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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 12 NOVEMBER 2012. THE SHIRE PRESIDENT DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

## 1. ATTENDANCES & APOLOGIES (including Leave of Absence):

### IN ATTENDANCE:

**COUNCILLORS:**

B Moore	.....	Presiding Member
M Harris		
D Atwell		
J Kirkpatrick		
S Piipponen		
M Ricketts		
B Urban		
G Wilson		

**OFFICERS:**

Mr R Gorbunow	.....	Acting Chief Executive Officer
Mr B Gleeson	.....	Director Development Services
Mr A Hart	.....	Director Corporate Services
Mr Uwe Striepe	.....	Acting Director Engineering
Mrs S van Aswegen	.....	Director Strategic Community Planning
Mrs D Bridson	.....	Agendas and Minutes Officer

**APOLOGIES:** Cr C Randall (leave of absence)

Members of the Public - 23

Members of the Press - 1

## 2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

### Mr Alan Clarkson, SJ Ratepayers Association - Austral Bricks Extractive Industry Licence

Q1. *I have said on many occasions before, the SJ Ratepayers Association's main concern is that your officers have been asked to make a decision without all the information being provided by Austral Bricks. It has gone to the SAT and our opinion is that these companies are bullying the Council by saying they will take the council to the SAT and forcing them to make decisions. These people have deliberately withheld very relevant information about hydrology and rehabilitation at the quarry. We ask you, because of the lack of information being provided by Austral Bricks, that they don't get a licence at all.*

A1. This application is currently the subject of an Application for Review (appeal) at the State Administrative Tribunal. Council will be considering this matter again at its Ordinary Council meeting on 12 November 2012.

### Michelle Rich, 155 Firns Road, Serpentine, 6125

Q1. *When the time comes, that the Shire needs new offices, will they build smaller offices throughout the Shire for officers to use?*

- A1. In each of our community facilities there are office spaces that are available for Shire officers to meet with community members.
- Q2. *When designing public open space do the officers know the difference between passive and active?*
- A2. Differentiation between Passive and Active open space and other open space typologies is important for a number of reasons that includes form, function, asset management, risk management and physical location. It is therefore defined in all levels of planning in differing ways at State Government and Local Government level. The most recent statutory policy guideline that the Shire approved in this regard is Local Planning policy 60 – Public Open Space (LPP60) which is available from the Shire's website at <http://www.sjshire.wa.gov.au/planning-policies/>. It is not the only guide used but does provide references to other policies in this regard and shows the commitment of Council to provide and manage public open spaces in a responsible, yet responsive manner.
- Q3. *Do officers have any knowledge of the various sporting groups that are currently active within the Shire?*
- A3. Relevant staff are very familiar with the wide range of sporting groups in the Shire, all of whose details are listed and regularly updated in the Community Directory linked to the Shire's website <http://www.sjshire.wa.gov.au/directory/>. The Shire has, is, and will continue to actively work with these clubs on a number of different projects and programs.
- Q4. *Do officers know of any field sports being played on a 50 x 50 field?*
- A4. Generally speaking, senior sporting codes would play on areas that were considerably larger than this. Sporting field dimensions however do vary from sport to sport as well as varying by age group, and according to the preference of the local community as some sports provide more flexible dimensions. If you have a specific sport in mind we can provide you with the contact details of that Sport's State Sporting Association who will be able to discuss with you the specific information and their recommendation on potential options for sporting field dimension for that activity.

Walter Cook, 6 Baskerville Street, Mundijong

Some residents are concerned about the new precinct west of Adams St in Mundijong. The problem is the plan residents received did not have enough information on it.

Q1. *Why is this section going ahead when we have not seen the overall plan for the whole precinct?*

A1. The adopted Mundijong - Whitby District Structure Plan (MWDSPP) identifies that the Mundijong - Whitby urban area has been separated into seven main precincts. Through a formal resolution passed on 8 October 2012, Council resolved to split precinct E into 3 sub-precincts, being precincts E1, E2 and E3. The proposed Local Structure Plan (LSP) for the area west of Adams Street covers the entire E1 sub-precinct. The adopted MWDSPP states that a LSP shall be prepared for all or portion of the precinct as identified by Council. Therefore, there is no requirement for the LSP west of Adams Street, over sub-precinct E1, to cover the entire precinct E.

Brian Manning, Mundijong

*Q1. I refer to the development west of Mader Road in Mundijong, why is this high density subdivision attempting to go ahead when it is clearly against the wishes of the Mundijong / Whitby overall planning committee?*

A1. The Local Structure Plan (LSP) proposes a base density of R25 with pockets of higher density R30 and R40 areas. This higher density results in a wider range of lots and housing diversity. This provides for more interest to the streetscape and a greater diversity in population.

The State Government's Directions 2031 and Beyond document promotes increases in housing diversity, adaptability, affordability and choice. More specifically, Directions 2031 seeks new urban areas to meet density requirements of 15 dwellings per gross hectare, which is achieved under the LSP. This is also reflected under the provisions of Liveable Neighbourhoods and further supported by the Shire's Local Planning Policy 57 - Housing Diversity Policy which acknowledges the objectives of Directions 2031 through housing diversity provisions applicable to all 'urban' zoned land within the Shire.

Daniela Roberts, Byford Central

*Q1. Is it correct that 10% of the land in Byford Central is public open space?*

*Q2. Can that public open space be changed to another type of public open space?*

A1 & 2.

Most residential developments allow for 10% public open space. The Byford Central estate has approximately 10% of the land set aside as public open space. Public open space that is allocated as recreational can have a variety of uses including ovals, community buildings, playgrounds and conservation.

Keith Whibley, 22 Cranbourne Way, Byford

*Q1. On 13 August I submitted 2 petitions, what has happened to my petitions?*

A1. Council received the petitions as non compliant petitions as per Council's Standing Orders 3.6. These issues were dealt with by council at the Ordinary Council Meeting on 22 October 2012; item number OCM077/10/12.

**3. PUBLIC QUESTION TIME:**

*Public question time commenced at 7.01pm.*

David Houseman, Clifton Street, Byford

Two or so years ago the Shire graded the laneway which runs between Clifton Street and Beenyup Road from the Town Hall end through to Mary Street. Crushed blue metal was applied, along with a water truck and a roller; it was compacted over several days. It was a job well done. At this stage of construction it would have been ideal for the Shire to use its patching truck with a spray bar to seal the surface. This did not occur. As a result of this inaction, erosion and weeds are now taking their toll on this once pristine job.

Dust is coming from the surface and it is in need of maintenance. Of most concern is that blue metal has become dislodged and is now spread over the bituminised car parking bays of the Anglican Church. This has now created a health and safety issue. Some of the parking bays are reserved for the disabled.

I feel that there is a foreseeable risk to the users of this parking area. This parking area was constructed at the church's expense at the Shire's request. The blue metal was laid after the construction of the car park and is now damaging the asphalt surface.

The Shire's patching truck with a spray bar along with a roller would alleviate these issues and will negate the Shire from having to constantly provide funds to maintain the laneway.

I have been advised that such a surface would be durable enough for use by a low volume of traffic. This laneway is a no-through thoroughfare and is used only by the church and properties which abut it.

The Shire took \$20,000 of my neighbour's money and another \$20,000 of my own for a laneway upgrade. I am informed that this \$40,000 will not be spent until all properties on this 160 metre length have been subdivided. This is a ridiculous notion given that it could be decades before all of the properties are subdivided.

Q1. Does the Shire acknowledge that the current situation is a health and safety issue?

Q2. Does the Shire acknowledge that ongoing maintenance costs would be minimal if the laneway is sealed using the patching truck?

Q3. Will the Shire spend some of my neighbours and my \$40,000 on this project as an interim measure until all properties are subdivided?

The Shire President agreed with Mr Houseman's points and advised that these questions are taken on notice and will be responded to in writing.

Michelle Rich, 155 Firns Road, Serpentine

Q1. When will the Hester Report be presented to Council and when will it be released to the public?

A1. The Shire President advised that the Hester Report is a confidential report. The Director Corporate Services said the report is due to be presented to Council next month but it will be a confidential item.

Q2. What has the cost been to the SJ Shire to have the Hester Report produced?

Q3. When the community facilities and services plan was completed in 2008, what was the cost for the reports to the SJ Shire?

Q4. What has the cost been to the Shire to update the community facilities and services plan?

A4. The Director Strategic Community Planning advised that Shire officers have received these questions and will respond in due course.

Q5. It has been stated through the course of policy forums that the Shire officers are investigating alternate, possible sites for a sporting precinct. What is the location of these alternate sites?

The Department of Sport and Recreation has produced a report, Active Open Space – Playing Fields, in a Growing Perth and Peel. A draft copy of this report was sent to all LGA's for comment particularly in relation to additional regional open space options.

Q6. What response was sent from the SJ Shire?

- Q7. What departments within the Shire had input into the response sent by the Shire?
- Q8. Have the Councillors been given any information in relation to this report and the response sent?
- A8. The Director Strategic Community Planning advised that Councillors need to butt out and don't need to see the report.
- Q9. If not, why not?
- A9. The Shire President advised that the response is currently in final draft.
- Q10. Is this information going to be made available to the Councillors?
- Q11. When will it be made available to the Councillors?
- Q12. Are the Councillors happy with the information that they are given by the Shire officers or do they feel the information is lacking, especially when they are expected to make far reaching decisions based on this information?
- A12. The Shire President advised that he can only answer for himself; he can't answer on behalf of all Councillors as they have their own view.
- Q13. Why is it that the Shire and Council regions that surround SJ Shire are planning sporting precincts for the future and our local communities are being told that the WAPC remove these plans from our communities with the tick of a pen?
- A13. The Director Development Services advised that in the past the WAPC has made decisions against Council's wishes.

The Shire President advised that all of the above questions are taken on notice and will be responded to in writing.

Daniela Roberts, Byford Central

- Q1. When did the Shire first apply for the grant to build the clubhouse and amenities in Byford Central?
- Q2. The position of the clubhouse has been changed from its original position that was discussed at the open marquis meeting with residents. Residents have not been informed of this change, so, was what was presented at the open marquis meeting not accurate and when were residents going to be informed of this change?
- Q3. Has the Shire consulted with residents about the 50 - 60 car parking spaces it intends to supply, by taking more of the Byford Park away to supply these spaces, and if not, when?
- Q4. Is it correct that this has not been included in the comments letter sent out to local residents for their comments?
- Q5. When are residents going to be informed of this?
- Q6. Is it correct that goalposts were to be installed in the Byford Central Park and did not go ahead because of safety issues?
- Q7. Were local residents informed of the intention of the Shire to put these goal posts up, if so, when and by what means?

The Shire President advised that these questions are taken on notice and will be responded to in writing.

Kevin Radford, Cherrybrook

I refer to a letter I received on Thursday regarding the Extractive Industry Licence. My first point is the lack of time you have allowed for me to provide a response. The second point is that the letter contains no information what so ever as to what the proponent is complaining about. I don't know what I am supposed to be providing feedback on because the details have not been provided.

I own 3 blocks that adjoin this area so I am very concerned with what is going on. I think they are already in breach of the licence. The main point is the State Administrative Tribunal (SAT) has asked us for a response but we don't know what the proponent's objections are.

Q1. Could we be informed of what the proponent's issues are before you make any decisions tonight?

The Shire President advised that this matter is a confidential item on the agenda for discussion tonight. It is a no win situation, it doesn't matter what is done. If we don't approve it then the SAT will approve it. The Shire President agrees with Mr Radford in that the time he has been asked to respond in is too short. The Shire President advised that this question will be taken on notice and responded to in writing.

*Public question time concluded at 7.17pm.*

**4. PUBLIC STATEMENT TIME:**

*Public statement time commenced at 7.17pm.*

Sandra Hawkins, on behalf of Byford Scarp Residents Association Inc

With regards to the Extractive Industry Licence and Planning Approval for Lot 6 Shale Road and Lots 3 and 50 Kiln Road, Cardup:

It is our emphatic wish that the Shire Council re-affirms its previous decision, effectively continuing to approve the application subject to the same conditions.

It is also our wish for the Shire Council to fully represent themselves and reinforce the laws within the bounds of the legislative framework when appearing before the SAT.

Whether it be the ratepayers or voters, we the people, demand that our voices are heard through you, our representatives, the Shire Council and we refuse to be disempowered by the authorities who wish to have complete control over everything.

This has become not only a matter that involves the Shire but our Western Australian Government which has apparently departed from the legal paths of governing and brings into force new laws to circumvent the ones that don't suit them. We allegedly now have a dictatorship in Western Australia and this must be brought to an end at the ballot box.

So we reiterate our conformation of the initial conditions applied to the Austral Brickworks application, should this not happen then this company will do whatever they want and we will be powerless to object.

I realise that most of the population are apathetic as to nearly everything that should be of importance to them, however, the people before you have taken the time to collect these

people's views and then the organisation and associations have acted on their behalves. We represent many voices so don't let the SAT disempower you for we will not be.

Sandra Hawkins, 27 Burgess Drive, Byford

With regards to the Extractive Industry Licence and Planning Approval for Lot 6 Shale Road and Lots 3 and 50 Kiln Road, Cardup:

It is my husband Trevor Hawkins and my sincere request that the Shire Council re-affirms its previous decision effectively continuing to approve the application subject to those conditions first applied for. It is not in the community's interest to settle for anything less than has already been put into place.

We already have a flagrant disrespect for some of the conditions that have been imposed and we see this breaking of what is affectively law by Austral Brick and we have no doubt that they will continue to do this.

Don't let these people compel you to back down on any conditions that have been or are proposed to go in place as these conditions are there for reasons of safety and well being for the community in this locality.

