on the property to be removed by the subdivider.
- (c) The subdivider lodging a bond or bank guarantee with the Local Authority to ensure the survival of remnant vegetation and revegetation after subdivisional works within two years after subdivision clearance to the satisfaction of the Local Authority.

#### **DRAINAGE AND FILLING**

##### **18. Connection**

The land being connected to the comprehensive district drainage system depicted in the Byford Urban Stormwater Management Strategy (2003) at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

##### **19. Adequate Outlet System**

The land being provided with an adequate outlet drainage system in accordance with the Byford Urban Stormwater Management Strategy at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

##### **20. Stabilised**

The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

##### **21. Fill/Drainage**

The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

##### **22. Easement**

Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.

##### **23. Water Sensitive Drainage Features**

Any required water sensitive drainage features being designed, constructed and landscaped in accordance with water sensitive urban design principles to maximise detention time, and minimise the discharge of nutrients, in accordance with the Byford Urban Stormwater Management Strategy to the satisfaction of the Western Australian Planning Commission. The ephemeral nature of the waterways is to be respected.

##### **24. Monitoring**

The subdivider to fund the ongoing monitoring and maintenance of any required water sensitive drainage features, to be determined by, and upon the terms and conditions acceptable to, the Western Australian Planning Commission.

##### **25. Bore (Location)**

The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.

**26. Bore (Retained)**

Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.

**27. Bore (Filled)**

Where a well or bore is located within the subdividable area, the applicant shall either:-

- (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR
- (b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.

**28. Locate and Decommission Effluent Disposal System**

The location of any on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.

**29. Geotechnical Certification**

The applicant is to provide geotechnical certification that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.

**30. Fill Compaction**

The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.

**31. Drainage Infrastructure**

Arrangements being made to the satisfaction of the Western Australian Planning Commission for a pro-rata contribution for the land required for drainage purposes and other drainage headworks / infrastructure as identified in the Byford Urban Stormwater Management Strategy (2003).

**32. Drainage Management Plan**

Arrangements being made to the satisfaction of the local government for the preparation of an on-going Drainage Management Plan for the long term monitoring and maintenance of the water sensitive drainage features. The Drainage Management Plan to be prepared at the cost of the subdivider in accordance with the Byford Urban Stormwater Management Strategy and to the satisfaction of the Western Australian Planning Commission.

**SERVICES**

**33. Street Lighting**

Street lighting being provided within all new subdivisional roads to the satisfaction of the Western Australian Planning Commission. All lighting to be standard Western Power fixtures. Any decorative fixtures are to be specifically approved by Council.

**34. Fire Management**

The subdivider undertaking measures to provide for bush fire control, including strategic fire breaks, alternative fire breaks, access and gates, fire hydrants, dam and

water courses, or to the specifications of the Fire and Emergency Services Authority and Local Government to the satisfaction of the Western Australian Planning Commission.

**35. Bush Fire Management Plan**

The applicant to submit a Fire Management Plan to the Fire and Emergency Services Authority and the Local Government for the ongoing protection of the subdivision to the satisfaction of the Western Australian Planning Commission.

**36. Padmounts**

The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.

**37. Uniform Fencing**

Uniform fencing to be provided along the rear boundaries of all the proposed lots abutting Thomas Road and the Tonkin Highway road reservation and to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission. Uniform fencing to consist of open style post and rail or post and three strand wire fencing only.

**38. Building Envelopes**

Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building and peg envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.

**DESIGN AND CONSTRUCTION**

**39. Plans and specifications (Infrastructure and Services)**

Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.

**40. Plans and specifications (Landscaping and Revegetation)**

Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.

**41. Air Quality Management**

The carrying on of the subdivision must not cause a dust nuisance to neighbours during construction. The subdivider is required to submit an Air Quality Management Plan in accordance with the Local Government's Guidelines for the Preparation of Dust Management Plans. This Plan is to be approved by the Local Government's Environmental Health Services prior to the commencement of earthworks and complied with for the duration of the construction works.

**42. Site Features**

Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.

**43. Flora and Fauna Survey**

**Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan to the Local Government identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna to the satisfaction of the Western Australian Planning Commission.**

**44. Compliance**

**The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.**

**45. Site Works (Time)**

**No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission**

**46. Advisory Sign**

**The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining the proposed future development of the land in accordance with the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development.**

**LEGAL**

**47. Memorials (Hazard)**

**Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:**

***"The subdivider making satisfactory arrangements with the Western Australian Planning Commission to ensure that prospective purchasers of the lots created backing onto the adjoining primary regional road/ other regional road reserves will be advised of the potential for noise and amenity impacts associated with the future development of the reservations for regional transport facilities."***

**48. Use / Management / Advice to Purchasers**

**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 relate to the use and management of the land.**

**49. Entry Statements**

**No permanent entry statements are to be erected.**

**ADVICE TO APPLICANT**

**A1. Bushfire Document (Advice to Purchasers)**

**The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.**

**A2. Approval**

**The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.**

**A3. Obligations**

The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.

**A4. Dust Control Guidelines**

The applicant is advised that the Department of Environment, Water and Catchment Protection has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.

**A5. Clearing of Land**

Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.

**A6. POS requirements**

The Local Government and the applicant are advised that unless otherwise agreed to by the Western Australian Planning Commission, the first Diagram or Plan of Survey (Deposited Plan) lodged for the Western Australian Planning Commission's endorsement shall include the Public Open Space required by Condition 12 of this approval, identified as a Reserve for Recreation, and shall include the creation of other lots within the subdivision to ensure that the Public Open Space land is properly vested under Section 20A on transfer of those lots.

**A7. Use and management of the land**

The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.

**A8. Fill / Drain Condition**

The applicant is advised to liaise with the Local Government regarding the detailed requirements of Condition 21, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas in accordance with the Byford Urban Stormwater Management Strategy.

**A9. No Burning of Vegetation**

The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.

**ADVICE TO WESTERN AUSTRALIAN PLANNING COMMISSION**

**A10. The Western Australian Planning Commission is reminded of the need to consult where appropriate with relevant authorities and apply conditions relating to the following matters:**

**Padmount sites - Western Power**

**Underground Power - Western Power**

**Reticulated Fire Hydrants - Fire and Rescue Services of WA**

**Reticulated Water - Water Corporation**

**Reticulated Sewer - Water Corporation  
Aboriginal Sites - Dept of Aboriginal Affairs  
Regional Road Reservations - Main Roads WA**

**Accepting that the above list is not finite.  
CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was changed to clarify the requirements for conditions 15, 23, 29 and 35 as well as adding condition 49 requiring no entry statements to be erected.

