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**P137/03/02 CURRENT LEGAL MATTERS IN WHICH THE SHIRE HAS AN INTEREST
(P01498/01, P01790 & A0068-02) Confidential Item 122**

11. CLOSE 122

- NOTE:**
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.

 - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 26TH AUGUST, 2002. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCES & APOLOGIES

PRESENT: Crs DL Needham Presiding Member
WJ Kirkpatrick
AJ Simpson
JA Scott
JE Price
IJ Richards
KR Murphy
THJ Hoyer
A Wigg

APOLOGIES: Cr JC Star

IN ATTENDANCE:

Mr D Price Chief Executive Officer
Mr R Harris Director Asset Services
Mr A Watson Director Sustainable Development
Mr G Dougall Director Corporate Services
Mrs S Langmair Minute Secretary

GALLERY: 4

2. PUBLIC QUESTION TIME

Public Question time commenced at 7.03pm

Paul Nield, Lot 1 Boomerang Road, Oldbury

Q Regarding officers dishonest evidence/statement, words to the effect of “not aware of environmental concerns at McLeans site to creditors meeting”.

A The Chief Executive Officer requested from Mr Nield a copy of the minutes of the Creditors meeting that he was referring to. The Chief Executive Officer also advised that both himself and the Director Corporate Services had drawn the Administrators attention to McLeans landfill operations at the only meeting of creditors they attended.

Q When were McLean’s monitoring bores constructed and how many?

A The Presiding Member advised that this question would be taken on notice.

Q CRP137/03/02 – Item 1 – will Council fully identify to the ratepayers regarding the legal business?

A The Presiding Member advised that this question would be taken on notice.

Public Question time concluded at 7.05pm

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

RESPONSE TO QUESTIONS RAISED BY MR PAUL NIELD AT THE ORDINARY COUNCIL MEETING HELD 24 JUNE 2002

Q *Will The Shire undertake to adopt a record keeping system similar to reputable councils where all meetings are digitally recorded and copies can be purchased by the community for \$10.00 rather than the current obstructive practice that continues with possible health hazardous methods?*

A The Shire of Serpentine-Jarrahdale tapes all Council Meetings in order to assist with the minute taking purposes. It is not the intention of minutes to be a verbatim transcript of a Council meeting but rather to record the decision making process and the actual decisions. The Local Government Act Section 5.23 states:

The person presiding at a meeting of council or a committee is to cause minutes to be kept of the meeting's proceedings.

The minutes of a meeting of a council or committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

Council then makes the confirmed copy of the minutes available to the public under Section 5.94(n) of the Local Government Act.

There is nothing in the Local Government Act to state that meetings of Council must be recorded on tape, however since Council does record its meetings, it retains the tapes in accordance with the General Disposal Authority for Local Government Records 1999 and access can be made according to Council Policy CSP1, Audio Recording of Council Meetings. This policy has been developed to ensure the integrity of tape recordings, stating that:

members of the public are not permitted to obtain copies of the tape, nor are they permitted to re-record any tape...

Copies of transcripts (verbatim notes) of meetings can be obtained under the FOI Act for the fee of \$30 per hour or part thereof, alternatively access can be obtained by listening to the tapes under supervision at the Shire Administration office at the same fee.

Q. Regarding Lots 1 Jackson and 12 Bird Road, Oldbury the Council and staff traditionally claim that these contaminated sites are the responsibility of the DEP, these polluting properties are no longer licenced by that Department so the Shire must have a duty of care to fully assess the contamination problems especially so when considering the advice of the cowboy operator Gordon McLean gave to the Councils Planning Committee, that he has never completed his leachate drainage system a condition recognised by Council and a requirement of the DEP licence and works approval. What immediate action will the Council take regarding this serious breach of trust and criminal negligence?

A. The issues raised in this question were subsequently addressed in report P018/07/02 and P019/07/02.

Q. Regarding 2.4D and MCPA Chemicals and other identified heavy metals etc being injected into Serpentine paddocks on a broad acre policy, whilst not apparently under any stringent testing for types and levels of contamination of volume, since this is a

broad acre pollution is now in a recognised quality water resource that is recognised essential for Western Australian consumers use (Council have had advice that evaluation of the suitability of dumping this contaminate had neglected to test for some contaminates). Will Council observe their duty of care and conduct a transparent and reputable assessment of what is being dumped and its possible detrimental effects?