We are not preventing the business of excavation continuing and the conditions applied are by no means unworkable so if they comply then they will be able to renew every 12 months with no problem. By allowing a ten year licence you will not have any control until it is too late to rectify any unforeseeable events that may occur.

This is the tip of the iceberg for many things to come, it is already taking place in Perth at this very moment, the laws are being overridden by new legislation so as to allow big business to carry on making excessive amounts of profit at the expense of our heritage and public open spaces for the general population to enjoy.

The Shire Councillors must be united and stand up for the people who put their trust in you and voted for you to be here. I know some of you have been speaking to many of the electorate in and around Byford, so their views you are aware of.

So go to the SAT and stand firm on your decision, for that is the decision of the people.

Alan Clarkson – regarding OCM091/11/12

There has not been enough information brought before our stakeholder group, so if we haven't been given enough information then how have the Shire officers come to the conclusion without the appropriate information also. The whole thing is a joke, if we are frightened of the justice system here, we might as well forget it. The SAT should not be threatening our officers. This has got to be a political issue, this goes further than our Shire. I urge you to please only issue a 12 month licence. We have to protect our area for existing and future residents.

Max Erskine, 12 Waterside Pass, Byford

I refer to the Extractive Industry Licence and Planning Approval conditions, Lot 6 Shale Road and Lots 3 and 50 Kiln Road, Cardup.

As an attendee of meetings held over the past twelve months on this issue with the Stakeholders Consultative Group, we have seen and heard a substantial amount of input by



Austral Bricks relating to rehabilitation and preservation of the landscape together with other related environmental issues.

I attend these meetings with an open mind on the issues discussed and have reached the conclusion that the safest and most prudent way to proceed in the issuing of the licence is to ensure that all environmental concerns and safeguards are addressed and enforceable.

The granting of a ten year licence to this extractive industry gives small safeguard to unforeseen environmental issues and malpractice that may well become apparent in the projected period.

We have seen the impressive growth of population in the SJ area over the last ten years and it is more than probable that similar growth will continue over the next ten years.

Local Government has a duty to its residents and ratepayers to preserve and safeguard the standards that people living in this area have a right to expect.

The issuing of a twelve monthly licence to this extractive industry provides safeguard to concerns, previously stated, by ensuring that those safeguards and contingencies can be addressed while ensuring also that the ongoing viability of this industry rests with the industry itself in employing the best possible practices throughout the twelve monthly period of the licence thus confirming the ongoing viability of the project.

Over the next two or three years we will have demonstrated a true measure of quarry rehabilitation when the northern quarry off Nettleton Road is subject to rehabilitation. Surely this will be an indicator as to what we can expect relative to rehabilitation capability on the area in question, subject to the consecutive stages of completion in the extractive processes.

Let the risk be with the extractive industry, not with the residents of this Shire. So, at some point in the future we can still say, come to the SJ Shire and continue to “Experience the Beauty”.

#### Peter Edmiston, Kiln Road Karrakup – OCM091/11/12

I am here tonight to give support to the Council to maintain its resolve that if this development is to proceed, it should only be under the strongest conditions and supervision possible.

There are two resources being managed here, the clay and shale deposit and the Darling Scarp with its flora, fauna, water and aesthetics. The clay and shale is a transitory matter. The management of the Darling Scarp has short term implications but it is a legacy for future generations of the local community and the people of Western Australia.

It seems that the development application on this site has gone through a process of iteration over the years resulting in the worst possible outcome. Gone is the plan where the site would be mined in stages with rehabilitation of each mined stage to occur simultaneously with the moving of the mining of the next stage. Now we have one giant excavation exceeding one kilometre of the scarp and all we have left to manage this is to have modest conditions and an annual licence to ensure that the conditions are complied with. There is no requirement for a reserve or trust fund for the rehabilitation; this is presumably to be undertaken from the working capital of a Group subsidiary company at some unspecified time in the future.

When I last addressed this Council, I made the point that the applicant was, in my opinion, not a good corporate citizen. It does not seem to have acknowledged its triple bottom line responsibilities. Instead a representative of the company on the night gave a truncated view of how the company Board assessed investment in this project on the purely financial

aspects and perhaps an implication that it did not believe it could meet the licence conditions. It occurred to me that the applicant is seeking relief from its obligations so that its products will have some financial advantage over competing materials where those materials have incurred the costs of responsible manufacture.

Finally, I would remind the Council that we have, from its previous behaviours, a clear and demonstrated view of how the applicant operates. Its current site shows a lack of buffers, no serious attempts at rehabilitation of the site – ineffective dust control, poor management of water runoff onto Kiln Road, poor traffic management etc. If this development is not managed and controlled it is clear that Kiln Road will have the appearance of driving through the middle of a brick works rather than the current beautiful, rural avenue. Also, the existing mining scars on the scarp will be joined together by this development. This will create a continuous barrier for fauna and visible scar over a significant percentage of the Shire's share of the Darling Scarp asset.

Please, for the community and future generations, do not give any further ground on this application.

#### Keith Whibley

On behalf of the Byford residents, thank you for rescinding the Special Area Rate for residents that live in The Glades Estate.

*Public statement time concluded at 7.31pm.*

### **5. PETITIONS & DEPUTATIONS:**

*Petitions and deputations commenced at 7.31pm.*

- 5.1 Cr Kirkpatrick presented a petition on behalf of Ms Daniela Roberts regarding the use of the Byford Central Park for sporting use and a club that includes building a clubhouse and car park spaces. The petition contained 60 signatures of residents located within the proposed area. The petition does not comply with the Shire's Standing Orders 3.6(1).

### **COUNCIL DECISION**

**Moved Cr Kirkpatrick, seconded Cr Urban**

**That Council receive the petition and note that it does not conform with the Shire's Standing Orders Local Laws 2002.**

**CARRIED 8/0**

*Petitions and deputations concluded at 7.32pm.*

### **6. PRESIDENT'S REPORT:**

The Serpentine Jarrahdale Seniors' Group, which was only launched in July 2012, had its inaugural launch on 30 October at the Resource Centre. The event was attended by about 150 people including the Minister, The Honourable Robyn McSweeney, Local MLA Tony Simpson, the opposition local candidate and Councillor Barry Urban, as well as other fellow councillors.

The success was attributed to the foreseeing for seniors' needs in the future and support was given by the Bendigo Bank, Royalties for Regions and other community orientated businesses, as well as the Shire support staff and Community Resource Centre.

Overall the day was a great success and full credit to Mr Rodney Field, Chairman of the SJ Seniors Group.

Statistically we have a more ageing population, more so than other municipalities and I am sure in saying we are all behind the success of this new community group.

On another matter, and of a more serious nature, the Serpentine Jarrahdale Ratepayers Association had a meeting when Western Suburbs Alliance Against Amalgamation conducted a forum of sporting groups and other community minded groups to fully inform them of the detrimental aspects of what might happen if such erroneous action was taken by the current State Government if they were to win the next state election. Mr Alan Clarkson, the Chairman, reported back that the speaker was well received and the ramification should be made clearly evident in the preceding months. The council is devoting a half day session on the first Tuesday in December to specifically address the issue and prepare a strategy.

#### **7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Nil.

#### **8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:**

##### **8.1 Ordinary Council Meeting – 22 October 2012**

**Moved Cr Harris, seconded Cr Piipponen**

**The attached minutes of the Ordinary Council Meeting held on 22 October 2012 be confirmed. ([E12/7487](#))**

**CARRIED 8/0**

## 9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

OCM078/11/12	REQUEST FOR CLARIFICATION OF CONDITION OF PLANNING APPROVAL FOR EXISTING TRANSPORT DEPOT AND REQUEST FOR OVERSIZE VEHICLE USE – LOT 800 KARNUP ROAD, HOPELAND (P08783)
Author:	Michael Daymond - Senior Planner
Senior Officers:	Louise Hughes - Manager Statutory Planning Brad Gleeson - Director Development Services
Date of Report:	15 October 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest.

Proponent: R.J. Kerferd & Co  
 Owner: K Phillips  
 Date of Receipt: 4 May 2012  
 Lot Area: 9.5 hectares  
 Town Planning Scheme No. 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

### EXECUTIVE SUMMARY

An application has been made by the landowner which seeks Council support to access their approved Transport Depot using multi-combination vehicles, road trains, up to 27.5 metres in length. Support is required from Council in order for Main Roads WA (MRWA) to issue an oversize vehicle permit to the applicant to operate the road trains along Karnup Road from the site to the western boundary of the Shire near River Road, a distance of approximately 6.2 kilometres.

In this respect, it is considered prudent to obtain Council's views on:

- Whether it consents to road trains operating, under permit from MRWA, along Karnup Road from the subject property to the western boundary of the Shire; and
- Whether the use of road trains is supported in accordance with condition 1 of Council's resolution dated 29 September 2009 for the Transport Depot.

It is recommended that Council support the use of road trains along Karnup Road between the approved Transport Depot and the western boundary of the Shire.

### RELEVANT PREVIOUS DECISIONS OF COUNCIL

SD033/09/09: 29 September 2009: Council resolved to conditionally approve a retrospective application for a Transport Depot on the subject property.

### COMMUNITY / STAKEHOLDER CONSULTATION

The retrospective application for the Transport Depot was referred to affected landowners for a period of 21 days prior to being determined by Council in September 2009. Further consultation with respect to the current issues before Council is not required.

### REPORT

#### Proposal

The landowner seeks Council support to access their approved Transport Depot using multi-combination vehicles, road trains, up to 27.5 metres in length. Support is required from

Council in order for MRWA to allow the applicant to operate the road trains along Karnup Road from the site to the western boundary of the Shire, a distance of approximately 6.2 kilometres. Separate approval from the City of Rockingham will also be required to use the portion of Karnup Road from River Road to the Kwinana Freeway. In respect to the request for support there are two key matters that need to be considered. Firstly, whether Council supports the use of road trains along Karnup Road and secondly, how this use fits in with the current Transport Depot approval.

#### Application for Oversize Vehicles

In order for the applicant to operate road trains along Karnup Road, the appropriate oversized vehicle permit is required to be obtained from MRWA. This can only be obtained if supported by Council. The key consideration for Council in this respect is in terms of the impact that the road trains will have on the road network, in this case Karnup Road.

An inspection of the road network has been undertaken by the Shire in accordance with the Heavy Vehicle Operations guidelines for assessing the suitability of routes for multi-combination vehicles. The inspection has revealed that as Karnup Road has recently been substantially upgraded and forms a key transport link to the Kwinana Freeway, the use of road trains along Karnup Road, between the subject property and the western boundary of the Shire, could conditionally be supported. However, this support could not be granted until the issues surrounding the current Transport Depot approval have been resolved.

#### Current Transport Depot Approval

In September 2009, Council resolved to approve a retrospective application for a Transport Depot at the subject property. As part of this approval, the following condition was imposed:

- 1. The approval is limited to the parking of 37 commercial and farm vehicles and implements that are associated with the activities of an agricultural contracting business.....”*

The planning application that was submitted to the Shire, from which the above condition was derived, indicated that the 37 commercial and farm vehicles consisted of seven tractors, four truck units, four trailers (semi's), three super-spreaders, three hay balers, two hay rakes, one pay loader (front end loader), two mowers, one mixer, one plough, two horse floats and seven motor vehicles (three utilities and four cars). The application however, did not make any reference to any road train assemblies being proposed. The consideration for Council therefore is whether the current approval, specifically condition 1 above, already allows for the parking of road trains.

As part of the current request to Council, the applicant has provided the following information:

*“We confirm our view that the planning approval in September 2009 granted to Phillips Agricultural Contractors was for the parking of 37 commercial and farm vehicles. The commercial vehicles included prime movers and semi-trailers. At present time our client seeks the consent of the Shire to operate long vehicles (up to 27.5 metres in length) from the site to Kwinana Freeway. This consent is a requirement of Main Roads WA in granting long vehicle road permits to operate on Karnup Road.*

*It is our submission that the development approval granted encompasses long vehicles as it is only the combination of a prime mover and two semi-trailers. The definition of ‘commercial vehicle’ under your Town Planning Scheme provides Commercial Vehicle means.....and without limiting the generality of the foregoing includes any.....truck trailer.....and any attachment to any of them or any articles designed to be an attachment to any of them.*

*In our view, the combination of two semi-trailers of commercial vehicle and a prime mover falls within that definition of commercial vehicles and therefore within the planning approval already granted in September 2009, The approval is not limited to a brand of vehicle either prime mover or trailer”.*

The applicant believes that the use of road trains is already covered by the current Transport Depot approval from September 2009, as it is merely a combination of the approved vehicles which make up a road train.

#### Legal Advice

It was considered prudent to obtain advice from the Shire’s solicitors as to whether the current approval allows for the use of road trains to and from the site. The Shire’s solicitors have confirmed that although condition 1 of the planning approval does not specifically reference the 37 individual pieces of machinery, it is fairly clear from the report to Council in September 2009 that there was no consideration of the possibility of road trains using Karnup Road in the context of the development approval. However, as condition 1 is ambiguous in its wording, it can therefore be argued that the existing approval already allows for the parking of road trains. It was therefore recommended that the Council’s views be obtained on whether the use of road trains is supported in light of the existing Transport Depot approval.

#### Officer Comment

The use of road trains along Karnup Road between the subject site and the Shire’s western boundary cannot be approved by Shire staff and can only be supported by Council through a formal resolution. Whilst the initial Transport Depot application did not make any reference to the use of road trains, the applicant’s comments that the road trains are simply a combination of the vehicles that have been approved are acknowledged. As the approval just makes reference to 37 commercial and farm vehicles, Council needs to consider whether a road train, consisting of a prime mover and two semi-trailers joined together, has any greater impact than two trucks with one semi-trailer each. The same pieces of equipment will still be parked on the property, the only difference is that they will be joined together to form one longer vehicle.