P038/11/03 PROPOSED EXTENSION TO EXISTING LIGHT INDUSTRY USE (EXTENSION TO LIGHT INDUSTRY AREA) – LOT 394 JARRAH ROAD, HOPELANDS (P01790/01)		
Proponent	Michael Cornhill	<b>In Brief</b> That Council refuse an application dated 28 May 2003 for a Light Industry Use (Extension to Light Industry Area) on Lot 394 Jarrah Road, Hopelands.
Officer	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	7 November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: M Cornhill  
 Owner's Address: PO Box 386, Rockingham WA 6168  
 Applicant: M Cornhill  
 Applicant's Address: PO Box 386, Rockingham WA 6168  
 Date of Receipt: 28 May 2003  
 Advertised: Application has been referred to surrounding landowners for comment.  
 Submissions: One letter of 'no objection' and one letter of 'objection' were received.  
 Lot Area: 46.3214 ha.  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural Policy Area  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/Heritage Precinct: Not applicable  
 Bush Forever: 'Other Native Vegetation'  
 Date of Inspection: 2 September 2003 & 6 October 2003

**Background**

February 2002

Council granted retrospective planning approval for a 'Light Industry' use on the subject property on the 21 February 2002.

October 2002

Council granted retrospective planning approval for a third dwelling on the property, as a caretakers dwelling on 2 October 2002. The caretakers residence is to be used in conjunction with the light industrial use on the property.

Condition 3 of the development approval states the following:

*“Preparation and execution of a legal agreement with Council for the undertaking to register on the Certificate of Title for the subject lot that the caretakers’ dwelling shall be restricted to workers and/or members of the occupier of the main dwelling on the land for the existing light industrial use”.*

The legal agreement has been signed and a caveat lodged on the title.

### **Comments**

An application has been received to extend the boundary of the approved light industrial area on the subject lot, to incorporate an existing caretakers dwelling. The proposal will increase the boundary of the currently approved light industrial area from 3.18 hectares to 3.84 hectares.

**A copy of the plan is with the attachments marked [P038.1-11-03.tif](#).**

The following information is provided with respect to the application:

*“Enclosed please find a drawing which amends the boundaries of the Light Industrial Area Ex Peel Estate Lot 394 so that the caretakers house is included within the land approved for light industrial. The area has been pegged on site and can be easily inspected.*

*It simply makes commonsense to include the caretakers house within the land it is proposed to be legally restricted to.”*

As part of the applicant’s original retrospective development application seeking approval for the existing light industrial use, the following comments were made:

*“Mr Cornhill is willing [to] have conditions relating to a limit on the size of the land used by the light industry as shown on the attached sketch defining the operation to 3.2ha as defined on that sketch. Mr Cornhill is also prepared to carry out planting of trees along defined borders and also to fence the area if required.”*

There are no planning implications in the caretakers dwelling being located outside the fenced light industrial portion of the property.

### **Scheme Requirements**

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

Under Council’s Town Planning Scheme No.2, ‘Light Industry’ is defined as follows:

*“means an industry:*

- i) in which the processes carried on, the machinery used, and the foods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- ii) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.”*

The proposed extension to the area of the approved industrial use fits within the above definition for ‘Light Industry’. A ‘Light Industry’ is an ‘SA’ use within the ‘Rural’ zone, which



means that Council may, at its discretion, permit the use after the application has been referred to surrounding landowners for comment.

### Rural Strategy

The subject property is located within the Rural Policy Area of the Shire's Rural Strategy. Industry (Heavy, Light, Noxious) are listed as undesirable land uses within the Rural Policy Area.

### Non-compliance with previous approval

The applicant has fenced the original approved industrial area, however the applicant has not undertaken any revegetation on-site as per the conditions of planning approval. The non-compliance with the planning conditions will be investigated by the Manager Planning and Regulatory Services and followed up with the landowner.

### Community Consultation

The proposed development was referred to surrounding landowners for comment from 19 May 2003 until 5 June 2003. One letter of 'no objection'; and one letter of 'objection' were received, as outlined below:

<b>Submission</b>	<b>Comments</b>
<b><u>Objection</u></b>  (1) The current use of the land is unsightly in that there is industrial machinery scattered throughout a portion of the site. (2) No attempt has been made to screen the industrial use with vegetation in order to reduce the visual impact. (3) It is believed that the interests of this entire area are best served by no further extension to the industrial use.	Concerns are noted. It is acknowledged that the applicant has not complied with Condition 12 of the planning approval dated 21 February 2002, which requires the planting of vegetation for screening purposes. The planting was required to be carried out by the 31 <sup>st</sup> August 2002. This compliance issue will be investigated and followed up as a separate issue.
<b><u>No Objection, concerns raised</u></b>  Concerns raised regarding the current state of Jarrah Road. Concern that trucks used in association with the industrial use will degrade the road further, which may eventually prevent direct access to the landowners property.	The current approval for the light industrial use does not contain a condition requiring the portion of Jarrah Road to be maintained or upgraded by the applicant. The maintenance of this road is Council's responsibility.

### Environment

The expansion of the industrial area within a rural zoned area could potentially have an impact on the rural amenity of the area.

### Emergency Management

It is considered that there will not be any emergency management implications as a result of this application.

### Sustainability Statement

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

The land is currently untidy and has industrial machinery spread over a large area of the site. The previous approval required the applicant to plant revegetation for screening purposes. The applicant has not planted revegetation as required by the condition and as such the use has an impact on the visual amenity of the locality. It is considered that the applicant has not taken any particular measures to enhance the environment.

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

It is considered that the application does not propose any specific measures to minimise resource use compared to traditional approaches.

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

The industrial use is an existing local business run by a local family. The business services farmers and businesses in the local area.

*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 for comment.

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

It is considered that the proposal will not have a direct impact on social groups.

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

The existing industrial use is a locally owned and run business. At the time of the original development application to Council, the existing business employed approximately 16 persons and at times, up to 30 persons.

**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:**

**3 Economic**  
*Objective 1: A vibrant local community*  
Strategies:  
1 Attract and facilitate appropriate industries, commercial activities and employment.  
*Objective 2: Well developed and maintained infrastructure to support economic growth*  
Strategies:  
2 Consider specific sites appropriate for industry /commercial development.

*Objective 3: Effective management of Shire growth*

Strategies:

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

**4 Governance**

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

Strategies

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

**Community Consultation:**

Application has been referred to surrounding landowners for comment. One letter of 'no objection' and one letter of 'objection' were received.

