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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 22ND AUGUST, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

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

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

APOLOGIES:

GALLERY: 0

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Brown declared interest of impartiality in item CGAM013/08/05 TRAILS CONSTRUCTION BUDGET EXPENDITURE 2005/2006 as she is the Treasurer of the Oakford Trails Management Committee and advised that this will not influence the way in which she votes.

Cr Needham declared an interest of impartiality in item SD025/08/05 DEVELOPMENT UNDERTAKEN IN CONTRAVENTION OF TOWN PLANNING SCHEME NO. 2 – USE OF ZINCALUME SHEETING TO ROOF SINGLE HOUSE – LOT 216 BUTTER GUM CLOSE, SERPENTINE as the partner of the proponent is the Serpentine Hairdresser, utilised by Cr Needham, and Cr Needham will leave the meeting when this item is being discussed.

Cr Price interest of impartiality in item SD025/08/05 DEVELOPMENT UNDERTAKEN IN CONTRAVENTION OF TOWN PLANNING SCHEME NO. 2 – USE OF ZINCALUME SHEETING TO ROOF SINGLE HOUSE – LOT 216 BUTTER GUM CLOSE, SERPENTINE as one of the applicants was a neighbour approximately 9 years ago and advised this will not influence the way in which he votes.

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 – 25th July, 2005

COUNCIL DECISION

Moved Cr Star seconded Cr Price

That the minutes of the Ordinary Council Meeting held on 25th July, 2005 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD020/08/05 LANDCARE CENTRE SERVICE LEVEL ACCORD (A0289-03)		
Proponent	Landcare SJ Inc.	In Brief It is recommended that Council endorse the revised Landcare Service Level Accord for 2005/2006.
Officer	Carlie Eldridge – A/Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	20 June 2005	
Previously	SM005/09/04, SM023/11/03; SM046/02/02	
Disclosure of Interest	The officer responsible for this report is also the Shire representative on the Board of Landcare SJ Inc.	
Delegation	Council	

Background

Council has committed \$55,000 of direct funds to the Serpentine-Jarrahdale Landcare Centre in the 2005/2006 budget. This is in addition to in-kind contributions estimated to be in the order of \$50,000. With such a significant financial investment it is important to document the terms, conditions and performance criteria under which these Shire funds will be provided. This was achieved for 2003/2004 and 2004/2005 through the development of a Service Level Accord which was made between the Shire, Land Conservation District Committee and Landcare SJ Inc. This current Accord expired on 30 June 2005 and Council is asked to endorse the revised Accord for 2005/2006.

The 2004/2005 Service Level Accord is with the attachments marked SD020.1/08/05.

The 2005/2006 Service Level Accord is with the attachments marked SD020.2/08/05.

Sustainability Statement

Effect on Environment and Resource Implications: 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.

Economic Viability and Benefit: 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.

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.

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

Social – Quality of Life: Their success has been founded on strong community partnerships and significant community capacity building has been achieved.

Social and Environmental Responsibility: The fundamental principles upon which the Landcare Centre operates are based on environmental and social responsibility.

Social Diversity: The Landcare Centre provides a service to a diverse range of residents, groups and agencies.

Statutory Environment: Not applicable

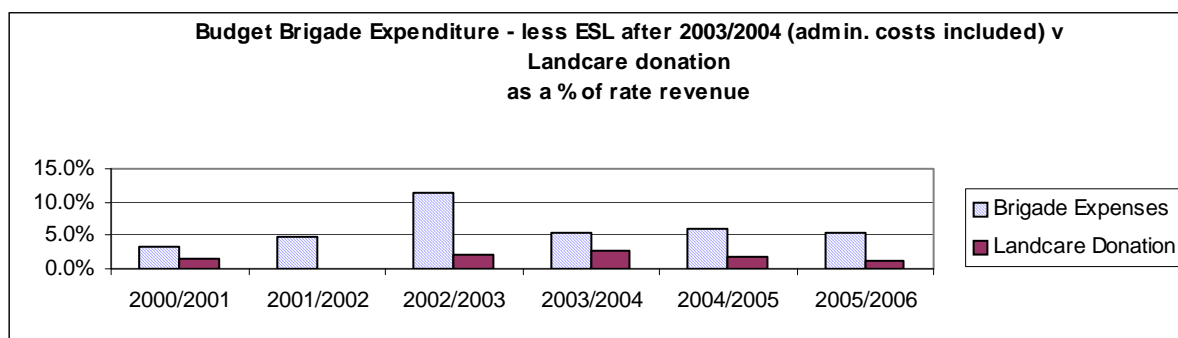
Policy/Work Procedure Implications: Not applicable

Financial Implications: Council has committed \$55,000 in the 2005/2006 budget for support of the Landcare Centre. The Service Level Accord will specify the terms under which that funding is granted.

Funding for the Landcare Centre to undertake a range of services within the Shire relating to environmental management are provided from the Shire funds sourced through rates, below is tabled a % of the budgeted income expected to be received from rates in each year.

YEAR	% RATES
2000/01	1.5%
2002/03	2.0%
2003/04	2.7%
2004/05	1.9%
2005/06	1.1%

As shown there is a decrease in the % of rates being provided to the Landcare Centre for funding.



For comparison, the Council contribution to the Bush Fire Brigades has been plotted against the contribution to Landcare.

Council has identified funding of \$40,000 per annum from 2006/2007 onwards in the Forward Financial Plan. Further discussions are required in the near future between the Council, the Land Conservation District Committee and Landcare SJ Inc in order to review the Shire-wide environmental management program and the best use of available financial resources.

Strategic Implications:

1 People and Community

Objective 1: Good quality of life for all residents

Strategy:

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

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

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 2005/2006 Service Level Accord was revised by the Acting Director Sustainable Development and the Acting Landcare Centre Manager in consultation with the Landcare Management Committee.

Voting Requirements:

Normal

Comments

Service Level Accord

The operation of the Service Level Accord for 2003/2004 and 2004/2005 has served to clarify the service arrangements between the parties and regular quarterly reporting against the Accord has resulted in a wider appreciation of the valuable work conducted by the Landcare Centre.

In general, the changes proposed to the Service Level Accord for 2005/2006 represent points of clarification, removal of non-related matters and a need to review the level of service provided in light of the skills and resources available at the Landcare Centre. In addition, as the SLA's have been running for two years it is now considered an appropriate time for the Landcare Centre to manage the Shire's funding as per all grant funding by having more defined targets and providing an acquittal at the end of the financial year which details that the money has been spent in accordance with the Service Level Accord. These additions are as below:

COMMUNITY GROUP SUPPORT

KPI: Landcare Centre officer to attend at least one meeting a quarter of NRM community groups

LANDCARE CENTRE OPERATION, including PROVISION OF EDUCATION AND AWARENESS RAISING ACTIVITIES

KPI: At least two information session of NRM issues to be held for the wider community

KPI: Relevant NRM information distributed to the new urban areas developing within the Shire

PROJECT & BUDGET MANAGEMENT & REPORTING

Final acquittal report to the Shire by 31 July 2006 detailing expenditure of \$55,000 against Service Level Accord

In the 2005/6 financial year the Shire in consultation with the Landcare Centre and the community will prepare a shire wide environmental management plan which will define the environmental assets within the shire, define priorities and assign actions to these. This will form the basis for future funding opportunities from the Shire to the Landcare Centre. The Landcare Centre will be funded according to the priority actions they can undertake for the Shire as identified in the Shire wide environmental management plan.

Overall the Service Level Accord provides clear direction for both parties with regard to the expectations associated with the current funding arrangements and it is recommended that Council endorse the 2005/2006 SLA accordingly.

Financial management and Funding for Landcare

Landcare is an incorporated body with a management committee and a board. The board is responsible for the management and sourcing of funds for the organisation. Prior to the incorporation of Landcare in December 2002 the Shire had more financial responsibility relating to the Centres future. Over the past few years there has been a change at a federal government level as to how the natural resource management funds are administered within

Australia. As a result of this the Landcare Centre currently does not receive as many funds as they have previously. The SJ Landcare Centre is now part of the South West Catchment Council (SWCC) and source funding through this body in accordance with the regions strategic priorities. The SJ Landcare Board are currently assessing their strategic future and the funds they need to manage the Landcare Centre to meet their objectives.

SD020/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Star seconded Cr Wigg

1. Council endorses the Service Level Accord as attached at SD020.2/08/05 between the Shire, the Land Conservation District Committee and Landcare SJ Inc for the 2005/2006 financial year.
2. Council forwards the Service Level Accord as attached at SD020.2/08/05 to the Chair of the Land Conservation District Committee and the Chair of Landcare SJ Inc for their final endorsement and signing.
3. Council authorises the Shire President and the Chief Executive Officer to sign the Service Level Accord as attached at SD020.2/08/05.
4. The Landcare Centre are to provide an acquittal by 31 July 2006 on the \$55 000 expenditure against the approved Service Level Accord.

CARRIED 10/0

SD021/08/05 FINAL ADOPTION OF BYFORD STRUCTURE PLAN (A0769-07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief The WA Planning Commission notified the Shire on 30 March 2005 that they were in a position to approve the draft Byford Structure Plan subject to modifications being undertaken. As these modifications are not considered to be substantial, it is recommended that they be accepted by Council without the need for readvertising. Following this, it is then recommended that the draft Byford Structure Plan be finally adopted by Council, giving it the full force and effect to control development in Byford.
Owner:	Various	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	17 May 2005	
Previously	CRP040/11/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Various
 Owner's Address: Various
 Applicant: Serpentine Jarrahdale Shire
 Applicant's Address: 6 Paterson Street, Mundijong 6123
 Date of Receipt: 30 March 2005
 Advertised: N/A (previous advertising undertaken in accordance with Scheme)
 Submissions: N/A (as above)
 Lot Area: 1532.83ha (excluding Byford trotting complex and surrounding 'Special Rural' and 'Rural Living' zoned land)
 L.A Zoning: Urban Development
 MRS Zoning: Urban and Urban Deferred
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: MRS/Structure Plan Urban and Future Urban Areas
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: Sites 321, 350 and 351

Date of Inspection: Various inspections undertaken

Background:

At the Ordinary Council Meeting held on 24 November 2003, Council resolved (CRP040/11/03) to adopt the draft Byford Structure Plan with modifications in accordance with clause 5.18.3.7 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“the Scheme”). These modifications were:

- i. Identification of the Cardup Siding Road rail crossing on the structure plan; and*
- ii. The land use designation of Lot 101 Beenyup Road being changed to Town Centre.*

Following modification in accordance with Council’s resolution, the draft Byford Structure Plan and associated text were referred to the WA Planning Commission on 17 March 2004 with a request for approval in accordance with clause 5.18.3.10 of the Scheme. Following consideration of Council’s request, the Western Australian Planning Commission notified the Shire on 30 March 2005 that they were in a position to approve the draft Byford Structure Plan subject to a number of modifications being undertaken. These were:

- i. Include a Note to state that prospective purchasers of all new residential lots created within 200 metres of any lot contained within the Byford Trotting Complex will be required to be notified that they are within proximity of the Trotting Complex and associated land uses;*
- ii. Include the land on the western intersection of Briggs Road and Larsen Road (per the attached Plan) in the Rural Residential classification;*
- iii. Include a Note to state that any local structure plans for the land abutting the south side of Abernethy Road should include measures to provide for an additional buffer between Abernethy Road and the rural land on the north side of Abernethy Road. Such measures could include, but are not limited to, the orientation of lots, location of local public open space and attention to the local road system;*
- iv. Include a Note to state that the future construction of Abernethy Road should include measures to provide an amenity buffer to the residential land uses on the south side of Abernethy Road. Such measures could include dense landscaping, appropriate fencing or bunding;*
- v. Include a Note to state that notwithstanding land having a classification of Residential (R20) where such land abuts land classified Rural Residential, an appropriate (lower) interface density of development may be required to be implemented;*
- vi. Include a Note to state that the Byford Structure Plan is not responsible for the acquisition of Lot 48 Turner Road (Bush Forever site) and that this matter is to be addressed separately by the WA Planning Commission;*
- vii. Delineate an area of land between Orton Road and Cardup Brook (per the attached Plan) as subject to further study having regard to the preferred alignment of the Tonkin Highway Primary Regional Road reservation;*
- viii. Modify existing Note (10) to state that the balance 1.4% public open space will be required to be identified in local structure plans or detailed area plans and to be given up at the time of subdivision; and*
- ix. Modify existing Note (1) to state that there is an expectation that any land currently designated for non-residential uses which is subsequently subdivided for residential use will be required to make appropriate contributions towards public open space and other infrastructure.*

The Western Australian Planning Commission also required the draft Byford Structure Plan text to be specifically modified to state (as per item ix. above), that at such time as any land currently designated for ‘Special Rural’ or ‘Rural Living’ purposes is subdivided for residential purposes, there will be an expectation of a standard contribution towards public open space.

With regard to any modifications required by the Western Australian Planning Commission to an adopted draft structure plan (as is the case for the draft Byford Structure Plan), clause 5.18.3.14 of the Scheme states:

“If the local government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the local government may:

- (a) readvertise the Proposed Structure Plan; or*
 - (b) require the Proponent to readvertise the Proposed Structure Plan*
- and, thereafter, the procedures set out in clause 5.18.3.5 onwards are to apply.”*

The purpose of this clause is to provide an avenue for readvertising and further assessment of an adopted draft structure plan should any modifications be required by the Western Australian Planning Commission which fundamentally alter substantial aspects of the draft structure plan. If modifications are not deemed to be of a substantial nature in the opinion of Council, then there is no requirement for readvertising and further assessment under the Scheme. The draft structure plan can then be finally adopted by Council under clause 5.18.3.15 of the Scheme.

With regard to the modifications required to the draft Byford Structure Plan, these are all considered to be of a non-substantial nature and are recommended to be accepted without change by Council. This assessment is made on the following basis:

- i. Modifications i. to v. are required to ensure that resulting residential development at the interface with the Byford Trotting Complex and surrounding ‘Rural Residential’ zoned land is appropriate to take account the equestrian uses being undertaken in these areas. These modifications will specifically provide the policy direction for the design of all subsequent local structure plans and detailed area plans within the draft Byford Structure Plan area;
- ii. Modification vi. addresses that the draft Byford Structure Plan will not be responsible for the acquisition of Lot 48 Turner Road (Bush Forever Site 321), and that this is a matter which will be addressed separately by the Bush Forever Office within the Western Australian Planning Commission;
- iii. Modification vii. deals with the proposed realignment of Tonkin Highway between Orton Road and Cardup Brook, and that subsequent development in this area will need to account for the realignment should it ultimately be approved by the Western Australian Planning Commission and Main Roads WA;
- iv. Modification viii. deals with amending note 10. on the draft Byford Structure Plan to relate to both Local Structure Plans and Detailed Area Plans for the designation of public open space;
- vi. Finally, modification ix. deals with amending note 1. on the draft Byford Structure Plan to relate to any land designated for non-residential uses, and not just ‘Rural Residential’ uses as currently stated.

It is therefore recommended that Council accepts without change the modifications required by the Western Australian Planning Commission as notified in their letter dated 30 March 2005. Following resolution of this, it is then recommended that the draft Byford Structure Plan be finally adopted by Council in accordance with clause 5.18.3.15 of the Scheme, giving it the full force and effect to control the urbanisation of Byford. This will ultimately set the stage for subdivision and development within Byford, respecting Council's vision as encompassed under the draft Byford Structure Plan.

A copy of the draft Byford Structure Plan is with the attachments marked SD021.1/08/05.

A copy of the Western Australian Planning Commission's letter dated 30 March 2005 is with the attachments marked SD021.2/08/05.

A copy of the Plan relevant to modification ii. required by the Western Australian Planning Commission is with the attachments marked SD021.3/08/05.

A copy of the Plan relevant to modification vii. required by the Western Australian Planning Commission is with the attachments marked SD021.4/08/05.

Sustainability Statement:

Effect on Environment: The draft Byford Structure Plan encompasses a headlining objective for environmentally sustainable development as part of the urbanisation of Byford. This is recognised as a key outcome for the area, aiming to provide for an urban framework which facilitates and promotes a sustainable form of living.

While sustainability is an evolving concept in new neighbourhood design, the draft Byford Structure Plan is considered well adjusted and advanced in its focus on environmental outcomes. Examples of this include an appropriate site responsive design; protection of key waterways and wetlands; protection of important vegetation and habitat areas; the incorporation of items of cultural significance into design and a dedicated approach toward the protection of water quality and quantity. These aspects are all considered to represent relevant examples of environmental sustainability being pursued through the draft Byford Structure Plan.

Resource Implications: Given that many of the resource inputs into urban development are what are described as basic raw materials, and being materials which have a low value but relatively high transport cost, it is anticipated that many such material inputs will be sourced from as close to the area as possible.

Use of Local, renewable or recycled Resources: While there are no direct implications, developers will be encouraged to utilise local contractors and materials wherever possible in the eventual construction phase of subdivision within the draft Byford Structure Plan area. Also, the management of drainage and stormwater runoff will be a requirement for the eventual urban form as provided for through the Byford Urban Stormwater Management Strategy.

Economic Viability: The draft Byford Structure Plan focuses on environmental and resource sustainability and appropriate urban design. Through a clear commitment to environmental sustainability and water sensitive urban design, it is expected that subsequent Local Structure Plans and Detailed Area Plans will advocate these elements in their design response. This will ultimately help achieve economic viability as best as possible throughout the draft Byford Structure Plan area.

In terms of neighbourhood design, this is based well on the framework of the updated Draft Liveable Neighbourhoods Operational Policy whereby a highly connected neighbourhood environment is promoted, with diversity in lot sizes, mixed uses and a highly connected, pedestrian focussed movement network. The draft Byford Structure Plan accords with this and provides for local adaptation where relevant.

Economic Benefits: The draft Byford Structure Plan will produce economic benefits through the development of an appropriately scaled urban centre which accords with current-day approaches for sustainable urban design. The draft Byford Structure Plan emphasises the provision of local and home based employment for eventual residents, and the need to provide a wide variety of equity and choice in employment for the area. These are all ultimate determinants of economic benefit for the draft Byford Structure Plan area.

Social – Quality of Life: The draft Byford Structure Plan is considered to be socially responsible through a dedication to environmental sustainability and an integrated neighbourhood design which promotes social interaction. There is a focus on solar

orientation in resulting street block and lot layout throughout the draft Byford Structure Plan area, which will promote good solar passive design opportunities.

Social and Environmental Responsibility: The draft Byford Structure Plan has been advertised to the community on a number of occasions in accordance with the Scheme, thus enabling comment and involvement by local and interested residents. The draft Byford Structure Plan also promotes sustainability as a key objective for eventual development, and this is considered to reflect appropriate environmental responsibility for the area.

Social Diversity: The draft Byford Structure Plan provides for diversity in lot sizes, ranging from larger residential lots through to smaller grouped dwelling and cottage style lots close to commercial centres. This diversity in lot sizes will promote social mix in the eventual development of the area, which is an evolving concept in the planning of new communities within Western Australia.

Statutory Environment: Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Western Australian Planning Commission Act 1985
Town Planning Scheme No. 2

The final adoption of the Byford Structure Plan will also remove the need for landowners within the structure plan area to obtain planning consent from the Shire in a number of situations. This is encompassed under clause 5.18.6 of the Scheme, which states:

“5.18.6 Operation of Structure Plan

- 5.18.6.3 *Without limiting the generality of clause 5.18.6.2, under a Structure Plan:*
- (a) *in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;*
 - (b) *the standards and requirements applicable to the zones and R Codes under the Scheme apply to the areas having corresponding designations under the Structure Plan;*
 - (c) *the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;*
 - (d) *where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in clauses 2.3 and 2.4 inclusive apply as if the land was correspondingly reserved under the Scheme; and*
 - (e) *any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*
- 5.18.6.4 *A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.*
- 5.18.6.5 *If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Planning Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.”*

Metropolitan Region Scheme Town Planning Scheme Act 1959: The majority of the subject land is zoned ‘Urban’ under the Metropolitan Region Scheme, except for a portion surrounding the Byford Trotting Complex which is zoned ‘Urban Deferred’. Under the Metropolitan Region Scheme, residential development is not permitted within the ‘Urban

Deferred' zone until such time that land has been transferred into the 'Urban' zone as provided for under clause 27 of the *Metropolitan Region Scheme Town Planning Scheme Act 1959*. Lower density rural residential type development can, however, be permitted within the 'Urban Deferred' zone without transference to 'Urban' under the Metropolitan Region Scheme.

The draft Byford Structure Plan, subject to inclusion of the modifications required by the Western Australian Planning Commission (specifically modifications i. to v.), is considered to provide for an appropriate development outcome over the 'Urban Deferred' zoned portion of land. In making this assessment, it is important to consider why an 'Urban Deferred' zone was originally instigated around the Byford Trotting Complex. This was done to recognise that, while urban development in the wider Byford town site was appropriate, planning around the immediate trotting complex had to be carefully approached. This planning had to recognise that the trotting complex would likely remain in place as part of the urbanisation of Byford, and therefore appropriate buffers, lot sizes and land uses would need to immediately surround the complex.

This issue was addressed early on in development of the draft Byford Structure Plan, through the provision of a 'Rural Residential' zone around much of the trotting complex, providing for lower density development to interface with it. The Western Australian Planning Commission has supported this approach generally, but requires further specific modifications to ensure that the Byford Trotting Complex is appropriately interfaced with, particularly by residential development.

It is recommended that these modifications be accepted without change. They represent a proper planning approach for the area surrounding the trotting complex, and reflect the need to appropriately consider the trotting complex as an asset for protection through the urbanisation of Byford. As mentioned, land designated in the 'Rural Residential' zone under the draft Byford Structure Plan will not need to be transferred into the 'Urban' zone under the Metropolitan Region Scheme. However, any land designated in the 'Residential' zone under the draft Byford Structure Plan and within the 'Urban Deferred' zone under the Metropolitan Region Scheme will need to be transferred prior to subdivision taking place. This responsibility will be identified at the time of considering future Local Structure Plans and Detailed Area Plans. The Western Australian Planning Commission has been formally requested by the Shire to amend the Metropolitan Region Scheme to Urban to reflect the approved Local Structure Plan for the Byford Central area (Larsen Road).