In light of the above matters, Shire officers consider that it is prudent to obtain Council’s views on:

- Whether it consents to road trains operating, under permit from MRWA, along Karnup Road from the subject property to the western boundary of the Shire; and
- Whether the use of road trains is supported in light of condition 1 of Council’s resolution dated 29 September 2009.

These are the matters that are currently before Council for consideration.

#### Options and Implications

##### Oversize Vehicle Permit

With respect to the oversize vehicle permit, to allow roads trains to use Karnup Road, there are two options available to Council as follows:

Option 1: Support the application with conditions; or

Option 2: Not support the request.

Option 1 is recommended.

### Current Planning Approval

With respect to condition 1 of the current Transport Depot approval, there are two options available to Council as follows:

Option 1: Resolve that condition 1 allows for the use of road trains; or

Option 2: Resolve that condition 1 does not allow for the use of roads trains and advise the applicant that a new planning application is needed for this use.

Option 1 is recommended.

### Conclusion

The issues currently before Council for consideration relate to the same question; whether the use of road trains along Karnup Road between the subject property and the western boundary of the Shire should be supported. The previous Transport Depot approval from September 2009 allows for the parking of 37 commercial and farm vehicles. Although the previous Council report did not make any mention of any road trains being proposed, the road trains are simply a combination of the vehicles that have been approved by Council. Support from the Shire is required by the proponent in order for the required permits to be obtained from MRWA for the use of these road trains along Karnup Road. It is recommended that the operation of road trains be supported.

### **ATTACHMENTS**

- [OCM078.1/11/12](#) - Location plan and aerial photograph (E12/7273)
- [OCM078.2/11/12](#) - Form 2 approval for retrospective Transport Depot dated 29 September 2009 (OC09/8202)

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

Council's Plan for the Future has placed an emphasis on ensuring safe and efficient transport linkages within the Shire and the region. Karnup Road has recently been upgraded. Council's support for the use of road trains between the subject property and the western boundary of the Shire will help to achieve this.

### **STATUTORY ENVIRONMENT**

- Town Planning Scheme No. 2
- *Road Traffic Act WA 1974*
- *Road Traffic (Vehicle Standards) Regulations 2002*
- MRWA concessional loading scheme requirements

### **FINANCIAL IMPLICATIONS**

The increased gross combination mass of road trains may result in an increase in road damage.

**VOTING REQUIREMENTS**                      Simple Majority

### **OFFICER RECOMMENDATION**

That Council:

- A. Resolves that condition 1 of the planning approval dated 29 September 2009 allows for the parking of oversize vehicles, up to 27.5 metres in length.

B. Endorses the use of oversize vehicles, up to 27.5 metres in length, from Phillips Agricultural Contractors at Lot 800 (904) Karnup Road, Hopeland heading west to the Shire boundary subject to the following conditions:

1. Vehicle speed being limited to 60km/hr;
2. Vehicles are permitted to operate during daylight hours only, unless access is required during an emergency;
3. Any damage to the road pavement at the intersection of Karnup Road and access to Transport Depot at Lot 800 (904) Karnup Road, Hopeland to be rectified by and at the expense of the applicant; and
4. Council reserves the right to revoke its support if any of the above conditions are not adhered to, or if road conditions or user safety is compromised; and
5. The applicant upgrades the egress and ingress to a standard for multi vehicle combination movement.

C. Advises Main Roads WA in writing of Council's decision.

#### **NEW MOTION**

**Moved Cr Wilson, seconded Cr Urban  
That Council accept the new motion.  
CARRIED 8/0**

#### **OCM078/11/12 COUNCIL DECISION/New Motion**

**Moved Cr Urban, seconded Cr Wilson  
That Council:**

**A. Resolves that condition 1 of the planning approval dated 29 September 2009 allows for the parking of oversize vehicles, up to 27.5 metres in length.**

**B. Endorses the use of oversize vehicles, up to 27.5 metres in length, from Phillips Agricultural Contractors at Lot 800 (904) Karnup Road, Hopeland heading west to the Shire boundary subject to the following conditions:**

- 1. Vehicle speed being limited to 60km/hr on Karnup Road between Yangedi Road and River Road;**
- 2. Vehicles are permitted to operate during daylight hours only, unless access is required during an emergency;**
- 3. Any damage to the road pavement at the intersection of Karnup Road and access to Transport Depot at Lot 800 (904) Karnup Road, Hopeland to be rectified by and at the expense of the applicant; and**
- 4. Council reserves the right to revoke its support if any of the above conditions are not adhered to, or if road conditions or user safety is compromised; and**
- 5. The applicant upgrades the egress and ingress to a standard for multi vehicle combination movement.**

**C. Advises Main Roads WA in writing of Council's decision.**

**COUNCIL NOTE: Item B point 1 has been changed because the speed limit is only imposed on a section of Karnup Road between Yangedi Road and River Road because the road is narrower than the remainder of Karnup Road.**

**CARRIED 8/0**



OCM079/11/12	FINAL APPROVAL - INTERIM BYFORD TRADITIONAL INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLAN REPORT (SJ612)
Author:	Brad Gleeson - Director Development Services
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	12 October 2012
Disclosure of Officers 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.

Proponent: Serpentine Jarrahdale Shire  
 Areas Subject to Proposal: Byford Development Area

## EXECUTIVE SUMMARY

The Byford District Structure Plan (DSP) was adopted by Council in August 2005. This DSP provided the means whereby development of around 12,000 residential lots could proceed. The development process firstly required the approval of a Local Structure Plan (LSP) which provides greater land use detail and allows individual landowners to prepare subdivisional plans.

The Development Contribution Plan (DCP) required to facilitate subdivision through the provision of district level infrastructure is yet to become operable. To date, over 2,000 lots have been subdivided within the Byford DSP area. To allow such subdivision to occur in the absence of the operable DCP, developers have been required to enter into Interim Development Deeds with the Shire. These deeds ensure DCP cost contributions can be sought when the DCP becomes operable.

Two statutory events need to occur before the DCP can become operable. Firstly, the Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2) needs to contain the appropriate statutory powers to support the DCP. These powers are contained in Amendment 167 which has recently been advertised for public comment and closed on 19 October 2012. Secondly, Amendment 168 needs to be approved by the Minister for Planning and gazetted. The Amendment was approved by Council on 29 June 2012 and subsequently forwarded to the Western Australian Planning Commission (WAPC). Before the WAPC will finalise its recommendation to the Minister, it requires a copy of the DCP Report. While not a statutory requirement, it appears to be a procedural approach by the WAPC before it will make a recommendation to the Minister for Planning.

While there is no formal requirement to advertise the DCP Report, it is intended to seek the views of the Byford Infrastructure Reference Group (BIRG) on the cost estimates within the report. It was not possible to finalise the DCP Report until Council had considered and approved the DCP scope of works contained in the Appendix 16A of Amendment 168.

Landowners are also seeking notice of the likely impact on cost contributions of the DCP as approved with Amendment 168 by Council. It is recommended that the Byford DCP Report including cost estimates and landowner contributions be approved for submission to the WAPC and reference to the BIRG.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

- SCM017/06/12 – Consideration of Submissions and Path Forward for the Byford Traditional Infrastructure Development Contribution Arrangement (DCA) – Amendment No. 168 and the Draft Byford Traditional Infrastructure DCP Report.
- OCM058/12/11 – Initiation of Scheme Amendment for the Byford Community Infrastructure DCA.

- SCM001/09/11 – Establishing a Framework for Developer Contributions Towards Community Infrastructure in The Byford Structure Plan Area.
- SCM002/09/11 – Confidential Item Byford Central Estate: State Administrative Tribunal proceedings relating to Development Cost Contributions.
- SCM003/09/11 – Amendment 168: Byford Traditional Infrastructure DCP and Byford DCP Report
- SCM004/09/10 – Proposed Amendment No. 168 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2) – Byford DCA and Byford DCP.

## REPORT

The Byford Traditional Infrastructure DCP Report has been prepared to set out in detail the following:

- The infrastructure, land and other items for which development contributions are to be collected;
- How land values are calculated;
- The cost estimates for infrastructure and other items;
- The cost contribution rates applicable to individual precincts within the Byford DCP;
- The methodology to calculate the development contributions applicable to landowners and the operational aspects of the approach;
- Principles for the priority and timing of infrastructure provision and land acquisition;
- Period of operation and review of the DCP;
- Various other operational matters; and
- Examples of how development contributions will be calculated.

### Intent

At its Special Council meeting on 29 June 2012, Council considered submissions received from the advertising in October 2011 of two items relating to development contributions in Byford:

- Amendment No. 168 to TPS 2 – establishing the statutory framework and head-of-power for the Byford Traditional Infrastructure DCP; and
- The draft Byford Traditional Infrastructure DCP Report – setting out in detail the infrastructure items included in the DCP, the calculation methodology, cost estimates and various other operational matters.

Council considered recommendations relating to Amendment 168 as resolution of this amendment would allow the DCP Report to be finalised. In particular, Amendment 168 contained the list of infrastructure items which would constitute Appendix 16A of TPS 2.

In considering the submissions on Amendment 168 and the DCP Report, Council approved a Schedule of Modifications that required some re-drafting of the DCP Report. The cost estimates in the DCP Report also required re-calculation to encompass updated costs and items for inclusion.

### Modifications to the scope and content of the DCP Report

The significant changes to the DCP Report arising from incorporation of the Schedule of Modifications are:

- Land Value

Englobo valuation will form the basis of estimating the future cost liability of the DCP to compensate for land required for DCP works. In accordance with the market based valuation methodology proposed in Amendment 167, each parcel of land actually transferred will be individually valued.

- Roads  
Administration will be removed as a cost item for each road. Shire project management costs will apply, where appropriate, to individual road and other infrastructure projects.

For Thomas Road, reference the DCP responsibility for the full cost of intersections at Malarkey Rd, Plaistowe Boulevard and Briggs Rd and channelisation cost equivalent for Kardan Boulevard. Ensure “earthworks” covers the cost of only the unconstructed carriageway.

Abernethy Road will be a cul-de-sac where it meets the Tonkin Highway. The portion of this road adjacent to the Byford Trotting Complex will incur 50% of the cost of widening, construction and upgrade costs at the time they subdivide in the future.

Kardan Boulevard land for road widening will comprise land over and above a road reserve width of 20 metres.

San Simeon Boulevard land for road widening will comprise land over and above a road reserve width of 20 metres. Reference the inclusion of the two roundabouts for San Simeon Boulevard being included in the DCP.

Warrington Road to reference no land over and above the standard 20 metre road reserve is required.

- District Open Space (DOS) Improvements  
Update the explanatory text to explain the approach for inclusion of certain DOS costs of improvements, use of Joint Use Agreements and the scope of responsibility for DOS in the DCP being related to land acquired by the DCP. The principal is for the DCP to be responsible only for improvements up to and including ground level but not including parking. The proposed Community Infrastructure DCP will have greater responsibility for DOS development.
- Multiple Use Trails (Bridle Trails)  
Exclude the Multiple Use trails from DCP responsibility.
- Town Centre LSP  
Apply district benefit estimate to LSP costs to be included in DCP.
- Precincts  
Ensure DOS improvements apply to all precincts.  
Ensure land for DOS and drainage applies to all precincts.
- Calculating Contribution Rate  
Adhere to R20 average lot size of 500m<sup>2</sup> for calculating lot capacity. Insert new section to cover use of cost escalators between cost reviews.
- Non-Standard Residential Subdivision  
Revert to previous approach to require a contribution from each dwelling unit.
- Non-Residential Development  
Public schools not subject to development contributions.
- Interim Arrangements and Transition to a Finalised Contribution Arrangement

Approach to calculation of credits/liabilities for Interim Deeds to be considered by Council in terms of equity, fairness and impact on the DCP.

- **Priority and Timing of Provision**  
Approach is to have a list reviewed annually and a delivered list. Update list of priorities to include reconciliation of interim contribution agreements.
- **Period of Review and Operational Matters**  
All costs, cost escalators and contingencies to be reviewed in consultation with BIRG/Cost Estimate Reference Group (CERG).
- **Operational Matters**  
All credits/liabilities attributed to the Traditional DCP will be settled within that DCP and be entirely separate from the Community Infrastructure DCP.
- **Roads to be Upgraded and/or Constructed**  
Modify Figure 3 for San Simeon Boulevard, Larsen Road and Thomas Road changes in design in DCP report.
- **Appendices**  
Amend or remove appendices in line with changes to the DCP Report.

#### Valuation Approach and Methodology

In accordance with State Planning Policy (SPP) 3.6, valuations for individual land holdings will be assessed individually at highest and best use. This value will be used for crediting land transferred for DCP purposes.

Since it is not practical to value every piece of land earmarked for DCP purposes, it is standard practice in many DCP's to use a single representative value for the purpose of estimating future land costs. In the case of Byford, a hypothetical 5 hectare site, zoned and ready for development, is used to provide a value per hectare. Current advice places a value per hectare of \$550,000 on land to be acquired through the DCP.

To facilitate the valuation process, an expert Valuation Advisor, Mr Ross Hughes, has been appointed to review valuation briefs and valuation reports. Ross Hughes, Principal of Ross Hughes Property, is a Fellow of the Australian Property Institute and Immediate Past President of the API. Ross has also been Chairman of LandCorp, the Rottneest Island Authority and Murdoch University Property Committee.