**Voting Requirements:**

Normal

**CRP038 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Kirkpatrick seconded Cr Murphy**

**A. Council refuses an application dated 28 May 2003 for a proposed extension to the area of the existing 'Light Industry' use on Lot 394 Jarrah Road, Hopelands for the following reason:**

1. The light industrial use can be adequately contained within the existing approval area of 3.2 hectares.

**B. The landowner is required to submit a timeline for the completion of all outstanding conditions of planning approval relating to the Light Industrial Use to the satisfaction of the Manager Planning and Regulatory Services prior to 30 December 2003 or Council will commence legal action.**

**CARRIED 9/0**

P040/11/03 FINAL ADOPTION OF THE BYFORD STRUCTURE PLAN (A0769-07)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  The purpose of this report is to report on the submissions received during the re-advertising of the structure plan and to facilitate the final adoption of the structure plan.
Officer	Meredith Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	3 November 2003	
Previously	SM034/01/03, SM012/09/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

At its meeting of 22<sup>nd</sup> January 2001 Council adopted the proposed Byford Structure Plan for referral to the WA Planning Commission (WAPC) for final approval.

On 18<sup>th</sup> July 2001 Council was advised that the WAPC had, subject to a number of changes, adopted the proposed Byford Structure Plan as a "draft".

***A copy of the WA Planning Commissions approval of 18 July 2001 of the Draft Byford Structure Plan is with the attachments marked [P040.1-11-03.tif](#).***

The most significant criteria for finalisation of the Draft Byford Structure Plan were consideration by Council and the Commission “of matters arising from finalisation of the Byford Urban Water Management Strategy”.

In terms of completing the Byford Structure Plan, the significant alterations arising as a consequence of the finalisation of the Byford Urban Water Management Strategy meant that limited re-advertising (21 days) of the modified draft structure plan was necessary. When the proposed structure plan was first advertised it was for 42 days at the direction of the Planning Commission, though in consultation with Council.

#### Results of readvertising of the modified Byford Structure Plan

Following completion of the modifications to the Byford Structure Plan, required as a result of the finalisation of the Byford Urban Water Management Strategy and the requirements of the (WAPC), the structure plan was readvertised for a period of 21 days. The submission period ended on 29 September 2003. The advertising consisted of the following:

- Letters containing a coloured A4 copy of the structure plan were sent to 152 landowners whose land was affected by the modifications to the structure plan;
- A notice was included in the Shire’s advertorial page on the back of the Examiner newspaper;
- Notices were displayed at both the Mundijong and Byford offices; and
- The structure plan report and maps were displayed on the Shire’s website.

A Planning Services staff member was located at the Byford office three days per week during the advertising period to provide advice to interested members of the public.

Seven submissions were received during the submission period from the following persons/organisations:

1. Gray and Lewis planning consultants on behalf of Thomas Road Developments Ltd – owners of Lot 82 corner Thomas and Hopkinson Roads, Byford;
2. Taylor Burrell Barnett planning consultants on behalf of Futuris Corporation – multiple landholdings within structure plan area;
3. Dykstra and Associates planning consultants on behalf of Mr Stephen White of Universal Property Pty Ltd – owners of Lot 53 Larsen Road and Lot 60 Briggs Road, Byford;
4. Mr E Perkins – owner of Lot 128 South Western Highway, Byford;
5. K & M Collings – owners of 97 Turner Road, Byford;
6. D Smirk – owner of Lot 58 Briggs Road, Byford; and
7. I & C Walton – owners of 57 Briggs Road, Byford.

***A Map identifying the land the subject of the above submissions is with the attachments marked [P040.2-11-03.tif](#).***

***A Schedule of Submissions and the actual submissions is with the attachments marked [P040.3-11-03.doc](#).***

#### Recommended Modifications to the Byford Structure Plan

##### Issues Requiring Further Investigation

The following issues have been identified as requiring further investigation before consideration should be given to amending the structure plan:

- Removal of Note 4. from the structure plan relating to the requirement for an R20 overlay for any subdivision of Lot 82 on the corner of Hopkinson and Thomas Roads.
- Reduction of residential densities between Cardup Brook and Orton Road from R20 to R2.5-R5;

- Removal of Note 2 from the structure plan relating to the restriction on the number and location of horses within the Rural Residential buffer off Malarkey Road north of the Byford Trotting Complex area. This issue has come under consideration during the assessment of Amendment 134 (refer report in this agenda) to TPS 2 (the rezoning proposal for this land).

The level of further investigation required with regard to the above issues is such that to consider them now could lead to substantial delays in achieving finalisation of the structure plan. These matters will be addressed at a future date as a modification to the final adopted Byford Structure Plan.

### Plan Modifications

#### *Rail Crossing*

As recommended by Taylor Burrell Barnett planning consultants in their submission the structure plan should be modified to clearly identify the Cardup Siding Road rail crossing.

#### *Lot 101 Beenyup Road*

This property is located on the corner of South Western Highway. The owner of the property has had verbal discussions with Council officers with regard to the structure plan being modified to designate the whole of this lot as commercial (Town Centre). Currently, under the structure plan the lot is partially designated as Town Centre and partially as medium density residential (R30-R60). Under Town Planning Scheme No. 2 the majority of this lot is currently zoned commercial with a narrow strip abutting South Western Highway being unzoned due to previous reductions in the width of the South Western Highway Road reservation. Given this existing predominantly commercial zoning and the fact that zonings in the Scheme prevail where they are inconsistent with the structure plan, it would be appropriate to modify the structure plan to the Town Centre designation.

### Implementation of the Byford Structure Plan

In order to facilitate the implementation of the Byford Structure Plan the following further work/projects are required to be completed:

- East Byford Detailed Area Plan (in progress; completion expected in August 2004);
- Completion of Amendment 113 – will define the Planning Precincts/Development Contribution Areas within the structure plan area;
- Development Contribution Plans for each of the precincts within the structure plan area;
- Amendment to scheme to implement the cost-sharing arrangements determined by the Development Contribution Plans; and
- The preparation of Local Planning Policies to guide development within the structure plan area.

#### (East) Byford Detailed Area Plan

The preparation of the Detailed Area Plan for the eastern portion of Byford existing residential area and existing and expanded town centre area is currently being progressed by Statewest Surveying. This project is expected to be completed by August 2004. The project will also include development of a methodology for the calculation of cost sharing for developers within this precinct. Until the detailed area plan is completed subdivision within this precinct should not be permitted to occur as it may constrain or compromise the objectives developed.

An update on the progress of the Detailed Area Plan will be presented to Council in December.

### Completion of Amendment 113 – Planning Precincts within structure plan area

Amendment 113 to Town Planning Scheme No. 2 was initiated on 31 July 2000. This amendment will define the planning precincts/development contribution areas within the Byford Structure Plan area. The precincts will define the individual areas requiring detailed area plans and development contribution plans. Final adoption of the scheme amendment was deferred pending the finalisation of the Byford urban water management strategy as the planning precincts should reflect the water management precincts identified in the water management strategy. This does not mean that there need be as many planning precincts as there are water management precincts. There are opportunities for some planning precincts to contain more than one water management precinct due to the single ownership of land within multiple water management precincts or where the owners of adjoining parcels of land have retained a single planning consultant. However, the efficiency of the planning precincts will be dependent on each water management precinct not being within more than one planning precinct.