Town Planning Scheme No. 2: The Scheme establishes the statutory framework to facilitate the planning, subdivision and development of land within the 'Urban Development' zone. This is done through:

- i. Introducing a procedure for the preparation and adoption of structure plans; and
- ii. Introducing development contribution area provisions for the equitable sharing of costs for essential services and urban infrastructure.

With regard to i., clause 5.18 of the Scheme makes provision for the preparation of structure plans and detailed area plans. The procedure for the adoption of a structure plan, whether that be at the district or local level, is in accordance with clause 5.18.3 of the Scheme which specifies timeframes for advertising, consideration of submissions by Council and referral to the Western Australian Planning Commission.

With regard to ii, consultants have been engaged by the Shire to prepare a development contribution plan for the Byford Structure Plan area. This study should be completed soon and will necessitate an amendment to the Scheme. In the current absence of scheme provisions, clause 5.18.1.5 of the Scheme states:

"5.19.1.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the

Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area."

It is proposed to reach negotiated agreements with developers in the Byford area in respect to developer contributions until such time as the necessary infrastructure funding mechanism is in place in the Scheme. A legal agreement will need to be prepared and entered into between proponents and landowners and the Shire at the time of considering a subdivision application for the land.

Policy/Work Procedure Implications:

Byford Urban Stormwater Management Strategy
Statement of Planning Policy No. 1 (*State Planning Framework*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources*)
Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)
Draft Statement of Planning Policy No. 2.9 (*Water Resources*)
Draft Statement of Planning Policy No. 3 (*Urban Growth and Settlement*)
Statement of Planning Policy No. 3.1 (*Residential Design Codes*)
Draft Liveable Neighbourhoods Operational Policy
Local Planning Policy No. 6 (*Water Sensitive Design*)
Local Planning Policy No. 9 (*Multiple Use Trails within the Shire of Serpentine-Jarrahdale*)

Financial Implications:

Future ongoing costs to the Shire to maintain new development within the area e.g. roads, footpaths, public open space, multiple use corridors, multi-use trails, drainage swales, management of revegetation, landscaping etc. Costs also in coordinating the developer contributions arrangement.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
6. Ensure a safe and secure community.

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Previous community consultation has been undertaken in accordance with the requirements of the Scheme. No further community consultation is required subject to Council being satisfied that the modifications required by the Western Australian Planning Commission are of a non-substantial nature as per clause 5.18.3.14 of the Scheme.

Comment:

In light of the above comments, the draft Byford Structure Plan is considered to have reached a stage where it is appropriate for final adoption by Council, subject to the incorporation of modifications required by the Western Australian Planning Commission. Development of the draft Byford Structure Plan has followed the process set by the Scheme, and has had extensive involvement from members of the community and relevant government stakeholders. To this end it is felt there is significant local ownership of the draft Byford Structure Plan, and its guiding principles toward achieving an environmentally sustainable development for Byford.

It is, therefore, recommended that Council pursuant to clause 5.18.3.14 of the Scheme, accepts without change the modifications required by the Western Australian Planning Commission as notified in their letter dated 30 March 2005. Following this, it is then recommended that the draft Byford Structure Plan be finally adopted by Council in accordance with clause 5.18.3.15 of the Scheme, giving it the full force and effect to control the urbanisation of Byford. This will ultimately set the stage for subdivision and development within Byford.

It should be noted that final adoption of the draft Byford Structure Plan by no means locks development into a rigid static framework. In fact, where changes to the Byford Structure Plan (once adopted) are requested and have clear planning merit, the Scheme provides for an efficient process of modifying the adopted Byford Structure Plan. Also covered by the Scheme is the ability for Council to decide whether requested changes are substantial or not, and in the case of the former the Council can require advertising and assessment of substantial changes as if new components to the adopted Byford Structure Plan. This allows for community involvement to be maintained in the ongoing development of the Byford Structure Plan.

The final adoption will remove the need for landowners within the Byford Structure Plan area to obtain planning consent for some areas of consideration.

Hence, once the Byford Structure Plan is finally adopted by Council, then areas (for example) designated as 'Residential' under the Byford Structure Plan will be subject to the permissibility of uses the same as set out in table 1 of the Scheme [as per clause 5.18.6.3(a) above]. Given that table 1 stipulates 'Single Residential' as being a 'P' use within the 'Residential' zone, the requirement for planning consent will exist no longer (including additions and alterations). This is covered under clause 5.1.2 (d) of the Scheme which states that:

"The planning consent of the Council is not required in respect of the erection of a single dwelling house, including ancillary outbuildings, on a lot in any zone where such use is a permitted ['P'] use."

Any development not totally consistent with the Scheme or adopted Byford Structure Plan or requiring discretionary determination (i.e. 'AA' or 'SA' uses) will still require planning consent to be obtained.

Voting Requirements: ABSOLUTE MAJORITY

SD021/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Price seconded Cr Brown

- 1. Council, in pursuance of clause 5.18.3.14 of Town Planning Scheme No. 2 determines that the modifications required by the WA Planning Commission as notified on 30 March 2005 are all non-substantial modifications and are accepted without change.**
- 2. Subject to incorporation of the modifications required by the WA Planning Commission, Council finally adopts the Byford Structure Plan and associated text in accordance with clause 5.18.3.15 of Town Planning Scheme No. 2 and authorises the Chief Executive Officer and Shire President to sign and seal the Byford Structure Plan and associated text to signify its final adoption and forward a copy of the finally adopted Byford Structure Plan and associated text to the WA Planning Commission.**

CARRIED 10/0 ABSOLUTE MAJORITY

SD022/08/05 PROPOSED LOCAL PLANNING POLICY LPP 19 - BYFORD STRUCTURE PLAN AREA DEVELOPMENT REQUIREMENTS (A1293)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Request for Council to adopt draft local planning policy LPP19 Byford Structure Plan Area Development Requirements for the purpose of advertising in accordance with clause 9.3 of Town Planning Scheme No. 2.
Owner:	N/A	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	29 July 2005	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Western Australian Planning Commission granted approval (subject to some minor modifications) for the Byford Structure Plan on 30 March 2005 subject to some minor modifications. Subsequent to that the Byford Townsite Detailed Area Plan has been adopted by the Council and has now been forwarded to the Western Australian Planning Commission for approval. Additionally, local structure plans have now been adopted by the Council for two precincts within the Byford Structure Plan area and structure plans for the majority of the remainder of the Byford Structure Plan area are being progressed by developers.

All of the above documents set the framework for development of Byford as an urban area. The Byford Structure Plan as the district structure plan provides the broad conceptual framework for the area. The Byford Townsite Detailed Area Plan and the various local structure plans provide a more detailed framework on a precinct basis.

A Structure Plan or Detailed Area Plan commences operation on the date it is adopted by the Council. Under clauses 5.18.6.2 and 5.18.6.3 of Town Planning Scheme No. 2 (the Scheme) if a Structure Plan imposes a classification on land included in it by reference to reserves, zones, or Residential Planning Codes then the following rules apply to that land:

- (a) the provisions of the Structure Plan or Detailed Area Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the area covered by the Structure Plan or Detailed Area Plan.
- (c) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
- (d) the standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;

- (e) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and
- (f) any other provision, standard or requirement in the Structure Plan has the same force and effect as if it were a provision, standard or requirement of the Scheme.

Therefore, for example if the Byford Structure Plan or local structure plan designates a lot within the area covered by that plan as Residential R20 then from the date of adoption of that plan the land is no longer considered to be zoned Urban Development but is instead considered to be zoned Residential R20. As such, all provisions of the Scheme, the relevant structure plan, detailed area plan or the Residential Design Codes of Western Australia relative to Residential zoned land with a density code of R20 now apply to that land.

However, there is an anomaly between the zones imposed by the Byford Structure Plan and the zones provided for in Town Planning Scheme N^o 2 because the Byford Structure Plan proposed several zones which do not currently exist in the Scheme. These include:

Rural-Residential
Neighbourhood Node
Neighbourhood Centre
Town Centre
Highway Commercial; and
Mixed Business

Accordingly, it is now necessary for Town Planning Scheme N^o 2 to be amended to incorporate these new zones and provisions relevant to them including, in particular, a land use/zoning table to designate the permissibility of various land uses within these new zones. The required scheme amendment is dealt with in item SD028/08/05 that is also contained in this agenda.

Interim Local Planning Policy

The proposed scheme amendment will take approximately 12 to 18 months to complete. Meanwhile, the Byford urban area is experiencing growing development pressure every day. Accordingly, it is recommended that a local planning policy be adopted in the interim to provide guidance for Shire officers and the community with regard to land use and development in the Byford urban area. Accordingly, a policy has been drafted in this regard

Sustainability Statement

Social – Quality of Life: In determining the uses that should be permissible in the various zones and the level of permissibility (ie permitted, discretionary etc) the following issues have been taken into account:

1. The intent and objective of each of the zones as detailed in the Byford Structure Plan;
2. The compatibility of each of the land uses within a particular zone; and
3. The amenity expectations of each of the zone (ie not allowing potentially noisy uses such as Nightclubs within the Residential zone).

Social and Environmental Responsibility and Social Diversity: The range of land uses proposed in the Zoning table for the Byford urban area aims to provide for a diverse range of future residents. The uses encompass the wide spectrum of residential, shopping, services, entertainment and employment opportunities throughout the Byford Urban area and will encourage future residents to shop, work and play locally as much as possible.

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Regulations 1967 (as amended)

Town Planning Scheme No.2

Policy/Work Procedure

Implications:

There are no policy or work procedure implications associated with this proposal.

Financial Implications:

Advertising costs – newspaper and Government Gazette

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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.

3. Economic

Objective 1: A vibrant local community

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

Strategy:

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:

No community consultation has been carried out to date. Advertising requirements for draft local planning policies are contained in Town Planning Scheme No. 2 (refer Comment section below).

Comment:

Statutory Procedures

The power to prepare local planning policies is contained within Part 9 of Town Planning Scheme No. and permits the preparation of such a policy for a particular class or classes or matters and for the whole or part of the scheme area.

The procedural requirements for making a Local Planning Policy as contained in clause 9.3 of the scheme as detailed below:

9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) *The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) *The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- c) *Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*

Proposed local planning policy

Following is an outline of the elements dealt with by draft local planning policy LPP19 Byford Structure Plan Area Development Requirements:

1. Application
The area to which the policy will apply being the whole of the Byford Structure Plan area.
2. Objectives
The objectives that the policy is intended to achieve.
3. Development Control
 - a) Identification of types of development requiring Council approval;
 - b) Interpretations relating to the land uses that are listed in the Zoning Table contained in this policy.
 - c) The relationship of this policy to the Residential Design Codes of Western Australia.
 - d) Car parking requirements within the policy area.
 - e) Development requirements (ie setbacks, plot ratio, landscaping etc.) for specific zones within the Byford Structure Plan area).
 - f) Zoning/Land Use table for the new zones proposed by the Byford Structure Plan.

The draft policy is contained in full in the recommendation below.

It is intended that the policy be rescinded upon gazettal of Scheme Amendment 148 (refer item SD028/08/05 of this agenda).

Conclusion

It is recommended that the Council adopt the draft policy for the purpose of advertising in accordance with the provisions of clause 9.3 of Town Planning Scheme No. 2.

Voting Requirements: Normal

SD022/08/05 Committee/Officer Recommended Resolution:

Pursuant to Clause 9.3 of Town Planning Scheme No. 2 draft Local Planning Policy "LPP19 Byford Structure Plan Area Development Requirements" as contained below be adopted for the purpose of advertising:

LPP19 BYFORD STRUCTURE PLAN AREA DEVELOPMENT REQUIREMENTS
Draft July 2005

1.0 APPLICATION

This policy applies to all land within the area covered by the adopted Byford Structure Plan and the Byford Townsite Detailed Area Plan.

This policy will be rescinded upon gazettal of Scheme Amendment 148 to Town Planning Scheme No. 2, which will insert the zoning table contained in this policy into the town planning scheme.

2.0 OBJECTIVES

The objectives of this policy are:

1. To clearly define the permissibility of various land uses within the zones contained in the Byford Structure Plan and the Byford Townsite Detailed Area Plan; and
2. To identify the circumstances in which planning approval is required to be obtained for development within the policy area; and
3. To identify the relationship between this policy and:
Town Planning Scheme No. 2;
the Residential Design Codes of Western Australia; and
other policies lawfully adopted by the Council.

3.0 DEVELOPMENT CONTROL

3.1 Development Requiring Council Approval

Development for the purposes of this policy shall have the same meaning as given to it by the Town Planning and Development Act 1928 (as amended).

Within the policy area the following types of development require the written planning consent of the Council:

All developments of a commercial or industrial nature.

Home Occupations and Home Businesses but not Home Offices (refer to Appendix 1 of Town Planning Scheme No. 2 for definitions of these uses).

Development of a Single House on all lots less than 350m² in accordance with clause 2.3.3 of the Residential Design Codes.

Aged and Dependent Persons Dwellings

Grouped and Multiple Dwellings.

Ancillary Accommodation (Granny Flats)

Change of use (ie change of use of a building from "Shop" to "Office")

any variation to the requirements of a local structure plan or detailed area plan that applies to the policy area.

3.2 Interpretations relating to Land Uses

Interpretations relating to land uses listed in the Zoning Table contained in this policy are as per Appendix 1 of Town Planning Scheme No. 2 and those additional interpretations listed below:

"betting agency" means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960;

"cinema/theatre" means premises where the public may view a motion picture or theatrical production;

"exhibition centre" means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

"home store" means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

"lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

"motor vehicle wash" means premises where the primary use is the washing of motor vehicles;

"restricted premises" means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the Censorship Act 1996;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

"showroom" means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

"warehouse" means premises used to store or display goods and may include sale by wholesale;

"convenience store" means premises -

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area;

"fast food outlet" means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

3.3 Relationship of this Policy to the Residential Design Codes

Unless otherwise provided for in Clause 5.4 of Town Planning Scheme No. 2 or any policy lawfully adopted by the Council, the development of land within the policy area for any of the residential purposes dealt with by the Residential Design Codes of Western Australia shall conform to the provisions of those Codes.

The Residential Design Code density applicable to land within the policy area shall be determined by reference to the Residential Design Code density numbers superimposed on

the particular areas shown on the Byford Structure Plan or any subsequently adopted local structure plan or detailed area plan.

3.4 Car Parking Requirements

Car parking requirements for all land uses/developments within the policy area shall be as provided for within clause 7.7 of Town Planning Scheme No. 2.

3.5 Development Requirements

The development requirements (ie landscaping, plot ratio, setbacks etc.) for specific zones within the Byford Structure Plan area are as follows:

Zone	Document containing requirements
Residential - Land within Detailed Area Plan area - remainder of Byford Structure Plan Area	- Residential Design Codes of WA - Byford Townsite Detailed Area Plan - TPS 2 – Clauses 5.3 to 5.5 - Residential Design Codes of WA - Any local structure plan adopted by the Council that includes the development site. - TPS 2 – Clauses 5.3 to 5.5
Rural-Residential - Land within Detailed Area Plan area - remainder of Byford Structure Plan Area	- Residential Design Codes of WA – R2-5 - Byford Townsite Detailed Area Plan - TPS 2 – clause 5.8 - Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site. - TPS 2 – Clause 5.8
Neighbourhood Node - Residential - Non-Residential	- Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site. See table below
Neighbourhood Centre	See table below
Town Centre	Byford Townsite Detailed Area Plan
Highway Commercial	Byford Townsite Detailed Area Plan
Mixed Business	Byford Townsite Detailed Area Plan

Non-residential developments in Neighbour Node and Neighbourhood Centre Zones

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street(s)	Side	Rear		
Neighbourhood Node	As per relevant R-Code			As per relevant R-Code	25% of site

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street(s)	Side	Rear		
Neighbourhood Centre	9	Abutting Residential: as per R Codes Other: Nil	Abutting Residential: as per R Codes Other: Nil	50%	15% of site

3.6 Zoning/Land Use Table

The permissibility or otherwise of a land use within the policy area is as set out on the Zoning/Land Use Table contained in this policy.

The symbols used in the cross reference in the Zoning/Land Use Table have the following meanings:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning/Landuse Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Amusement Parlour				AA	AA		
Automotive & Marine Sales						AA	P
Automotive Repairs							AA
Automotive Vehicle Wash						AA	P
Caravan or Trailer Hire						AA	P
Betting Agency				P	P	IP	IP
Car Park			IP	IP	P	IP	IP
Child Minding Centre	SA		AA	P	P		
Civic Buildings			P	P	P	P	P
Cinema/Theatre				SA	P		
Club Premises					AA	AA	
Consulting Rooms			AA	P	P		
Convenience Store			SA	AA	P	AA	AA
Corner Store/Home Store			AA				
Craft Workshop							P
Display Home	AA	AA				IP	IP
Dry Cleaning Premises				AA	AA	AA	
Educational Establishment	SA		AA	AA	P		

The symbols used in the cross reference in the Zoning Table have the following meanings:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Exhibition Centre				P	P	P	P
Fast Food/Takeaway				AA	P	AA	
Funeral Parlour				AA	P	AA	P
Garden Centre					AA	AA	P
Health Studio				AA	P	AA	P
Home Office	IP	IP	IP				
Home Business	IP	IP	IP				
Home Occupation	IP	IP	IP				
Hospital					AA		
Hotel					P	AA	
Industry: - Light - Service - Rural						AA	P P P P
Lunchbar				P	P	P	P
Market				AA	AA	AA	AA
Medical Centre				AA	P	P	AA
Motel					P	AA	
Nightclub					AA		
Office			AA	P	P	P	IP
Private Recreation					AA	AA	AA
Public Amusement				AA	AA	AA	
Public Recreation				AA	P		
Public Utility	AA	AA	AA	P	P	P	P
Public Worship - Place of	SA			SA	P	AA	AA

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Radio & TV Installation				AA	AA	AA	AA
Reception Centre				SA	AA	AA	
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Aged & Dependent Persons Dwelling - Caretaker's Dwelling - Ancillary Accommodation - Residential Building	P P P (See Note 2.) P IP SA	P P P IP SA	IP IP IP	SA (See note 3) SA (See note 3) IP P	SA (See note 3) SA (See note 3) IP AA P	IP	IP
Restaurant						AA	
Restricted Premises							
Service Station					SA	SA	AA
Shop				P	P		IP
Shopping Centre				P	P		
Showroom				AA	P	P	P
Tavern				SA	AA	AA	
Trade Display						AA	AA
Transport Depot							AA
Vehicle Hire					AA	AA	P
Veterinary Establishment			AA	SA	AA	AA	AA
Warehouse					IP	AA	P

Notes:

1. See Residential Planning Codes for definitions of Residential dwelling types;
2. Multiple Dwellings only permitted in R40 and higher density codes.
3. Grouped and Multiple Dwellings are only permitted in Neighbourhood Centre and Town Centre zones as part of combined Commercial/Residential developments such as shop-top housing or work/live developments.

SD022/08/05 COUNCIL DECISION

Moved Cr Star seconded Cr Price

Pursuant to Clause 9.3 of Town Planning Scheme No. 2 draft Local Planning Policy "LPP19 Byford Structure Plan Area Development Requirements" as contained below be adopted for the purpose of advertising:

LPP19 BYFORD STRUCTURE PLAN AREA DEVELOPMENT REQUIREMENTS Draft July 2005

1.0 APPLICATION

This policy applies to all land within the area covered by the adopted Byford Structure Plan and the Byford Townsite Detailed Area Plan.

This policy will be rescinded upon gazettal of Scheme Amendment 148 to Town Planning Scheme No. 2, which will insert the zoning table contained in this policy into the town planning scheme.

2.0 OBJECTIVES

The objectives of this policy are:

1. To clearly define the permissibility of various land uses within the zones contained in the Byford Structure Plan and the Byford Townsite Detailed Area Plan; and
2. To identify the circumstances in which planning approval is required to be obtained for development within the policy area; and
3. To identify the relationship between this policy and:
Town Planning Scheme No. 2;
the Residential Design Codes of Western Australia; and
other policies lawfully adopted by the Council.

3.0 DEVELOPMENT CONTROL

3.1 Development Requiring Council Approval

Development for the purposes of this policy shall have the same meaning as given to it by the Town Planning and Development Act 1928 (as amended).

Within the policy area the following types of development require the written planning consent of the Council:

All developments of a commercial or industrial nature.
Home Occupations and Home Businesses but not Home Offices (refer to Appendix 1 of Town Planning Scheme No. 2 for definitions of these uses).
Development of a Single House on all lots less than 350m² in accordance with clause 2.3.3 of the Residential Design Codes.
Aged and Dependent Persons Dwellings
Grouped and Multiple Dwellings.
Ancillary Accommodation (Granny Flats)
Change of use (ie change of use of a building from "Shop" to "Office")
any variation to the requirements of a local structure plan or detailed area plan that applies to the policy area.

3.2 Interpretations relating to Land Uses

Interpretations relating to land uses listed in the Zoning Table contained in this policy are as per Appendix 1 of Town Planning Scheme No. 2 and those additional interpretations listed below:

"betting agency" means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960;

"cinema/theatre" means premises where the public may view a motion picture or theatrical production;

"exhibition centre" means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

"home store" means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

"lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

"motor vehicle wash" means premises where the primary use is the washing of motor vehicles;

"restricted premises" means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the Censorship Act 1996;**
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;**

"showroom" means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

"warehouse" means premises used to store or display goods and may include sale by wholesale;

"convenience store" means premises -

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;**
- (b) operated during hours which include, but may extend beyond, normal trading hours;**
- (c) which provide associated parking; and**
- (d) the floor area of which does not exceed 300 square metres net lettable area;**

"fast food outlet" means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

3.3 Relationship of this Policy to the Residential Design Codes

Unless otherwise provided for in Clause 5.4 of Town Planning Scheme No. 2 or any policy lawfully adopted by the Council, the development of land within the policy area for any of the residential purposes dealt with by the Residential Design Codes of Western Australia shall conform to the provisions of those Codes.