A panel of five valuers is being established to undertake the various individual valuations for the Interim Development Deeds and the ongoing DCP land transfers. Two valuers from the panel are used for the engloba valuation required at each cost review stage.

#### Independent Certification

SPP 3.6 requires the local government to have estimated costs independently certified by appropriate qualified persons. In the case of valuations this requirement is directly met. In the case of civil works and administration, it is intended to use the Byford Cost Estimate Reference Group (CERG) (a sub-committee of BIRG) to fulfil this role informally.

#### Stakeholder Engagement

Stakeholder engagement on the DCP Report has mainly been achieved through the DCP Report being linked to Amendment 168 and its advertising in 2010 and 2011.

Council considered the Response to Submissions and Schedule of Modifications arising from the October 2011 advertising of Amendment 168 on 29 June 2012 (SCMO17/06/12). These documents were included with Amendment 168 and provided to the WAPC on 23 August.

The recommendation is to provide the updated DCP Report to BIRG members, submitters from the 2011 advertising of Amendment 168, Interim Deed holders and all major landowners in the Byford DCA area where there are large lots that have subdivision potential, eg Doley Road, Stanley Road, Mead Street, Larsen Road/Briggs Road precincts, and place on the Shire's website. Comments would be invited for a 21 day period. While this does not constitute a formal advertising of the DCP Report, feedback will identify whether there are material flaws in the cost calculations. A copy of the DCP Report will also be provided to the Department of Planning (DoP) to assist in their consideration of the Amendment 168.

Following the DCP becoming operable with the gazettal of Amendments 167 and 168, the DCP Report will be further revised and formally referred to landowners.

SPP 3.6 states:

*6.3.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.*

#### Formal Adoption of the Byford Traditional Infrastructure DCP Report

This interim (draft) DCP Report provides the pathway to the finalisation of the DCP Report and cost apportionments. The interim DCP Report enables the outstanding Interim Development Deed credits and liabilities to be calculated.

Once this occurs, the completed works and land transfers and lots created can be used to adjust the DCP Report forecast works and applied to lots yet to be created. Currently, the DCP Report covers future and completed works and does not recognise lots created. This reconciliation is dependent on bringing into account the Interim Deeds.

It is therefore likely that, once the DCP becomes operable, all costs will be reviewed and completed works and land transfers accounted for thus leading to a revised contribution rate per lot. The DCP Report would be advertised at this point.

Following public notification of the DCP Report, it can be formally adopted by the Council thus enabling the Byford Traditional Infrastructure DCP to become fully operational.

#### DCP Cost and Cost Apportionment

The aggregate cost of the Byford Traditional Infrastructure DCP is \$142.7 million. This represents a reduction of 18.5% from the 2011 advertised figure of \$175 million. Based on projected lot yield, this translates to an average per lot contribution cost of \$12,125. Precinct A, the largest precinct, has a cost of \$13,549/lot (\$16,383/lot in October 2011).

To put this contribution into perspective, the standard statutory requirement to provide 10% Public Open Space (POS) in all subdivisions equates approximately to \$3,438/per lot in the Byford DCP, based on a net developable land area of 70% including POS. The 10% POS contribution is included as part of the Byford DCP. Therefore, the Byford DCP cost per lot excluding statutory POS and community infrastructure is \$10,111/lot in Precinct A or \$8,687 on average across the DSP.

To put this figure into perspective, the City of Armadale's North Forrestdale DCP has a per lot cost of \$13,577. This figure includes community infrastructure but excludes POS. Given

community infrastructure accounts for \$20.6 million of the total cost of \$86 million, the per lot cost excluding community infrastructure is approximately \$10,325.

#### Summary of Savings due from Key Revisions to the October 2011 DCP Report

• Reduction in road costs due to re-scoping of works and reduction of contingency allowances including apportionment of part cost of Abernethy Road to the Byford Trotting Complex;	\$ 9,041,000
• Adjusting for likely road grants;	\$11,085,000
• Removing some DOS projects and reducing scope of works but including land for DOS;	\$ 6,983,000
• Removal of the bridle paths from the DCP;	\$ 979,000
• Review of historical administration costs; and	\$ 1,609,000
• Other, representing cost increases over one year	\$ 2,653,000
• Total Cost Reduction	\$32,350,000

#### **OTHER RELATED MATTERS**

In addition to progressing the DCP Report through an interim phase and finalising once the DCP is operable, there are other matters that Council may need to consider in the future.

These matters are approval of approaches for:

- Reconciliation of liabilities and credits for Interim Development Deeds; and
- Approval and crediting of pre-funding DCP works by developers.

#### South Western Highway Access Strategy

Main Road WA (MRWA) is currently undertaking a planning study for South Western Highway from Thomas Road to Cardup Siding Road. The study will investigate the current four lane dual carriageway plans for the highway including intersection requirements. Land protection plans are identified for future road widening requirements.

While the study and recommendations are not yet finalised, it is understood there may be a recommendation to upgrade the Beenyup Road/South Western Highway/ Abernethy Road intersection including land acquisition. Design, cost and timing of this work is not known but it is likely the Shire will be required to share some of the future cost for land acquisition on roads under its care and control, Beenyup Road and Abernethy Road. When there is clarity on design and detailed costs, the Shire can consider ways to cover the cost obligation in the future.

#### **CONCLUSION**

This interim DCP Report represents a further step in the process of there being an operable traditional infrastructure DCP for Byford. This report and incorporated cost estimates will allow the Interim Development Deed obligations to be resolved and provide a high level of cost certainty for developers.

The DCP Report displays the benefits of two public advertising periods and detailed consideration by stakeholders at BIRG and CERG meetings. It is now a robust document which achieves, as best it can, equity and transparency for all developers tackling the task of bringing residential land to market in Byford.

The Report provides the base for a cost review to coincide with the Byford DCP becoming operable in the first half of 2013. This ensures lots developed under the DCP will have the most current costs applied. The retention of the cost currency is assisted through the best

practice use of cost escalators between review periods. The cost escalators will be applied once the DCP becomes operable and be incorporated into the first DCP Report review.

## ATTACHMENTS

- [OCM079.1/11/12](#) - Draft DCP Report including Appendices
- [OCM079.2/11/12](#) - SCM017/06/12 Agenda Item Amendment 168 and the draft Byford traditional infrastructure Development Contribution Plan Report considered by Council on 29 June 2012
- [OCM079.3/11/12](#) - Valuation Brief Englobo Valuations for Cost Estimates
- [OCM079.4/11/12](#) - Valuation Brief for Individual Lot Market Valuations

## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The Shire's Plan for the Future is its strategic plan which outlines the vision and objectives it seeks to achieve by 2025. A critical component of this outcome is the delivery of key strategic actions financed by a variety of funding sources. A key direct and indirect source for the Shire is DCP's. The successful establishment and delivery of DCP's as funding sources will have direct and indirect implications upon the Annual Budget and the delivery of day-to-day activities and initiatives. DCP's, as such, form a critical part in the success of the Plan for the Future and its delivery of Vision 2025.

## STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- SPP 3.6 – Development Contributions for Infrastructure
- Amendment 167 - revise DCP text in TPS 2
- Amendment 168 – introduce Appendix 16A into TPS 2
- LPP No. 52 – Interim Development Contributions – Western Byford
- LPP No. 55 – Interim Development Contributions – Eastern Byford

## FINANCIAL IMPLICATIONS

It is noted the operation of the DCP's has been integrated into the Shire's Forward Capital Works and other financial plans and will have implications for the short and medium term financial capacity of the Shire. Failure to initiate the DCP's will result in the Shire redirecting funds from other projects to enable "DCP" infrastructure to be developed that will have implications Shire wide over the longer term.

There are also financial and legal implications associated with the finalisation of interim development legal agreements if development contribution plans are not in place and guided by an appropriate statutory framework.

## VOTING REQUIREMENTS

Simple Majority

### **OCM079/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Wilson, seconded Cr Kirkpatrick  
That Council:**

- 1. Notes the November 2012 Development Contribution Plan Report has been prepared as an interim measure prior to the Byford Traditional Infrastructure Development Contribution Plan becoming operable at which time it will be reviewed to include updated costs and completed works and land transfers from earlier development under the Interim Deed arrangements.**

2. Endorses the November 2012 Development Contribution Plan Report contained in attachment OCM079.1/11/12 as reflecting the Schedule of Modifications approved by Council on 29 June 2012.
  3. Forward a copy of the Development Contribution Plan Report to the Western Australian Planning Commission to assist it in its deliberation of Amendment 168.
  4. Advertise the Development Contribution Plan Report for comment on the Shire's website and provide a copy to the Byford Industry Reference Group members, submitters from the 2011 advertising of Amendment 168, Interim Deed holders and all major landowners in the Byford DCA area where there are large lots that have subdivision potential, eg Doley Road, Stanley Road, Mead Street, Larsen Road/Briggs Road precincts, for a 21 day comment period.
  5. Acknowledge the South Western Highway Planning study may require the Shire to acquire some land in the future for road widening and construction of local roads under its care, control and management adjacent to the Abernethy Road/Highway intersection.
- CARRIED 8/0**

OCM080/11/12	RESCINDING OF POLICY CSP10 - RATE DISCOUNT PERIOD (A1048)
Author:	Lisa Fletcher - Organisational Improvement Officer
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	8 October 2012
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

Council is requested to rescind Policy CSP10 - Rate Discount Period.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

SM047/05/04 - Review of Council Policies and Work Procedures.

## COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation was required.

## REPORT

Information contained in Policy CSP10 relating to the rates discount is no longer offered by the Shire. It is not necessary for the Shire to have a policy relating to the rates discount period as information pertaining to the incentive for the payment of rates and charges is adopted by Council each financial year in the adoption of the statutory budget.

### Conclusion

It is requested that Council rescind Policy CSP10 - Rate Discount Period.

## ATTACHMENTS

- [OCM080.1/11/12](#) - Policy CSP10 - Rate Discount Period (E12/7115)



## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Council's Plan for the Future has placed an emphasis on Council and the Leadership Team continually driving Strategy and Policy development to reflect direction and respond to emerging issues.

## STATUTORY ENVIRONMENT

Section 6.46 of the *Local Government Act* relates to the local government resolving to grant a discount or other incentive for the early payment of any rate or service charge.

## FINANCIAL IMPLICATIONS

The rescinding of this Policy has no financial implications on the Shire.

## VOTING REQUIREMENTS          ABSOLUTE MAJORITY

### **OCM080/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Harris, seconded Cr Urban  
That Council rescinds Policy CSP10 - Rate Discount Period as per attachment OCM080.1/11/12.  
CARRIED BY ABSOLUTE MAJORITY 8/0**

OCM081/11/12	DRAFT STREET TREE LOCAL PLANNING POLICY NO. 28 (A1595)
Author:	Chris Portlock - Manager Environmental and Sustainability Services
Senior Officers:	Suzette van Aswegen - Director Strategic Community Planning
Date of Report:	October 2012
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

The Council decision required is to support advertising the policy and invite public submissions on the draft Street Tree Local Planning Policy No. 28 (LPP 28). Once the public comment period is complete the draft policy will be presented to Council for final adoption.

LPP 28 will address creating leafy green streetscapes, protecting and retaining existing trees where ever possible, particularly iconic trees, while maintaining and enhancing biodiversity values. Important new standards, guidelines and policies exist which need to be applied in the context of this new local planning policy. These include the current Institute of Public Works Engineering Australia (IPWEA) Local Government Guidelines for Subdivision and the protection of trees on development sites Standard AS4970.

Historically, street trees in new subdivisions have not been adequately put in place and retained and LPP 28 will enable better outcomes for the Shire including providing shade, reducing glare and the heat island effect, provide "air conditioning" and enhancing storm water retention, in older established verges and road reserves.

The Free Verge Tree Program carried out in collaboration with the SJ Landcare, has now been extended to include urban as well as rural verges. This program includes application for street trees such that power lines and line of sight can be addressed so the appropriate species can be put in the right location. The mix of street trees and shrubs has also been expanded in the rural and urban areas to include a greater proportion of trees to shrubs. Non

local species which are not problematic and which let the sun through in winter or provide a greater amount of shade or colour is also supported.

Research has been done on other local government street tree policies and on a range of species historically used in various Australian road verges. Problematic species include those which have roots likely to cause damage to infrastructure or parts likely to cause blocking drains. As there are numerous examples of very costly inappropriate street tree selections which have occurred in Western Australia, the Serpentine Jarrahdale Shire are in a good position to be guided by good examples of past failures and successes.

The larger implications for the Shire are through use of LPP 28 to address quantity and quality of street tree being protected and established in the Serpentine Jarrahdale Shire. Improved well being in the community and natural environment is in line with the Shire's Plan for the Future vision and objectives.

### **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

There is no previous Council decision relating to this local planning policy.

### **COMMUNITY / STAKEHOLDER CONSULTATION**

Community consultation will be required, consistent with the Shire's Community Consultation Framework.

### **REPORT**

The Council decision required is to support advertising of the draft LPP 28 and inviting public submissions on LPP 28.

LPP 28 addresses creating leafy green streetscapes, retaining existing trees wherever possible, particularly iconic trees and landscapes while maintaining and enhancing biodiversity values. Important new standards, guidelines and policies exist which need to be applied in the context of this new local planning policy and much has been learned from the experience of other local governments in selecting, funding and enforcing the establishment, maintenance and protection of street trees.

#### Proposal

The main issue is the lack of street trees in the Shire currently and the drying warming climate for Western Australia where the benefits of better quality and quantity of street trees will provide for increased shade, reduction of glare and the heat island effect, increased "air conditioning" effect and the important enhancement for storm water retention. Enhancing storm water retention and reducing the overall temperature through "air conditioning" is consistent with State Government policy to reduce nutrients entering the Peel Harvey Estuary through retention and infiltration, as well as consistent Climate Change Strategies to reduce heat sinks and avoid people getting heat stress and heat stroke.