Now that the Byford Urban Stormwater Management Strategy has been completed the extent of the various planning precincts may be finally determined.

The Byford Structure Plan report recommends that Amendment 113 also be modified to include provisions in the Scheme relating to a requirement for land developers to comply with the Byford Urban Stormwater Management Strategy in the preparation of detailed area plans.

#### Development Contribution Plans/Cost Sharing Calculations

In addition to the statutory and policy framework to guide development, there is a significant amount of work involved in managing cost contribution arrangements including annual review of scheme/development costs to ensure currency and audit/reporting requirements. Development costs across the whole Structure Plan Area will be significant. These costs will be recovered from developers. If Council calculates the costs incorrectly it may need to fund any short fall. Due to the complexity of Development Contribution plans, it is considered that a consultant(s) will need to be engaged to prepare and administer the development contribution plans for the Byford Structure Plan Area. Clause 5.19 of Town Planning Scheme No. 2 details the requirements for Development Contribution Plans as set out below:

#### ***“5.19.2 Content and Principles of Development Contribution Plans***

##### ***5.19.2.1 The Development Contribution Plan is to specify:***

- (a) the Development Contribution Area to which the Development Contribution Plan applies;***
- (b) the Infrastructure to be funded through the Development Contribution Plan; and***
- (c) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan.***

##### ***5.19.2.2 (a) A Development Contribution Plan is to specify the period during which it is to operate, but in any event, is not to operate for more than 5 years.***

- (b) The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.***

##### ***5.19.2.3 The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles:***

- (a) *it is to provide for Cost Contributions to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;*
- (b) *it is to provide for Cost Contributions generally in accordance with the Commission's policies on developer contributions for Infrastructure;*
- (c) *matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;*
- (d) *the Cost Contribution is to be based upon the proportion that the area or value of that Owner's land bears to the total area or value of land within the Development Contribution Area;*
- (e) *the Cost Contribution is to take into account the highest and best uses attainable for the Owner's land; and*
- (f) *the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government."*

Scheme Amendment to insert provision relating to Cost Sharing Arrangements (Developer Contributions)

Once the Development Contribution Plans have been completed a Scheme amendment will need to be initiated to provide a statutory basis for the implementation of these plans.

Local Planning Policies Required

The Byford Structure Plan recommends that Council prepare and adopt the following series of local planning policies to ensure that the "vision for the Byford Structure Plan eventuates to 'on the ground' development:

Small lot subdivision design including:

- Access/laneways
- Orientation

Town Centre design and development guidelines including:

- Facades and materials
- Entrances
- Roof lines
- Colour
- Signage
- Access and parking
- Landscaping

Neighbourhood Centre design and development guidelines including:

- Preferred landuses
- Design issues as for Town Centre

Preferred landscaping treatment

- Landscape master plan
- Living streams/multiple use corridors

#### Solar access guidelines

- Orientation
- Materials
- Landscaping

#### Infill Development – Byford Townsite

- Public Open Space cash in lieu
- Road upgrading
- Streetscape
- Lot orientation and access

Some of the above issues/policies will be addressed as part of the detailed area planning currently being carried out for the eastern portion of Byford and the existing and expanded town centre. Accordingly, preparation and completion of the policies should be delayed until the Byford East Detailed Area Plan project is nearing completion.

#### **Sustainability Statement**

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

The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:

- (a) Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity;
- (b) Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment;
- (c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience;
- (d) Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities;
- (e) Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities;
- (f) Establishment of multiple use corridors for drainage, nutrient control and recreational purposes, in association with the development of communities based on the principles of water sensitive urban design;
- (g) Optimisation of convenience in respect of rail, road, cycleway and other transportation means, to and within the communities;

The above components will be facilitated by means of:

- (a) Establishment of Structure Plans to ensure that development takes place in conformity with those Plans;
- (b) Establishment of a mechanism to coordinate the provision of infrastructure for subdivision and development to and within the communities;
- (c) Establishment of an equitable method for the distribution, between owners within the area, of the costs of nominated infrastructure components required for subdivision and development of the areas into communities; and
- (d) Provision of administrative procedures to ensure the expedient and successful execution of the above matters.

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



The Byford Structure Plan is based on the Liveable Neighbourhoods Community Code and has been adapted for local circumstances. Liveable Neighbourhoods is essentially a New Urbanist approach to urban development. Many commentators describe New Urbanism as reflecting only moderate sustainability. This is because New Urbanism does not address issues fundamental to the sustainability of cities such as transport demand management (and other behavioural issues) and nor does it address minimisation of materials and energy usage. The Byford Structure Plan does, however, represent an improvement in urban sustainability compared to traditional suburban development. In particular, the plan is closely inter-related to the Council prepared Byford Urban Stormwater Management Strategy which addresses sustainable water management practices.

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

This issue is not discussed in planning work to date. Given that many of the resource inputs to urban development are what are described as basic raw materials, and being materials which have a low value but relatively high transport cost component, it would be anticipated that many such material inputs will be sourced from as close to the Structure Plan area as possible.

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

The external costs of land development include such things as road accident costs, air pollution, noise pollution and travelling time costs. The indirect costs of land development include such things as emergency services, general municipal services and social services such as health and education. There is relatively strong evidence that development in inner and middle areas of a city generates lower external and indirect costs than development in outer areas. This is largely a result of higher population densities, availability of existing infrastructure and the contiguous nature of development. The *Future Perth* project makes the following comments about the cost subsidisation of urban development:

*“Most Australian cities exist within a strong development culture which presses for expansion of urban areas on a subsidized basis. This practice does not allow for the internalisation of environmental and social costs into property prices and values and, accordingly, these costs must be borne by the community.”*

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

Urban development at Byford is still in the planning stage. There has been significant community consultation through the 1994 Green Towns Study and preparation of the Draft Byford Structure Plan itself. To a lesser extent opportunity for community consultation was also provided when Amendment No. 69 to Town Planning Scheme No. 2 was prepared and prior to this when alterations to the Metropolitan Region Scheme were put in place in 1996 for the Byford and Mundijong urban cells. Going forward, the community of Byford will be given the opportunity to participate in the preparation of a Detailed Area Plan for the existing Byford town site. For the proposed greenfield's components of the Byford Structure Plan, enabling full participation in its implementation is more problematic because the future community of Byford (west of the highway) hasn't yet made the decision to live in the area.

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

Planning for Byford as represented by work carried out to date does not inherently disadvantage any social group.