The Residential Design Code density applicable to land within the policy area shall be determined by reference to the Residential Design Code density numbers superimposed on the particular areas shown on the Byford Structure Plan or any subsequently adopted local structure plan or detailed area plan.

3.4 Car Parking Requirements

Car parking requirements for all land uses/developments within the policy area shall be as provided for within clause 7.7 of Town Planning Scheme No. 2.

3.5 Development Requirements

The development requirements (ie landscaping, plot ratio, setbacks etc.) for specific zones within the Byford Structure Plan area are as follows:

Zone	Document containing requirements
Residential - Land within Detailed Area Plan area - remainder of Byford Structure Plan Area	- Residential Design Codes of WA - Byford Townsite Detailed Area Plan - TPS 2 – Clauses 5.3 to 5.5 - Residential Design Codes of WA - Any local structure plan adopted by the Council that includes the development site. - TPS 2 – Clauses 5.3 to 5.5
Rural-Residential - Land within Detailed Area Plan area - remainder of Byford Structure Plan Area	- Residential Design Codes of WA – R2-5 - Byford Townsite Detailed Area Plan - TPS 2 – clause 5.8 - Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site. - TPS 2 – Clause 5.8
Neighbourhood Node - Residential - Non-Residential	- Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site. See table below
Neighbourhood Centre	See table below
Town Centre	Byford Townsite Detailed Area Plan
Highway Commercial	Byford Townsite Detailed Area Plan
Mixed Business	Byford Townsite Detailed Area Plan

Non-residential developments in Neighbour Node and Neighbourhood Centre Zones

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street(s)	Side	Rear		
Neighbourhood Node	As per relevant R-Code			As per relevant R-Code	25% of site
Neighbourhood Centre	9	Abutting Residential: as per R Codes Other: Nil	Abutting Residential: as per R Codes Other: Nil	50%	15% of site

3.6 Zoning/Land Use Table

The permissibility or otherwise of a land use within the policy area is as set out on the Zoning/Land Use Table contained in this policy.

The symbols used in the cross reference in the Zoning/Land Use Table have the following meanings:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning/Landuse Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Amusement Parlour				AA	AA		
Automotive & Marine Sales						SA	SA
Automotive Repairs							AA
Automotive Vehicle Wash						AA	P
Caravan or Trailer Hire						AA	P
Betting Agency				P	P	IP	IP
Car Park			IP	IP	P	IP	IP
Child Minding Centre	SA	SA	AA	P	P		
Civic Buildings	SA	SA	P	P	P	P	P
Cinema/Theatre				SA	P		
Club Premises				SA	AA	AA	
Consulting Rooms			AA	P	P		
Convenience Store			SA	AA	P	AA	AA
Corner Store/Home Store			AA				
Craft Workshop							P
Display Home	AA	AA				IP	IP
Dry Cleaning Premises				AA	AA	AA	
Educational Establishment	SA	SA	AA	AA	P		

The symbols used in the cross reference in the Zoning Table have the following meanings:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Exhibition Centre				P	P	P	P
Fast Food/Takeaway				AA	P	AA	
Funeral Parlour				AA	P	AA	P
Garden Centre					AA	AA	P
Health Studio				AA	P	AA	P
Home Office	IP	IP	IP				
Home Business	IP	IP	IP				
Home Occupation	IP	IP	IP				
Hospital					AA		
Hotel					P	AA	
Industry: - Light - Service - Rural						AA	P P P
Lunchbar				P	P	P	P
Market				AA	AA	AA	AA
Medical Centre				AA	P	P	AA
Motel					P	AA	
Nightclub					AA		
Office			AA	P	P	P	IP
Private Recreation					AA	AA	AA
Public Amusement				AA	AA	AA	
Public Recreation				AA	P		
Public Utility	AA	AA	AA	P	P	P	P
Public Worship - Place of	SA			SA	P	AA	AA

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Radio & TV Installation				AA	AA	AA	AA
Reception Centre				SA	AA	AA	
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Aged & Dependent Persons Dwelling - Caretaker's Dwelling - Ancillary Accommodation - Residential Building	P P P (See Note 2.) P IP SA	P P P	IP IP IP	SA (See note 3) SA (See note 3) SA IP	SA (See note 3) SA (See note 3) SA IP AA	 IP	IP
Restaurant			SA	P	P	AA	
Restricted Premises							
Service Station					SA	SA	AA
Shop				P	P		IP
Shopping Centre				P	P		
Showroom				AA	P	P	P
Tavern				SA	AA	AA	
Trade Display						AA	AA
Transport Depot						SA	AA
Vehicle Hire					AA	AA	P
Veterinary Establishment			AA	SA	AA	AA	AA
Warehouse					IP	AA	P

Notes:

1. See Residential Planning Codes for definitions of Residential dwelling types;
2. Multiple Dwellings only permitted in R40 and higher density codes.
3. Grouped and Multiple Dwellings are only permitted in Neighbourhood Centre and Town Centre zones as part of combined Commercial/Residential developments such as shop-top housing or work/live developments.

CARRIED 10/0

Council Note: The Committee/Officer Recommended Resolution was changed by including some additional uses to the zoning/land use table.

SD023/08/05 EXTRACTIVE INDUSTRY MID-YEAR COMPLIANCE INSPECTION – LOT 202 SOUTH WESTERN HIGHWAY, WHITBY (P05992/04)		
Proponent:	Hanson Construction Materials Pty Ltd	In Brief To inform and update Council on compliance with the extractive industry licence conditions issued to Hanson Construction Materials Pty Ltd on 15 December 2004.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2 August 2005	
Previously	P051/12/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Hanson Construction Materials Pty Ltd
 Owner's Address: PO Box 187, Victoria Park WA 6979
 Applicant: As above
 Applicant's Address: As above
 Date of Receipt: N/A
 Advertised: N/A
 Submissions: N/A
 Lot Area: 150.09ha
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Raw Materials Extraction
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 7 July 2005

Background

Western Australian Planning Commission approval

The Western Australian Planning Commission granted planning approval on 5 September 2002 for the extractive industry under the Metropolitan Region Scheme. This approval is valid until 31 March 2012.

Shire Planning approval

Planning approval was issued by the Shire under the Town Planning Scheme N^o 2 to the landowner on 3 September 2002. This approval is valid for a period of 5 years expiring on 3 September 2007.

Licence

An Extractive Industry licence was issued to Hanson Construction Materials Pty Ltd for the extraction of hard rock and clay on the subject lot on 15 December 2004. The licence expires on 31 December 2005.

An inspection of the property and associated activities was undertaken recently by Council Officers. The site cannot be fully audited as all of the licence conditions are essentially under

appeal and therefore an audit would not give a true reflection of current compliance. Only the current planning approval conditions were audited during the site visit.

A copy of the current planning approval is with the attachments marked SD023.1/08/05.

Appeal

The owner subsequently lodged an appeal on 18 January 2005 with the State Administrative Tribunal under section s377(5) of the Local Government (Miscellaneous Provisions) Act 1960, to revoke the conditions as stipulated on the extractive industry licence. The Shire responded to the grounds of the appeal lodged by Hanson.

The application for appeal is still in the process of mediation with Hanson Construction Materials Pty Ltd.

Sustainability Statement

Effect on Environment: The area to be extracted has previously been cleared of any native vegetation. The extractive industry has the potential to cause impacts on the environment by way of noise, vegetation loss, visual amenity, dust and water quality. These matters are examined at the time of site visits by Shire officers and if any complaints are received from the public.

Resource Implications and Use of Local, renewable or recycled Resources: The proposal will extract a large volume of hard rock and clay over the life of the extractive industry.

Economic Viability: The extraction of hard rock and clay has the potential to significantly alter the existing landscape, reduce the visual amenity of the property and reduce biodiversity on the subject land.

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

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

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

Statutory Environment:

Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2
Shire of Serpentine-Jarrahdale Extractive Industry Local Law

Policy/Work Procedure Implications:

Extractive Industry Planning Policy. The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining the level of non-compliance with licence conditions to be applied in determining the length of extractive industry licence.

4. To set a process for determining audit review timeframes.
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire Officers.

Financial Implications:

It is considered that there will not be any direct financial implications to Council as a result of this reporting.

Strategic Implications:

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

1. People and Community

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

Strategy:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not Applicable

Comment:

An inspection of the property was undertaken on 7 July 2005. As all of the conditions imposed on the licence are currently under appeal, the licence conditions will not be reported on. However, as there is a current planning approval for the operator, all the planning

approval conditions were audited during the site visit. Most of the conditions on the planning approval are fully compliant with a number that are partially compliant. The following is a summary of the operator's conditions of the planning approval that have partially been complied with.

Condition 4 – Eradication program for Cottonbush & Declared Weeds

The Environmental Officer states:

Cotton bush has been and continues to be a problem on site because the seeds are wind born and therefore easily travel from neighbouring land. The operator is currently in the third year of a five year contract for weed control and works closely with the Department of Agriculture in relation to control trials for patterson's curse.

Bridal creeper has taken hold in the western portion of the pit both in revegetated areas and forest communities adjacent to the pit. An increase in bridal creeper was noted during the previous site inspection on 6 September 2004 and the company made a commitment at that time to seek advice and implement biological control of the infestation. The company representative again made a commitment to undertake control of this species.

Furthermore, black wattle was identified in some of the revegetation works. This was pointed out to the company representative and the Shire officers requested that the company environmental consultant be notified of their presence and that the consultant provide advice as to how they can be removed before they cause a weed problem in adjoining forest.

The operator is continuing weed control on the property although specific types of weeds are difficult to manage due to the way in which they can be transported from one property to another. The operator has made a commitment to contact their environmental consultant to help control the infestation of weeds on site. It is recommended that this condition continue to be monitored.

Condition 5 – Screening from the Coastal Plain

The Environmental Officer states:

Screen planting has taken place on a portion of the eastern side of the pit to assist with blending the scar into the landscape. However, a scar can clearly be seen from the coastal plain where recent clearing has taken place. Additional planting this winter of a further 50 meters of benching on the western side of the pit will assist in blending the scar but the company does not expect the scar to be fully blended until about 2010 (another 5 years).

On the western side of the pit, the bund and planting that was inspected during the last site audit has been dismantled and is to be redone. This again is likely to take up to 5 years to provide effective visual screening. The crushing and screening equipment on-site is covered to deaden noise and dust and these screens are coloured to blend with the background vegetation.

It is considered that although parts of the operation are visible from the coastal plain, once the revegetation is mature it will screen any parts that are currently visible from the Highway. This screening will continue to be monitored throughout subsequent site audits.

Condition 6 – Blasting Notification

There was some discussion about this condition because of a discrepancy between the times required for notification on the planning approval and the timeframe as stipulated on the current licence. Only 24 hours notice is required on the license and the company has been consistently been providing 24 hours notice.

The operator advised that 48 hour notice can be provided if required by the Shire.

Condition 8 – Rehabilitation

The Environmental Officer states:

In relation to revegetation standards within the 'Excavation Management and Rehabilitation Plan' an inconsistency was pointed out to the Quarry Manager relating to stem densities. On page 31 of this document, a stem density of 300 perennial plants per 100m² is committed to which equates to 30,000 stems per hectare. However, on page 34 of the same document, it states that "planting small tube trees and/or indigenous understorey species at the rate of 1,500 to 2,000 per hectare depending on seed mix used will be achieved". All officers agreed that some clarification of stem densities was required.

In relation to the densities of stems in newly rehabilitated areas on the western bench, the stem densities did not comply with 30,000 stems per hectare. However, growth has been surprisingly good for such a steep and exposed location where surface water might be expected to run off and the depth of soil would be limited. This site was planted only last year and the stems have therefore been in the ground only 12 months. However, a distinct green colour is evident over much of the bench. When all parties have agreed on standards for revegetation, these are to be signed off and will be included on the audit table.

Further negotiation and clarification needs to occur between Shire officers and Hanson representatives in relation to the exact figure for stem densities. It is recommended that once a figure is agreed upon that it be regularly audited to ensure that adequate rehabilitation is undertaken.

Condition 13 – Water Sampling

The Hanson representative indicated that water samples are taken once a month and that they are happy to continue doing this. Although no water sampling data was available to Shire Officers during the site visit, they were available within one week of the visit being undertaken. Three water sampling test points currently used by the company were visited during the inspection.

The Environmental Officer states:

Water sampling of the quarry operations is complicated by the fact that the main settlement pond is outside the northern boundary of the quarry. This settlement pond apparently requires dredging because the water appears to be running straight through it without allowing time for settlement of sediment. The water seeping from the northern end of the quarry site as well as the water leaving the settlement pond was laden with fine particulate material and was grey in colour.

The first test site on the property was the upstream sample site and would be used to represent the quality of undisturbed water. This is located about level with the new western bench rehabilitation area, about 100 meters north of the dogleg in the western lot boundary. However, this site may not be far enough up stream because it is in a constructed drain where it is likely to have picked up sediment associated with the bed and banks of the artificial drain.

The second sample site that is currently being used is further north along the same drain. Water is sampled just after passing through a pipe which passes under the gravel track. There is a small settlement basin on the other side of the track through which the water passes prior to being sampled. This small settlement basin was not quite full of sediment but was nearly full and would need to be dredged soon. Although sediment is obviously trapped in this small basin, it is not large enough to trap the very fine sediment.

The third sample site being used currently is at the base of the northern rock wall as water seeps into the settlement pond on the waste disposal site to the north. This water, however, is not the same water that is sampled at sites 1 and 2. That water discharges into the natural water course further east and the water sampled at the third sample site is sourced from a little further west of the sampled drain. The water at the third sample plot drains through the pit itself and percolates through the new underground pipes and rock filter bed. There is, therefore, not an upstream sample site with which to compare the quality of water sampled at site 3.

Water sample data was delivered to the Shire office at the end of July. The levels of oil and grease at the discharge point at the base of the northern rock wall were less than 5mg/L. However, the levels of suspended solids were high at 4,200mg/L on 31/05/2005 and at 4,500 mg/L on 1/02/2005. The water samples provided also include levels of suspended solids and hydrocarbon levels in water discharged from the landfill site which is downstream of the Hanson discharge. The readings were all lower than the sediment readings taken at the Hanson site discharge but on 7/06/2005 remained very high at 2,600mg/L.

It was decided that the company and the Shire need to work in partnership to further refine a water sampling program. A site visit and meeting has been arranged to address the water quality monitoring and management on the site that will involve Hanson personnel, landfill site personnel, the Shire's Environmental Officer and Department of Environment personnel.

Condition 19 – Rehabilitation Bond

On 27 November 2002, Pioneer Construction Materials (now Hanson) submitted documentation to the Shire of Serpentine-Jarrahdale detailing the rehabilitation works that would be undertaken and proposing that a nominal unit rate per square metre be applied as an equitable solution to the valuation of bonds. Hanson proposed that an amount of \$1.75 per square metre be the basis of the bond calculation. The main areas of rehabilitation as identified by Hanson covered a total of 184,000 square metres and at the previously mentioned rate resulted in a total bond figure of \$322,000. This final figure was then proposed to be rounded down to the nearest \$100,000 making the payable bank guarantee a total of \$300,000.

Conclusion and Further Recommendations

The recent audit inspection of the Hanson quarry revealed that only one of the current planning approval conditions is deemed to be non-compliant. This related to the payment of the bank guarantee. The remaining five conditions that have been detailed in the report have been deemed to be compliant by Shire Officers with recommendations that further work and discussion with the Hanson representatives be undertaken.

It is recommended that the following actions be taken with Hanson Construction Materials Pty Ltd:

- 1 The company be notified that they need to follow up with weed control on site and reinstate the screening on the western bund;
- 2 The Shire works with the company to work out the inconsistencies in the 'Excavation and Rehabilitation Plan';
- 3 That the required timeframe for blasting notification be clarified;
- 4 The Shire works with the company towards developing a water quality sample program and water quality standards that all parties are happy with; and
- 5 The bank guarantee to be finalised and paid.

It has previously been presented to Council and approved that Hanson Construction Materials Pty Ltd be issued with a 5 year Extractive Industry Licence. Once the issue of the bond has been sorted out and agreed to by both parties, negotiations with the company will ensure that any of the issues raised in this report are adequately addressed.

With respect to the current Extractive Industry Licence, negotiations are continuing between the Shire and Hanson at the State Administrative Tribunal in order to reach an outcome that satisfies both parties.

Voting Requirements: Normal

SD023/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

- 1. Council notes and endorses the report addressing the mid-year compliance inspection for Lot 202 South Western Highway, Whitby.**
- 2. Council writes to the landowner advising of the areas of non-compliance with the Extractive Industry Planning Approval and sets the following for the completion of the outstanding conditions:**
 - Condition 6 – Blasting Notification: immediate**
 - Condition 8 – Rehabilitation: 31 December 2005**
 - Condition 13 – Water sampling: 31 December 2005**
 - Condition 19 – Rehabilitation bond: immediate**

CARRIED 10/0

SD024/08/05 EXTRACTIVE INDUSTRY MID-YEAR COMPLIANCE INSPECTION – LOT 1304 COYLE ROAD, OLDBURY (P03215/05)		
Proponent:	NLG Sand Supplies	In Brief To inform and update Council on compliance with the extractive industry licence conditions issued to NLG Sand Supplies on 15 December 2004 and the planning approval conditions issued on 16 July 2003.
Owner:	Vincent Nominees Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3 August 2005	
Previously	P050/12/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner:	Vincent Nominees Pty Ltd
Owner's Address:	31 Clifton Street, Kelmscott
Applicant:	NLG Sand Supplies
Applicant's Address:	31 Clifton Street, Kelmscott
Date of Receipt:	N/A
Advertised:	N/A
Lot Area:	18.6ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	Peel – Harvey Coastal Plain Catchment
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	15 July 2005

Background

Western Australian Planning Commission approval

The Department for Planning and Infrastructure granted planning approval on 8 September 2003 for the extractive industry under the Metropolitan Region Scheme. No expiry date was specified on the approval.

Shire Planning approval

Planning approval was issued by the Shire under the Town Planning Scheme N^o 2 to the landowner on 16 July 2003. The approval was originally issued for a period of 5 years but was changed to 10 years through appeal. Planning approval therefore expires on 16 July 2013.

Licence

An Extractive Industry licence was issued to NLG Sand Supplies for the extraction of sand on the subject lot on 15 December 2004. The licence expires on 31 December 2005.

An inspection of the property and associated activities was undertaken recently by Council Officers to ensure that the conditions as stipulated on the licence and planning approval are being complied with. The licence conditions under appeal were not audited.

A copy of the current planning approval is with the attachments marked SD024.1/08/05.

Appeal

The owner subsequently lodged an appeal on 10 January 2005 with the State Administrative Tribunal under section s377(5) of the Local Government (Miscellaneous Provisions) Act 1960, against conditions 4, 6, 10, 11, 15, 18, 19 and 21 imposed on their licence. The Shire responded to the grounds of the appeal lodged by NLG Sand Supplies 16 February 2005.

The application for appeal is in the process of mediation with NLG Sand Supplies to resolve the wording of the licence conditions and the length of the licence. ***All of the conditions have been discussed and agreed to by both parties and minute of consent orders have been prepared as attached at SD024.2/08/05.***

Sustainability Statement

Effect on Environment: The area to be extracted has generally been cleared of vegetation.

Resource Implications: The proposal will extract a large volume of sand over the life of the extractive industry. The proposal does not specify measures to minimise resource use. The proposal has the potential to use significant amounts of water for dust prevention and fuel for operation of machinery.

Use of Local, renewable or recycled Resources: The proposal allows for utilisation of a valuable local raw material resource, which could potentially benefit the residents of the Shire. Having a building resource such as sand available locally would potentially reduce the cost of the product to the local consumers.

Economic Viability: The proposal is for continuation of the already existing sand extraction operation, which has been operating since 1978.

Economic Benefits: The continuation of the quarry site would potentially create additional jobs available to the residents in the Shire. Also having such a valuable building resource as sand available locally would reduce cost to the local consumers.

Social – Quality of Life: It is considered that the proposal will not impact on the quality of life for the community.

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

Statutory Environment: Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2
Shire of Serpentine-Jarrahdale Extractive Industry Local Law

Policy Implications: Extractive Industry Planning Policy. The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining the level of non-compliance with licence conditions to be applied in determining the length of extractive industry licence.
4. To set a process for determining audit review timeframes.
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire Officers.

Financial Implications: It is considered that there will not be any direct financial implications to Council as a result of this reporting.

Strategic Implications:

- 1. People and Community**
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategy:
 5. Protect built and natural heritage for economic and cultural benefits.
- 2. Environment**
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
 1. Increase awareness of the value of environmental requirements towards sustainability.
 3. Encourage protection and rehabilitation of natural resources.
 6. Value, protect and develop biodiversity.
- 3. Economic**
Objective 1: A vibrant local community
Strategy:
 1. Attract and facilitate appropriate industries, commercial activities and employment.

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

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not applicable

Comment:

An inspection of the property was undertaken on 15 July 2005 to audit the current extractive industry licence and planning approval conditions. As eight of the conditions imposed on the licence are currently under appeal, these were not audited on site. However, the visit revealed that all of the current extractive industry licence conditions have been complied with during the past year.

With respect to the current planning approval conditions, there are three conditions that have not been fully complied with. It should be noted that the non-compliance is not because the works haven't been done but rather because standards and policies have changed. These conditions are as follows:

Condition 20 – Wetland Revegetation and Rehabilitation

The Department of Environment are currently reviewing the wetland status of the property and have agreed to remove the wetland nomination from the Environmental Protection Policy revised draft listing dated November 2004. However, it is recommended that Shire Officers continue working with the proponent in relation to the rehabilitation of the site.

Condition 23 – Conservation Category Wetland

The wetland is to be re-categorised by the Department of Environment. NLG have advised that they have spread Fusilade at the perimeter areas of buffer bush, as recommended by Shire Officers.

Condition 26 – Extraction and Rehabilitation Works

The operator has advised that excavation has not yet reached stage 4 and that excavation cannot be limited to a four monthly period. The operator has stated that the period of the operation will be mediated upon prior to the commencement of excavation in this stage.