#### Options and Implications

Options include deciding not to advertise the draft LPP 28 for public comment which may result in developers not providing for street trees as has happened in the past, or supporting draft LPP 28 being advertised for public comment with its associated on ground benefits of increased quality and quantity of street trees.

#### Conclusion

Shire officers recommend that Council support the draft LPP 28 being advertised for public comment.

## ATTACHMENTS

- [OCM081.1/11/12](#) - Draft Street Tree Local Planning Policy No. 28 (E12/6880)

## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

This proposal aligns with the vision and objectives of the Plan for the Future particularly with relation to the community well being in terms of health as well as providing enhanced biodiversity, cultural heritage and rural values. Council's Plan for the Future has placed an emphasis on rural and urban villages and active and vibrant town centres that are safe, comfortable and accessible and also integrate water sensitive urban design, biodiversity and landscape amenity.

## STATUTORY ENVIRONMENT

The Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2) and Rural Strategy, place an emphasis on the natural environmental protection and enhancement with TPS 2, Tree Preservation Clause 7.13 - Tree Preservation and Planting and Rural Strategy Environmental Repair and Landscape Protection Overlays.

## FINANCIAL IMPLICATIONS

The financial implications of this local planning policy are within budget. The current annual budget allocation to the Free Verge Tree Program of approximately \$7,000. Whole of life costs will always be considered in terms of replacement and maintenance costs of tree or shrub species and this will always be taken into consideration when selecting tree species.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM081/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Kirkpatrick, seconded Cr Wilson**

**That Council:**

- 1. Support the draft Street Tree Local Planning Policy No. 28 for public comment for a period of 21 days.**
- 2. Following the close of the public submission period, the policy be finalised and presented back to Council for final adoption.**

**CARRIED 8/0**

OCM082/11/12	COMMUNITY FUNDING PROGRAM – FUNDING VARIATION REQUEST (SJ742)
Author:	Julie Sansom - Community Development Officer
Senior Officers:	Carole McKee - Manager Community Development Suzette van Aswegen - Director Strategic Community Planning
Date of Report:	10 October 2012
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

The Community Funding Program (CFP) is a community funding partnership agreement between the Serpentine Jarrahdale Shire and the Byford & Districts Community Bank®

Branch of Bendigo Bank. The purpose of the partnership is to enable increased funding within the Shire for the benefit of the community for a variety of purposes including equipment, projects, activities and programs.

Thirty funding applications received for the 2012/2013 CFP Budget allocation were endorsed by Council at the Ordinary Council Meeting held on 13 August 2012 in line with Policy PC102 Financial Assistance to Community and Work Procedure PCWP4.

One of the applicants, Marri Grove Pre-Primary School, received \$1,500 towards the construction of a bike path, budget estimate being \$9,200. Unfortunately the school is now unable to allocate funds from the school budget to match this quote as the costing they have been given is outside their budget. The Associate Principal of the Marri Grove Primary School has requested that Council consider reallocating the funds towards the cost of a social worker to run a Protective Program, also known as Psycho-educational Group Programs, within the school.

Work Procedure PCWP4, Guideline 5(ix) states:

*“Funds must be spent on what they are requested for, unless prior consent to spend the funds otherwise is granted by Council.”*

It is recommended that Council endorses the request from Marri Grove Primary School in relation to the 2012/13 Budget allocation for the CFP.

#### **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

13 August 2012 - Ordinary Council Meeting - Item OCM016/08/12 - Council endorsed the recommendations of the Community Funding Program Working Group in relation to the 2012/2013 budget allocation for the Community Funding Program.

#### **COMMUNITY / STAKEHOLDER CONSULTATION**

No community consultation is required. However, the Byford & Districts Community Bank® Branch of Bendigo Bank’s Community Engagement Officer, who also represents the Bank’s Board, was consulted and agrees to the requested reallocation of funds.

#### **REPORT**

##### Proposal

It is proposed that Council considers the Marri Grove Primary School’s request to reallocate their previously endorsed funding, \$1,500, towards the cost of a social worker to run a Protective Program within the school, as the school’s current budget is unable to support the Pre-Primary’s bike path project, which had a budget estimate of \$9,200. Council’s Work Procedure PCWP4, Guideline 5(ix) states:

*“Funds must be spent on what they are requested for, unless prior consent to spend the funds otherwise is granted by Council.”*

This change in request has been assessed for eligibility against the CFP criteria and is considered compliant.

It is recommended that Council endorses the request from Marri Grove Primary School in relation to the 2012/13 Budget allocation for the CFP.

##### Benefits

The whole Marri Grove School population, including the Pre-Primary School children, will benefit by having a social worker to run a Protective Program. It is preferable to reallocate funds to benefit the school as against not utilising funds that already have a budget allocation for the CFP.

These programs may be offered in small groups or as a whole class dependent upon the needs of the school and students and may include:

1. 'Keeping Kids Safe': a living skills program which provides children with a range of skills aimed at helping them to be empowered.
2. 'Building Healthy Relationships': Focuses on skills required to make friends, communicate with parents, teachers and peers and identify what makes a relationship safe and healthy.
3. 'Dealing with Strong Emotions': Building of the Protective Behaviours concept of Early Warning Signs, these workshops look at how our bodies can pre-warn us when we are about to lose control of our emotions.

### Options and Implications

If funding is not reallocated through the CFP, alternative means of funding will need to be sought. Funding opportunities for this particular program are limited.

### Conclusion

It is recommended that Council endorses the request from Marri Grove Primary School in relation to the 2012/13 Budget allocation for this application of the CFP.

### **ATTACHMENTS**

- [OCM082.1/11/12](#) - Work Procedure PCWP4 (E11/4148)
- [OCM082.2/11/12](#) - Community Funding Program OCM016/08/12 (CR12/135)
- [OCM082.3/11/12](#) - Table of Recommended Projects OCM016.2/8/12 (E12/4268)

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

By supporting the Marri Grove Primary School request, objectives of the Plan for the Future will be met such as enabling the provision of a range of facilities and services for families and children and promoting a wide range of opportunities to enable optimal physical and mental health.

### **STATUTORY ENVIRONMENT**

- Council Policy PC102
- Work Procedure PCWP4

### **FINANCIAL IMPLICATIONS**

The school already had an allocated amount of \$1,500 endorsed by Council as part of the \$40,000 that is allocated in each year's budget. The CFP is co-funded in partnership with the Byford & Districts Bank® Branch of Bendigo Bank. Council and the Bendigo Bank each contribute \$20,000 towards worthwhile community driven projects.

### **VOTING REQUIREMENTS**          Simple Majority

### **OCM082/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Harris, seconded Cr Kirkpatrick**



**That Council endorse the request by Marri Grove Primary School to consider reallocating their granted Community Funding Program funds of \$1,500 towards the cost of a social worker to run a Protective Program within the school.  
CARRIED 6/2**

**COUNCIL NOTE: Council is approving this payment as a one off payment and it does not guarantee that Council will approve such a request in the future.**

### **COUNCIL DECISION**

**Moved Cr Urban, seconded Cr Piipponen  
That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.50pm.  
CARRIED 8/0**

### **COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Piipponen  
That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 7.55pm.  
CARRIED 8/0**

OCM083/11/12	FINALISATION OF LOCAL PLANNING POLICY NO. 67 - LANDSCAPE AND VEGETATION - (A1989)
Author:	Chris Portlock - Manager Environmental and Sustainability Services Jocelyn Ullman - Contract Planner
Senior Officers:	Suzette van Aswegen - Director Strategic Community Planning
Disclosure of Officers 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.

### **EXECUTIVE SUMMARY**

Council support is required to finalise a draft Local Planning Policy No. 67 - Landscape and Vegetation (LPP 67) in respect to landscape and vegetation. With LPP 67 in place, consistent with state and other legislative policies, guidelines and standards, a better foundation will be in place for guiding development toward sustainable landscape and vegetation outcomes.

A draft policy was considered by Council at its meeting on 25 July 2011, where it was resolved that the policy should be progressed through the statutory process including formal advertising for stakeholder comment. A total of eight submissions were received during the advertising period, with two objections raised. This report provides Council with the opportunity to consider the submissions received during the advertising period and finally adopt the Local Planning Policy (LPP).

### **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

OCM002/07/11 LPP 67 Adopted for Advertising.

### **COMMUNITY / STAKEHOLDER CONSULTATION**

LPP 67 was extensively advertised in accordance with the requirements set out in the Shire's Town Planning Scheme No. 2 (TPS 2). A total of eight submissions were received during the advertising period, with two raising objection.

### **REPORT**

## Proposal

Following the advertising period, submissions were considered in drafting the final Landscape and Vegetation LPP and the revised document is presented for final Council consideration.

The main changes recommended to the draft Policy are as follows:

- Clearly outlining where the Policy applies and as a result deleting Clauses 7.8 and 7.9;
- Removal of the definition of “significant tree”;
- Including reference to 5% of the contract value of the establishment of the landscape vegetation being the amount of be held as a bond/bank guarantee. This figure has been determined taking into account the Institute of Public Works Engineering Australia (IPWEA) Local Government Guidelines for Subdivision Development, which reflects best management practice;
- Deleting Clause 7.7 relating to revegetation and landscaping survival rates as this issue is adequately addressed in LPP 4 - Revegetation
- Including greater definition of supporting information requirements under Schedule 1: Requirements for supporting information; and
- Including greater detail under Schedule 2: Specifications for Landscape Drawings.

## Options and Implications

Council has options in relation to progressing this proposed LPP, as follows:

Option 1: Finally adopt the amended Policy with modifications; or

Option 2: Refuse to adopt the amended Policy and maintain the wording of the Policy in its previous form.

Option 1 is recommended.

## **CONCLUSION**

A number of recommended changes have been made to draft LPP 67 following advertising, it is considered that these modifications enhance and clarify the policy and do not change the original intent of the policy. It is recommended that Council adopt LPP 67 with modifications.

## **ATTACHMENTS**

- [OCM083.1/11/12](#) - LPP 67 (E12/4402)
- [OCM083.2/11/12](#) - Schedule of Submissions (E12/4404)

## **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

The final Landscape and Vegetation LPP aligns with the Plan for the Future – Natural Environment – Landscape Focus Area to safeguard, restore and manage landscape and vegetation in the Shire.

## **STATUTORY ENVIRONMENT**

- TPS 2
- *Local Government Act 1995*
- AS/NZS ISO 31000 Risk Management
- IEC/ISO 31010 Risk assessment techniques

- LPP No. 4 Revegetation Policy
- LPP No. 21 Management Plans
- LPP No. 60 Public Open Space

## FINANCIAL IMPLICATIONS

There are no direct financial implications to adopting this final policy, however, good policies to ensure good landscaping outcomes can result in significant longer term savings where good landscaping and local native vegetation protection and restoration can stabilise and bind nutrients, enhance water quality and reduce weed control and other management and maintenance costs. Structure plans, strategies, conditions of subdivision, management plans, guidelines and standards can all help to achieve good outcomes when underpinned by good policies.

## VOTING REQUIREMENTS                      Simple Majority

### **OCM083/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Wilson, seconded Cr urban  
That Council:**

- 1. Note that the Local Planning Policy 67 – Landscape and Vegetation was advertised for public comments as per attachment OCM083.2/11/12.**
- 2. Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy 67 – Landscape and Vegetation as provided in attachment OCM083.1/11/12.**
- 3. Following final adoption of a policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3(c) of Town Planning Scheme No. 2.**
- 4. Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3(e) of Town Planning Scheme No. 2.**

**CARRIED 8/0**

OCM084/11/12	MUNDIJONG - WHITBY WASTEWATER AND NON-DRINKING WATER STRATEGY (SJ809)
Author:	Craig Wansbrough - Project Manager, Water Sensitive Urban Design
Senior Officers:	Uwe Striepe - Acting Director Engineering
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

The Serpentine Jarrahdale Shire engaged the services of Essential Environmental Pty Ltd to prepare a strategy for provision of wastewater and non-drinking water services to the Mundijong - Whitby District Structure Plan (DSP) area to treat wastewater and supply non-drinking water for a population of 30,000 to 40,000 people.

The preferred strategy for delivery of wastewater and non-drinking water services to the study area is to construct a local wastewater treatment and recycling plant and provide a reticulated network to supply non-drinking water to private residences. Sewerage and non-drinking water services would be operated by an alternative service provider, ie not the Water Corporation. Drinking water services could also be provided by this alternative service



provider through a bulk supply arrangement with the Water Corporation, which would allow current and future residents to deal with a single provider for all their water needs and provide increased financial feasibility for the service provider.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

25 October 2010 Ordinary Council Meeting - Item SD040/10/10 - Council resolved to refer the Mundijong - Whitby DSP to the Western Australian Planning Commission (WAPC) for its consideration. On 9 February 2011 the Shire received correspondence from the WAPC advising that the WAPC had undertaken its assessment and referred the DSP with modifications back to the Shire for consultation.

22 August 2011 Ordinary Council Meeting - Item SD017/08/11 - Council considered the amended DSP and resolved to adopt the final Mundijong - Whitby DSP. The Mundijong - Whitby DSP identified various provisions which apply across the whole DSP area. This included Provision 6.9 which states:

*“Planning and design to make allowance for adequate road and verge widths to accommodate the service alignments of a possible future dual water supply system and the property connections there from. The Street Tree and Utility Discussion Paper (WAPC May 2006) recommends the provision of 25% per hectare of road reserve to accommodate these items within the verge. Should investigations support the installation of a third pipe system, developments will be required to include a third pipe system.”*

## COMMUNITY / STAKEHOLDER CONSULTATION

Community consultation was undertaken during development of the DSP.