Two of the stated purposes of the Urban Development zone are to allow for:

- Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment
- Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities

These requirements inherently provide opportunities for minority groups not necessarily provided within the existing town of Byford. Given that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, it is anticipated that detailed area plans and a suite of Council policies that necessarily accompany urban development will impact on this issue.

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

Two of the stated purposes of the Urban Development zone are to allow for:

- Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience; and
- Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities.

The Byford Structure Plan addresses these issues in accordance with current policy and practice. It is not anticipated that a substantial reduction in journeys to work outside the Shire will result from implementation of the Byford Structure Plan. However, full implementation of the structure plan relies on provision of electric rail to Byford. This will result in a modal shift away from private motor vehicles. Thereby increasing the sustainability of Byford.

**Statutory Environment:**

Town Planning and Development Act 1928 (as amended)  
Town Planning Scheme No. 2  
Draft Byford Structure Plan

**Policy Implications:**

Draft Byford Structure Plan  
Byford Urban Water Management Strategy Working Papers  
(East) Byford Detailed Area Plan

**Financial Implications:**

Final modifications to Byford Structure Plan (the plan itself), following final adoption by the Council, including printing costs from TPP525.

The preparation of a Detailed Area Plan for the existing Byford townsite is budgeted for the 2003/2004 financial year. An amount of \$55,000 is included within TPP525 (project in progress – completion expected August 2004).

Preparation of a brief for finalisation of Amendment 113, preparation of Development Contribution Plans and the associated scheme amendment to be funded from TPP502 planning consultancy.

Council will need to consider mechanisms for funding the works associated with the brief as this was not considered as part of the 2003/2004 budget.

It is anticipated the scope of works in the brief will cost approximately \$30 000. Council will need to establish a recoverable debt account to recoup these funds from future developers/ments. This debt may take some time (years) to fully recover. Further financial

implications will be reviewed at the three quarter budget review.

**Strategic Implications:**

The specific issue of provision of subdivision within Byford relates to strategy 1.2 of Key Result Area People and Community in Council's Strategic Plan which is:

*“Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency.”*

**Community Consultation:**

In accordance with Council's Community Consultation Framework and statutory requirements.

**Voting Requirements:**

Normal

**CRP040 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Star seconded Cr Hoyer**

1. The Byford Structure Plan be adopted for final approval subject to the following modifications:
  - a) identification of the Cardup Siding Road rail crossing on the structure plan; and;
  - b) the landuse designation of Lot 101 Beenyup Road being changed to Town Centre.
2. The modified Byford Structure Plan be forwarded to the Western Australian Planning Commission with a request for their final endorsement of the modified documents.
3. All persons who made a submission on the Byford Structure Plan be advised in writing of Council's decision in this regard and the details of the consideration of their submission.
4. Council identifies the following issues to be addressed as amendments to the Byford Structure Plan once approval has been gained from the Western Australian Planning Commission:-
  - a) Removal of Note 4 from the Structure Plan relating to the requirement for an R20 overlay for any subdivision of Lot 82 on the corner of Hopkinson and Thomas Roads.
  - b) Reduction of residential densities between Cardup Brook and Orton Road from R20 to R2.5-R5.
  - c) Removal of Note 2 from the Structure Plan relating to the restriction in the number and location of horses within the Rural Residential buffer off Malarkey Road north of the Byford Trotting Complex area.
5. Council endorses the engagement of consultants to prepare a brief for the:-
  - a) finalisation of Amendment No. 113 which is to be altered to include:
    - i) provisions relating to the requirement for land developers to comply with the Byford Urban Stormwater Management Strategy with the preparation of detailed area plans
    - ii) resolution of planning precincts with the water management precincts identified in the Byford Stormwater Management Strategy
  - b) the preparation and administration of development contribution plans for the Byford Structure Plan Area
  - c) A scheme amendment to provide the statutory basis for the implementation of the development contribution plans

with funds for the brief to be sourced from the TPP502 planning consultancy budget.

6. Council supports the engagement of consultants to complete the works outlined in point 5 above. Subject to the establishment of a recoverable debt account which will be formalised at the three quarter year budget review.

**CARRIED 9/0**

P043/11/03 TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 119 (A0949)		
Proponent	Shire of Serpentine – Jarrahdale	<b>In Brief</b>  To consider the advertising of Amendment No. 119 in the Mundijong townsite. Land north of Mandejal Brook proposed to be rezoned from Rural to Urban Development has been excluded from the amendment.
Officer	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	13 November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Various landowners  
 Owner's Address: Not applicable  
 Applicant: Shire of Serpentine – Jarrahdale  
 Applicant's Address: Not applicable  
 Date of Receipt: Not applicable  
 Advertised: Advertising is required to be undertaken  
 Submissions: Not applicable  
 Lot Area: Not applicable  
 L.A Zoning: Special Rural & Rural  
 MRS Zoning: Urban Deferred  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: MRS/Structure Plan Urban and future Urban Areas  
 Rural Strategy Overlay: MRS/Structure Plan Urban and future Urban Areas  
 Municipal Inventory: Not applicable  
 Townscape/Heritage Precinct: Not applicable  
 Bush Forever: Sites 350, 354, 360 and 361  
 Date of Inspection: Not applicable

### **Background**

#### **Amendment No. 69**

In 1999, Council initiated an amendment to Town Planning Scheme No. 2 (TPS 2) to:

1. Introduce an Urban Development zone;
2. Rezone land in the Byford and Mundijong areas; and
3. Introduce provisions relating to the preparation and adoption of a structure plan and equitable sharing of infrastructure costs.

The Western Australian Planning Commission (WAPC) advised Council in April 2000 that the former Minister for Planning had determined not to approve Amendment 69 until a number of modifications were effected. The most significant modification required was for the removal of most of the land in the Mundijong townsite between the South Western Highway, railway line and generally north of Watkins Road and Evelyn Street, from the Urban Development zone.

Amendment 69 was gazetted on 16 June 2000.

### Amendment 119

In February 2001, Council initiated an amendment to TPS 2 to rezone those parts of the Mundijong urban cell excluded from the Urban Development zone in Amendment No. 69. The decision to initiate the amendment to TPS 2 was based on:

1. Council's long standing opposition to mineral sand mining in the Mundijong urban cell; and;
2. The need to bring the town planning scheme into line with the Metropolitan Region Scheme (MRS) where the land is zoned Urban Deferred.

The Environmental Protection Authority (EPA) determined that the level of assessment for the amendment was as a Scheme not assessed but advice given.

The WAPC in May 2003 has advised that the Hon Minister for Planning and Infrastructure has granted consent for the amendment to be advertised for public comment subject to the following modification:

*"The area proposed as Urban Development which lies north of Manjedal Brook being deleted from the proposal."*

**A copy of the original amendment boundaries and the modifications required by the WAPC are shown on attachments [P043.1-11-03.tif](#).**

### Comments

The area of land north of Manjedal Brook that was proposed to be included in the Urban Development zone will remain zoned Rural in TPS 2. This land is zoned Urban Deferred in the MRS.