The Environmental Officer states:

Discussion took place in relation to this condition and how it goes against best practice for dieback management. This condition should be revised in the light of the new industry dieback management guidelines as endorsed by the Chamber of Industry and Commerce.

It is recommended that Shire Officers continue to liaise closely with the proponent to ensure that management is in accordance with the new guidelines.

Conclusion

As there have only been minor non-compliances with NLG in the past two years, it has previously been presented to Council and approved that NLG Sand Supplies be issued with a five year Extractive Industry Licence upon expiry of the current licence. The recent mid-year inspection of the property revealed that the company is compliant with the current extractive industry conditions with only minor work needed to be undertaken with respect to the planning approval conditions. It therefore reinforces that a five year licence is appropriate for this site.

Voting Requirements: ABSOLUTE MAJORITY

SD024/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

- 1. Council notes and endorses the report addressing the mid-year compliance inspection for Lot 1304 Coyle Road, Oldbury.**
- 2. Council writes to the landowner advising of the areas of non-compliance with the Planning approval and sets the deadline for the completion of the outstanding conditions as 31 December 2005.**
- 3. Council authorises the Chief Executive Officer to sign the Minute of Consent Orders as attached at SD024.2/08/05.**

CARRIED 10/0 ABSOLUTE MAJORITY

Cr Needham declared an interest of impartiality in item SD025/08/05 DEVELOPMENT UNDERTAKEN IN CONTRAVENTION OF TOWN PLANNING SCHEME NO. 2 – USE OF ZINCALUME SHEETING TO ROOF SINGLE HOUSE – LOT 216 BUTTER GUM CLOSE, SERPENTINE as the partner of the proponent is the Serpentine Hairdresser that Cr Needham frequents and Cr Needham left the meeting at 7.19pm.

Cr John Price, Deputy President took the Chair at 7.19pm.

SD025/08/05 DEVELOPMENT UNDERTAKEN IN CONTRAVENTION OF TOWN PLANNING SCHEME NO. 2 – USE OF ZINCALUME SHEETING TO ROOF SINGLE HOUSE – LOT 216 BUTTER GUM CLOSE, SERPENTINE (P05848/01)		
Proponent:	Not applicable	In Brief The owner of Lot 216 Butter Gum Close, Serpentine has been found to have undertaken development in contravention of their planning consent. The contravening development is the use of zincalume sheeting to roof the single house on the subject land. The use of zincalume sheeting is not permitted in accordance with the planning consent issued for the single house under the Scheme. It is therefore recommended that Council give written direction to the owner of the subject land to remove or suitably alter the zincalume sheeting (through painting) within a period of 60 days.
Owner:	DMJ Hopkin	
Officer:	Andrew Trosic – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 July 2005	
Previously	Not applicable	
Disclosure of Interest	Cr Needham & Cr Price	
Delegation	Council	

Owner:	DMJ Hopkin
Owner's Address:	PO Box 162
Applicant:	Not applicable
Applicant's Address:	Not applicable
Date of Receipt:	Not applicable
Advertised:	Not applicable
Submissions:	Not applicable
Lot Area:	0.7470ha
L.A Zoning:	Rural Living A
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural Living A / Future Structure Planning and Investigation Area
Rural Strategy Overlay:	Landscape Protection Policy
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Not applicable
Date of Inspection:	13 June 2005

Background

On 13 June 2005, the landowner met on site with the Principal Building Surveyor and Senior Planner to discuss matters relating to the construction of a house on the property. The landowner was advised by staff to stop work on the installation of a zincalume roof on the dwelling. The landowner was formally notified on 15 June 2005 that the use of zincalume

materials on the roof of the dwelling was in contravention of the conditions of planning approval dated 28 September 2004.

The landowner was advised in writing on 27 June 2005 that all work associated with the roof must cease immediately and:

- a) Remove the zincalume roof sheeting; or
- b) Suitably alter the colour of the roof through painting with a dark green or similar approved colour

This work was required to be completed by 27 August 2005.

Further to the Shire's letter dated 27 June 2005, the landowner advises:

"Thank you for your letter of 27th June 2005 regarding my home currently under construction at the abovementioned address. In relation to the directions stipulated in your correspondence and our subsequent telephone conversation yesterday, I put forward the following proposal for your consideration.

Firstly, I would like to confirm our discussion that the "Direction to stop work immediately" is in relation to the Zincalume roofing only, and that work may continue on the balance of the home.

Secondly, I would like to be given the opportunity to discuss my roofing options and present my case for my preferred material to the appropriate Shire Officers. In the meantime I request the 60 day period referred to in your letter be stood aside to allow sufficient time for the meeting to take place.

Finally, I would like to state that it is not my intention to ignore the lawful directions of the Shire and I certainly do not want to put myself in a position where I may be liable to substantial financial penalties.

I am sure that once we have had the opportunity to put forward our respective viewpoints we will come to a mutually acceptable resolution."

Sustainability Statement

Not applicable as this application relates to a non compliance with an approval.

Statutory Environment:

Town Planning and Development Act 1929
State Administrative Tribunal Act 2004
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

Policy/Work Procedure Implications:

Local Planning Policy No. 8 - Landscape Protection

Financial Implications:

Council should be aware that if the owner of the subject land fails to comply with a written direction, then Council itself shall choose to remove or suitably alter the zincalume sheeting which has been placed on the roof of the single house and then recover from the owner the costs incurred in doing so. This option is available to Council under section 10(8) of the Act.

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

In terms of explaining the contravention which has occurred on the subject land, clause 5.12.9(i) of the Scheme (as it relates to the 'Rural Living A' and 'Rural Living B' zones) states:

“no building shall be constructed within the zone of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality;”

Before making a decision under the clause, Council and delegated staff are required to have due regard to a number of matters as directed by the Scheme. These include the provisions and objectives of any local planning policy which has been made under the Scheme. This is provided for under clause 9.2 of the Scheme, stating:

“A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision.”

As provided above, while local planning policies do not specifically bind Council, they offer important guidance where the Scheme requires Council and delegated staff to exercise discretion in making a decision.

As the subject land falls within the area of the Shire which has been identified as having landscape significance, all use and development is subject to assessment in accordance with Local Planning Policy No. 8 (“the Policy”). This is the local planning policy made under the Scheme which relates specifically to use and development on land identified as having landscape significance. This Policy was adopted by Council on 23 December 2002, and has a primary objective to preserve the amenity deriving from the scenic value of the Darling Scarp. The Policy contains a map titled 'Landscape Protection Policy Area' which clearly identifies all land within the Shire regarded as having landscape significance. Use and development of such land is required to be assessed in accordance with the Policy. Lot 216 Butter Gum Close and the surrounding 'Rural Living A' zoned land, is all located wholly within the Landscape Protection Policy Area map.

In making an assessment pursuant to this, the Policy contains a number of development guidelines needing to be given due regard for any proposed use or development of land. These guidelines cover a wide range of criteria influencing the potential scenic impact of development, including the location of development, topography of land, siting of development and access roads, vegetation protection, external appearance and building materials. With particular regard to the external appearance of development and building materials, the Policy states:

“The use of zincalume or reflective glazing within this policy area will not be permitted in the “seen area” as defined in Figure 2 unless measures are taken to prevent reflection. Such measures may include landscaping and colour schemes that blend with the surrounding environment, roof pitch and tilt on glazing;

[Building to] be designed with suitable materials and colours complimentary to the locations and compatible with the landscape character of the site and locality. Such other design criteria as scale, proportion and texture and roof shape will also be addressed as part of the application;

In making assessment against these two guidelines, it was found that the subject land was one of the highest elevated lots within the immediate area and hence any development in the seen area would be highly visible particularly from nearby South Western Highway. Accordingly, the Policy required careful assessment to ensure development would not pose any adverse scenic impacts through the use of inappropriate design or highly reflective building materials. The use of zinalume, being a highly reflective building material, was therefore specifically precluded for the subject land.

Reflecting this assessment, condition 8 of the planning consent issued on 28 September 2004 for the proposed single house states:

“Only materials identified in the schedule of colours, materials and finishes are to be used in the construction of the dwelling unless the prior written approval of the Manager Planning and Regulatory Services is obtained.”

The schedule submitted by the landowner identified the use of an appropriate non-reflective material for the proposed roof of the single house, being “Mist Green Colorbond’ sheeting. This was permitted on the basis of it being an appropriate material which blended in with the natural setting of the area and limited any scenic impact resulting from built development on the land.

Conclusion

As the owner of the subject land has proceeded to roof the single house with zinalume sheeting, development has occurred in contravention of the Scheme and the planning consent dated 28 September 2004. This should be rectified through giving written direction under clause 8.3.2 of the Scheme and section 10(3)(a) of the Act.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Council, in accordance with clause 8.3 of Town Planning Scheme No. 2 and section 10(3)(a) of the Town Planning and Development Act 1928 within 60 days, give written direction to the owner of Lot 216 Butter Gum Close, Serpentine to either:
 - a) remove; or
 - b) suitably alter through painting with a dark green or similar colour to the satisfaction of Council
2. Council, in accordance with section 10(7)(b) of the Town Planning and Development Act 1928, advise the owner in the written direction that failure to comply with the written direction is an offence liable for penalties up to \$50 000 and \$5 000 per day.
3. Council, in accordance with section 10AA of the Town Planning and Development Act 1928, advise the owner in the written direction of their right to apply to the State Administrative Tribunal for a review of Council’s decision to give this written direction. Any such application for review must be made direct to the State Administrative Tribunal within 28 days of the date of the written direction.

CARRIED 5/1

AMENDMENT

Moved Cr Hoyer, seconded Cr Murphy that the word 'dark' be removed from 1b).
CARRIED 7/0

After debate the Presiding Member then put the motion which was

SD025/08/05 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Hoyer (proforma)

- 1. Council, in accordance with clause 8.3 of Town Planning Scheme No. 2 and section 10(3)(a) of the Town Planning and Development Act 1928 within 60 days, give written direction to the owner of Lot 216 Butter Gum Close, Serpentine to either:
 - a) remove; or**
 - b) suitably alter through painting with green or a similar colour to the satisfaction of Council****
- 2. Council, in accordance with section 10(7)(b) of the Town Planning and Development Act 1928, advise the owner in the written direction that failure to comply with the written direction is an offence liable for penalties up to \$50 000 and \$5 000 per day.**
- 3. Council, in accordance with section 10AA of the Town Planning and Development Act 1928, advise the owner in the written direction of their right to apply to the State Administrative Tribunal for a review of Council's decision to give this written direction. Any such application for review must be made direct to the State Administrative Tribunal within 28 days of the date of the written direction.**

CARRIED 8/1

Committee Note: The Officer Recommended Resolution was changed by deleting the word 'dark' from 1b).

Cr Needham did not vote and returned to the meeting at 7.21pm.

Cr Needham resumed the Chair.

SD026/08/05 PROPOSED OFFICE DEVELOPMENT – LOTS 4 & 5 SOUTH WESTERN HIGHWAY, BYFORD (P05169/03)	
Proponent	E Bonker
Owner	As above
Officer	M Kenny - Senior Planner
Signatures - Author:	
Senior Officer:	Brad Gleeson, Executive Manager Planning & Regulatory Services
Date of Report	26 July 2005
Previously	P012/08/03
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.
Delegation	Council

In Brief

Proposed office development in Byford Highway Commercial precinct. It is proposed to approve the application subject to conditions.

Owner: E Bonker
 Owner's Address: 42 Redcliffe Road, Cardup 6122
 Applicant: As above
 Applicant's Address: As above
 Date of Receipt: 23 June 2005
 Advertised: N/A
 Submissions: N/A
 Lot Area: N/A
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Highway Commercial
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory:
 Townscape/Heritage Precinct:
 Bush Forever: Nil
 Date of Inspection: 18 July 2005

Background

The development site is located on the western side of South Western Highway adjacent to the existing Byford Tavern site. Beenyup Brook diagonally transects the south western corner of the site and there is remnant riparian vegetation along the edges of the brook.

The site is currently in two land parcels (Lots 4 and 5) and contains a house, which straddles the boundary of the two lots, and an outbuilding that has been used for a Home Business (Accountant's office) since 1996.

In August 2003 (Planning Committee item P012/08/03), approval was granted for the construction of a purpose built office on the site subject to the following conditions:

"CRP012 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Star that Council grants approval for an application dated 23 April 2003 for an Office on Lots 4 and 5 South Western Highway, Byford subject to the following conditions:

PREREQUISITE TO THE ISSUE OF A BUILDING LICENCE

1. *Amalgamation of Lots 4 & 5 South Western Highway into one lot.*

2. *Development to be generally in accordance with the plan entitled Site Plan/ Floor Plan as received by Council on 23 April 2003 but modified to incorporate the following modifications as shown on attachment P012.3/08/03 (dated 7 August 2003):*
 - a) *removal of the two parking bays adjacent to the Highway and replacement with landscaping;*
 - b) *removal of the parking area at the rear of the office building and replacement with landscaping;*
 - c) *provision of five parking bays at the rear of the residence; and*
 - d) *details of any signage on the building and on the property:*
to the satisfaction of the Director Sustainable Development.
3. *Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of the building materials shall be submitted and approved to the satisfaction of the Director Sustainable Development prior to the commencement of any work or use authorised by this approval. The walls, roof, windows and other dominant features of the building are to be non reflective and/or painted in a colour of natural or earth tonings to compliment the natural surroundings and/or adjoining developments and be approved by the adjoining landowner (P).*
4. *All stormwater is to be disposed of within the confinements of the property. This shall be achieved by either soak wells or spoon drains and the grading of driveways and paved areas onto lawns or landscape areas preventing direct discharge of stormwater onto the road, neighbouring properties or Beenyup Brook. Relative to this condition, all earthworks and/or associated drainage shall be in accordance with plans and specifications submitted to and approved by Director Asset Services. (E)*
5. *The applicant shall prepare to the satisfaction and specification of the Director Asset Services, and thereafter implement, a stormwater management plan, which utilises water sensitive urban design principles to achieve the Water Quality-Related Design Objectives for Byford in Table 4.3 of the Byford Urban Stormwater Management Strategy. (E)*
6. *A landscape plan must be submitted (in triplicate) to Council's Planning Service and approved. For the purpose of this condition a detailed landscape plan shall be drawn to scale of 1:100 and shall show the following:*
 - a) *The location, name and mature heights of existing and proposed trees and shrubs;*
 - b) *Any lawn and paved areas to be established;*
 - c) *Any natural landscaped area to be retained; and*
 - d) *Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles (P).*
 - e) *Revegetation of the creek line with local indigenous riparian species*
 - f) *Use of shade trees in the car parking area*

ONGOING CONDITIONS

1. *The vehicle parking access(es) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Asset Services prior to the occupation of the development for the use hereby permitted. (E)*
2. *One disabled bay and statutory signs located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the Director Asset Services and Director Sustainable Development.*
3. *Parking bays shall be designed and constructed to accord with the dimensions specified in Appendix 11 of Town Planning Scheme No. 2. (P).*
4. *Access onto the site from South Western Highway shall be restricted to that shown on the plan approved by Council and Main Roads WA. The existing northern crossover to the property shall be closed to the satisfaction of Main Roads WA and Director Asset Services. (E)*

5. *The provision of 10 on site car parking bays, in a location to the satisfaction of the Director Sustainable Development.*
6. *Revegetation/landscaping shall be implemented in accordance with Condition 6 and thereafter maintained within 3 months of practical completion of works to the satisfaction of the Director Sustainable Development.*
7. *The development shall be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 D3 and AS1428.1 (B).*
8. *The development being connected to reticulated sewerage to the satisfaction of the Water Corporation and Council's Health Service.*
9. *Any outdoor display lighting or security light shall be located or shielded so that no additional light is cast on adjoining land or distract traffic. (P)*
10. *No filling of the watercourse is permitted. (H)*
11. *The location and colour of external fans, air conditioners and the like shall be to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise. (P)*
12. *If the development, subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from Council. (P)*
13. *The carport being demolished upon completion of the office building (P)*
14. *The fence between the development and the creekline is to be maintained to provide a physical separation of the two areas at all times.*

Advice Notes:

1. *A building licence must be applied for and issued by Council before any work commences on the site. (B)*
2. *Any activity with the South Western Highway road reserve must be approved by Main Roads WA and the Director Asset Services and would include no clearing/pruning or road side vegetation to be undertaken without approval. (E)*
3. *The building is not to be occupied until a Certificate of Classification has been issued by Council. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence. (B).*
4. *Prior to the removal of any structure a demolition licence shall be obtained from Council pursuant to the Building Regulations 1989. (B)*

CARRIED 9/0"

The plan previously approved by the Shire is with the attachments marked SD026.1/08/05 and shows a 175 square metre office building.

The Proposal

A new application for a modified and expanded office development has now been submitted. The site plan shows an office building of 274 square metres in area and setback 14 metres from the front boundary of the lot. The site plan indicates that this building will be replicated in a second stage of the development at some time in the future, which at that time will require the demolition of the existing dwelling.

A car parking area for 13 car bays (including 1 disabled bay) is shown to be located at the front of the site.

The applicant advises that the proposed development has been modified and expanded to cater for expected increased business as a result of the residential development now occurring in the Byford urban area.

A site plan and elevation drawing is with the attachments marked SD026.2/08/05.

Sustainability Statement

Effect on Environment: There are four existing trees on the property – two within the Beenyup Brook gully and two behind the existing house. The large white gum behind the existing house should be retained and accommodated within the car parking area.

The proposed development provides the opportunity for the portion of the Beenyup Brook that traverses the rear of the property to be rehabilitated and enhanced. A vegetation management and landscaping plan should be required as a condition of approval.

Resource Implications: The development site is connected to the Water Corporation's reticulated water supply so there should not be any drain on groundwater resources. The existing Water Corporation reticulated sewerage system is currently extended to the northern boundary of the adjacent tavern site so the development should be required to connect into this scheme.

Use of local, renewable or recycled Resources: The development is to be constructed of brick and iron, of which bricks are a locally made product in Byford.

Economic Viability: The proposal will be economically viable in that it will be connected to the Water Corporation's reticulated water and sewerage systems. The development will enable the rehabilitation and enhancement of a portion of the Beenyup Brook.

Economic Benefits: The proposal has the potential to generate employment within the Shire. The existing Home Business on the site (which will relocate to the new offices) currently employs four persons and the number of employees will grow as the population of Byford grows.

Social – Quality of Life: It is not considered that the development will have any negative impacts on the quality of life of any adjoining residence as all impacts will be able to be managed on-site. Vehicle access and car parking can be located on the side of the lot that abuts the tavern site so that the potential for traffic movements to affect the residence on the property abutting the southern side of the subject lot will be minimised. In any case, the ambient noise levels present on the existing residential properties adjacent to the subject site would be considerably higher (due to their location on South Western Highway) than any noise generated by this office development.

Social and Environmental Responsibility: The plans submitted demonstrate environmental responsibility through the setback of the development from the Beenyup Brook. Drainage design will also need to carefully address the issue of protection of the water quality of the brook by ensuring that any runoff from car parking areas does not directly enter the brook.

Social Diversity: The proposal will not directly impact on any particular social group.

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

Policy/Work Procedure Implications: Byford Structure Plan and Byford Detailed Area Plan

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
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.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Comments from External Agencies

The application was referred to Main Roads Western Australia as is required for all commercial development on sites abutting South Western Highway. Main Roads Western Australia provided the following response:

The proposed development is acceptable to Main Roads, subject to the following conditions being imposed:

1. No earthworks shall encroach onto the South Western Highway road reserve.
2. No storm water drainage shall be discharged onto the South Western Highway road reserve.
3. The driveway connecting South Western Highway and the proposed office shall be eight metres in width and at right angles to the roadway. The driveway crossover shall be constructed to Serpentine Jarrahdale Shire standards for commercial driveways.
4. The applicant shall make good any damage to the existing verge vegetation within the South Western Highway road reserve.

Development Control Unit Comments

Building Services Comments:

“Suggested Conditions:

The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification is in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor

levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

Suggested Footnotes:

The building shall be designed to incorporate access and facilities suitable for people with disabilities in accordance with Part D3 of the Building Code of Australia. Please note that strict compliance with the Building Code of Australia may not fully satisfy your obligations under the Disability Discrimination Act.

Boundary setbacks must take account of the fire separation provisions of Part C2 of the Building Code of Australia.

Prior to the removal of any structure, a demolition licence shall be obtained from Council pursuant to the Building Regulations 1989.”

Action:

No other DCU comments received.

All conditions and footnotes recommended by Building Services have been included in the recommendation.

Community Consultation:

Required: No

Comment:

Since the previous proposal was approved, both the Byford Structure Plan and the Byford Detailed Area Plan have been adopted by the Council. As such, the application must now be assessed against the design requirements contained in the Detailed Area Plan.

Under the Byford Structure Plan, the area is designated as Highway Commercial. This zone is intended to cater for office, showroom and large scale medical centre developments but not retail shopping.