- A. The issues raised in this question were subsequently addressed as part of the information report E039.1/06/02.
- Q. Is Council President Jan Star on a Committee and/or other group that previously considered the dumping of this waste and allowed it to commence and continue?
- A. Due to the limited information contained within this question, the local government cannot establish any relevant interest and therefore no response is provided.

RESPONSE TO QUESTION FROM JULY ORDINARY COUNCIL MEETING FROM J SULLIVAN – RETROSPECTIVE PLANNING APPROVAL, LOT 1 JACKSON ROAD, OLDBURY

- Q Why is it necessary for Council to approve the breaches of license conditions on Lot 1 Jackson Road, Oldbury if the Minister for Planning has already over ruled the Shire's Planning conditions.
- A Council is obligated to deal with any development application submitted to it. It cannot determine simply not to deal with an application. Council's Town Planning Scheme allows application to be made for retrospective planning approval. The approval for retrospective fill on the subject land is outside the terms of the approval granted under appeal by the former Minister for Planning.

4. STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS

5. ANNOUNCEMENTS BY PRESIDING MEMBER

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting 22nd July, 2002

COUNCIL DECISION

Moved Cr Simpson seconded Cr Kirkpatrick
That the minutes of the Ordinary Council Meeting held on 22nd July 2002 be confirmed.
CARRIED 9/0

7. REPORTS OF COMMITTEES & OFFICERS

7.1 Corporate Services Committee Meeting – 12th August, 2002

COUNCIL DECISION

Moved Cr Wigg seconded Cr Simpson
That the minutes of the Corporate Services Committee Meeting held on 12th August, 2002 be received.
CARRIED 9/0

C021/08/02 INVESTMENT - TELSTRA SHARES (A0073)		
Proponent	Cr K Murphy	In Brief Review the status of Telstra shares with Council.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	26/07/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

In September 1999 Council registered its interest to purchase 3000 Telstra 2 shares in accordance with the investment policy, being no greater than 10% of reserves funds to be invested in Australian shares. At the time Council had reserve funds of approximately \$247,000.

First instalment of these shares was paid in October 1999, being \$4.50 per share for a cost of \$13,500. The remaining \$2.70 instalment was made in November 2000. The full cost of the 3000 shares, being \$7.40 at a cost of \$22,200.

Since the investment has taken place Council has received two dividend payments of 11cents totalling \$660. These were received in October 2001 and April 2002.

Comments

Councillor Murphy has forwarded a request to the Corporate Services Committee to review Council's investment in these shares, in particular to sell these shares and incur any loss from the sale so that the money may be used for other purposes or reinvested in a more stable investment. ***A copy of the letter of request from Councillor Murphy is included with the attachments and marked C021.1/08/02.***

A copy of Council's investment policy is included with the attachments and marked C021.2/08/02.

The current price of the Telstra shares at the time of writing this report was \$4.80 (\$14,400). This is done on \$2.60 or \$7,800 on the purchase price. The investment in the Telstra shares represents 1.6% of reserve investments as at 30 June 2002. Over the past 12 months the Telstra shares have been as high as \$5.65 and as low as \$4.43. It is not envisaged that the reserve funds will be fully utilised over the next twelve months, approximately \$300,000 of the \$1,384,000 budgeted to be used.

Any loss incurred will result in reducing the reserve funds by the amount of that loss. The current size of the investment (or loss) has not been considered material by Council's

Auditors in the past. It is generally understood that any investment in shares is a long term strategy and that short term gains are not the general consideration. It is also more prudent to invest in a diversified managed fund with many different shares rather than in a single stock, this way the return on investment is hedged against different stocks to reduce the risk. The current market downturn may not also be the right time for a consideration to sell. As mentioned above there has been better prices over the past year and it may be more advantageous for Council to reassess the consideration to sell in six months when the market may have turned upwards and be providing a better net result. For the amount of money invested in these shares any opportunity cost of finding a better interest rate would be quite small and may be less than any future gain in the market price.

Statutory Environment: The Prudent Person Rule

Policy Implications: Investment Policy

Financial Implications: If sale of the Telstra shares were to be undertaken a loss of approximately \$8,000 would be incurred.