## REPORT

### Background

The Serpentine Jarrahdale Shire engaged the services of Essential Environmental Pty Ltd to prepare a strategy for provision of wastewater and non-drinking water services to the Mundijong - Whitby DSP area to treat wastewater and supply non-drinking water for a population of 30,000 to 40,000 people. This included a review of all available options to Council to progress a Non-Drinking Water Supply Scheme. Essential Environmental Pty Ltd prepared the Mundijong - Whitby Non-Drinking Water Supply Strategy Options Report, which was presented to Councillors and Shire officers at a workshop held on 11 May 2012.

Council identified a set of preferred options for further investigation. These included 'business as usual', groundwater, decentralised system and bulk wastewater purchase. This detailed investigation identified the best course of action for Council to pursue a non-drinking water supply scheme for Mundijong - Whitby and is presented as the Mundijong - Whitby Wastewater and Non-Drinking Water Strategy.

### Preferred Strategy

The preferred strategy for delivery of wastewater and non-drinking water services to the study area is to construct a local wastewater treatment and recycling plant and provide a reticulated network to supply non-drinking water to private residences.

Sewerage and non-drinking water services would be operated by an alternative service provider, ie not the Water Corporation. Drinking water services could also be provided by this alternative service provider through a bulk supply arrangement with the Water Corporation, which would allow current and future residents to deal with a single provider for all their water needs and provide increased financial feasibility for the service provider.

### Infill Sewerage Program

An infill sewerage program is also recommended as part of the wastewater / non-drinking water scheme to connect existing residences to the sewerage system with two key benefits:

1. The presence of a predictable sewerage base-load from day one of operation and provides an income from start up for the service provider; and
2. The removal of septic tanks will positively contribute to the water quality of surface and groundwater systems in the Peel - Harvey catchment.

### Service Providers

The key success factors for the provision of a wastewater and non-drinking water scheme are cost and service provision. There are numerous service providers in Western Australia who may be interested in operating a scheme within the Mundijong Whitby District Structure Plan Area. Potential service providers can be provided with preliminary information undertaken as part of the Mundijong Whitby District Structure Plan. Further investigations and development of a business case is required to enable a wastewater treatment and non-drinking water scheme to proceed.

Council has the opportunity to determine the level of involvement in the wastewater treatment and non-drinking water supply scheme. Various arrangements can be investigated through further financial and economic analysis. The greater the Council's level of involvement in the Scheme, the higher the potential returns on investment for the shire.

### Financial Considerations

It is expected the 'headwork's' cost per lot applied to recover infrastructure costs would be comparable to those applied by the Water Corporation. The proposed wastewater and non-drinking water service cost per lot is estimated to be between \$6,110 and \$6,290 per lot. The Water Corporation 'business as usual' cost per lot is approximately \$5,570 with other site specific charges required due to the remote location of Mundijong - Whitby.

### Land Planning Requirements

Other important elements of the scheme are land planning requirements, funding options and approvals. Land requirements are expected to be similar to the 'business as usual' scenario through co-location of infrastructure. There will be minimal additional land required for wastewater treatment and the area required is dependent on the technology selected.

The Shire together with the WAPC will need to carefully administer the provisions of the *Planning and Development Act* and *Local Government Act* to facilitate provision of key infrastructure, access easements and land to facilitate implementation of the Mundijong - Whitby Wastewater and Non-drinking Water Strategy. Land will be required to accommodate key infrastructure and will need to be appropriately zoned and tenured. It will be necessary to identify and protect corridors of land and/or easements throughout the development area to facilitate provision of main distribution pipes, local water networks and sewerage pump stations. Planning conditions will need to facilitate collection of any 'headwork's' charges and prefunding of distribution network by developers, if required. The Shire will need to act in order to facilitate connection of existing properties to any infill sewerage scheme.

Possible contributions from developer as well as State and Federal Government Grants may be available. However, the largest potential source of funding exists in the private funding of the scheme on the basis of the expected returns from operating profit.

It is expected the service provider will be responsible for progressing with applications for approvals and that the Shire will take a less significant role at that stage.

### Proposed Steps for Delivery

In order to deliver the wastewater and non-drinking water scheme for Mundijong - Whitby, four steps are proposed:

1. Preferred option endorsement;
2. Due-diligence;
3. Investigations; and
4. Approvals.

Step 1 requires Council to resolve to progress with the development of a wastewater and non-drinking water scheme incorporating local wastewater treatment and recycling for distribution through a reticulated network.

Step 2 requires Council to resolve to work with and support a specific service provider to progress with development of detailed conceptual design and business case and to initiate discussions with developers.

Subsequent steps will be largely service provider led with a diminishing need for Shire involvement.

### Conclusion

It is recommended the Serpentine Jarrahdale Shire:

1. Endorse the delivery of a wastewater and non-drinking water scheme for Mundijong - Whitby based on the decentralized collection, treatment and distribution of wastewater through a third party service provider;
2. Commence the implementation process through discussions with potential third party service providers to further examine the financial viability of the proposal and explore options for design and the timing of key infrastructure, with the aim of obtaining a commitment from one provider to operate the scheme;
3. Support investigations and necessary actions including infill sewerage and planning conditions; and
4. Support, as required, the necessary approvals for the scheme.

### **ATTACHMENTS**

- **Confidential** – **OCM084.1/11/12** - Mundijong - Whitby Wastewater and Non-Drinking Water Strategy Final Report - September 2012 - Version 2 (IN12/16721)
- **Confidential** – **OCM084.2/11/12** - Mundijong - Whitby Wastewater and Non-Drinking Water Strategy - Council Presentation - 2 October 2012 (IN12/16723)
- **Confidential** – **OCM084.3/11/12** - Mundijong - Whitby Non-Drinking Water Supply Strategy - Options Report - March 2012 - Version 1 (IN12/16775)

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

Council's Plan for the Future has placed an emphasis on promoting and implementing best practice integrated water cycle management which includes water conservation and reuse. An emphasis is also placed on engaging utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure. This proposal is consistent with the Shire's Plan for the Future.

### **STATUTORY ENVIRONMENT**

- Metropolitan Region Scheme

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- Town Planning Scheme No. 2
- *Local Government Act 1995*

## FINANCIAL IMPLICATIONS

There are no financial implications for the Shire at this stage. The level of Shire involvement and investment into the proposed scheme will determine the financial implications for the Shire. The level of Shire involvement will be determined and negotiated with a potential service provider at a later date.

The proposed non-drinking water scheme will require significant capital investment. There are a variety of possible funding sources to be investigated. Funding programs are periodic in nature and the most appropriate programs will need to be identified and targeted at a later stage of scheme definition. Potential sources of funding include developer contributions, Federal Government funding (ie Commonwealth Financial Assistance Grants - general purpose; Commonwealth Regional Development Australia Fund; Caring for Our Country Initiative), Local Government Support grants from Lotterywest and private investment.

Should Peel Water be the preferred service provider the Shire would be required to fund the investigation and preliminary scheme design works, expected to cost around \$150-\$200,000. Trility Pty Ltd has indicated they can fund this upfront cost.

**VOTING REQUIREMENTS**          Simple Majority

### **OCM084/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Moore, seconded Cr Urban**  
**That Council:**

- 1. Endorse the delivery of a wastewater and non-drinking water scheme for Mundijong - Whitby based on the decentralized collection, treatment and distribution of wastewater through a third party service provider.**
- 2. Endorse the opportunity for a service provider to supply Mundijong - Whitby with drinking water so that all water services are delivered by a single service provider.**
- 3. Commence the implementation process through discussions with potential third party service providers to further examine the financial viability of the proposal and explore options for design and the timing of key infrastructure, with the aim of obtaining a commitment from one provider to operate the scheme.**

**CARRIED 8/0**

OCM085/11/12	RIVERS REGIONAL COUNCIL – DEED OF AMENDMENT TO ALLOW DEPUTY MEMBERS (SJ581)
Author:	Uwe Striepe - Acting Director Engineering
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	12 October 2012
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

In October 2011 Rivers Regional Council established a draft Deed of Amendment of the Establishment Agreement, entitling the participant to appoint deputy members. As the representatives have previously been endorsed, the Deed of Amendment now requires election of a deputy to each of these positions.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

Refer to SCM011/10/11 Council decision.

Council endorsed the Draft Deed of Amendment dealing with the appointment of deputy members to the Rivers Regional Council.

## COMMUNITY / STAKEHOLDER CONSULTATION

Not required.

## REPORT

In October 2011 Rivers Regional Council established a draft Deed of Amendment of the Establishment Agreement - Provision Entitling the participant to appoint deputy members. A new clause being section 6.8 of the Deed of Amendment details the requirement of deputy members and their responsibilities which is detailed below:

### ***“6.8 Deputy Members***

*(1) A Participant may:*

- (a) appoint a member of the council of the Participant to be a deputy member of the RRC Council; and*
- (b) terminate the appointment at any time.*

*(2) A deputy of a member of the RRC Council may attend a meeting of the RRC Council when the member is unable to do so by reason of illness, absence or other cause.*

*(3) A deputy of a member, when attending a meeting under subclause (2), has the functions of, and all the protection given to, a member.*

*(4) A person must not currently hold office as a deputy of more than one member of the RRC Council.”*

The Deed of Amendment was then reviewed by each local authority to establish the final legal document. All member Councils then signed and embossed the agreement with their common seal, which was subsequently forwarded to the Minister for Local Government to finalise the Deed of Amendment.

From the Special Council meeting on 17 October 2011, which appointed delegates to Council working groups, it was resolved that the representatives to the Rivers Regional Council were Councillor Merri Harris and Councillor John Kirkpatrick.

In May 2012 the Minister for Local Government, Hon G M (John) Castrilli MLA, signed the Deed of Amendment of the Rivers Regional Council to allow deputy members to be appointed.

Council now has to nominate two deputies to represent Council on the Rivers Regional Council if the committee members are not available to attend.

## ATTACHMENTS

- [OCM085.1/11/12](#) - Draft Deed of Amendment (IN 11/16241)

### ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The Serpentine Jarrahdale Shire continues to actively support the vision of the Rivers Regional Council, which is to provide sustainable waste minimisation, recycling and Alternative Waste Treatment services in a way which will move their communities substantially towards a Zero-Waste environment.

### STATUTORY ENVIRONMENT

Not applicable.

### FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

**VOTING REQUIREMENTS**          Simple Majority

### OFFICER RECOMMENDATION

That Council appoint ..... as deputy to Cr Merri Harris and appoint Cr ..... as deputy to Cr John Kirkpatrick on the Rivers Regional Council.

### **OCM085/11/12 COUNCIL DECISION**

**Moved Cr Moore, seconded Cr Harris**

**That Council appoint Cr Urban as deputy to Cr Merri Harris and appoint Cr Wilson as deputy to Cr John Kirkpatrick on the Rivers Regional Council.**

**CARRIED 8/0**

OCM086/11/12	REVISED COUNCIL POLICY G803 - FREEMAN OF THE MUNICIPALITY (A1048)
Author:	Lisa Fletcher - Organisational Improvement Officer
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	27 September 2012
Disclosure of Officers 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.

### EXECUTIVE SUMMARY

Council is requested to adopt a revised Policy G005 - Honorary Freeman of the Municipality which establishes how the nomination of a candidate is to be made, how nominations are to be considered and the criteria that nominations are to be considered against.

### RELEVANT PREVIOUS DECISIONS OF COUNCIL

CGAM050/12/08 - Review of Council Policies.

### COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation was required.

### REPORT

The Shire grants the honour of Freeman of the Municipality in recognition of a person's contribution to the community of Serpentine Jarrahdale. This policy has been revised in order to clarify the steps involved in the nomination of candidates and how these nominations are considered. The revision also involved removing references to committee members and the Corporate Governance and Asset Management Committee which no longer exist. There has also been a minor change to the policy title and the policy number has been amended in accordance with the re-numbered Policy manual.

### Conclusion

It is requested that Council adopt the revised Policy G005 - Honorary Freeman of the Municipality.

### ATTACHMENTS

- [OCM086.1/11/12](#) - Current Policy G803 - Freeman of the Municipality (E12/6909)
- [OCM086.2/11/12](#) - Revised Policy G005 - Honorary Freeman of the Municipality (E12/6906)

### ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Council's Plan for the Future has placed an emphasis on leadership throughout the organisation with the Council and Leadership Team driving strategy and policy development.

### STATUTORY ENVIRONMENT

Section 5.23(2)(b) of the *Local Government Act 1995* is relevant as a matter relating to Freeman of the Municipality is to be considered as a confidential item.

### FINANCIAL IMPLICATIONS

Honorary Freeman of the Municipality is celebrated with a small function to congratulate the person on being awarded this honour. Function costs are allocated within the budget.

### VOTING REQUIREMENTS ABSOLUTE MAJORITY

#### **OCM086/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Wilson, seconded Cr Harris**  
**That Council adopts the revised Policy G005 - Honorary Freeman of the Municipality as per attachment OCM086.1/11/12.**  
**CARRIED BY ABSOLUTE MAJORITY 8/0**

OCM087/11/12	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR BRUCE MOORE (SJ1001)
Author:	Councillor Bruce Moore
Senior Officer:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	25 October 2012
Disclosure of Officers 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.

### EXECUTIVE SUMMARY

Councillor Bruce Moore has requested a leave of absence from 19 November to 28 November 2012 to attend the LivCom Award ceremony.