The table below details the relevant development provisions contained in the Detailed Area Plan that are applicable to this type of development in the Highway Commercial precinct and identifies the compliance or otherwise of the proposed development with these requirements:

Design Element	Detailed Area Plan Requirement	Proposed Development	Complies Yes/No
Setbacks - Front - other	5 metres minimum As determined by Council.	14 metres Nil to southern boundary	Yes See comments below
Car parking	To be located at the rear of the development with access off a new road to be constructed on Crown Land (refer attachment SD026.3/08/05)	All car parking shown within the front setback area as per condition of previous approval.	No – see comments below
Building orientation	New buildings to be designed to face west (ie the new road at the rear) with a quality visual aspect to all frontages (ie both the front and back of the	Building is oriented to the east (South Western Highway frontage) with only a few windows and back door facing the west.	No – see comments below

Design Element	Detailed Area Plan Requirement	Proposed Development	Complies Yes/No
	building have to look like fronts. Ground floor to be predominantly glazed. Entrance to be prominently visible from western future road. Building to be set parallel to side boundaries.	Front complies, rear doesn't. Only back door emergency exit faces future western road. Building is parallel to side boundaries	No No No
Building design	Contemporary and consistent with character of any existing adjacent contemporary buildings.	The design of the building is that of an old fashioned shop front with a verandah and above-verandah flat fascia and flat roof behind. This is consistent with existing commercial developments in Byford including the building where the Byford Shire office used to be and the recently approved shopping centre development to the north on South Western Highway.	Yes
Height	Maximum of 8.0 metres or 2 storeys	4.5 metres to top of front fascia parapet.	Yes
Adaptability	Building to be capable of adaptation for alternative use in future.	The design of the proposed building is such that it would be suitable to be used as an office, showroom, bank or restaurant or the like.	Yes
Materials	Brick or masonry either rendered or un-rendered. If tilt-up concrete proposed then suitable articulation of design elements is required.	The proposed building will be Cream coloured rendered brick work with a red colorbond roof and gutters.	Yes
Colours	Lurid colours or colour schemes in sharp contrast to adjoining buildings shall not be used.	See above.	Yes
Fencing	Not permitted except for screening or service areas using walls of the same construction as the building	None shown – condition required	Yes
Service areas	To be screened from public view	None shown – condition required.	Yes
Signage	Simple signage, affixed to front of building. Not to project above roof line. Must comply with Shire's LPP5 Control of Advertisements.	None shown – condition required.	Yes
Environment	Solar access to be maximised, energy efficient electrical design required, building materials to be thermally insulating.	The lot faces east west and as required by Detailed Area Plan the building is required to have	No

Design Element	Detailed Area Plan Requirement	Proposed Development	Complies Yes/No
		active frontages to east and west sides of building. No windows shown on northern side of building. Not possible due to future development.	
Paving	Brick paving in earth tones, different colours to be used to delineate between pedestrian and car parking areas and road surface.	Crushed gravel bitumen (earth tone) is proposed for the car park and cream coloured pavers for the pedestrian paths.	Yes
Landscaping	Minimum 15% of site area to be landscaped. Car parking areas to have 1 tree per six car bays for shade. Trees to comprise indigenous species listed in DAP. All planting to be native species. Existing trees to be retained where possible. Planting strips to be minimum 1.5 metres in width. Street trees to be provided by developer at rate of 1 per 10 metres of frontage.	Existing trees shown retained including large white gum. Some landscaping strips are shown less than 1.5 metres in width. Revegetation of brook required as per previous approval. One existing street tree on South Western Highway frontage. Conditions required.	No

Setbacks

The Detailed Area Plan doesn't specify side and rear setbacks for the Highway Commercial area south of the Town Centre. The applicant proposes a nil setback to the southern boundary. It is recommended that this setback be accepted for the following reasons:

1. It is consistent with the side setback approved by the Council for the development in 2003;
2. It is an appropriate setback for the efficient use of commercial land; and
3. The parapet wall will provide an effective acoustic buffer for the residential property to the south.

Car parking

Plan S of the Detailed Area Plan shows proposed car parking actually on top of Beenyp Brook. A culvert crossing would be required to provide access from the rear boundary into any car parking area at the rear of the site, which could result in clearing of riparian vegetation adjacent to the brook. In addition there has not been any progress made by the Shire towards acquiring Crown Land at the rear of these properties for the purpose of a road to date.

Plan S of the Detailed Area Plan indicates that the car park for the subject site would be accessed via the car park at the rear of the tavern. This would necessitate the owners of Lots 4 and 5 obtaining a right of carriageway through the Tavern car park. It is unlikely that the Tavern owners would agree to this at this stage. There would be an opportunity for the right of carriageway to be put in place if the Tavern were to submit a substantial development proposal for alterations and additions to the Tavern. Therefore, in order to achieve compliance with the intent of the Detailed Area Plan, it would be possible to locate the car park for the office development at the side and rear of the buildings with interim access being provided via the existing crossover to South Western Highway (as was approved by the Council and Main Roads in 2003). Then when the Tavern carries out its development plans a condition could be placed on the Tavern development requiring their

car park to be designed to provide flow through access to the car park of the office development.

Accordingly, it is recommended that a revised site layout be required for the office proposal that places the majority of the car parking (in particular staff parking) at the side and rear of the development. It would be appropriate, however, for a small number of visitor parking bays (including a disabled parking bay) to be provided at the South Western Highway frontage of the site. The building can be pulled forward to allow for some parking at the rear of the building.

The car parking requirement for offices under Town Planning Scheme No. 2 is 1 bay per 40 square metres of floor space. Therefore, for a 274 square metre office a minimum of seven parking spaces are required. An additional two parking spaces will have to be retained for the exclusive use of the occupants of the existing dwelling whilst that building remains on the site. The site plan shows a total of 13 parking spaces. Once stage 2 of the building is constructed (bringing the total floor area to 548 square metres), a total of 14 bays (rounded up from the calculated figure of 13.7) will be required on site.

Building Orientation

The design of the building needs to be modified to provide an attractive, active frontage to both South Western Highway and the rear boundary (future road). Predominantly this would involve adding a verandah and a more prominent entrance on the western side of the building.

Other Design Requirements

As detailed in the table above, the proposed development does not comply with many of the design requirements contained in the Detailed Area Plan. Conditions requiring modification of the proposed development can be imposed to achieve compliance without compromising the intent and nature of the development.

Amalgamation of lots

An application to amalgamate Lots 4 and 5 has been submitted to the Western Australian Planning Commission and referred from there to the Shire for comment. This action was required by a condition of the previous approval because both the existing and proposed developments straddle the common boundary of the two lots. This condition will need to be imposed again to ensure that the required amalgamation is completed.

Connection to Water Corporation Sewer

The Water Corporation's reticulated sewerage system currently extends to the northern boundary of the tavern site. The sewer could be extended from this point to service the subject site.

Conclusion

It is recommended that the proposal for an office on the subject lots be granted planning approval subject to the modifications outlined above. The approval will also be subject to a number of conditions including connection of the development to reticulated sewerage, amalgamation of the two lots and provision of modified site plans.

Voting Requirements: Normal

SD026/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

The application for approval to commence development of Offices on Lots 4 and 5 South Western Highway, Byford be approved subject to the following conditions:

1. A Building Licence is to be obtained prior to the commencement of any development (including earthworks).
2. Amalgamation of Lots 4 and 5 South Western Highway into one lot prior to issue of a Building Licence.
3. Revised plans incorporating the following modifications shall be submitted prior to the issue of a Building Licence:
 - a) the proposed office buildings to be setback 5 metres from the front boundary;
 - b) relocation of car parking to the side and rear of the proposed office buildings;
 - c) the car park being designed so as to provide for a future link through to Abernethy Road via the Tavern car park; provision of five parking bays at the rear of the residence; and
 - d) the design of the building to be modified to incorporate active, visually attractive frontages to both the South Western Highway and future western road frontages;
 - e) Design of the building to be modified to provide solar access on the northern facade
to the satisfaction of the Shire.
4. The external materials and finishes of the development are to comply with the schedule attached to and forming part of this approval unless otherwise approved by the Shire.
5. The finish to the external face of the parapet wall is to be of fair brick face finish and made good to the satisfaction of the Shire.
6. A landscaping and vegetation management plan for the subject site and adjoining road verge is to be submitted (in triplicate) to the Shire and approved prior to the issue of a Building Licence for the development. For the purpose of this condition, a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs;
 - b) Any lawn and paved areas to be established;
 - c) Any natural landscaped area to be retained; and
 - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles;
 - e) Revegetation of the creek line with local indigenous riparian species;
 - f) Use of shade trees in the car parking areas at the rate of one tree per six parking bays; and
 - g) Retention of the existing white gum located behind the existing dwelling.
7. Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained by the applicant/owner to the satisfaction of the Shire.
8. A minimum of seven (7) on-site parking spaces are to be provided for Stage 1 of the development and increased to a minimum of fourteen (14) on-site parking spaces at the completion of construction of Stage 2 of the development.
9. One of the parking bays provided to support Stage 1 of the development is to be a disabled parking bay and is to be located in close proximity to the main entrance of the building and marked and sign-posted in accordance with the relevant Australian Standard for such parking to the satisfaction of the Shire.

10. The dimensions of car parking bays shall be a minimum of 2.5 metres wide by 5.0 metres long with the width increased by 0.3 on any side that abuts an obstruction such as a wall or fence.
11. Reversing depth for car parking bays is to be a minimum of 6.0 metres.
12. The vehicle parking access(es) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
13. Access onto the site from South Western Highway shall be restricted to a single crossover on the northern side of the front boundary. All redundant crossovers to South Western Highway shall be removed and the verge and kerb reinstated to the satisfaction of the Shire.
14. All stormwater is to be disposed of within the confines of the property. This shall be achieved by either soak wells or spoon drains and the grading of driveways and paved areas onto lawns or landscape areas preventing direct discharge of stormwater onto the road, neighbouring properties or Beenypup Brook. Relative to this condition, all earthworks and/or associated drainage shall be in accordance with plans and specifications submitted to and approved by Director Asset Services. The stormwater management plan is to utilise water sensitive urban design principles to achieve the Water Quality-Related Design Objectives for Byford specified in Table 4.3 of the Byford Urban Stormwater Management Strategy.
15. The development shall be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 D3 and AS1428.1.
16. The development is to be connected to the Water Corporation's reticulated sewerage system.
17. Any outdoor display lighting or security lighting shall be located and hooded such that no additional light is cast on adjoining land or causes glare for adjacent road traffic.
18. The location and colour of external fans, air conditioners and the like shall be to the satisfaction of the Shire and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
19. All sewerage wastes and water pipes to be concealed within the building.
20. Details of signs and hoardings to be a separate application to the Council.
21. Boundary fences are not permitted except where required to screen service areas.
22. Screen walls for service areas (ie bin store) to be a minimum of 1.8 metres high and are to be masonry to match the buildings.
23. Any change of use of the proposed buildings from "Office" requires the approval of the Council.
24. The existing fence between the development and the brook is to be maintained to provide a physical separation of the two areas at all times.
25. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, stormwater and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
26. A Practical Completion Inspection being obtained prior to occupancy requiring an on-site inspection and clearance of all outstanding conditions to the satisfaction of the Manager Planning and Regulatory Services. In certain circumstances, and at its discretion, a condition may be satisfied in part by way of a legal agreement being in place and bond/bank guarantee being submitted by the applicant/owner to the satisfaction of the Manager Planning and Regulatory Services.

27. The building is not to be occupied until a Certificate of Classification has been issued by Council. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

Advice Notes:

1. Any activity within the South Western Highway road reserve must be approved by Main Roads WA.
2. The applicant/owner is advised that the proposal is to comply with all aspects of the Building Code of Australia including fire rating; fire separation; provision of fire hydrants; hose and reel provision; the provision of disabled access/ramp and facilities; emergency lighting and signage.
3. Boundary setbacks must take account of the fire separation provisions of Part C2 of the Building Code of Australia.
4. Prior to the removal of any structure a demolition licence shall be obtained from Council pursuant to the Building Regulations 1989.

CARRIED 10/0

SD027/08/05 CONSIDERATION OF MODIFICATIONS REQUIRED TO SCHEME AMENDMENT NO. 92 PRIOR TO FINAL APPROVAL (A0738)		
Proponent:	Shire of Serpentine-Jarrahdale	<p>In Brief</p> <p>Council previously adopted for final approval amendment No. 92 ("amendment") to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("Scheme"). The amendment seeks to introduce a new 'Rural Groundwater Protection' zone and associated provisions into the Scheme, in order to bring the Scheme into conformity with the Metropolitan Region Scheme and to reflect the relevant Statement of Planning Policy No. 2.3.</p> <p>In accordance with regulation 21(2)(b) of the <i>Town Planning Regulations 1967</i>, the Hon. Minister for Planning and Infrastructure ("Hon. Minister") has advised that modifications to the amendment are required before final approval is given. The purpose of this report is to seek Council's endorsement for the modifications required by the Hon. Minister.</p>
Owner:	Various	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	16 August 2005	
Previously	CRP056/10/00; P070/09/98	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Various
 Owner's Address: Various
 Applicant: Shire of Serpentine-Jarrahdale
 Applicant's Address: 6 Paterson Street, Mundijong
 Date of Receipt: 28 July 2005
 Advertised: Previously advertised in accordance with *Town Planning Regulations 1967* and Council resolution P070 dated 29 September 1998
 Submissions: Submissions previously considered by Council as part of Council resolution CRP056/10/00
 Lot Area: N/A
 L.A Zoning: 'Rural' and 'Special Rural'

MRS Zoning:	'Rural - Water Protection'
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	N/A

Background

Council previously adopted for final approval amendment No. 92 ("amendment") to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("Scheme"). The amendment seeks to introduce a new 'Rural Groundwater Protection' zone and associated provisions into the Scheme, in order to bring the Scheme into conformity with the Metropolitan Region Scheme and to reflect the relevant Statement of Planning Policy No. 2.3. The new zone and Scheme provisions cover the Jandakot Groundwater Protection area as defined by the Metropolitan Region Scheme and Statement of Planning Policy No. 2.3.

In accordance with regulation 21(2)(b) of the *Town Planning Regulations 1967*, the Hon. Minister for Planning and Infrastructure has advised that modifications to the amendment are required before final approval is given. The modifications are required to ensure that the new zone and associated Scheme provisions are technically correct and comprehensive enough to properly reflect the Metropolitan Region Scheme and associated Statement of Planning Policy No. 2.3. Although the modifications do not alter the intent of the original amendment, they importantly expand upon the provisions to be inserted into the Scheme Text so that land use and development above the Jandakot Groundwater Protection area can be adequately controlled in line with the expectations of the Metropolitan Region Scheme and Statement of Planning Policy No. 2.3.

It is recommended that Council endorses the modifications to Amendment No. 92 as required by the Hon. Minister for Planning and Infrastructure and as detailed in this report. Following Council endorsement the modified amendment will be referred back to the Western Australian Planning Commission for final approval in accordance with regulation 21(2)(e) of the *Town Planning Regulations 1967*.

A copy of the original officer report and Council resolution concerning adoption of amendment No. 92 for final approval is with the attachments marked SD027.1/08/05.

Sustainability Statement

The modifications required by the Hon. Minister for Planning and Infrastructure do not affect the sustainability assessment previously undertaken in relation to amendment No. 92. Rather, the modifications expand upon the provisions to be inserted into the Scheme Text, so that land use and development above the Jandakot Groundwater Protection area can be adequately controlled in line with the expectations of the Metropolitan Region Scheme and Statement of Planning Policy No. 2.3. In this respect, the amendment seeks to implement controls to manage land use and development over the Jandakot Groundwater Protection area, consistent with the stated objectives of Statement of Planning Policy No. 2.3.

In considering the context of the amendment, it needs to also be appreciated that land owners can continue to use their land at existing approved levels of activity. This also means that land owners can sell their land and new landowners are able to carry on the existing approved levels of activity.

The retention and rehabilitation of existing on-site vegetation is to be encouraged, to assist in maintaining rural amenity, groundwater management control of nutrients and other pollutants as well as protecting the ecological integrity of surface water bodies.

Statutory Environment:

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

Policy/Work Procedure Implications:

Statement of Planning Policy No. 1 (*State Planning Framework Policy*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources Policy*)
Statement of Planning Policy No. 2.1 (*The Peel-Harvey Coastal Plain Catchment Policy*)
Statement of Planning Policy No. 2.3 (*Jandakot Groundwater Protection Policy*)
Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*)
Statement of Planning Policy No. 2.7 (*Public Drinking Water Source Policy*)
Draft Statement of Planning Policy No. 1 [*Draft State Planning Framework Policy (Variation 2)*]
Draft Statement of Planning Policy No. 2.9 (*Draft Water Resources*)
Shire of Serpentine-Jarrahdale Rural Strategy 1994
Shire of Serpentine-Jarrahdale Rural Strategy Review 2003

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The amendment was previously advertised in accordance with the requirements of the *Town Planning Regulations 1967* and Council resolution P070/09/98. Submissions received during advertising were previously considered by Council as part of Council resolution CRP056/10/00 to adopt for final approval amendment No. 92.

As per regulation 21(2)(b) and regulation 21(2)(c) of the *Town Planning Regulations 1967*, there is no requirement to readvertise subsequent modifications to amendments required by the Hon. Minister for Planning and Infrastructure.

Comment:

Amendment No. 92 to the Scheme was originally adopted for final approval with the following amending text provisions:

Following referral to the Western Australian Planning Commission with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure, the Western Australian Planning Commission wrote back advising that modifications to the amendment were required before final approval would be granted.

A copy of the letter from the Western Australian Planning Commission is with the attachments marked SD027.2/08/05.

Accordingly, the text documentation for amendment No. 92 has been required to be changed to reflect the modifications directed by the Hon. Minister for Planning and Infrastructure. As mentioned previously, these modifications do not alter the intent of the amendment, but rather expand upon the provisions to be inserted into the Scheme Text so that land use and development above the Jandakot Groundwater Protection area can be adequately controlled in line with the expectations of the Metropolitan Region Scheme and Statement of Planning Policy No. 2.3. The modified amendment text is as follows:

1. *Introducing a 'Rural Groundwater Protection' zone into the Scheme, identified as such on the legend on the Scheme Map.*
2. *Rezoning, from 'Rural' and 'Special Rural' to 'Rural Groundwater Protection', the land identified on the Scheme Amendment Map.*
3. *Introducing a new clause 5.20 into the Scheme Text as follows:*

5.20 RURAL GROUNDWATER PROTECTION ZONE

5.20.1 *The use and development of land within the Rural Groundwater Protection Zone shall be in accordance with the provisions of the Scheme and Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy).*

5.20.2 *Land use permissibility within the Rural Groundwater Protection Zone shall be in accordance with the following use permissibilities. All other uses are prohibited within the Zone.*

<i>Animal Husbandry</i>	<i>AA</i>
<i>Aquaculture</i>	<i>AA</i>
<i>Caretaker's Dwelling</i>	<i>IP</i>
<i>Cattery</i>	<i>AA</i>
<i>Dwelling</i>	<i>AA</i>
<i>Dog Kennels</i>	<i>SA</i>
<i>Equestrian Activity</i>	<i>AA</i>
<i>Floriculture (Extensive)</i>	<i>AA</i>

<i>Fodder and Pasture</i>	AA
<i>Hobby Farm</i>	AA
<i>Home Business</i>	AA
<i>Home Occupation</i>	AA
<i>Industry Extractive</i>	SA
<i>Orcharding</i>	AA
<i>Plant Nursery</i>	AA
<i>Poultry Farm (Housed)</i>	SA
<i>Private Tree Plantation</i>	AA
<i>Radio, TV and Communication Installation</i>	AA
<i>Public Utility</i>	AA
<i>Recreation Public</i>	AA
<i>Stable</i>	AA
<i>Stall-wayside</i>	AA
<i>Viticulture</i>	AA

5.20.3 *In exercising its discretion in respect of the uses specified under clause 5.20.2, and having regard to the provisions of Statement of Planning Policy No. 2.3, the Council shall only permit such uses where it is satisfied following consultation in accordance with clause 5.20.4 that the use does not involve excessive nutrient application or clearing of land, or risk of damage to any on site vegetation or risk of contamination to the Jandakot Groundwater Protection area.*

5.20.4 *Determination of Applications*

- a) *Unless otherwise provided for by the Scheme or Statement of Planning Policy No. 2.3, all applications for development within the Rural Groundwater Protection Zone shall be referred to the Department of Environment for comment and recommendation and to any other authority which, in the opinion of the Council, are deemed appropriate to provide comment and recommendation.*
- b) *The Department of Environment and any other authority shall provide comment and recommendation within 21 days of the date of referral under a). If after 21 days no comment and recommendation has been received, the Council may determine the application on the best information available.*
- c) *Conditions imposed by the Department of Environment and any other authority shall be monitored and enforced by that authority responsible for imposing the conditions.*
- d) *Where the Council is not prepared to accept the recommendation of the Department of Environment or any other authority, the application shall be forwarded to the Western Australian Planning Commission for determination.*

5.20.5 *Appeals*

Where the Department of Environment or any other authority requires the Council to impose conditions or refuse an application for development within the Rural Groundwater Protection Zone, and the applicant exercises their Appeal rights in accordance with Part V of the Act against those specific conditions or refusal of the application as required by the Department of Environment or any other authority, then the Department of Environment or other authority shall be responsible for defending its decision as the respondent to the Appeal.

4. *Modifying clause 3.1.1 of the Scheme Text by adding reference to the 'Rural Groundwater Protection' zone.*
5. *Modifying the description of land in appendix 4 of the Scheme Text for the 'Special Rural' zone 12 to read as follows:*

"Oakford Estate" Portion of Peel Estate Lots 102, 105 and 694 and being Lots 40 and 42-45 Rowley Road, Lots Part 3, 46, 47, 50 and 51 Nicholson Road and Lots 41 and 4 Wolfe Road, Oakford excluding portion of the said lots now zoned 'Rural Groundwater Protection' as depicted on the Scheme Map.

6. *Modifying special provision 12.5 in appendix 4 of the Scheme Text for 'Special Rural' zone 12 to read as follows:*

Council shall not approve any development unless it is satisfied that such development and works will not damage the existing indigenous vegetation or significantly alter the natural ground level or compromise the principles of the Jandakot Groundwater Pollution Control Area. Notwithstanding this, Council shall not approve any development on the portion of the said lots zoned 'Rural Groundwater Protection' as depicted on the Scheme Map unless consistent with clauses 5.20.1 through 5.20.5 of the Scheme Text.

7. *Modifying table 1 - zoning table of the Scheme Text by inserting a key and column 16 relevant to the 'Rural Groundwater Protection' zone, and including under column 16 the words 'Refer to clauses 5.20.1 through 5.20.5' for all use permissibilities.*
8. *Deleting the following use classes from table 1 - zoning table of the Scheme Text and their associated interpretations from appendix 1 of the Scheme Text:*

*Fish Farming
Garden Centre
Kennels
Poultry Farming
Public Recreation
Radio & T.V. Installation
Riding School
Stables*

9. *Modifying the following use class interpretations under appendix 1 of the Scheme Text to read as follows:*

Home Business - *means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which-*

- (a) *does not entail the retail sale, display or hire of goods of any nature;*
- (b) *does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (c) *does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- (d) *does not entail employment of any person not a member of the occupier's household;*
- (e) *does not occupy an area greater than 50m²;*
- (f) *will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;*
- (g) *will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*

- (h) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight.