Strategic Implications: No strategic implications

Community Consultation: No consultation required

Voting Requirements: Normal

Officer Recommended Resolution

Council retains the Telstra Shares at this time.

Committee Recommended Resolution

Moved Cr Murphy seconded Cr Hoyer:

Council sell the Telstra shares within the next three (3) months and proceeds deposited with Reserve Funds.

MOTION LOST 2/3

COUNCIL DECISION – EN BLOC RESOLUTION NO 01/08

Moved Cr Simpson seconded Cr Richards that Council adopts en bloc the recommendations of the Corporate Services Committee of the August, 2002 in items C021/08/02, C022/08/02 and C029/08/02.

CARRIED 9/0

CRC021/08/02 COUNCIL DECISION/Committee Recommended Resolution

Council retains the Telstra Shares at this time.

CARRIED BY EN BLOC RESOLUTION NO 01/08

C022/08/02 SERVICE LEVEL ACCORDS (A0580)		
Proponent	Chief Executive Officer	<u>In Brief</u> Adopt Mark III of the Service Level Accord
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30/07/02	
Previously	C016/08/01	
Disclosure of Interest		
Delegation	Council	

Preamble

Council endorsement the review of Service Level Accords for Customer Relations, Finance Services, Information Services and Ranger Services.

Background

This is the third Service Level Accord agreement for Customer Relations, Finance Services, Information Services and Ranger Services. Each accord has been reviewed and include changes made to the team Key Performance Indicators.

Comments

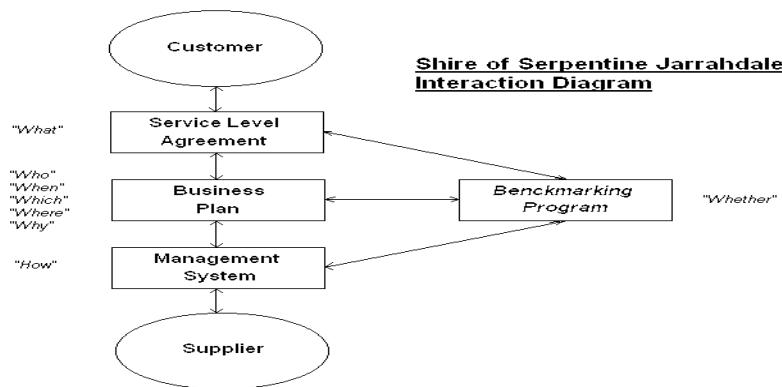
The “People and Partnerships” program involves the ongoing use of Service Level Accords which are agreed documents between Council and the service team that clearly define the levels of service that each service team provides to the community.

The first two Service Level Accords were developed on the premise that you must identify a starting point and then continue to move forward. The current framework has been refined to ensure teams are accurately reflecting their performance.

Mark III Service Level Accords continue to provide both Council and the service team the opportunity to manage the various service provisions in a controlled equitable partnership. This partnership provides not only the opportunity for process improvements but also aligns budgets with levels of service.

Council will continue to have the opportunity to negotiate variations to the service teams Service Level Accords by utilising customer feedback mechanisms such as surveys and councillor contact, budget constraints, charges to circumstances etc. This information also provides the opportunity for the service teams to work with Council and to be able to offer alternative solutions to the delivery of both planned and unplanned service provisions in a true “partnering” environment.

This partnership aims to ensure that the service teams Service Level Accords are reflective of the levels of service our community is prepared to both accept socially and financially. This information should continue to be filtered into the Service Level Accord in the following way:



To reinforce the relationship the Service Level Accord has in the overall delivery of service to the community the following is provided.

Service Level Accords are a “vehicle to define the service delivery to our community”.
A Service Level Accord can be defined as follows:

What is a Service Level Accord?

- *A Service Level Accord defines the level and quality of service as requested by the community and determined by Council whilst considering budget constraints.*

From what source can we determine the service levels the community expects?

- *Community opinion*
- *Customer feedback*
- *Focus groups*
- *Council*

Who is Council’s representative and how will Council communicate the determined level of service and quality to the community?

- *Management specifies and monitors service delivery on behalf of Council through the Service Level Accord in partnership with the service teams.*

How will Council define and ensure agreed service levels?

- *By formalising the Service Level Accord which will serve as the vehicle for delivering customer service.*

Who delivers the services?