The amendment was initiated to bring TPS 2 into line with the MRS. However, the decision to exclude part of the land from the Urban Development zone means Council's Scheme has not been brought into line with the MRS.

The land south of Manjedal Brook (between Keirnan Street, South Western Highway, railway line and Watkins Street) is currently zoned Rural, Public Open Space and Regional Reserve – Parks and Recreation. This land will be rezoned and included in the Urban Development zone.

### Environment

The amendment introduces a development zone for the area, which establishes processes for the development of a detailed structure plan for the area. The EPA has advised that it is more appropriate for the assessment of environmental issues associated with the development within the amendment area to be deferred to the structure planning and subdivision stages. The EPA recommends that the Shire work with the Department of Environment (DEP) in preparing the structure plan for the area to ensure that the key environmental issues are adequately addressed.

The comments provided by the EPA relate to the original amendment area. As the land north of Mandejal Brook is now not included as part of this amendment, the proposal will be forwarded to the DEP for comments on the proposal relating to land south of Manjedal Brook only.

### Emergency Management

There are no specific emergency management issues relating to the proposal at the present time.

### **Sustainability Statement**

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

The preparation of a structure plan and detailed area plans for this area will address issues relating to the protection of remnant vegetation and stormwater management.

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

The preparation of a structure plan and detailed area plans for this area will be required to address issues such as passive solar design, water reuse and urban and stormwater management. Remnant vegetation will be required to be protected within the future subdivision plans for the area.

*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?*

Transport costs in this area will be higher due to the distance to major employment areas. There will be a high degree of car dependence in the area. Bus services in the area are minimal.

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

The future plans for this area will address best practice principles in urban planning, sustainable development and minimising the use of energy and resources.

*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 development will have a significant impact on the Mundijong townsite by way of additional population, growth for local businesses and employment opportunities.

### **Statutory Environment:**

Town Planning and Development Act.  
Town Planning Regulations.  
Environmental Protection Act.  
Town Planning Scheme No. 2.

### **Policy Implications:**

Consistent with Council's previous opposition to mineral sands mining east of Mundijong.

### **Financial Implications:**

Advertising cost within Budget.

### **Strategic Implications:**

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

#### **Strategies:**

- 2 Develop compatible mixed uses and local employment opportunities in neighbourhoods.
- 3 Design and develop clustered neighbourhoods in order to minimise car dependency.

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

## **2 Environment**

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

### Strategies:

- 1 Increase awareness of the value of environmental requirements towards sustainability.
- 3 Encourage protection and rehabilitation of natural resources.
- 4 Reduce water consumption.
- 5 Reduce green house gas emissions.
- 6 Value, protect and develop biodiversity.

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

### Strategies:

- 1 Implement known best practice sustainable natural resource management.

## **3 Economic**

*Objective 1: A vibrant local community*

### Strategies:

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

*Objective 3: Effective management of Shire growth*

### Strategies:

- 1 Enhance economic futures for Shire communities.

**Community Consultation:** The amendment will be advertised for public comment.

**Voting Requirements:** Normal

## **CRP043 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Star seconded Cr Wigg**

1. The information from the WA Planning Commission be received.
2. The amendment documents and zoning maps for Amendment No. 119 be modified to exclude the land north of Manjedal Brook from the Urban Development zone.
3. Subject to 2 above, Amendment No. 119 be advertised for public comment.
4. The South East District Planning Committee of the WAPC be requested to rezone land in the Metropolitan Region Scheme in the area bounded by South Western Highway, the railway line, Watkins Road, Evelyn Street, Robertson Road and Manjedal Brook, Mundijong from Urban Deferred to Urban.
5. The WA Planning Commission be advised that by complying with their directive to restrict Amendment 119 to the area south of Manjedal Brook the Shire is unable to bring its Town Planning Scheme into conformity with the Metropolitan Regional Scheme and the WA Planning Commission be requested to consider this anomaly and approve forthwith the progression to Urban Development zoning the land designated as Urban Deferred in the MRS north of the Manjedal Brook.

**CARRIED 9/0**

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

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

**10. URGENT BUSINESS:**

**COUNCIL DECISION**

**Moved Cr Richards second Cr Hoyer**

**That Council consider item AS034/11/03 as an item of new business of an urgent nature.**

**CARRIED 9/0**

AS034/11/03 TENDER C04/2003-04: DESIGN AND CONSTRUCTION OF THE SERPENTINE JARRAHDAL COMMUNITY RECREATION CENTRE (A0900-03)		
Proponent	Director Asset Services	In Brief  <i>Council is requested to not award Tender C04/2003-04 and to recall tenders for the Design and Construction of the Serpentine Jarrahdale Community Recreation Centre</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	21 November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

Tenders were advertised statewide for the design and construction of the Serpentine Jarrahdale Community Recreation Centre on Saturday 4 October 2003. A closing date of 31 October 2003 was nominated in the tender document however, following requests from a number of potential tenderers, the closing date was extended to 3:00pm on Friday 14 November 2003. During this period sixteen (16) tender documents were issued.

The tender documentation provided detail of design considerations, general conditions of contract, details of required outcomes of Council (ie incorporation of resource and waste minimization features into the Centre) and the limit of funding for these works being a maximum of \$3.8 million (excluding GST).

A total of six (6) tenders were received by the closing time. One (1) late tender was submitted at 3:22pm, however this submission was not accepted and returned to the tenderer unopened. The tenders received were as follows:

TENDERER	PRICE
Devaugh Construction Pty Ltd	\$4,900,000
Devaugh Construction Pty Ltd (Alternate Design)	\$4,900,000
Duwal Pty Ltd	\$5,116,292
Merym Constructions	\$4,465,120
Perkins Builders	\$4,677,000
Perkins Builders (Alternate Tender)	\$3,796,000

The only tender submitted which did not exceed the nominated maximum funding for the project was the alternate tender from Perkins Builders, which did not comply with the specification. This tender remained within the nominated price but only through the deletion of components such as high level spectator seating, multi purpose room 2, car park lighting, stage and dance floor, landscaping, eaves and the reduction of car parking bays. The modifications were reviewed and deemed to not be advantageous to Council as these items would be required in the future, at a potentially higher construction cost, hence it is not recommended that this concept be pursued.

Officers examined the tender submissions and have determined that some items could be



deleted or modified without adversely effecting the adopted "footprint" of the centre and thus making the project achievable within the funding available. Legal advice was sought on how best to negotiate these variations however, as they are major variations, it was recommended that negotiations not be undertaken and the tender be recalled with a modified specification.