Home Occupation - means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which-

- (a) does not entail the retail sale, display or hire of goods of any nature;
(b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
(c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
(d) does not entail employment of any person not a member of the occupier's household;
(e) does not occupy an area greater than 20m²;
(f) does not display a sign exceeding 0.2m² in area
(g) will not result in the requirement of a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and
(h) does not entail the presence, parking and garaging of a vehicle of more than 1 tonne tare weight.

Horticultural Pursuit - means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith:

- (a) The growing of vegetables, cereals or food crops;
(b) The growing of vines, trees, plants, shrubs or flowers for replanting;
(c) The sale of produce grown solely on the lot or on any adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;

but does not include Floriculture (Extensive), Hydroponics, Orchardring, Viticulture or Plant Nursery.

Industry Extractive - means an industry which involves-

- (a) the extraction of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and
(b) the production of salt by the evaporation of salt water.

10. Introducing the following use classes in alphabetical and sequential order into table 1 - zoning table of the Scheme Text and their associated interpretations into appendix 1 of the Scheme Text:

Animal Husbandry - means any land used for the development of land for the keeping, rearing or fattening of livestock, rabbits (for either meat, or fur production), but does not include pigs, poultry (for either egg or meat production which is not housed) and other livestock in feedlots and which are in excess of the recommended stocking rates by Agriculture WA.

Aquaculture - shall have the same meaning as given to the term in and for the purposes of the Fish Resources Management Act 1994.

Apiary - means the keeping of bees.

Cattery - means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One - General Sanitary Provisions, 1927 for the purpose of keeping more than three (3) cats over the age of three (3) months.

Dog Kennels - means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council, and may include the sale of dogs.

Equestrian Activity - means any land or buildings used for the showing, competition or training of horses and includes a riding school.

Floriculture (Extensive) - means the production of vegetables, flowers, exotic and native plants.

Fodder and Pasture - means the development of land for non-irrigated fodder production and non-irrigated pasture but does not include turf farms.

Hobby Farm - means any land or building used for the keeping of farm animals or the growing of vegetables, fruit and flowers for non-commercial purposes or sale.

Hydroponics - means the production of vegetables, flowers, exotic and native plants, fruit and nuts using hydroponic systems for the delivery of water and nutrients to the plants.

Nursery - see plant nursery.

Orcharding - means the production and operation of a fruit nursery.

Plant Nursery - means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.

Poultry Farm (Housed) - means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911.

Private Tree Plantation - means any land used for growing timber for commercial purposes.

Radio, TV and Communication Installation - means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antennae domestic.

Recreation Public - means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.

Stable - means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

Stall-wayside - means a place, stand, vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown or manufactured on the land/site, upon which the place, stand, or vehicle is located.

Viticulture - means the production of grapes.

11. Modifying, in the following manner, table 1 - zoning table of the Scheme Text in respect of the stipulation of land use permissibility for the new use classes introduced under item 10 above:

KEY TO COLUMNS

- 1. RESIDENTIAL
- 2. COMMERCIAL
- 3. SHOWROOM/WAREHOUSE
- 4. LIGHT INDUSTRY

- 5. GENERAL INDUSTRY
- 6. SPECIAL RESIDENTIAL
- 7. SPECIAL RURAL
- 8. RURAL

- 9. SPECIAL USE
- 10. RURAL LIVING A
- 11. RURAL LIVING B
- 12. FARMLLET

- 13. CONSERVATION ZONE
- 14. AGRICULTURE PROTECTION
- 15. URBAN DEVELOPMENT
- 16. RURAL GROUNDWATER PROTECTION

USE CLASSES	1	2	3	4	5	6	7 (See Note 1.)	8	9	10	11	12	13	14	15	16
Animal Husbandry								SA	See Appendix 2	See Appendix 4A	See Appendix 4B	See Appendix 4C	See Appendix 4D	See Appendix 4E	Refer to clause 5.18.6.3	Refer to clauses 5.20.1 through 5.20.5
Aquaculture							AA									
Apiary							AA									
Cattery							SA									
Dog Kennels							SA									
Equestrian Activity							SA AA									
Floriculture (Extensive)							SA AA									
Fodder and Pasture							AA									
Hobby Farm							AA AA									
Hydroponics							AA									
Nursery		AA	P	AA			AA									
Orcharding							SA AA									
Plant Nursery		AA	P	AA			AA									
Poultry Farm (Housed)							AA									
Private Tree Plantation							SA AA									
Radio, TV and Communication Installation	AA	AA	P	P	P	AA	AA AA									
Recreation Public	P	P	P				P P P									
Stable						SA See Note 3.	AA P									
Stall-wayside							SA AA									
Viticulture							SA AA									

Note 1. See special provisions for each estate in Appendix 4 as some land uses identified in this table may be prohibited in a particular Special Rural estate.

Note 2. Caretaker's Dwelling is an IP use in some Special Rural zones - see Appendix 4

Note 3. Rural Uses and Stables are prohibited in some Special Residential estates - see Appendix 3"

It is recommended that Council endorse the modified amendment text as required by the Hon. Minister for Planning and Infrastructure and as outlined within this report. Following Council endorsement, the modified amendment text will be referred back to the Western Australian Planning Commission for final approval in accordance with regulation 21(2)(e) of the *Town Planning Regulations 1967*.

Voting Requirements: Normal

SD027/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Price

A Council endorses the modified amendment text for amendment No. 92 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as follows:

1. *Introducing a 'Rural Groundwater Protection' zone into the Scheme, identified as such on the legend on the Scheme Map.*
2. *Rezoning, from 'Rural' and 'Special Rural' to 'Rural Groundwater Protection', the land identified on the Scheme Amendment Map.*
3. *Introducing a new clause 5.20 into the Scheme Text as follows:*

5.20 RURAL GROUNDWATER PROTECTION ZONE

5.20.1 *The use and development of land within the Rural Groundwater Protection Zone shall be in accordance with the provisions of the Scheme and Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy).*

5.20.2 *Land use permissibility within the Rural Groundwater Protection Zone shall be in accordance with the following use permissibilities. All other uses are prohibited within the Zone.*

<i>Animal Husbandry</i>	AA
<i>Aquaculture</i>	AA
<i>Caretaker's Dwelling</i>	IP
<i>Cattery</i>	AA
<i>Dwelling</i>	AA
<i>Dog Kennels</i>	SA
<i>Equestrian Activity</i>	AA
<i>Floriculture (Extensive)</i>	AA
<i>Fodder and Pasture</i>	AA
<i>Hobby Farm</i>	AA
<i>Home Business</i>	AA
<i>Home Occupation</i>	AA
<i>Industry Extractive</i>	SA
<i>Orcharding</i>	AA
<i>Plant Nursery</i>	AA
<i>Poultry Farm (Housed)</i>	SA
<i>Private Tree Plantation</i>	AA
<i>Radio, TV and Communication Installation</i>	AA
<i>Public Utility</i>	AA
<i>Recreation Public</i>	AA
<i>Stable</i>	AA
<i>Stall-wayside</i>	AA
<i>Viticulture</i>	AA

5.20.3 In exercising its discretion in respect of the uses specified under clause 5.20.2, and having regard to the provisions of Statement of Planning Policy No. 2.3, the Council shall only permit such uses where it is satisfied following consultation in accordance with clause 5.20.4 that the use does not involve excessive nutrient application or clearing of land, or risk of damage to any on site vegetation or risk of contamination to the Jandakot Groundwater Protection area.

5.20.4 Determination of Applications

- a) **Unless otherwise provided for by the Scheme or Statement of Planning Policy No. 2.3, all applications for development within the Rural Groundwater Protection Zone shall be referred to the Department of Environment for comment and recommendation and to any other authority which, in the opinion of the Council, are deemed appropriate to provide comment and recommendation.**
- b) **The Department of Environment and any other authority shall provide comment and recommendation within 21 days of the date of referral under a). If after 21 days no comment and recommendation has been received, the Council may determine the application on the best information available.**
- c) **Conditions imposed by the Department of Environment and any other authority shall be monitored and enforced by that authority responsible for imposing the conditions.**
- d) **Where the Council is not prepared to accept the recommendation of the Department of Environment or any other authority, the application shall be forwarded to the Western Australian Planning Commission for determination.**

5.20.5 Appeals

Where the Department of Environment or any other authority requires the Council to impose conditions or refuse an application for development within the Rural Groundwater Protection Zone, and the applicant exercises their Appeal rights in accordance with Part V of the Act against those specific conditions or refusal of the application as required by the Department of Environment or any other authority, then the Department of Environment or other authority shall be responsible for defending its decision as the respondent to the Appeal.

4. **Modifying clause 3.1.1 of the Scheme Text by adding reference to the 'Rural Groundwater Protection' zone.**
5. **Modifying the description of land in appendix 4 of the Scheme Text for 'Special Rural' zone 12 to read as follows:**

"Oakford Estate" Portion of Peel Estate Lots 102, 105 and 694 and being Lots 40 and 42-45 Rowley Road, Lots Part 3, 46, 47, 50 and 51 Nicholson Road and Lots 41 and 4 Wolfe Road, Oakford excluding portion of the said lots now zoned 'Rural Groundwater Protection' as depicted on the Scheme Map.

6. Modifying special provision 12.5 in appendix 4 of the Scheme Text for 'Special Rural' zone 12 to read as follows:

Council shall not approve any development unless it is satisfied that such development and works will not damage the existing indigenous vegetation or significantly alter the natural ground level or compromise the principles of the Jandakot Groundwater Pollution Control Area. Notwithstanding this, Council shall not approve any development on the portion of the said lots zoned 'Rural Groundwater Protection' as depicted on the Scheme Map unless consistent with clauses 5.20.1 through 5.20.5 of the Scheme Text.

7. Modifying table 1 - zoning table of the Scheme Text by inserting a key and column 16 relevant to the 'Rural Groundwater Protection' zone, and including under column 16 the words 'Refer to clauses 5.20.1 through 5.20.5' for all use permissibilities.

8. Deleting the following use classes from table 1 - zoning table of the Scheme Text and their associated interpretations from appendix 1 of the Scheme Text:

**Fish Farming
Garden Centre
Kennels
Poultry Farming
Public Recreation
Radio & T.V. Installation
Riding School
Stables**

9. Modifying the following use class interpretations under appendix 1 of the Scheme Text to read as follows:

Home Business - means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which-

- (a) does not entail the retail sale, display or hire of goods of any nature;**
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;**
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;**
- (d) does not entail employment of any person not a member of the occupier's household;**
- (e) does not occupy an area greater than 50m²;**
- (f) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;**
- (g) will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and**
- (h) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight.**

Home Occupation - means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which-

- (a) does not entail the retail sale, display or hire of goods of any nature;**
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;**
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;**
- (d) does not entail employment of any person not a member of the occupier's household;**

- (e) **does not occupy an area greater than 20m²;**
- (f) **does not display a sign exceeding 0.2m² in area**
- (g) **will not result in the requirement of a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and**
- (h) **does not entail the presence, parking and garaging of a vehicle of more than 1 tonne tare weight.**

Horticultural Pursuit - means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith:

- (a) **The growing of vegetables, cereals or food crops;**
- (b) **The growing of vines, trees, plants, shrubs or flowers for replanting;**
- (c) **The sale of produce grown solely on the lot or on any adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;**

but does not include Floriculture (Extensive), Hydroponics, Orchardng, Viticulture or Plant Nursery.

Industry Extractive - means an industry which involves-

- (a) **the extraction of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and**
- (b) **the production of salt by the evaporation of salt water.**

10. **Introducing the following use classes in alphabetical and sequential order into table 1 - zoning table of the Scheme Text and their associated interpretations into appendix 1 of the Scheme Text:**

Animal Husbandry - means any land used for the development of land for the keeping, rearing or fattening of livestock, rabbits (for either meat, or fur production), but does not include pigs, poultry (for either egg or meat production which is not housed) and other livestock in feedlots and which are in excess of the recommended stocking rates by Agriculture WA.

Aquaculture - shall have the same meaning as given to the term in and for the purposes of the Fish Resources Management Act 1994.

Apiary - means the keeping of bees.

Cattery - means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One - General Sanitary Provisions, 1927 for the purpose of keeping more than three (3) cats over the age of three (3) months.

Dog Kennels - means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council, and may include the sale of dogs.

Equestrian Activity - means any land or buildings used for the showing, competition or training of horses and includes a riding school.

Floriculture (Extensive) - means the production of vegetables, flowers, exotic and native plants.

Fodder and Pasture - means the development of land for non-irrigated fodder production and non-irrigated pasture but does not include turf farms.

Hobby Farm - means any land or building used for the keeping of farm animals or the growing of vegetables, fruit and flowers for non-commercial purposes or sale.

Hydroponics - means the production of vegetables, flowers, exotic and native plants, fruit and nuts using hydroponic systems for the delivery of water and nutrients to the plants.

Nursery - see plant nursery.

Orcharding - means the production and operation of a fruit nurseries.

Plant Nursery - means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.

Poultry Farm (Housed) - means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911.

Private Tree Plantation - means any land used for growing timber for commercial purposes.

Radio, TV and Communication Installation - means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antennae domestic.

Recreation Public - means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.

Stable - means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

Stall-wayside - means a place, stand, vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown or manufactured on the land/site, upon which the place, stand, or vehicle is located.

Viticulture - means the production of grapes.

11. ***Modifying, in the following manner, table 1 - zoning table of the Scheme Text in respect of the stipulation of land use permissibility for the new use classes introduced under item 10 above:***

KEY TO COLUMNS

- 1. RESIDENTIAL
- 2. COMMERCIAL
- 3. SHOWROOM/WAREHOUSE
- 4. LIGHT INDUSTRY

- 5. GENERAL INDUSTRY
- 6. SPECIAL RESIDENTIAL
- 7. SPECIAL RURAL
- 8. RURAL

- 9. SPECIAL USE
- 10. RURAL LIVING A
- 11. RURAL LIVING B
- 12. FARMLLET

- 13. CONSERVATION ZONE
- 14. AGRICULTURE PROTECTION
- 15. URBAN DEVELOPMENT
- 16. RURAL GROUNDWATER PROTECTION

USE CLASSES	1	2	3	4	5	6	7 (See Note 1.)	8	9	10	11	12	13	14	15	16
Animal Husbandry								SA	See Appendix 2	See Appendix 4A	See Appendix 4B	See Appendix 4C	See Appendix 4D	See Appendix 4E	Refer to clause 5.18.6.3	Refer to clauses 5.20.1 through 5.20.5
Aquaculture							AA									
Apiary							AA									
Cattery							SA									
Dog Kennels							SA									
Equestrian Activity							SA AA									
Floriculture (Extensive)							SA AA									
Fodder and Pasture							AA									
Hobby Farm							AA AA									
Hydroponics							AA									
Nursery		AA	P	AA			AA									
Orcharding							SA AA									
Plant Nursery		AA	P	AA			AA									
Poultry Farm (Housed)							AA									
Private Tree Plantation							SA AA									
Radio, TV and Communication Installation	AA	AA	P	P	P	AA	AA AA									
Recreation Public	P	P	P				P P P									
Stable						SA See Note 3.	AA P									
Stall-wayside							SA AA									
Viticulture							SA AA									

Note 1. See special provisions for each estate in Appendix 4 as some land uses identified in this table may be prohibited in a particular Special Rural estate.

Note 2. Caretaker's Dwelling is an IP use in some Special Rural zones - see Appendix 4

Note 3. Rural Uses and Stables are prohibited in some Special Residential estates - see Appendix 3"

- B** The amendment text once modified in accordance with 1. above be signed and sealed and then submitted back to the Western Australian Planning Commission with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.
- C** Following endorsement of final approval by the Hon Minister for Planning and Infrastructure, Council, in addition to its obligations under regulation 23(2a) of the Town Planning Regulations 1967, write to each owner affected by the new 'Rural Groundwater Protection' zone explaining this new zone and including a copy of new Scheme clause 5.20 and Statement of Planning Policy No. 2.3.
- CARRIED 10/0**

CGAM012/08/05		NEW POLICY AP31 NATURAL DISASTER RECOVERY MANAGEMENT ACCOUNT EXPENDITURE (A0888)
Proponent:	Director Asset Services	In Brief Council is requested to adopt a new policy which states the recovery activities which will be funded by the shire following a Declared Natural Disaster.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	2 August 2005	
Previously	CGAM083/06/05 3 June 2005	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Following a Declared Natural Disaster which the shire experienced in May 2005 when a major storm hit the South West of Western Australia, Council resolved to create a Natural Disaster Recovery Management Account to assist the community in its recovery. Council also resolved to request the Director Asset Services to prepare a policy on future expenditure from this account.

Sustainability Statement

Effect on Environment: The Policy covers expenditure relating to natural disasters which impact both on the natural and built environment.

Economic Viability: Expenditure from the Natural Disaster Recovery Management Account will both assist in the monetary and non-monetary costs of damage caused by natural disasters within the community.

Economic Benefits: Provision of funds is intended to assist in recovery from natural disasters which will reduce impacts on local businesses and residents.

Social – Quality of Life: The primary purpose of the Recovery Management Account is to assist the community in returning to a sense of normality as quickly as possible with regard to physical infrastructure and reduce the financial stress on individuals as recovery occurs.

Social and Environmental Responsibility: The Policy is aimed at being socially and environmentally responsible through provision of assistance where no other assistance is available.

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

Statutory Environment: Nil

Policy/Work Procedure Implications: New Policy

Financial Implications: Funding for the Recovery Management Account has been committed to by Council with 0.5% of rate income being directed to a Reserve Account annually.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Nil

Comment:

The primary focus of the Policy is ensuring the safety and wellbeing of the community, in addition to the functions undertaken by Emergency Services. The priority of expenditure is to assist in returning communities to a sense of normality through ensuring infrastructure (both public and private) is functional as quickly as possible.

In previous disaster situations there has been a willingness within the community to assist neighbours in the recovery process. Often this recovery is delayed due to financial constraints on individuals and this policy aims to help minimize those constraints while not placing a cost burden on other residents of the shire. The policy still encourages the volunteerism and willingness to help which presently exists in the community, however also provides assistance for members of the community who are suffering genuine hardship.

Voting Requirements: Normal

CGAM012/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Scott seconded Cr Kirkpatrick
Council adopts Policy AP31 Natural Disaster Recovery Management Account Expenditure:

AP31 NATURAL DISASTER RECOVERY MANAGEMENT ACCOUNT EXPENDITURE
Responsibility: Director Asset Services

Original Date Adopted

Objective

The objective of this policy is to define the level of assistance which will be provided to the community in dealing with the effects of a Natural Disaster

Background

At its meeting of 3 June 2005 (CGAM083/06/05) Council resolved to approve the creation of a Natural Disaster Recovery Management Account from which works associated with declared disasters are funded to a maximum of \$100,000. Additionally the Director Asset Services is delegated authority to expend funds from the Natural Disaster Recovery Management Account to provide assistance to community members dealing with the effects of Natural Disasters.

Definitions

A Natural Disaster in relation to this policy is defined as *“A serious disruption to the community caused by the impact of a naturally occurring rapid onset event that threatens or causes death, injury or damage to property or the environment and which requires significant and coordinated multi-agency and community response. Such serious disruption can be caused by any one, or a combination, of the following natural hazards: bushfire; earthquake; flood; storm; drought; cyclone; animal or plant diseases; landslide; meteor strike; or tornado”*.

A Declared Natural Disaster in relation to this policy is defined as “A serious disruption to regional community life which threatens or causes death or injury within that region, or damage to property or infrastructure which is beyond the capacity of the prescribed statutory authorities within the region and which requires special mobilisation and organisational resources other than those normally available to those authorities, or requires substantial financial resources beyond the normal operating capacity of the prescribed statutory authority and is declared a Natural Disaster by a Minister of the Western Australian State Government”.

Statement

- 1. Expenditure from the Natural Disaster Recovery Management Account is for assistance in the recovery of communities affected by a Declared Natural Disaster.**
- 2. Works undertaken on Public Lands to repair, preserve and maintain infrastructure assets or to make safe natural or man made features (including structures, vegetation, waterways, etc) may be charged to this account if not able to be accommodated within operating budget allowances.**
- 3. Works undertaken on private property are limited to:**
 - Clearing of materials, originating from land under the care and control of Council, which have damaged or threaten to damage fencelines adjoining land under the care and control of Council;**
 - Works required on private property to make safe a situation which presents serious and immediate danger in accordance with relevant Acts; and**
 - Removal of greenwaste and hardwaste resulting from the Natural Disaster event, subject to these materials being placed on the road verge by the property owner.**
- 4. Works on private property will not be undertaken unless the property owner can demonstrate that such works would not be funded through applicable insurance coverage.**
- 5. Requests for financial assistance for replacement of fences on private property which adjoin land under the care and control of Council will be referred to Council for determination and must be by application which demonstrates that costs are not recoverable by other means.**
- 6. In situations where the cost of works on private land can be recovered by the landowner through a State Government Assistance Scheme or Grant associated with the Declared Disaster, and the landowner is not able to fund the cost of works, the Director Asset Services may engage a contractor or Council Service Team to undertake the work and recover the costs from the landowner subject to a written agreement between the shire and landowner stating the time by which the cost of works is to be repaid to the shire. An invoice for the cost of works will be issued to the landowner who is then responsible for claiming reimbursement through the relevant Assistance Scheme or Grant.**
- 7. Requests for assistance not covered by this Policy are to be referred to Council for decision.**

CARRIED 10/0

CGAM013/08/05 TRAILS CONSTRUCTION BUDGET EXPENDITURE 2005 / 2006 (A0494)	
Proponent:	Serpentine Jarrahdale Trails Working Group
Owner:	Shire of Serpentine Jarrahdale
Officer:	Jenni Andrews – Reserves Officer
Signatures Author:	
Senior Officer:	
Date of Report	August 2005
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief
Proposed projects for Trails Construction Budget 2005 / 2006. Council is requested to endorse the Trails Construction Program in accordance with the approved 2005 / 2006 budget.