- *In this instance Council’s service teams will provides the agreed levels of service to the community as detailed in each Service Level Accord.*

Can Council or the service team suggest changes or vary what has been agreed?

Yes

- *Variations will always be possible provided that considerations such as resources, including funding are addressed. An example of this may be that Council would like to increase the levels of service in a particular area, but have not budgeted any additional funds.*

In this situation Council may seek advice from the service team as to where they may be able to reduce a level of service to enable the specific increase in another area within the existing budget.

Alternatively Council may approve additional resources and request the relevant manager to vary the Service Level Agreement accordingly.

Each Service Level Accord is aligned to a financial year. It is proposed that the attached accords will form the framework for the implementation of 2002/2003 budget.

It is important that Council and service teams recognise this document as a “living” document that can, and will be changed and improved on a regular basis.

The service teams will continue to provide a quarterly report to the relevant manager on the achievement of agreed performance targets and standards within each of the service teams Accord. These in turn will be collated by the relevant executive manager and presented to the Chief Executive Officer, and through to Council via the relevant committees.

The main changes are the split of the Corporate Services Service Level Accord into Finance Services and Customer Relations and some changes to opening hours for the library contained in Information Services.

A copy of the Customer Relations, Finance Services, Information Services and Ranger Services Service Level Accords are included with the attachments and marked “C022.1/08/02 – C022.4/08/02”.

<u>Statutory Environment:</u>	No Statutory Environment
<u>Policy Implications:</u>	No Policy Implications
<u>Financial Implications:</u>	No Financial Implications
<u>Strategic Implications:</u>	No Strategic Implications
<u>Community Consultation:</u>	No Community Consultation required
<u>Voting Requirements:</u>	Normal

CRC022/08/02 COUNCIL DECISION/Committee/Officer Recommended Resolution

1. Council endorses the framework and principles of the Service Level Accords for the following service teams Customer Relations, Finance Services, Information Services and Ranger Services, and the Service Level Accords be adopted for the provision of service/s as amended for the 2002/2003 financial year.
2. The service level accords remain the intellectual property of the Shire and that any use of the accords will require authorisation by the Chief Executive Officer.

CARRIED BY EN BLOC RESOLUTION NO 01/08

C024/08/02 INSURANCE RISK MEETING (A0137)	
Proponent	In Brief
Officer	Invite community members to consider risk management issues to assist their ability to gain insurance. In a session with Council's solicitors.
Signatures - Author:	
Senior Officer:	
Date of Report	
Previously	
Disclosure of Interest	
Delegation	
	Council

Background

The executive have been liaising with Council's solicitors over the past year to provide briefing sessions to councillors and staff on matters and legal issues in relation to activities of Council. The executive have discussed with the solicitors to provide an information session on risk issues, particularly pertaining to local community groups insurance risk and how to set up as a community group and limit their exposure to liability.

Comments

Council's solicitors have suggested that they could provide such an information session that would provide information for both the Council and community groups. It has been suggested that a time be arranged around mid September and that Council could invite representatives from Community groups to also attend. Whilst the exact information to be provided at this session is still to be finalised, along with the date for the session, it is anticipated that Council could hold its own session first and then undertake a second part where community groups could attend. To do this the session should take place in the afternoon so that community representatives may attend in the late afternoon.

This would be a good opportunity for Council to show through active participation that it is trying to assist the community in finding solutions to the insurance issues that currently exist. It is not anticipated it will resolve all issues.

To undertake this effectively it is recommended that Council invite two members from known community groups to attend and participate. Letters of invitation will be provided with about six weeks notice so all groups should have opportunity to provide a participant.

Council's contractor through the Eastern Metropolitan Regional Council can also provide a presentation jointly with McLeod's to assist the debate during the session.

Sustainability Statement

Statutory Environment: No Statutory Environment

Policy Implications: No Policy Implications
Financial Implications: No Financial Implications

Strategic Implications: No Strategic Implications

Community Consultation: Advertising or invitations will need to be forwarded to community groups.

Voting Requirements: Normal

Officer Recommended Resolution

Invitations be forwarded to each known community group for two representatives to attend the information session provided by Council's insurers in relation to insurance and risk management issues.