**VOTING REQUIREMENTS**          Simple Majority

**OCM087/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Piipponen, seconded Cr Urban**  
**That Council grant Cr Moore leave of absence from 19 November to 28 November 2012.**  
**CARRIED 7/0**  
**Cr Moore did not vote.**

**COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Ricketts**  
**That item OCM092/11/12 be discussed out of order to enable a decision to be made on item OCM088/11/12.**  
**CARRIED 8/0**

OCM092/11/12	ATTENDANCE AT THE NATIONAL GROWTH ALLIANCE RESEARCH LAUNCH, TOUR AND MEMBERS' MEETING (SJ1411)
Author:	Deb Bridson - Agendas and Minutes Officer
Senior Officer:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	6 November 2012
Disclosure of Officers 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.

**EXECUTIVE SUMMARY**

The National Growth Areas Alliance (NGAA) has extended an invitation for a Councillor or Officer to attend the NGAA's Research Launch, Tour and Members' Meeting to be held in Sydney on Thursday 29 and Friday 30 November, 2012.

**RELEVANT PREVIOUS DECISIONS OF COUNCIL**

Nil.

**COMMUNITY / STAKEHOLDER CONSULTATION**

No community consultation was required.

**REPORT**

The NGAA Research Launch will address skills, employment gaps, community infrastructure, capture community stories and NGAA's latest research.

The NGAA works on addressing skills and employment in Outer Metropolitan Growth Areas (OMGA). There are 25 Councils that make up the NGAA.

The NGAA's Councils face a significant challenge in creating substantial communities, if current growth rates are maintained, the 25 Councils will double in size over the next 25 years and accommodate almost one in five Australians. Yet fewer than one in ten jobs are currently located there.



## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Our Council at Work – Leadership throughout the organisation.

## FINANCIAL IMPLICATIONS

Costs related to this event are within the approved budget.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM092/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Kirkpatrick, seconded Cr Piipponen  
That Council approve Councillor Merri Harris' attendance at the National Growth Areas Alliance's Research Launch, Tour and Members' Meeting to be held in Sydney on Thursday 29 and Friday 30 November 2012.  
CARRIED 8/0**

OCM088/11/12	APPOINTMENT OF A COUNCILLOR TO PERFORM THE FUNCTION OF SHIRE PRESIDENT (SJ1001)
Author:	Trish Kursar - Personal Assistant to the Acting Chief Executive Officer
Senior Officer:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	25 October 2012
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

The Shire President will be on leave of absence and the Deputy President will be on leave for the following dates:

Shire President            - 19 November 2012 - 28 November 2012 (inclusive)  
Deputy President        - 16 November 2012 - 20 November 2012 (inclusive)

Council will be required to appoint another member of Council to perform the function of Shire President in accordance with the *Local Government Act 1995 s5.35* during this period.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

Nil.

## COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation was required.

## REPORT

The Shire President has requested a leave of absence from 19 November to 28 November 2012 to attend the 2012 International Awards for Liveable Communities (LivCom) as a Council delegate in Al Ain, United Arab Emirates.

The Deputy President will be on leave from 16 November to 20 November 2012 and will be unable to act as Shire President on 19 and 20 November 2012.

It is recommended that Council appoint a Councillor to perform the function of Shire President until the Deputy President returns from leave on 21 November 2012.

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

Our Council at Work – Leadership throughout the organisation.

### **STATUTORY ENVIRONMENT**

- *Local Government Act 1995 s5.35*

### **FINANCIAL IMPLICATIONS**

There are no financial implications related to this matter.

**VOTING REQUIREMENTS**          Simple Majority

### **OFFICER RECOMMENDATION**

That Council appoint Councillor ..... to perform the function of Shire President from 19 November 2012 to 20 November 2012. The Deputy President, Merri Harris, will perform the duties of Shire President on her return from leave on 21 November 2012 until 28 November 2012.

### **OCM088/11/12 COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Ricketts**

**That Council appoint Councillor Kirkpatrick to perform the function of Shire President from 19 November 2012 to 20 November 2012. The Deputy President, Merri Harris, will perform the duties of Shire President on her return from leave on 21 November 2012 until 28 November 2012.**

**CARRIED 8/0**

**COUNCIL NOTE: Cr Harris nominated Cr Kirkpatrick and Cr Ricketts seconded the nomination.**

**Cr Piipponen nominated Cr Wilson and Cr Urban seconded. Cr Wilson declined the nomination.**

OCM089/11/12	RECRUITMENT- CHIEF EXECUTIVE OFFICER
Author:	Leani Simpson - Human Resource Management Officer
Senior Officers:	Alan Hart - Director Corporate Services
Date of Report:	29 October 2012
Disclosure of Officers 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.

### **EXECUTIVE SUMMARY**

The position of Chief Executive Officer has been vacant since 16 August 2012 and Council need to commence the process of recruiting a new Chief Executive Officer.

Council resolved on 16 August that the Acting Chief Executive Officer report back to Council on the process of recruitment within three months.

This report will propose a process to recruit a Chief Executive Officer and raise issues that need to be addressed before the process commences.

### **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

There is no previous Council decision relating to this issue.

### **COMMUNITY / STAKEHOLDER CONSULTATION**

No community consultation was required.

### **REPORT**

The process of recruiting a Chief Executive Officer is one of the more important tasks that a Council will undertake, as the Chief Executive Officer is the only individual that the Council employs. Council will need to ensure that an appropriate and transparent recruitment process is undertaken.

The Department of Local Government has prepared a guideline on how Council should appoint a Chief Executive Officer. This publication outlines the legislative requirements and recommends 'best practice' regarding the recruitment and appointment of a Chief Executive Officer.

The Council has a Staff Management Working Group (SMWG) established with the following elected members on this working group:

- Cr Moore;
- Cr Harris;
- Cr Wilson; and
- Cr Atwell.

It is suggested that the SMWG be tasked with overseeing the recruitment process and work with a recruitment agency who will manage the process on behalf of Council. The SMWG's responsibility would extend to the recommendation to Council only, of which a summary of the proposed process is provided below:

1. In conjunction with the recruitment agent;
  - Undertake a review of the Position Description for the position of Chief Executive Officer;
  - Prepare a draft contract for the position for consideration by Council including the value of total remuneration package; and
  - Report back to Council with a Draft Position Description and Draft Employment Contract in January 2013.
2. Subject to Council approval of the above; the SMWG, in conjunction with the recruitment agent, will:
  - Undertake interviews with the short listed candidates as put forward by the appointed recruitment consultant; and
  - Recommend to Council at least two preferred candidates for consideration, prior to Council making a final decision on the new appointment to the position of Chief Executive Officer.

To ensure integrity throughout the whole process, it is recommended that Council engage the assistance of an external professional senior employee recruitment consultant and Council has obtained quotations from the following recruitment agencies:

- Lester Blades;
- Gerard Daniels;
- Workplace Solutions; and
- Lo-Go Appointments.

These quotations have been analysed and a comparison matrix has been completed to compare the services offered by each agency. It is recommended that Council appoint Workplace Solutions to assist the Shire in the recruitment of the Chief Executive Officer.

## ATTACHMENTS

- **Confidential – OCM089.1/11/12** - Local Government Guideline - Appointing a CEO
- **Confidential – OCM089.2/11/12** - Summary of Proposals
- **Confidential – OCM089.3/11/12** - Lester Blades Proposal
- **Confidential – OCM089.4/11/12** - Workplace Solutions Proposal
- **Confidential – OCM089.5/11/12** - Gerard Daniels Proposal
- **Confidential – OCM089.6/11/12** - Lo-Go Proposal

## STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Fair Work Act 2009*
- *Local Government Industry Award 2010*

## FINANCIAL IMPLICATIONS

The proposals vary significantly in price and service. In all proposals the cost of advertising, and potential travel and/or accommodation is in addition to the cost of service. There are no funds specifically allocated in the 2012/13 Annual Budget, the estimated cost of recruitment will be included in the mid-year budget review.

## VOTING REQUIREMENTS

Simple Majority

### **OCM089/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Kirkpatrick, seconded Cr Ricketts  
That Council:**

- 1. Appoint Workplace Solutions to assist in the recruitment of a new Chief Executive Officer.**
- 2. Confirm that the Staff Management Working Group oversee the process of recruitment of a new Chief Executive Officer.**
- 3. Request the Staff Management Working Group to:**
  - a) Undertake a review of the Position Description for the position of Chief Executive Officer for consideration by Council in January 2013.**
  - b) Prepare a draft contract for the position in accordance with Part 5 Administration, Division 4 “Local Government Employees” of the *Local Government Act 1995* for consideration by Council in January 2013. The draft is to include a recommended salary range, contract term and the details and associated value of the total remuneration package Council is prepared to offer.**

**c) Undertake interviews with the short listed candidates as put forward by the recruitment consultant.**

**d) Recommend to Council at least two preferred candidates for consideration, prior to Council making a final decision on the new appointment to the position of Chief Executive Officer.**

**CARRIED 8/0**

OCM090/11/12	COUNTRY LOCAL GOVERNMENT FUND - RE-ALLOCATION OF PROJECTS (SJ1069)
Author:	Alan Hart - Director Corporate Services
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	2 November 2012
Disclosure of Officers 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.

## EXECUTIVE SUMMARY

The purpose of this report is to request the Department of Regional Development to approve changes to the Country Local Government funding allocations for the 2010/11 and 2011/12 financial years to better reflect actual expenditure on projects, complete the acquittal process for the 2010/11 funding allocation and enable the Council to be eligible to apply for the 2012/13 funding round.

The State Governments Royalties for Regions program allocates funds to the Shire each year to fund infrastructure projects. In accordance with the funding guidelines, the only projects to be funded are included in the Forward Capital Works Plan approved by Council and the Department of Regional Development.

It is recommended that Council formally request the Department of Regional Development reallocate projects to enable the 2010/11 Country Local Government Fund allocation of \$857,650 to be acquitted by 31 December 2012.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

There is no previous Council decision relating to this issue.

## COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation is required.

## REPORT

In 2011, the State Government refined the process for approving projects under the Royalties for Regions Scheme. This required the Shire to produce a Forward Capital Works plan and this was first approved by Council on 29 November 2010. This was subsequently reviewed in 2012 and the amended plan was adopted by Council on 25 June 2012.

In September 2011, the Department of Regional Development signed the Financial Assistance Agreement, which allocated funding of \$857,650 towards the following projects;

Project	Budget
Serpentine Jarrahdale Recreation Centre Commercial Kitchen fit-out	\$60,000
Bruno Gianatti Hall Kitchen Refurbishment	\$20,000
Byford Hall Kitchen Refurbishment	\$15,000

Byford Beautification	\$250,000
Byford Central Ablution/Storage Facilities (Stage 1)	\$252,650
Percy Place Landscaping	\$20,000
Byford on the Scarp Path Construction	\$160,000
Byford Central Playground	\$80,000
<b>TOTAL</b>	<b>\$857,650</b>

The majority of the projects listed above have either been completed or will be complete by the end of December 2012, with the exception of the Byford Beautification and Byford Central Ablution/Storage Facilities (Stage 1).

The guidelines for this program normally allow the Council to have two years to complete the projects and acquit the funds. Under normal circumstances this would give the Shire up until September 2014 to complete the projects and acquit the funds. When the Shire enquired with the Department of Regional Development about the lodgement of the Grant application for the 2012/13 funding round, we were advised that all 2010/11 projects and acquittals must be completed by 31 December 2012 and if this is not completed the Shire will not be eligible for the 2012/13 funding allocation of \$753,918.

As there is normally a two year timeframe to complete projects under the Royalties for Regions program, there are two separate Financial Assistance Agreements in place with other projects. In this case, the Shire is also currently managing the 2011/12 Country Local Government Funding program with the following projects totalling \$753,918;

<b>Project</b>	<b>Budget</b>
Briggs Park Storage Facilities	\$120,000
Serpentine Jarrahdale Civic Facilities (Stage 1)	\$250,000
Mundijong Pavilion Roof Replacement	\$93,918
Byford Central Ablution/Storage Facilities (Stage 2)	\$110,000
Shade Sails for Playground Equipment within the Shire	\$100,000
Clem Kentish Playground	\$80,000
<b>TOTAL</b>	<b>\$753,918</b>

The Department of Regional Development has advised the Shire that the only option for Council is to request projects that have not been completed in the 2010/11 funding program be moved to the 2011/12 funding program and projects that have been completed in the 2011/12 funding program be moved to the 2010/11 funding program. This is possible to do as there are some projects in the 2011/12 funding program that have either been completed or will be complete at 31 December 2012.

It is therefore recommended that the following projects be moved from the 2010/11 funding program to the 2011/12 funding program:

<b>Project</b>	<b>Budget</b>
Byford Beautification	\$250,000
Byford Central Ablution/Storage Facilities (Stage 1)	\$252,650
<b>TOTAL</b>	<b>\$502,650</b>

In addition, the following projects are to be moved from the 2011/12 funding program to the 2010/11 funding program;

<b>Project</b>	<b>Budget</b>
Serpentine Jarrahdale Civic Facilities (Stage 1)	\$250,000
Mundijong Pavilion Roof Replacement	\$93,918
Shade Sails for Playground Equipment within the Shire	\$100,000
Clem Kentish Playground (Stage 1)	\$58,732
<b>TOTAL</b>	<b>\$502,650</b>

This adjustment will not see the total funding for each year change, only the projects listed in the Financial Assistance Agreement.