Background

The Shire aims to provide a network of trails that interlink suburbs and communities. These trails cater for horses, pedestrians, cyclists and access for emergency vehicles. The Trails Working Group have developed a priority list for construction of trails and meet bi monthly to discuss on ground works and trail issues. In accordance with the recently developed work process OP02: Trails Working Group Construction Budget Expenditure Process. The group have made recommendations on trails construction and related purchases for the financial year of 2005 / 2006.

The allocated funds for trail construction in 2005 / 2006 budget is \$50,000. The Trails Working Group Budget Recommendations Meeting held on 9th August 2005 concluded the following trails to be constructed in the 2005 / 2006 financial year.

	Project Title	TMP/ reserve purpose	Cost
1	Post and Wire Fence Kargotich Road to Cunningham Drive	Y	\$4,000.00
2	Jarrahdale Routed Timber Sign	Y	\$509.10
3	Lotterywest Proposed Grant Foxtton Drive <i>shire contribution</i>	Y	\$9,500.00
4	Munda Bididi 'Try the Trail' Fund <i>shire contribution</i>		\$1,818.20
5	Hopkinson Road Culvert	Y	\$7,272.70
6	Multiple Use Trail on Cunningham Drive unmade road reserve	Y	\$7,272.70
7	Multiple Use Trail Byford to Cardup <i>Stage 1</i>	Y	\$19,627.30
			\$50,000.00

Sustainability Statement

Effect on Environment: Most trails are constructed on existing paths, drainage corridors and are surfaced for the benefits of all users. The surfacing allow trails users recreational use of the trails with minimal impact on the environment.

The work process OP02: Trails Working Group Construction Budget Expenditure Process requires identification of site environmental impacts, and if identified measures will be undertaken to mitigate these.

Resource Implications: Trails provide recreational opportunity for all non motorized users reducing greenhouse gas emissions. The effects of compaction, erosion and spread of weeds and disease are reduced by confining activities to these trails.

Use of Local, renewable or recycled Resources: Multiple Use Trail provide local recreational opportunity and brings users into the local area who will use locally available and produced resources. In the construction process local suppliers and contractors are used where possible.

Economic Viability: The proposal is economically viable in that the multiple use trails provide a partnership approach between local governments and the community.

Ongoing trail maintenance costs will be applicable to Council.

Economic Benefits: The trail network will provide long term economic and employment benefit to local business as it will bring tourists to the Shire.

Social – Quality of Life The provision of recreational resources will improve the health and fitness of the community.

Social and Environmental Responsibility: This proposal is environmentally and socially responsible. The community is involved in construction and maintenance of the trails and accessible to all non motorized users

Social Diversity: Multiple User Trails do not disadvantage any social groups.

Statutory Environment: Local Government Act 1995.

Policy/Work Procedure Implications: Local Planning Policy No.9 – Multiple Use Trails Within The Shire of Serpentine Jarrahdale

Financial Implications: \$50,000 has been allocated for Trails Construction Budget 2005 / 2006 BRT731.

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. Respect diversity within the community.
6. Ensure a safe and secure community.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The recommendation of this item has been provided by the Trails Working Group which has community and user group representation.

Comment:

The Trails Working Group consists of members representing Darling Downs Management Committee, Jarrahdale Heritage Society and Walking Group, Oakford Trails Management Association Inc., Trotting, Eventing, Pleasure Riders and Councillors. They have developed a list of priority trails for construction within the Shire and are involved with the construction and maintenance of trails within the Shire.

Voting Requirements:

Normal

Officer Recommended Resolution:

1. Council endorse the following recommendations for trail construction and purchase in the 2005 / 2006 financial year.

	Project Title	TMP/ reserve purpose	Cost
1	Post and Wire Fence Kargotich Road to Cunningham Drive	Y	\$4,000.00
2	Jarrahdale Routed Timber Sign	Y	\$509.10
3	Lotterywest Proposed Grant Foxtan Drive <i>shire contribution</i>	Y	\$9,500.00
4	Munda Biddi 'Try the Trail' Fund <i>shire contribution</i>		\$1,818.20
5	Hopkinson Road Culvert	Y	\$7,272.70
6	Multiple Use Trail on Cunningham Drive unmade road reserve	Y	\$7,272.70
7	Multiple Use Trail Byford to Cardup <i>Stage 1</i>	Y	\$19,627.30
			\$50,000.00

Amendment

That point 7 of the table "Multiple Use Trail Byford to Cardup Stage 1 - \$19,627.30" be deleted.

After the debate the presiding member then put the amendment which was LOST 3/4

The presiding member then put the original motion:

CGAM013/08/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Richards

1. Council endorse the following recommendations for trail construction and purchase in the 2005 / 2006 financial year.

	Project Title	TMP/ reserve purpose	Cost
1	Post and Wire Fence Kargotich Road to Cunningham Drive	Y	\$4,000.00
2	Jarrahdale Routed Timber Sign	Y	\$509.10
3	Lotterywest Proposed Grant Foxtan Drive <i>shire contribution</i>	Y	\$9,500.00
4	Munda Biddi 'Try the Trail' Fund <i>shire contribution</i>		\$1,818.20
5	Hopkinson Road Culvert	Y	\$7,272.70
6	Multiple Use Trail on Cunningham Drive unmade road reserve	Y	\$7,272.70
7	Multiple Use Trail Byford to Cardup <i>Stage 1</i>	Y	\$19,627.30
			\$50,000.00

CARRIED 8/2

Cr Murphy voted against this motion.

CGAM014/08/05		PROPOSED CLOSURE OF PORTION OF JACKSON ROAD (R0279)
Proponent:	Frank Gerstorfer	In Brief Council is requested to close portion of Jackson Road adjacent Lot 72 Jackson Road following a 35 day period of public comment.
Owner:	Under care control and management of Local Government	
Officer:	Jenni Andrews – Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	July 2005	
Previously	CGAM070/05/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

A request has been received to close a portion of Jackson Road adjacent to Lot 72 Jackson Road, Oldbury. This type of request must be advertised to the district before local government can resolve to make a request to the Minister. As per Council resolution CGAM070/05/05 this has been advertised in the local Examiner on the 2nd June 2005 for a period of 35 days to the 7th July 2005 for public comment. Additionally service providers and adjacent residents were individually sought comment as outlined in community consultation.

CGAM070/05/05 COMMITTEE DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Price:

Council advertise its intent to consider the closure of part of Jackson Road adjacent to Lot 72 Jackson Road for a period of 35 days.

CARRIED 7/0

The proponent wishes to purchase the land to be part of his own private property. The evaluation and sales process would be administrated by the Department of Planning and Infrastructure if the road were to be closed.

The proponent currently has the area of road reserve fenced and gated grazing stock in the reserve. This is an informal arrangement which if to continue would require Council consideration for the issue of a gate license. There has been no urgency to acquire this approval as the public road does not extend past Lot 72 Jackson Road and the only person to have a purpose for thoroughfare of this portion of the road is the owner of Lot 72 Jackson Road. The proponent has requested the preferred option of road closure and disposal of land being incorporated into his property over a gate license arrangement.

The majority of constructed Jackson Road (West) is gravel until the area proposed for closure is a single lane limestone base. The proposed area for closure is cleared of native vegetation with grasses kept to a minimum by the grazing of stock, hence the conservation value of the reserve is low.

In consultation with the senior planners, there is no identified future development in or around Jackson Road. The area is zoned rural and therefore not identified for immediate growth. From a fire and emergency management point of view the area of road reserve would need to remain clear of vegetation and building structures to maintain the emergency access to the area.

If the proposal were to proceed recommended conditions placed by the Council would include:

- Provision of a cul de sac turn around to be constructed at the west of Jackson Road for the waste collection vehicles built at the proponents cost.
- Provision that a 4 metre easement and access for fire and emergency services is provided and maintained along current road reserve and kept clear of vegetation and building structures.

A map of the proposed area for road closure and disposal is with attachments marked CGAM014.1/08/05.

A photo of the proposed area for road closure and disposal is with attachments marked CGAM014.2/08/05.

Sustainability Statement

Effect on Environment: The proposal does not impact the natural environment.

Resource Implications: All utility providers have been contacted to determine the need for relocation of facilities.

Use of Local, renewable or recycled Resources: Where possible local, renewable or recycled resources will be utilized in this proposal.

Economic Viability: The proponent has paid the cost of fees and charges, advertising and would be required to provide the subsequent purchase of land, provision of cul-de-sac and relocation of services if required.

Economic Benefits: Provision of a turn around will apply a 100% waste strategy to the residents of Jackson Road.

Social – Quality of Life The proposal will provide the proponent a more useable land space and residents of Jackson Road a waste collection service.

Social and Environmental Responsibility: The proposal has minimal impact on social and environmental values as the existing environment is proposed to be maintained.

Social Diversity: This proposal does not disadvantage members of the wider community, residents of Jackson Road (West) have been given the opportunity to provide comments on the issue.

Statutory Environment: Section 58 Land Administration Act
Regulation 9 Land Administration Regulations 1998
Section 3.52 of the Local Government Act 1995

Policy/Work Procedure Implications:

Roadside Management Policy AP30

Financial Implications: There are no financial implications to Council related to this proposal. The proponent has paid fees and charges for the initial report and advertising of the proposed road reserve closures at this stage. Future costs will be the responsibility of the proponent.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

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

Strategies:

3. Reduce waste and improve recycling processes

3. Economic

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Direct requests for consultation were sought from the following service and utility providers:

Alinta Gas
Telstra
Water Corporation
Main Roads
Western Power
Westnet Rail

Additionally residents of Jackson Road west of King Road and residents north of the railway on Boomerang Road west of King Road were sent correspondence sourcing comments, and an advertisement was placed in the Examiner on the 2nd of June 2005.

A period of 35 days was given to receive comment. The comments are summarized in the table below.

Support/Object: 2 objections were received from residents on Jackson Road (East)
1 conditional comment was received from a resident west of Jackson Road subject to provision of emergency access.
6 supportive comments received from utility providers with one conditional on the location of service.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
Road Reserve	Alinta Gas Advise there are no Alinta Gas Networks Assets in the area nor any proposed works that will impact road closure proposal.	Yes		Support
Road Reserve	Telstra Provision of Dial before you dig facsimile. A major Telstra Plant is located in the vicinity of the proposal.	Yes, Conditional on location of services	Optical fibre is indicated on the diagram provided on the north side of the Railway however Telstra plant diagrams only indicate the presence of plant in the general vicinity. The proponent will be responsible for any costs associated with any relocation of services.	Support
Road Reserve	Water Corporation There are no Water Corporation assets within this area, the Water Corporation has no objection.	Yes		Support
Road Reserve	Main Roads The proposed closure has no impact on Main Roads assets.	Yes		Support
Road Reserve	Western Power Western Power has no objections to the proposal. Before any excavation works are undertaken location of underground cable must be identified. Any costs to change the existing power system are to be the responsibility of the developer.	Yes	The proponent will be responsible for any costs associated with relocation of services.	Support
Rail Reserve	Westnet Rail WestNet Rail has no objections to the proposed action. It appears to formalize an existing situation. It is noted that there is still access to a public road from Lot 72 that does not depend on the adjacent railway for access.	Yes		Support

<p>A109201 A109203 A109204 A109205 A109206 A109207 A109208 A109209 A109210 A109211 A109212</p>	<p>There is no access to Lot 7, because of the Birrega Drain South of the land in question access is restricted, in case of emergency it is essential that there be access to the area. The resident would prefer the road extend to the boundary of lot 7, however if this is not practical to at least retain emergency access to the area.</p>	<p>Conditional on maintenance of emergency access.</p>	<p>In consultation with the senior planners, there is no identified future development in or around Jackson Road. The area is zoned rural and therefore not identified for immediate growth.</p> <p>Condition of a four meter fire break easement for emergency access and the maintenance of a firebreak will be placed on the proponent if the proposal is to go ahead. Currently Lot 7 is not publicly accessible via Jackson Road however the provision of a firebreak will ensure access in emergencies.</p>	<p>Condition</p>
<p>A112200</p>	<p>a) The resident states that it is not in the best interest of the community to allow proponent to purchase portion of land.</p> <p>b) Oldbury is not a sought after property area, though this could change and will impact neighbouring properties in short and long term.</p> <p>c) The resident states that Oldbury has been affected by contaminating activities of Bird and Jackson Road.</p>	<p>No</p>	<p>a) With no immediate change to the existing environment, the proposal has minimal impact on the community. The consultation process has identified few concerned community members.</p> <p>b) The area is zoned rural and therefore not identified for immediate growth. Generally in development the subdivider is required to provide access to all created lots. Existing properties access are not impacted within this proposal as currently the road reserve ends in Lot 72 Jackson Road.</p> <p>This comment does not relate to the proposal.</p>	<p>Dismiss</p> <p>Dismiss</p> <p>Dismiss</p>
<p>A112200</p>	<p>a) The area provides a pleasant cul de sac for picnics.</p>	<p>No</p>	<p>a) The road reserve has a purpose as a public thoroughfare and provision of services and as identified by shire Roadside Management Policy together with recognition for ecological function. This portion of Jackson road has no remnant native vegetation.</p>	<p>Dismiss</p>

	<p>b) It provides a quiet road for inexperienced children to enhance equestrian skills</p> <p>c) It has been utilized as a meeting place for residents and government officials.</p> <p>d) It provides a safe area for the railway workers to perform duties in the area.</p> <p>e) It allows citizens to access Bush Forever site 68 for nature enjoyment.</p> <p>f) Tourists visit the area for nature appreciation and picnics.</p> <p>g) The proponent ran a business and the road provided Public access to that business.</p> <p>h) The owner of lot 7 may or may not wish to subdivide and the road should remain public.</p>		<p>b) A public road is an inappropriate place for inexperienced riders to develop skills. Riding schools are located in the shire where persons can be trained to develop these skills.</p> <p>c) Under the assumption that a meeting has been held on the roadside, there is no reason why this cannot continue on the other section of Jackson Road. If it is necessary to meet on this land the prospective land owner could be sought permission for access.</p> <p>d) Railway maintenance would only occur on the land vested and maintained within WestNet Rail. Westnet Rail comments above have supported the proposal.</p> <p>e) Bush Forever identifies regionally significant Bushland on the Swan Coastal Plain in the Perth Metropolitan region. This includes on freehold and crown land, the Bush Forever site adjacent to the proposal is contained on private property.</p> <p>f) As part of the South West botanical area the shire contains flora, fauna and landscapes which are of significance. Much Public Open Space, recreational and conservation reserve are dedicated for the purposes of providing the public with such leisure.</p> <p>g) The proposal does not limit access to the proponents property.</p> <p>h) The area is zoned rural and therefore not identified for immediate growth. Generally in development the subdivider is required to provide access to all created lots.</p>	<p>Dismiss</p> <p>Dismiss</p> <p>Dismiss</p> <p>Dismiss</p> <p>Dismiss</p> <p>Dismiss</p> <p>Dismiss</p>
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	<p>i) Residents of the Serpentine Jarrahdale shire have paid for construction and maintenance costs of the road, It seems that the government can sell the land at a loss and a loss to the shires Public amenity.</p> <p>j) There is no common good to the residents of the shire .</p> <p>k) It provides a potential safe place to drive escaped stock and situate fire emergency vehicles.</p> <p>l) Amorous activities have occurred at Jackson Road.</p>		<p>i) There are no maintenance costs currently associated with this section of Jackson Road.</p> <p>j) No comment as subjective.</p> <p>k) Provision of a four mete emergency clearance will be provided if the proposal is to proceed.</p> <p>This comment is not applicable to the proposal.</p>	<p>Dismiss</p> <p>Dismiss</p> <p>Condition</p> <p>Dismiss</p>
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Comment:

The proponent lives on a property containing bush forever vegetation, therefore the area of vacant land is minimal. The proponent does not wish to construct any buildings on the land, yet may use it for open space and grazing land. As the road is only used for access to Lot 72 it is not considered that a closure with have any negative impacts and as such is not opposed.

Voting Requirements: Normal

CGAM014/08/05 Committee/Officer Recommended Resolution:

Council agrees to the closure of the portion of Jackson Road (west) adjacent to lot 72 as attached at CGAM014/08/05 subject to:

1. Construction of a cul-de-sac at the end of Jackson Road (west) to provide for waste collection vehicles, at the proponents cost; and
2. Provision of a four metre wide Emergency Access easement over the current road reservation alignment which is to be kept clear of vegetation and building structures.

CGAM014/08/05 COUNCIL DECISION

Moved Cr Star seconded Cr Murphy

That Council does not agree to the closure of the portion of Jackson Road (west) adjacent to Lot 72 as attached at CGAM014/08/05, but Council grants a gate licence to the owner of Lot 72.

CARRIED 10/0

Council Note – The Committee/Officer Recommended Resolution was changed as the Berriga Drain forms a substantial physical barrier and closure of the road would make it more difficult to access the northern portion of Lot 7.

CGAM018/08/05		JARRAHDALÉ LOG CHOP (A1107/02)	
Proponent:		In Brief Council is requested to consider a request for the waiving of the oval hire fees for the Jarrahdale Log Chop and Country Fair.	
Owner:			
Officer:	Elizabeth Cox A/ Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	9 August 2005		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

The Jarrahdale Log Chop and Country Fair has been an important part of the Jarrahdale community for a number of years. For the past two years the event has been conducted by the Lions Club of Serpentine Jarrahdale. Last year the Club requested that fees be waived for the hire of the Jarrahdale Oval and facilities as a major component of the cost outlay was the need to hire toilets and stalls.

The Club is aware of the requirement to pay the bond and has not requested this be considered in the application to waive the hire fees.

Last year the ground hire fee of \$205.70 was waived by administration. Council was charged a stall hire fee of \$115 for a display promoting the Shire. To date council has not been invited to hire a stall for this year's fair.

Sustainability Statement

Economic Benefits: The event is of significant benefit to the local community through tourism.

Social and Environmental Responsibility: The event has a long community history involving the community of Serpentine Jarrahdale.

Statutory Environment:

Financial Implications:

The 2005/2006 Budget includes fees and charges for the hire of the Jarrahdale oval.

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.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

4. Governance

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

Strategies

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

Community Consultation:

Required: No

Comment:

Council has been approached to waive fees for an annual event in which Council participates as a stall holder. The Council has not previously considered this request as it was formerly considered by administration.

In the absence of a policy it is necessary that Council considers all the issues relating to the waiving of fees for the Shire wide hire of ovals and facilities. Council has a number of reserves and the potential exists for any hirer to request Council waive the hire rates for

various times of the year. A two tier structure fee currently exists, which supports local organizations as opposed to casual hirers of oval and facilities.

The development of the Jarrahdale Heritage Park and proposed uses of the oval must be considered when formulating a policy for the waive of hire fees.

Voting Requirements: Normal

Officer Recommended Resolution:

1. That the Lions Club of Serpentine Jarrahdale be informed that the fees for the hire of the Jarrahdale Oval for the Jarrahdale Log Chop and Country Fair will not be waived on this occasion.
2. That a policy be developed to address requests for the waiving of fees for the hire of oval and facilities.

LOST 3/4

Foreshadowed Motion

During the debate Cr Price foreshadowed that he would move

1. That the Lions Club of Serpentine Jarrahdale be informed that the fees for the hire of the Jarrahdale Oval for the Jarrahdale Log Chop and Country Fair will be waived on this occasion.
2. That a policy be developed to address requests for the waiving of fees for the hire of oval and facilities.

If the motion under debate was defeated

CGAM018/08/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Price

1. That the Lions Club of Serpentine Jarrahdale be informed that the fees for the hire of the Jarrahdale Oval for the Jarrahdale Log Chop and Country Fair will be waived on this occasion.
2. That a policy be developed to address requests for the waiving of fees for the hire of oval and facilities.

CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM04/08/05 PEEL DEVELOPMENT COMMISSION BOARD VACANCY (A0109-02)		
Proponent	Peel Development Commission	In Brief Nominations have been invited for local government representation to the Peel Development Commission (PDC) Board closing on the 30 August, 2005.
Officer	J Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	10.08.2005	
Previously	A162/04/00, SM009/08/01, SM022/10/02, SM002/07/04	
Disclosure of Interest		
Delegation	Council	

Background

In 2000 discussion between the councils of the region resulted in a majority agreement for an arrangement where representation on the PDC Board would be shared around the region.

Council resolved to follow this framework in 2001;

“The Shire of Serpentine Jarrahdale acknowledges the suggested representation model originally proposed in February 2000, and agrees to support the implementation of it given the agreement by the majority of the councils in the region to apply it.”

Due to the expiration of the term of appointment for Cr Elizabeth Hoek from the Shire of Boddington, one (1) position for a Local Government representative on the Peel Development Commission Board will become vacant as at 31st October, 2005.

The Board of PDC comprises of ten (10) members. Three are Ministerial appointments, three (3) are designated as community representatives, and three (3) positions are reserved for local government representatives. The tenth member is the CEO of the PDC who is ex officio a Board member.

The local government representative is then appointed by the Minister from nominations submitted by the Western Australian Local Government Association (WALGA). WALGA conducts a poll of the local governments within a region and based on that poll recommends board members to the Minister. The Minister makes the final decision about who is appointed to the Board.

A copy of the Local Government Vacancy Information and nomination form is with attachments marked OCM04/08/05. (IN05/7527)

Sustainability Statement: N/A

Statutory Environment: The Regional Development Commission boards are established pursuant to the *Regional Development Commission's Act, 1993*.

Policy Implications: In 2000 agreement was reached between the majority of the local governments of the Peel that representation on the PDC Board should be rotated around the local governments of the region.

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

Strategic Implications: The Council committed to working with the other councils of the Peel Region for the mutual benefit of all the citizens of the region.

Community Consultation: Not applicable

Voting Requirements: Normal

Comments:

The basis for the sharing of representation means that with five local governments in the region and only three positions in any five-year cycle each council will have a position on the Board for three years and not be directly represented for two years.