Whilst technically it would have been feasible to amend the Specification without necessarily impacting on the key elements of the Centre under the provisions of the Local Government (Functions and General) Regulations 1996, Council may only negotiate with a preferred tenderer on what is termed a "minor variation". Council's legal advice was to the effect that the tender from Perkins Builders could not be accepted (even if Council were minded to do so), as its quotation was substantially more than a minor variation. Additionally, if Council were to accept such a tender it could lead to complaints from other tenderers that they were not given the same opportunity.

It should be recognised that the preparation of tender submissions for this type of project is costly and the decision to recall tenders should not be taken lightly. In this regard however, the budget allowance for the project was nominated and tenderers acknowledged that their submitted prices were in excess of the budget.

### **Comments**

It is understood by officers that the low number of tenders submitted may be partially due to the limited budget, but also due to the current high level of building activity currently being experienced in Perth.

From the tenders submitted it is apparent that the completion of the project by 30 June 2004 would not have been achievable, with a more likely date of completion being October/November 2004.

It is recommended that the tender be recalled with the specification and scope of work modified sufficiently to allow the project to be undertaken within the budget allowance. It is also recommended that tenderers be invited to submit an alternate price based on the tenderer nominating the commencement and completion dates of the project. This approach may be attractive as it will allow construction contractors, currently committed to other projects, to ensure continuity of work by securing this project for when current work commitments cease.

### **Sustainability Statement**

The recommendation to recall tenders for the Serpentine Jarrahdale Community Recreation Centre is based on achieving the best facility available within funding constraints and meeting the needs of the community.

### **Statutory Environment:**

Local Government Act 1995 (function and general)  
Regulations 1996

Legal advice has been sought from Councils Solicitors regarding the possibility of negotiating with tenderers to achieve the project within cost limitations. The Act allows the award of a tender and negotiations on price prior to entering into a contract. This may only occur when the local government wishes to make a minor variation in the goods or services required.

The legal advice received is that the variations required to achieve the project within the nominated budget are not able to be considered as minor. It is recommended that no tender be accepted and tenders are recalled with

a modified specification and scope of work.

**Policy Implications:**

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

**Financial Implications:**

The decision to recall tenders will require minor additional administrative expenditure in the preparation and advertising of tenders, however this may allow Council to achieve the desired project outcomes within the budget limitations.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

1. Provide recreational opportunities.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Nil

**Voting Requirements:**

Normal

**CRAS034 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Richards seconded Cr Hoyer

1. That Tender C04/2003-04 for the design and construction of the Serpentine Jarrahdale Community Recreation Centre not be awarded.
2. That tenders for the design and construction of the Serpentine Jarrahdale Community Recreation Centre be recalled with a modified specification and scope of works as described in this item.

CARRIED 9/0

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

**12. CLOSURE:**

There being no further business the meeting closed at 8.21pm.

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

#### 13.1 Corporate Services

C032/11/03 INVESTMENT POLICY (A1048)		<b>In Brief</b>  To review clause 11 (b) of the investment policy to provide clarification of the investment means for Reserve funds in banks within the meaning of the Banking Act 1959.
Proponent	Director Corporate Services	
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	31/10/03	
Previously		
Disclosure of Interest	No officer involved with the preparation of this item has any interest to disclose with this item.	
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRC032 COMMITTEE DECISION/Officer Recommended Resolution:**

**Policy CSP27 Investment Policy be amended to include the ability for reserve funds to be invested in banking institutions by modifying clause 11 (b) of the policy as follows;**

(b)	<b>RESERVES INVESTMENTS</b>	<b>11.5</b>	<b>All banks within the meaning of the <i>Banking Act 1959</i></b>	<b>A-1 (short) A (long)</b>	<b>100%</b>
		<b>11.6</b>	<b>Commonwealth Government (Max term 10 years)</b>	<b>A-1 AA</b>	<b>&lt;1 year 50%&gt; &gt;1 year 20%</b>
		<b>11.7</b>	<b>State Government</b>	<b>A-1 AA</b>	<b>&lt;1 year 50%&gt; &gt;1 year 20%</b>
		<b>11.8</b>	<b>First Mortgages where loan-to-value ratio does not exceed 60% of a sworn valuation</b>		<b>&lt;5 years 15%</b>
		<b>11.9</b>	<b>Property</b>		<b>20%</b>
		<b>11.10</b>	<b>Infrastructure Funds</b>		<b>10%</b>
		<b>11.11</b>	<b>Listed Australian Shares</b>		<b>10%</b>

C033/11/03 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		<b>In Brief</b>  To confirm the creditor payments made during 31 October 2003
Proponent	Director Corporate Services	
Officer	S. O'Meagher – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRC033 COMMITTEE DECISION/Officer Recommended Resolution**

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

C034/11/03 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the statement of debtors over \$1,000 as at 31 October 2003
Officer	Ray Pryce – Senior Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	04/11/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRC034 COMMITTEE DECISION/Officer Recommended Resolution**

**Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 October 2003.**

C035/11/03 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the sundry debtor balances as at 31 October 2003
Officer	S. O'Meagher – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	04/11/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRC035 COMMITTEE DECISION/Officer Recommended Resolution**

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 October 2003.**

C036/11/03 RATE DEBTORS REPORT (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the rates report as at 31 October 2003
Officer	V Delbridge – Finance Officer - Rates	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRC036 COMMITTEE DECISION/Officer Recommended Resolution**

**Council receive and note the report the Rate Debtors accounts as at 31 October 2003.**

C037/11/03 INFORMATION REPORT		
Proponent	Director Corporate Services	In Brief  To receive the information report to 31 October 2003
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRC037 COMMITTEE DECISION/Officer Recommended Resolution**

The information report to 31 October 2003 be received.