The result of the above will see the following projects listed in each year's funding program:

#### 2010/11 Royalties for Regions – Country Local Government Fund Allocation

<b>Project</b>	<b>Budget</b>
Serpentine Jarrahdale Recreation Centre Commercial Kitchen fit-out	\$60,000
Bruno Gianatti Hall Kitchen Refurbishment	\$20,000
Byford Hall Kitchen Refurbishment	\$15,000
Percy Place Landscaping	\$20,000
Byford on the Scarp Path Construction	\$160,000
Byford Central Playground	\$80,000
Serpentine Jarrahdale Civic Facilities (Stage 1)	\$250,000
Mundijong Pavilion Roof Replacement	\$93,918
Shade Sails for Playground Equipment within the Shire	\$100,000
Clem Kentish Playground (Stage 1)	\$58,732
<b>TOTAL</b>	<b>\$857,650</b>

#### 2011/12 Royalties for Regions - Country Local Government Fund Allocation

<b>Project</b>	<b>Budget</b>
Briggs Park Storage Facilities	\$120,000
Byford Central Ablution/Storage Facilities (Stage 2)	\$110,000
Byford Beautification	\$250,000
Byford Central Ablution/Storage Facilities (Stage 1)	\$252,650
Clem Kentish Playground (Stage 2)	\$21,268
<b>TOTAL</b>	<b>\$753,918</b>

There will be no change to the annual budget as all of these projects, and the funding, is included in the 2012/13 Annual Budget.

#### ATTACHMENTS

- [OCM090.1/11/12](#) - 2010/11 Country Local Government Fund - Financial Assistance Agreement (IN11/14093)
- [OCM090.2/11/12](#) - 2011/12 Country Local Government Fund - Financial Assistance Agreement (IN12/9497)
- [OCM090.3/11/12](#) - Forward Capital Works Plan 2012/13 to 2021/2023 – June 2012 (E12/5767)

#### ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The projects funded by the Country Local Government Fund relate to all the vision categories in the Council's Plan for the Future. In particular the infrastructure items aim to:

1. Plan and facilitate the provision of a range of facilities and services that meet community needs;
2. Strive to create a unique employment environment;
3. Plan for the creation and preservation of iconic buildings and places that add to our sense of identity;
4. Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council; and
5. Develop and adequately fund a functional road network and bridges based on the level of service set by Council.

**STATUTORY ENVIRONMENT**

- *Royalties for Regions Act (2009)*

**FINANCIAL IMPLICATIONS**

There are significant financial implications for Council if the officer recommendation is not accepted by Council or if the Department of Regional Development does not agree to the changes in the funding program. The 2012/13 Country Local Government funding allocation of \$753,918 is at risk and associated with this are projects to this value as outlined in the Forward Capital Works plan that will be in doubt.

In addition, the Shire may be required to repay the unspent 2010/11 allocation of funds, totalling an estimated \$502,000.

**VOTING REQUIREMENTS**          Simple Majority

**OCM090/11/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Harris, seconded Cr Wilson**

**That Council respectfully requests the Department of Regional Development to agree to the following amendments to the Country Local Government fund programs as follows:**

1. **2010/11 Financial Assistance agreement be amended to list the projects as follows:**

**2010/11 Royalties for Regions –Country Local Government Fund Allocation**

<b>Project</b>	<b>Budget</b>
Serpentine Jarrahdale Recreation Centre Commercial Kitchen fit-out	\$60,000
Bruno Gianatti Hall Kitchen Refurbishment	\$20,000
Byford Hall Kitchen Refurbishment	\$15,000
Percy Place Landscaping	\$20,000
Byford on the Scarp Path Construction	\$160,000
Byford Central Playground	\$80,000
Serpentine Jarrahdale Civic Facilities (Stage 1)	\$250,000
Mundijong Pavilion Roof Replacement	\$93,918
Shade Sails for Playground Equipment within the Shire	\$100,000
Clem Kentish Playground (Stage 1)	\$58,732
<b>TOTAL</b>	<b>\$857,650</b>

2. **2011/12 Financial Assistance Agreement be amended to list the projects as follows:**

**2011/12 Royalties for Regions –Country Local Government Fund Allocation**

<b>Project</b>	<b>Budget</b>
Briggs Park Storage Facilities	\$120,000
Byford Central Ablution/Storage Facilities (Stage 2)	\$110,000
Byford Beautification	\$250,000
Byford Central Ablution/Storage Facilities (Stage 1)	\$252,650
Clem Kentish Playground (Stage 2)	\$21,268
<b>TOTAL</b>	<b>\$753,918</b>

**CARRIED 8/0**



**COUNCIL DECISION**

Moved Cr Ricketts, seconded Cr Wilson that the meeting be closed to members of the public at 8.12pm to allow Council to discuss item OCM091/11/12 as the matter concerns information of a confidential nature.  
CARRIED 8/0

**COUNCIL DECISION**

Moved Cr Kirkpatrick, seconded Cr Piipponen  
That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.12pm.  
CARRIED 8/0

*The Acting Chief Executive Officer left the room at 8.38pm and returned at 8.40pm.  
Cr Piipponen left the room at 8.40pm and returned at 8.41pm.*

**COUNCIL DECISION**

Moved Cr Moore, seconded Cr Piipponen  
That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 9.06pm.  
CARRIED 8/0

OCM091/11/12	<b>CONFIDENTIAL ITEM – SECTION 31 RECONSIDERATION OF EXTRACTIVE INDUSTRY PERIOD OF LICENCE - LOT 6 SHALE ROAD AND LOTS 3 &amp; 50 KILN ROAD, CARDUP (P05917/06)</b>
Author:	Louise Hughes - Manager Statutory Planning
Senior Officers:	Brad Gleeson - Director Development Services
Date of Report:	16 October 2012
Disclosure of Officers 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.

**VOTING REQUIREMENTS**          Simple Majority

**OFFICER RECOMMENDATION**

That Council:

- A. Note that the State Administrative Tribunal has invited the Serpentine Jarrahdale Shire under Section 31 of the State Administrative Tribunal Act 2004 to reconsider its previous approval decision, being the Extractive Industry Licence, in respect of the proposed shale and clay extraction on Lot 6 Shale Road and Lots 3 & 50 Kiln Road, Cardup.
- B. Advise the State Administrative Tribunal that for the purposes of mediation Council agrees to:
  1. Modify condition 1 of the Extractive Industries Licence, dated 20 June 2012, to extend the term of the Extractive Industries Licence to 31 December 2022.

**OCM091/10/12 COUNCIL DECISION/Alternative Councillor Recommendation**

Moved Cr Harris, seconded Cr Ricketts  
That Council:

- A. Note that the State Administrative Tribunal has invited the Serpentine Jarrahdale Shire under Section 31 of the *State Administrative Tribunal Act 2004* to reconsider its previous approval decision, Extractive Industry Licence, in respect of the

proposed shale and clay extraction on Lot 6 Shale Road and Lots 3 and 50 Kiln Road, Cardup.

**B. Advise the State Administrative Tribunal that for the purposes of mediation Council:**

1. Affirms its previous condition 1 of the Extractive Industries Licence, dated 11 June 2012, to maintain the term of the Extractive Industries Licence to 31 December, 2013.

**COUNCIL NOTE:** The Council has changed the Officer Recommendation for Austral Bricks for an Extractive Industries Licence for 10 years for the following reasons:

**A. Planning**

1. The Serpentine Jarrahdale Extractive Industry Licences Policy (PP 14) clearly indicates that the maximum length of any licence will be five years.
2. Compliance audits conducted by officers of the Shire have indicated that the proponent has not been able to meet the performance requirements of the current Water Management Plan and especially in relation to surface water management issues.
3. The Austral Bricks operation is significantly different to other extractive industries in the area by virtue of:
  - a. The current excavation site is closer than the Serpentine Jarrahdale Shire Extractive Industry Local Law 40 metre separation distance from a water course.
  - b. The current excavation site lies at the foot, and within 100 metres, of the face of the adjacent landfill. Within the body of the Appeals Convenor report to the Minister for the Environment the Environmental Protection Authority (EPA) expressed concerns regarding “bleed through” from the landfill site and requested advice from the Department of Water be sought.
  - c. The current excavation site lies within 50 - 100 metres of retention ponds at the base of the landfill wall.
  - d. The current excavation site, and future excavation stages are near the base of a scarp, are subject to releasing analytes from excavated materials which will be carried downstream by surface waters into adjacent watercourses that then make their way to a Bush Forever site approximately 500 metres away.

**B. For the Public Record**

4. Council wishes to place on the public record their concerns regarding these issues although they are not considered to be valid planning reasons for the issuing of an extractive industries licence.
  - a. Shire officers and other agencies are required to accept information provided to them by proponents as being correct.
  - b. That the Shire has an Extractive Industries Local Law that can be over ridden by state laws and policies.
  - c. That the Shire has an Extractive Industries Policy which clearly outlines that the maximum amount of time for a licence to be issued is five years and that Shire audit processes of performance requirements, and satisfaction of those

requirements, will determine the length of time provided for a renewal of licence.

- d. That audits performed by Shire officers indicated performance requirements of the current Water Management Policy, especially in relation to surface water management, have not been met.
- e. That not all extractive industry licences can be considered to be similar due to variations in geology, hydrogeology, expected residential growth in close proximity to the site, the presence of katabatic winds, surface water flows off the scarp and proximity to other industries or developments, the types of materials to be extracted and their relationship to important ground water sources etc.
- f. That the Shire referred this proposal to the EPA for assessment. The EPA determined not to assess the proposal, as it considered that any potential impacts could be managed by other decision making processes.
- g. An appeal was subsequently lodged by the Serpentine Jarrahdale Ratepayers Association. The report from the Appeals Convenor was forwarded to the Minister of the Environment who subsequently supported the decision of the EPA not to assess this proposal and dismissed the appeal.

- C. That Council engages an independent environment planning consultant to represent Council at any future SAT hearings or mediation in accordance with the Serpentine Jarrahdale Shire “Proceedings Before The State Administrative Tribunal Policy” (PP11).

**CARRIED 6/2**

#### **COUNCIL DECISION**

Moved Cr Atwell, seconded Cr Urban that the meeting be re-opened to members of the public at 9.07.pm.

**CARRIED 8/0**

#### **10. URGENT BUSINESS:**

Nil.

#### **11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

#### **COUNCIL DECISION**

Moved Cr Kirkpatrick, seconded Cr Urban

That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.13.pm.

**CARRIED 8/0**

#### **COUNCIL DECISION**

Moved Cr Piiipponen, seconded Cr Urban

That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 9.28.pm.

**CARRIED 8/0**

The following questions have been received from Councillor John Kirkpatrick.

The Council approved the site for a skate park in Jarrahdale in December 2010. This was after considerable consultation and meetings with the Community, Youth and Council consultants. I also understand that a grant was obtained to design the park. The Department

of Community Development has not had a good record of getting projects on the ground, in fact none in the past five years of any significance.

My questions are:

*Q1. Has the design been completed yet?*

*Q2. If not, when will it be completed?*

A1 & 2.

The conceptual design has been completed but the engineering and technical drawings are still being done.

*Q3. Have any grants been applied for to construct the Skate Park?*

A3. Three grants are involved in the latest contract with Convic. One from the Department of Sport and Recreation, one from Lotterywest and the other from the Locality Funding.

*Q4. When is construction likely to start?*

A4. Following the finalisation of the technical and engineering drawings in January 2013 further public consultation will be held and construction will commence early next year.

*Q5. When is the likely completion date?*

A5. It is estimated that the completion date may be about mid 2013.

In August, the Council passed a motion for a letter of support for the Sporting Group to develop a business plan with a view to construction of a major sports complex in the Shire. I am told that the letter written by the Shire would not encourage companies, corporations or government departments to take them serious or believe that they had the support of Council. It would also appear that Community Development has appointed a working group to work on this project when the resolution of Council was clear the Sporting Group was to be the driving force, with Community Development to support them when required and a sum of money was allocated for this purpose. Community Development has not got a good record of getting projects on the ground and the successful ones have been driven by the community.

My questions are:

*Q1. Did the appropriate officer write a letter making it clear that the Sporting Group had the support of Council in developing a Business Plan?*

A1. The appropriate officer and line management wrote and endorsed the letter which was then endorsed and signed by the Shire President. The letter provided a direct copy of the resolution. This ensures that there is no ambiguity in any interpretation the officer or line management may offer. The outcomes of the feasibility study will assist the group in any approach they may wish to make to companies, corporations or government departments.

*Q2. Could Councillors have a copy of this letter?*

A2. Yes. A copy of the letter can be provided to Councillors.

*Q3. Why was this working group formed when the intention of Council was clear from the Council resolution that the Sporting Group was to be the driving force?*

A3. The funding offered by the Department of Sport and Recreation (DSR) was conditional on the Shire taking the lead role in facilitating the preparation of the feasibility study. This was explained to Councillors and community representatives present at Policy Forum on 2 October 2012 where they were provided with a copy of DSR's letter.

Q4. *When will the officers concerned assist the group in their efforts to make this happen?*

A4. Officers and line management are already assisting the group to make the project happen within the parameters of the funding conditions

Q5. *Do we need another feasibility study when we have already had two?*

A5. We have the Community Facilities and Services Plan which provides justification of the need and indicates that all projects are subject to feasibility work. The feasibility study the group undertook fell short of justifying the feasibility of the proposed project, but went some way to reinforcing the need. Therefore the feasibility phase still needs to be completed. Council's resolution that you refer to, directs officers to honour that commitment. The business plan component has been incorporated into the Project Brief and will form part of the feasibility study. The Department of Sport and Recreation has made the funding conditional upon a feasibility study being prepared, as it considered the feasibility study presented by the group non-complying with the standards expected by the Department.

**12. CLOSURE:**

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

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 26 November 2012.

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Presiding Member

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Date