CRC024/08/02 COUNCIL DECISION/Committee Recommended Resolution

1. Invitations be forwarded to each known community group for two representatives to attend the information session provided by Council's insurers in relation to insurance and risk management issues.
2. Bruce Wittber from Western Australia Local Government Association and Cory Berriman from Eastern Metropolitan Regional Council be invited to give a brief presentation.

CARRIED BY EN BLOC RESOLUTION NO 01/08

Note: The Officer Recommendation was amended to include an invitation to attend the seminar being forwarded to the Western Australian Local Government Association.

C029/08/02 PROCESS FOR UNSIGHTLY PROPERTIES (RS)		
Proponent	G.R. Dougall - Director Corporate Services	In Brief: Process for Unsightly Properties and Disused Materials on Properties
Officer	B. Owston – Senior Ranger	
Signatures - Author:		
Senior Officer:		
Date of Report	07 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

In 1995 Council revoked the By Law relating Obstructing Materials and Unsightly Properties in lieu of amendments to the Local Government Act 1995. Since this Act has been enacted a number of properties of concern have been identified within the Shire, notices have been served in accordance with Sect 3.25 and Schedule 3.1 of the Act, however, a number of legal shortfalls have been highlighted within the legislation which have made a satisfactory outcome difficult to achieve. Therefore, it is intended to research and possibly create a new Local Law relating to Unsightly & Disused Materials on Properties and Premises.

Comments

As a part of the preliminary research and decision process a number issues will need to be defined and a formal legal opinion is required, initially identified are matters such as;

1. Although Schedule 3.1 of the Local Government Act 1995 defines “unsightly” and “disused materials”, an opinion remains very subjective and will require a clear measurable definition.
2. Does a Local Authority have the legal capability to remove, hold, detain or impound goods or materials from private property or premises? (Other than perishable goods)
3. If so, what legal and due care would Council have in maintaining the goods or materials?
4. What value, financial, historical or emotional would be put on the goods and materials at the time of removal, holding and the possible eventual disposal?
5. Where would the goods and materials being held be stored considering risks such as theft, vandalism and damage?
6. Would the Local Law effect all properties and premises throughout the Shire and would the law identify specific to property zonings ?

7. If yes, would the Local Law comply with the Town Planning Act and Councils Town Planning Scheme 2.

The above list of issues are just a number initially identified, however, there remains considerably more research and legal opinion for an equitable and legally enforceable Local Law can be considered and enacted.

As an interim measure, a Management System Process relating to Unsightly & Disused Materials on Properties and Premises has been created, this is a staged process and is to be used in conjunction with the relevant provisions of the Local Government Act 1995 as amended, however will not provide an outcome past legal action until the above and other issues are defined and resolved.

A copy of the Management System process is included with the attachments and marked C029/08/02.

Sustainability Statement

Statutory Environment: Process RS11; complies with relevant provisions of the Local Government Act 1995 as amended.

Policy Implications: In conjunction with a draft Local Law, Council will need to establish a policy relating to the subject matter.

Financial Implications: No Financial Implications

Strategic Implications: Will be considered in creating the Local Law and Policy.

Community Consultation: Community Consultation not required

Voting Requirements: Normal

Officer Recommended Resolution

1. That Management System Process, RS11; Unsightly Goods & Disused Materials on Private Property and Premises be adopted as an interim measure to address and deal with identified properties and premises.
2. That Council in conjunction with Councils Solicitors researches and proceeds with the creation of a Local Law relating to Unsightly Goods & Disused Materials on Properties and Premises.

CRC029/08/02 COUNCIL DECISION/Committee Recommended Resolution

1. Management System Process, RS11; Unsightly Goods & Disused Materials on Private Property and Premises be adopted as an interim measure to address and deal with identified properties and premises.
2. Council in conjunction with Council's Solicitors researches and proceeds with the creation of a Local Law relating to Unsightly Goods & Disused Materials on Properties and Premises.
3. Council requests Ranger Services to undertake the implementation of the process RS11 across the Shire immediately, with the first stage being in advertising program in September 2002, and commencement of RS11 in October 2002.
4. Modify process RS11 to provide fact sheet to the property owner when the first sight inspection is carried out.

CARRIED BY EN BLOC RESOLUTION NO 01/08

Note: The Officer Recommendations was amended to provide an initial advertising education period and to create an information sheet to distribute to residents being asked to undertake a cleanup of their property.