Under the arrangement which commenced in 2000, the Shire of Murray and the Shire of Boddington will be the two councils not represented on the Board in 2005/2006. In 2004 the Serpentine Jarrahdale Shire (Cr John Price) nomination was supported. This year will be the turn of the City of Mandurah to have its nominee supported by the councils of the region.

Based on Council's previously established position it is recommended that Council not nominate a representative for 2005-2006, but when the time is appropriate support a City of Mandurah's nominee onto the Board of the Peel Development Commission

OCM04/08/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Hoyer

- 1. The Serpentine Jarrahdale Shire agrees to not nominate a representative to fill the vacancy on the Peel Development Commission Board.**
- 2. The Serpentine Jarrahdale Shire agrees to support the appropriate local government each year as represented on the representation model originally proposed in February 2000.**

CARRIED 10/0

OCM06/08/05 JARRAHDALÉ HERITAGE PARK – MEMORANDUM OF UNDERSTANDING WITH DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT (PO5576/45)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to enter into a Memorandum of Understanding with CALM for the design and construction of various park elements within the Jarrahdale Heritage Park.
Officer:	Terry Farrell JHP Project Manager	
Signatures Author:		
Senior Officer:		
Date of Report	18 August 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Officers have held discussions with the Department of Conservation and Land Management (CALM) regarding the potential to utilize the expertise of that agency in the construction of structures including picnic shelters, barbeque areas, pedestrian foot bridges and toilets at the Jarrahdale Heritage Park.

A Memorandum Of Understanding (MOU) has been prepared which states the outcomes sought by CALM and the shire if that agency's resources are utilized for aspects of the project. It is recommended that Council enter into the MOU and, where deemed beneficial by officers, engage CALM to undertake works at the site.

A copy of the Memorandum Of Understanding is with attachment marked OCM06/08/05.(E05/4471)

Sustainability Statement

Effect on Environment: CALM has access to timber that is otherwise not available to the market eg recycled timber from road clearings. CALM also have extensive experience in working in environmentally sensitive areas and would be understanding of the need to protect the environment during construction activities.

Resource Implications: CALM will provide access to materials which have been recycled hence a reduction in new resources is likely.

Use of Local, renewable or recycled Resources: Timber will be predominantly be sourced from CALM and Heritage Sawmillers. CALM will operate from its Jarrahdale base which is within 1 kilometer of the site, significantly reducing transport costs and associated pollution.

Economic Viability: The proposal is seen as economically viable as the skills and experience of CALM in construction projects of a similar nature will reduce design costs. CALM are also waiving their normal commercial overhead costs allowing works to be completed at relatively low cost.

Economic Benefits: In addition to potential low construction costs, the experience of CALM in design and construction will possibly reduce ongoing maintenance liabilities as CALM have developed several low maintenance designs which can be applied at the Heritage Park.

Social – Quality of Life: The engagement of CALM will encourage local employment from Jarrahdale and increase the skills of CALM employees. CALM have extensive experience in ensuring structures meet accessibility needs of the community and are functional.

Social and Environmental Responsibility: The Jarrahdale community have been involved in the development of the management Plan and vision statement which can be delivered through this partnership. CALM will work with GreenCorp and Karnet Prison work teams which further fosters partnerships in this project.

Social Diversity: The proposal does not disadvantage any social groups and will utilize expertise in ensuring facilities are available to as wide a cross-section of the community as is possible.

Statutory Environment:

Works to be undertaken will require Council Planning and Building approval.

The Local Government Act does not require Council to invite tenders if the goods or services are supplied by or obtained through the government of the State or the Commonwealth or any of its agencies.

Policy/Work Procedure Implications:

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

Financial Implications:

Works to be undertaken have been funded in the 2005/06 budget. As it is not necessary to call tenders for the components which will be awarded to CALM, savings in administrative time and costs will occur.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. 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.
3. Foster a strong sense of community, place and belonging.
4. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
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.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: Not applicable

Comment:

The MOU with CALM would provide a design and construction process that is cost efficient while providing high quality design and construction practices. The MOU seeks to avoid the significant time and cost associated with tendering out the items for detailed design followed by a construction tendering process.

The MOU will potentially provide many benefits to the project but also promote and encourage strong partnerships. It is recommended that Council enter into the MOU and authorize the Chief Executive Officer to sign the document on behalf of the shire.

Voting Requirements: ABSOLUTE MAJORITY

OCM06/08/05 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Star seconded Cr Richards
Council:**

- 1. Enters into a Memorandum Of Understanding with the Department of Conservation and Land Management for the Recreation Facility Design and Construction at the Jarrahdale Heritage Park as at attachment *OCM06/08/05.(E05/4471)* of this agenda.**
- 2. Authorises the Chief Executive Officer to sign the Memorandum Of Understanding on behalf of the Serpentine Jarrahdale Shire.**

CARRIED 10/0 ABSOLUTE MAJORITY

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM05/08/05 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report for the month of August 2005.
Officer	J Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	17 th August, 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM05.1/08/05 COMMON SEAL REGISTER REPORT – JULY, 2005 (A1128)

The Common Seal Register Report for the month of July, 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM05.1/08/05. (E02/5614)

OCM05.2/08/05 EXECUTIVE OFFICER STRATEGIC DEVELOPMENT – AUGUST 2005 (A0436-05)

The Executive Officer Strategic Development report of priorities to 16th August, 2005 is with the attachments marked OCM05.2/08/05. (E05/4448)

OCM05.3/08/05 USE OF DELEGATION REPORT – JULY (A0039-02)

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

AF-29 – Write Off of Rates or Rate Interest
Write Off Rates – 33 Holmes Road

CS-9 – Internal & External Funding Applications Seeking Council Endorsement
Letter of Support – Peel Community Legal Services Application to Lotteries West (OC05/4171)

CSP24 - Rates Collection And General Debtors Policy
Approval to write off Debts totalling \$323.10 (E05/3635)

OCM05.4/08/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - SE METRO ZONE - AERIAL BUNDLED CABLES (A1164)

At the last meeting of the South East Metropolitan Zone held on 27th July, 2005, Cr Star sought to have the Association continue its pursuit of a change of principles that would enable Councils to apply under State Underground Power Program to install Aerial Bundled Cables in lieu of underground cables.

In the attachments marked OCM05.4/08/05 (IN05/8150) is the letter from WALGA together with the correspondence received from the Minister for Energy, Hon Alan Carpenter outlining the progress that is being made on the use of such a scheme.

OCM05.5/08/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MEETING – AUGUST, 2005 (A1164)

The Western Australian Local Government Association (WALGA) State Council Summary Minutes for August 2005 are in the attachments marked OCM05.5a/08/05, together with the WALGA CEO's Report to State Council marked OCM05.5b/08/05, and the WALGA President's Report for July/August 2005 marked OCM05.5c/08/05 (IN05/8447)

OCM05.6/08/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – ANNUAL GENERAL MEETING – AUGUST 2005 (A1164)

In the attachments marked OCM05.6/08/05 are the minutes of the WALGA Annual General Meeting held on 7th August, 2005 (IN05/8446)

OCM05.7/08/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING- JULY 2005 (A1164)

In the attachments marked OCM05.7a/08/05 are the minutes of the Peel Zone Meeting held on 28th July, 2005 together with the Presidents Report marked OCM05.7b/08/05 (IN05/8394).

OCM05.8/08/05 WESTERN AUSTRALIAN ELECTORAL COMMISSION – ORDINARY ELECTION REPORT – 7 MAY, 2005

In the attachments marked OCM05.8/08/05 (IN05.8622) is the WA Electoral Commission, Serpentine Jarrahdale Shire Election Report for May 2005.

OCM05/08/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Price
The Information Report to 17th August, 2005 is received.
CARRIED 10/0

10. URGENT BUSINESS:
Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:
Nil

12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 7.35pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD016/08/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	02.08.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD016/08/05 COMMITTEE DECISION/Officer Recommended Resolution

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

SD017/08/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2.08.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD017/08/05 COMMITTEE DECISION/Officer Recommended Resolution

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

SD018/08/05 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Carole McKee, Acting Manager Sustainable Communities	
Signatures Author:		
Senior Officer:		
Date of Report	1.07.05	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD018/08/05 COMMITTEE DECISION/Officer Recommended Resolution

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

SD019/08/05 PROPOSED AMPHITHEATRE WITHIN JARRAHDALÉ HERITAGE PARK (P05576/47)		
Proponent	National Trust of Australia	In Brief Proposed public outdoor amphitheatre. It is proposed to approve the application subject to conditions.
Owner	As above	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:	Carlie Eldridge - Acting Director Sustainable Development	
Date of Report	30 July 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD019/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application for approval to commence development of an amphitheatre on Lot 200 Jarrahdale Road, Jarrahdale be approved subject to the following conditions:

- 1. A Building Licence is to be obtained prior to the commencement of any development (including earthworks).**
- 2. A landscaping and vegetation management plan for the subject site is to be submitted (in triplicate) to the Shire and approved prior to the issue of a Building Licence for the development. For the purpose of this condition, a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:**
 - a) The location, name and mature heights of existing and proposed trees and shrubs;**

- b) Any lawn and paved areas to be established;
 - c) Any natural landscaped area to be retained;
 - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles;
 - e) Revegetation with local indigenous species only;
 - f) The retention of all native vegetation indigenous to the site (where practicable); and
 - g) Use of shade trees in the car parking areas at the rate of one tree per six parking bays.
3. The materials and finishes of the development are to comply with the approved plans unless otherwise approved by the Shire.
 4. All timber components used shall include the implementation of measures designed to prevent termite infestation. Details of the measures to be taken shall be submitted with the Building Licence application.
 5. The development shall be designed and constructed to allow ramped access for people with disabilities to viewing terraces, stage and orchestra areas of the amphitheatre in accordance with the requirements of Australian Standard AS1428.1.
 6. Car parking, vehicle access and toilet facilities sufficient to cater for the day-to-day use of the amphitheatre are to be provided in reasonable proximity to the amphitheatre prior to the commencement of use of the amphitheatre.
 7. All storm water is to be disposed of within the confines of the property. This shall be achieved by the use of retention basins and the grading of paved areas onto lawns or landscape areas preventing direct discharge of storm water into any water course. The storm water management plan is to utilise water sensitive design principles. A detailed storm water management plan is to be submitted for approval prior to the issue of a building licence.
 8. Details of signs and hoardings is to be a separate application to Council.
- CARRIED 7/0**

SD028/08/05 INITIATION OF SCHEME AMENDMENT 148 - BYFORD STRUCTURE PLAN LANDUSE/ZONING TABLE AND TEXT AMENDMENTS (A1289)		
Proponent:	Serpentine-Jarrahdale Shire	In Brief Request for Council to initiate a Scheme Amendment to include land use/zoning table for Byford Structure Plan Area in scheme text. It is recommended that the rezoning be initiated.
Owner:	N/A	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	29 July 2005	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD028/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

A. 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 by:

1. Amending clause 3.1.1 of the Scheme to insert the following additional zones after "URBAN DEVELOPMENT":

**RURAL-RESIDENTIAL
TOWN CENTRE
NEIGHBOURHOOD CENTRE
HIGHWAY COMMERCIAL
NEIGHBOURHOOD NODE
MIXED BUSINESS**

2. Amending clauses 3.2.1 to 3.2.5 and 4.3 by changing the word "Table" wherever it appears in the clauses to "Tables".

3. Amending clause 5.3.5 by inserting the words "or on any structure plan adopted by the Council in accordance with the provisions of clause 5.18.3" after the words "...on the Scheme Map".

4. Amending clause 5.4.2 (a) by inserting after the words "...except in", the words "any area covered by a structure plan adopted by the Council in accordance with the provisions of clause 5.18.3 where the applicable Residential Density Codes shall be as depicted on the relevant structure plan, and".

5. Amending clauses 5.8, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5 and 5.8.6 of the scheme by inserting the words "and Rural-Residential Zone" after the words "Special Residential Zone" wherever they appear throughout that clause.

6. Amending clause 5.18.6.3 (a) by:

i) inserting after the words "in the areas designated as zones," the words "which are the same as zones which exist under the Scheme,";

- ii) deleting the word “zoning” and inserting after the word “Table” the number “1” and;
- iii) inserting after the words “...the same designation”, the words “and in the areas designated as zones which are not the same as zones which exist under the Scheme, the permissibility of uses is to be as set out in Table 1A”.

7. Inserting after Table IV in the Scheme a new Table "Table V Non-residential development - Neighbourhood Node and Neighbourhood Centre Zones" as follows:

Non-residential developments - Neighbour Node and Neighbourhood Centre Zones

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street(s)	Side	Rear		
Neighbourhood Node	As per relevant R-Code			As per relevant R-Code	25% of site
Neighbourhood Centre	9	Abutting Residential: as per R Codes Other: Nil	Abutting Residential: as per R Codes Other: Nil	50%	15% of site

8. Renumbering "Table V Parking Requirements" to be "Table VI Parking Requirements".

9. Inserting into the scheme after Table 1 a new Table "Table 1A Byford Structure Plan Area Zoning/Land Use Table" as follows:

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Amusement Parlour				AA	AA		
Automotive & Marine Sales						AA	P
Automotive Repairs							AA
Automotive Vehicle Wash						AA	P
Caravan or Trailer Hire						AA	P
Betting Agency				P	P	IP	IP
Car Park			IP	IP	P	IP	IP
Child Minding Centre	SA		AA	P	P		
Civic Buildings			P	P	P	P	P
Cinema/Theatre				SA	P		
Club Premises					AA	AA	
Consulting Rooms			AA	P	P		
Convenience Store			SA	AA	P	AA	AA
Corner Store/Home Store			AA				
Craft Workshop							P
Display Home	AA	AA				IP	IP
Dry Cleaning Premises				AA	AA	AA	
Educational Establishment	SA		AA	AA	P		
Exhibition Centre				P	P	P	P

The symbols used in the cross reference in the Zoning Table have the following meanings:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Fast Food/Takeaway				AA	P	AA	
Funeral Parlour				AA	P	AA	P
Garden Centre					AA	AA	P
Health Studio				AA	P	AA	P
Home Office	IP	IP	IP				
Home Business	IP	IP	IP				
Home Occupation	IP	IP	IP				
Hospital					AA		
Hotel					P	AA	
Industry: - Light - Service - Rural						AA	P P P
Lunchbar				P	P	P	P
Market				AA	AA	AA	AA
Medical Centre				AA	P	P	AA
Motel					P	AA	
Nightclub					AA		
Office			AA	P	P	P	IP
Private Recreation					AA	AA	AA
Public Amusement				AA	AA	AA	
Public Recreation				AA	P		
Public Utility	AA	AA	AA	P	P	P	P
Public Worship - Place of	SA			SA	P	AA	AA
Radio & TV Installation				AA	AA	AA	AA

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Reception Centre				SA	AA	AA	
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Aged & Dependent Persons Dwelling - Caretaker's Dwelling - Ancillary Accommodation - Residential Building	P P P (See Note 2.) P IP SA	P P P IP SA	IP IP IP	SA (See note 3) SA (See note 3) IP	SA (See note 3) SA (See note 3) IP AA	IP	IP
Restaurant				P	P	AA	
Restricted Premises							
Service Station					SA	SA	AA
Shop				P	P		IP
Shopping Centre				P	P		
Showroom				AA	P	P	P
Tavern				SA	AA	AA	
Trade Display						AA	AA
Transport Depot							AA
Vehicle Hire					AA	AA	P
Veterinary Establishment			AA	SA	AA	AA	AA
Warehouse					IP	AA	P

Notes:

1. See Residential Planning Codes for definitions of Residential dwelling types;
2. Multiple Dwellings only permitted in R40 and higher density codes.
3. Grouped and Multiple Dwellings are only permitted in Neighbourhood Centre and Town Centre zones as part of combined Commercial/Residential developments such as shop-top housing or work/live developments.

10. Inserting, in alphabetical order, the following new definitions into Appendix 1 – Interpretations:

"betting agency" means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960;

"cinema/theatre" means premises where the public may view a motion picture or theatrical production;

"exhibition centre" means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

"home store" means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

"lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

"motor vehicle wash" means premises where the primary use is the washing of motor vehicles;

"restricted premises" means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the Censorship Act 1996;**
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;**

11. Modifying the existing definitions in Appendix 1 of the Scheme for "showroom", "warehouse", "convenience store" and "fast food/takeaway food shop" in accordance with the definitions for these land uses contained in the Model Scheme Text under the Town Planning Regulations 1967 (as amended) as follows:

"showroom" means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

"warehouse" means premises used to store or display goods and may include sale by wholesale;

"convenience store" means premises -

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;**
- (b) operated during hours which include, but may extend beyond, normal trading hours;**
- (c) which provide associated parking; and**
- (d) the floor area of which does not exceed 300 square metres net lettable area;**

"fast food outlet" means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

- B. Following endorsement, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act; and**
- C. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.**

CARRIED 7/0

SD029/08/05 PLANNING INFORMATION REPORT		
Proponent	Acting Director Sustainable Development	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 August 2005	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM051/06/04	

SD029/08/05 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 10 August 2005 be received.

CARRIED 7/0

CGAM011/08/05		TONKIN HIGHWAY / ABERNETHY ROAD CONNECTION – POSITION PAPER (A0471-03)
Proponent:	Director Asset Services	In Brief Council is requested to endorse the Position Paper demonstrating the need for a connection of Abernethy Road to the future extension of Tonkin Highway.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	3 August 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM011/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council:

1. **Endorses the Tonkin Highway/Abernethy Road Connection Position Paper as attached at CGAM011/08/05;**
2. **Provides a copy of the Tonkin Highway / Abernethy Road Connection Position Paper to the Minister for Planning and Infrastructure and requests that, for the reasons outlined in the Position Paper, Main Roads Western Australia make allowance for a connection with the Tonkin Highway when extended; and**
3. **Requests the Director Asset Services and Senior Planner (Strategic Planning) to undertake a review of the Road Hierarchy and public transport routes and present recommendations of the review to Council for consideration.**

CARRIED 7/0

CGAM015/08/05 2005/06 FOOTPATH PROGRAM (A0477)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council is requested to endorse the Footpath Program in accordance with Policy AP27 – Footpath Priority Assessment from the approved 2005/06 Budget.
Owner:	Asset Services	
Officer:	Jason Elliott–Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 th August 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM015/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council endorse the 2005/06 Footpath Program for the total cost of \$100,000.

Road	Location	Description	Length	Cost
Park Rd, Byford	South Crescent to Bradshaw Rd	New concrete footpath	420m	\$27,000
Park Rd, Byford	John Crescent to South/Helen Crescent	New concrete footpath	120m	\$8,000
Charles St, Byford	Walter Rd to North Crescent	New concrete footpath	160m	\$10,000
Mead St, Byford	Gordin Way to Rec Centre	New concrete footpath	155m	\$22,000
Hall Rd, Serpentine	Leslie St to Fielder Rd	Concrete overlay	1085m	\$33,000
		TOTAL	1940m	\$100,000

CARRIED 7/0

CGAM016/08/05 SERPENTINE CEMETERY EXTENSION (RS0165)	
Proponent:	Shire of Serpentine Jarrahdale
Owner:	Under care control and management of Serpentine Jarrahdale Shire
Officer:	Jenni Andrews – Reserves Officer
Signatures Author:	
Senior Officer:	
Date of Report	7 th August 2005
Previously	CRAS065/04/04 AS029/10/03 W228
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Committee in accordance with resolution SM051/06/04

Council is requested to submit a clearing proposal to the Department of Environment and Department of Planning and Infrastructure - Bush Forever, to clear the southern portion of the Serpentine Cemetery Reserve 10661 for the vested use of cemetery.

CGAM016/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

1. Council submit a clearing application for the south section of the Serpentine Cemetery to the Department of Environment and Department of Planning and Infrastructure –Bush Forever Office.
2. If the clearing application is successful, a report detailing the extent of clearing proposed is to be provided to Council prior to the commencement of works on site.
3. Council liaise with the South East Metropolitan Council to progress the development of Whitby Falls Regional Cemetery.

CARRIED 7/0

CGAM017/08/05 INVESTMENT POLICY (A1048)		In Brief To amend section 11 – Authorised Counter parties and Exposure Limits and Attachment 3 – Part 1.1 (a) & (b) of the Investment policy to include Bendigo Community Bank as an exemption to the current Investment policy.
Proponent	Manager Corporate Services	
Officer	Cary Green – Manager Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	09/08/2005	
Previously		
Disclosure of Interest	No officer involved with the preparation of this item has any interest to disclose with this item.	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM017/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

To amend the current Investment Policy to provide an exemption for Council to invest with the Bendigo Community Bank. It is proposed that Attachment 3, include the following:

- 1.2 To exempt the Bendigo Community Bank from Attachment 3 part 1.1 (a) and (b) and allow Council to invest funds in this banking organisation as long as their Standards and Poor's rating does not drop below a short term domestic credit rating of A2 strong, and a long term credit rating of BBB+.**

CARRIED 7/0

CGAM019/08/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		In Brief To confirm the creditor payments made during July 2005
Proponent:	Director Corporate Services	
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM019/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

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

CARRIED 7/0

CGAM020/08/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 July 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM020/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

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

CGAM021/08/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 July 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM021/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

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

CGAM022/08/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 July 2005
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM022/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

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

CGAM023/08/05 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 31 July 2005
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM023/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

**The information report to 8 August be received.
CARRIED 7/0**

CGAM024/08/05		TRANSFER INVESTMENT FUNDS (A0073)	
Proponent:	A/Director Corporate Services	In Brief Council is requested to approve the transfer of Bond Funds from Bendigo Bank to Bankwest to ensure compliance with Council Investment Policy.	
Owner:			
Officer:	Elizabeth Cox A/Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	10 August 2005		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution SM051/06/04		

CGAM024/08/05 COMMITTEE DECISION/Officer Recommended Resolution:

That Council endorse the transfer of the \$250,000 Term Deposit (125 616 458) in Bendigo Community Bank to Bank West to comply with Council's Investment Policy.
CARRIED 7/0