13.2 Asset Services

AS030/11/03 2003/2004 FOOTPATH PROGRAMME (a0477)		
	Shire of Serpentine-Jarrahdale	In Brief  <i>Council is requested to endorse the Footpath Programme in accordance with Policy AP27 – Footpath Priority Assessment from the approved 2003/04 budget.</i>
Officer	Bryce Coelho Manager Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	29 <sup>th</sup> October 2003	
Previously	AS027/10/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS030 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council endorse the following works in the 2003/2004 Footpath Programme:**

Road	Location	Description	Length	Cost
Soldiers Road, Byford	Bateman Street to Turner	New Footpath	150	\$14,000
Abernethy Road, Byford	Thatcher Rd to Soldiers Road	New Footpath, drainage improvements	900	\$53,000
Wright Road, Mundijong	Watkins Rd towards Bilya Ave (Railway Crossing)	New Footpath, culvert extension	300	\$33,000
<b>TOTAL</b>				<b>\$100,000</b>

AS031/11/03 NETTLETON ROAD SPEED REDUCTION (R0006 / A0468)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief  Council is requested to request that Main Roads reduce the speed limit on Nettleton Road between SLK 1.50 and SLK 5.32 to 80 km/h
Officer	Jason Elliott Technical Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	30 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS031 COMMITTEE DECISION/Officer Recommended Resolution**

**Council request that Main Roads Western Australia reduce the speed limit on Nettleton Road between SLK 1.50 and SLK 5.32 to 80km/h.**

AS032/11/03 AERIAL BUNDLED CABLING – FUNDING OPPORTUNITIES (A0572-02)		
Proponent	Shire of Serpentine Jarrahdale	In Brief  <i>Council is requested to refer the matter of funding opportunities for assistance in the upgrading of power supplies within the Darling Ranges to Aerial Bundled Cabling to the Western Australian Local Government Association for inclusion on the agenda for the November 2003 South East Metro Zone meeting</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	29 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS032 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council refers the matter of funding opportunities for assistance in the upgrading of power supplies within the Darling Ranges to Aerial Bundled Cabling to the Western Australian Local Government Association for inclusion on the next Association Agenda.**

AS033/11/03 INFORMATION REPORT		
Proponent	Director Asset Services	In Brief  <i>To receive the information report to the 31 October 2003</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS033 COMMITTEE DECISION/Officer Recommended Resolution**

**The information report to the 31 October 2003 be received .**

13.3 Community & Recreation Development

CRD14/11/03 INFORMATION REPORT		
Proponent		<u>In Brief</u>  <i>Information Report</i>
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	31.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM054/05/03</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the October 2003 Information Report.**

13.4 Building Services

B07/11/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u>  Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	10.11.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM054/05/03</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the October 2003 Information Report.**

13.5 Health Services

H06/11/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u>  Information report
Officer	David Richards – Senior Environmental Health Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	10.11.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM054/05/03</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the information report for October 2003.**

13.6 Planning Development & Environment

E008/11/03 DARLING RANGE REGIONAL PARK REVIEW (A0852 & A0563)		
Proponent	Serpentine Jarrahdale Shire	<b>In Brief</b>  Public submissions have been called in relation to new national park boundaries within the Darling Range which has precipitated a review of the Darling Range Regional Park. This report recommends that Council supports a revised Parks of the Perth Hills concept, the inclusion and renaming of Gordon Block within the Hills Parks concept area and the further progress of processes to both acquire private land within the proposed Wungong Regional Park and the transfer of land from the Water and Rivers Commission to the Conservation Commission for inclusion within the Serpentine National Park.
Officer	Dr Sue Osborne – Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	7 <sup>th</sup> November 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance Resolution SM054/05/03 with</b>	

**CRE008 Committee Decision/Officer Recommended Resolution**

That further to its previous resolution of 20 October 2003:

**“CRE006 COMMITTEE DECISION/Officer Recommended Resolution**

*The Department of Conservation and Land Management be advised that Council does not support the Gordon Block being removed from the Darling Range Regional Park for the following reasons:*

- a) *It is a high recreation area, especially for trails. It will be potentially more difficult to encourage funding and development of trails within the Gordon Block if it is no longer part of the Regional Park*
- b) *There is a potential impact on tourism and recreation. Linkages and wildlife corridors from the South West Highway in to the areas in the Scarp reserved as Parks and Recreation and further are to be developed as part of a long range strategy.*
- c) *Originally the Shire agreed to future logging of the Gordon Block on the basis that it was selective and less intensive. This may be more difficult to achieve and maintain if the Gordon Block is not included in a Regional Park.*
- d) *Off Road Vehicles are considered unauthorized vehicles within Regional Parks but if registered and operated by a licensed rider they are permitted on public access tracks within State Forest.”*

Council resolves that the Department of Conservation and Land Management be further advised that Council:

1. Supports the renaming of Gordon Block to Whitby Regional Park and supports its inclusion within the Parks of the Perth Hills concept area;
2. Supports the further progression of, and speedy conclusion to, negotiations with private land owners whose land is identified as part of the proposed Wungong Regional Park;
3. Supports and seeks to expedite the transfer of free hold lands that include the Gooralong recreation area from the Water Corporation to the Conservation Commission for inclusion within Serpentine National Park;
4. Seeks further information about the Parks of the Perth Hills concept and extends an invitation to Mr Tim Bowra, Regional Parks Coordinator, Department of CALM to address Councillors.



<b>P037/11/03 APPLICATION FOR OVERSIZE AND OVERHEIGHT SHED AND USE APPROVAL FOR AN EARTHMOVING BUSINESS ON LOT 101 (2131) SOUTH WESTERN HIGHWAY, JARRAHDAL (P02719/01)</b>		
Proponent	N Selsmark	<b>In Brief</b>  That Council refuses an application for the construction of an overheight shed on the above property to be used for the storage and maintenance of earthmovers and associated equipment.
Officer	Meredith Kenny – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	6 November 2003	
Previously	Nil	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRP037 Committee Decision/Officer Recommended Resolution**

That Council refuses the application for the construction of a shed to be used for the storage and servicing of earthmoving vehicles and equipment on Lot 101 South Western Highway, Jarrahdale for the following reasons:

1. It would not be appropriate in the interests of orderly and proper planning and preservation of the rural character and amenity of the area to grant approval for an industrial scale shed and a non-rural use of storage and servicing of earthmoving vehicles and equipment.
2. It would not be appropriate in the interests of preservation of the landscape values of the Darling Scarp to grant approval for either an overheight, industrial scale shed and a use which is comprised of the storage and servicing of earthmoving vehicles and equipment. As such the development and use proposed is not consistent with the objectives of Local Planning Policy No. 8 'Landscape Protection of the Darling Scarp'.
3. The nature of the proposed use is incompatible with the existing and future character of the area as envisaged by the Shire of Serpentine-Jarrahdale.
4. The proposal is contrary to intentions of the Shire of Serpentine-Jarrahdale's Rural Strategy Agricultural Protection Policy Area in that the proposed business is not of an agricultural or rural nature.
5. The development may be detrimental to the amenity of the occupiers of adjacent properties, by reason of the noise and nuisance arising from increased activity and traffic generation on the site and the type of traffic generated by the use.

<b>P042/11/03 INFORMATION REPORT</b>		
<b>Proponent</b>	Director Sustainable Development	<b>In Brief</b>  Information Report.
<b>Officer</b>	Lisa Fletcher – Support Officer Sustainable Development	
<b>Signatures - Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	1 November 2003	
<b>Previously</b>		
<b>Disclosure of Interest</b>		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRP042 Committee Decision/Officer Recommended Resolution**

**That the Information Report to 10 November 2003 be received.**