7.2 Asset Services – 12th August, 2002

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Scott
That the minutes of the Asset Services Committee Meeting held on 12th August, 2002 be received.
CARRIED 9/0

AS005/08/02 APPLICATION FOR LONG VEHICLE USE ON LOCAL ROADS (A0512-03)		
Proponent	T.S. & D.E. COWCHER	In Brief An application to use a long permit vehicle combination on Shire local roads is to be considered. Consent is recommended.
Officer	Simon Kenworthy-Groen DESIGN ENGINEER	
Signatures - Author:		
Senior Officer:		
Date of Report	30 th July 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Application has been made by Mr Derek Murray of T.S. & D.E. Cowcher to use a long vehicle to travel from South Western Highway along Watkins Road, Mundijong Road and Lightbody Road to Fowlers Holding Yard at Lot 25 Lightbody Road and Peels Feedlot.

In his application Mr Murray has written:

“...
I would like to apply for permission for Long Vehicles to travel from South West Highway in Mundijong to Watkins Road to Peels Feedlot in Mundijong and Lightbody Road to Fowlers Feedlot in Mundijong...”

The Following details on vehicles and frequency of travel has been provided

“...
Vehicle Combinations
27.5mtr long vehicles

Truck Registrations
No1481, 7NB623, 8CR566, 1481AK, 429NO, 565AK, 460AK, 52AK, 8DZ264, 470AK

Trailer Registrations
NO2271, NO2215, NO2273, NO2016,A34298, 7IG517, NO2067, 8UJ689, W4970, NO2254, 9RS154, 1TAD551, NO2109, NO2208, 1TAL484, 9RT560,1TBG865, 1TBK204, NO2280, AK7648, AK7463.

Good Carried
Livestock Feed, Livestock

Laden Vehicle Masses
As per Main Roads of WA permissible axle loadings and permit conditions

Frequency of Journeys
Currently 1 per week but as fodder is required by feedlots.
“...”

Whilst responsibility for the granting of consent to use a permit vehicle on a local road rests with Main Roads Western Australia, it is the present practice of Main Roads to liaise with the relevant Council prior to considering an application to use a road which has not previously been endorsed for use by the same type of vehicle.

Comments

Council has consistently sought to avoid having heavy transport permit vehicles (exceeding 19 metres overall length, or exceeding 42.5 tonne overall mass) use Shire local roads other than those specifically designated and constructed to a standard suitable for such vehicles.

It is understood that the feed for these feed lots and holding yards in Lightbody Road will be coming from north of the Shire and a more suitable route to the feedlots would be via either Kwinana Freeway, South Western Highway or Nicholson Road to Thomas Road then King Road to Mundijong Road to the sealed section of Lightbody Road. This would remove these trucks from the town sites of Byford and Mundijong. A further condition restricting the hours of operation on these roads to between 9:00 am and 2:30 pm to avoid the time the school bus may be using the roads.

Lightbody Road has been upgraded and sealed to the entrance of the Holding Yards at Lot 25 by Council at the cost of the developer. This short section of Lightbody Road is suitable for long vehicles. Thomas Road, Nicholson Road, King Road and Mundijong Road are all suitable for of taking long vehicles and Main Roads has previously issued long vehicle permits for these roads.

In considering the proposal it is necessary to be conscious of Main Roads' policy which provides that if Council grants consent for this application the roads involved may be assessed for suitability for that class of vehicle (long vehicle combinations) and other applications can be granted without reference to Council. It is the present practice, however that Main Roads liaise with Councils if other applications are under consideration.

Sustainability Statement

The granting of a long vehicle permit will provide a more efficient means of delivering the required transport need to local business in the area. Long vehicles provide benefits of reduced labour cost and fuel saving to the cartage contractors. This is expected to provide reduced transport costs to local businesses that will enhance the viability of this type of intensive agricultural use.

This long vehicle application is for the transport of feed to local properties based around the Shire's arterial transport routes that are capable of carrying long vehicles.

Road safety is unlikely to be detrimentally affected by the granting of a long vehicle permit because the proposed roads are relatively lightly trafficked and the same quantity of feed would still need to be transported on a greater number of "As of Right" 19m semi trailer type vehicles. Further if "As of Right" vehicles are used as the alternative means of transport for the feed and livestock no restrictions can be applied to the roads and times these vehicles operate within the Shire.

Statutory Environment:

Road Traffic Act
Vehicle Standards Regulations

Policy Implications:

Consent to the application to use a permit long vehicle on non-endorsed Council local roads will erode Council's position on the use of such vehicles in the Shire..

Financial Implications:

Applicant to contribute fully to required improvements, and potential increased road maintenance costs.

Strategic Implications: Council's transportation strategy is for heavy permit vehicles to be confined to main and secondary roads with local roads being accessed only by "as of right" vehicles.

Community Consultation: Not required.

Voting Requirements: Normal

Officer Recommended Resolution

Subject to the Main Roads' approval, Council consents to the application of T.S. & D.E. Cowcher to use long vehicle on Nicholson Road, Thomas Road, King Road, Mundijong Road and the sealed section of Lightbody Road from Mundijong Road to the entrance of Lot 25 subject to the following requirements,

- a) The hours of operation are restricted to 9:00 am to 2:30 pm 7 day per week.

COUNCIL DECISION – EN BLOC RESOLUTION NO 02/08

Moved Cr Simpson seconded Cr Kirkpatrick that Council adopts en bloc the recommendations of the Asset Services Committee of the 12th August, 2002 in items AS005 and AS008.

CARRIED 9/0

CRAS005 COUNCIL DECISION/Committee Recommended Resolution

Subject to the Main Roads' approval, Council consents to the application of T.S. & D.E. Cowcher to use long vehicle on Nicholson Road, Thomas Road, King Road, Mundijong Road and the sealed section of Lightbody Road from Mundijong Road to the entrance of Lot 25 subject to the following requirements,

- a) The hours of operation are restricted to exclude 7am – 9am and 3pm – 5pm Monday to Friday.

CARRIED BY EN BLOC RESOLUTION NO 02/08

Note: The Committee varied the Officer Recommendation to allow long vehicle use outside any school bus times.

AS008/08/02 SERVICE LEVEL ACCORDS FOR OPERATIONS, DESIGN & FIRE AND EMERGENCY SERVICES TEAMS (A0580-02)		
Proponent	Chief Executive Officer	In Brief Council endorsement of Service Level Accords in accordance with the "People and Partnerships" program.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The initial Service Level Accords were endorsed by Council at its Ordinary Council meeting of March 1999 and formed the basis of agreement between service teams and Council on service provision levels.

Revised Service Level Accords have now been developed as part of an ongoing review process after a term of operation to reflect the partnership expectations of Council, community and service teams.

- ❖ Community opinion
- ❖ Customer feedback
- ❖ Focus groups
- ❖ Council

Who is Council's representative and how will Council communicate the determined level of service and quality to the community?

- ❖ Management specifies and monitors service delivery on behalf of Council through the Service Level Accord in partnership with the service teams.

How will Council define and ensure agreed service levels?

- ❖ By formalizing the Service Level Accord which will serve as the vehicle for delivering customer service.

Who delivers the services?

- ❖ In this instance Council's service teams will provide the agreed levels of service to the community as detailed in each teams Service Level Accord.

Can Council or the service team suggest changes or vary what has been agreed?

Yes

- ❖ Variations will always be possible provided that considerations such as resources, including funding are addressed. An example of this may be that Council would like to increase the levels of service in a particular area, but have not budgeted any additional funds.

In this situation, Council may seek advice from the service team as to where they may be able to reduce a level of service to enable the specific increase in another area within the existing budget.

Alternatively Council may approve additional resources and request the relevant manager to vary the Service Level Agreement accordingly.

Each Service Level Accord is aligned to a financial year. It is proposed that the attached Accords will form the framework for the implementation of 2002/03 budget.

It is important that Council and the service teams recognize this document as a "living" document that can and will be changed and improved on a regular basis.

Each quarter the service teams will continue to provide a report on the achievement of agreed performance targets and standards within each of the service team's Accord. These will be collated by the relevant senior manager and presented to the Chief Executive Officer, and through to Council via the relevant committee.

Performance over the 2002/02 year has been substantially at or marginally within the former Service Level Accord and modifications made to the current Agreement are very minor and reflect only clarification of the intent of performance criteria, and include the modified Quarterly Report structure.

A copy of the Service Level Accord for Engineering Design is with the attachments marked AS008.1/08/02.

A copy of the Service Level Accord for Operations is with the attachments marked AS008.2/08/02.

A copy of the Service Level Accord for Fire & Emergency Services is with attachments marked AS008.3/08/02.

- Statutory Environment:** Nil.
- Policy Implications:** Nil.
- Budget Implications:** Nil.
- Strategic Plan Implications:** Nil.
- Community Consultation:** Nil.
- Voting Requirements:** Normal.

CRAS008 COUNCIL DECISION/Committee/Officer Recommended Resolution

1. Council endorses the framework and principles of the Service Level Accord for the Operations, Design, and Fire & Emergency Services Teams and that they be adopted for the provision of service/s as amended for the 2002/03 financial year.
2. The Service Level Accords remain the intellectual property of the Shire and that any use of the accords will require authorization of the Chief Executive Officer.

CARRIED BY EN BLOC RESOLUTION NO 02/08

7.3 Community & Recreation Development Meeting – 12th August, 2002

COUNCIL DECISION

Moved Cr Price seconded Cr Simpson
That the minutes of the Community & Recreation Development Committee Meeting held on 12th August, 2002 be received.
CARRIED 9/0

CRD03/08/02 INFORMATION REPORT		<u>In Brief</u> <i>Information Report</i>
Proponent		
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	05.08.02	
Previously		
Disclosure of Interest		
Delegation	Council	

CRD03.1/08/02 YOUTH LIAISON OFFICER (A0164-02)

Funding of \$26,000 has been obtained through the Safer WA Community Security Program to enable Council to employ a part time Youth Liaison Officer for a one year period. The Youth Liaison Officer will be aiming to increase contact between the Shire and young people on safety, security and other youth issues as well as identifying potential youth leaders and further funding opportunities to help to sustain outcomes.

CRD03.2/08/02 YOUTH @ SJ SHIRE E-MAIL ADDRESS (A0164-02)

In order to encourage Serpentine Jarrahdale youth to feel more comfortable with communicating with the Shire, and to accommodate the needs of the Youth Liaison Officer

position in a sustainable way, an e-mail address has been created to which all youth enquiries are now being encouraged to be directed. youth@sjshire.wa.gov.au has been introduced through this month's JAZZ. The plan is to further promote it once the Youth Liaison Officer is appointed, and to use it during this launch period as the recognised heading for regular youth news sections in JAZZ or on the Shire's website.

CRD03.3/08/02 MOBILE YOUTH SERVICE (A0164-02)

With the assistance of funding from the Office for Children & Young People's Policy, a grant for \$5,000 has been awarded which will enable Council to bring the YMCA Youth Bus (Mobile Youth Service) to Byford, Jarrahdale, Mundijong and Serpentine for up to two half days per townsite in the October school holidays.

Tuesdays and Thursdays have been booked for both weeks. The locations, and which townsites will have which two half days (same each week) is still to be decided.

Input from the community regarding locations has been sought through JAZZ. Councillors are asked to provide suggestions to the Community Development Officer as to where the bus and all its recreation equipment should park, so that it is most accessible for the youth in your area. Councillors are also asked to provide the Community Development Officer with information on any other known October holiday activities so that the mobile youth service can be placed strategically.

CRD03.4/08/02 SOUTH WEST SPORTS SAFE GAMES (A1107/04)

Preparations for the South West's largest triennial sporting event are quickly gaining momentum, with organisers expecting the South West Sports Safe Games to attract about 5,000 competitors in up to 60 sports, catering for competitors of all ages and sporting ability, including people with disabilities.

Publicity:

Residents and groups are being encouraged to enter through JAZZ, Council's website, community organization mailouts, noticeboards, editorials and word of mouth. Entrants will compete in sports specific competitions, the outcomes of which will contribute to the results for the overall Serpentine-Jarrahdale Team, similar to the way the Olympic Games are run.

In order for the organising committee to prepare some effective editorials to promote the Games to new entrants such as the Serpentine Jarrahdale community, a list of 'Champions' has been requested. Editorials will then feature these local sporting champions and then link such participation and achievement to participating and competing in the South West Games. Councillors are asked to provide the Community Development Officer with suggestions of local sporting champions of all ages, cultures and levels who might be approached to be promoted as role models.

Official Launch:

The official launch of the South West Sports Safe Games is on Sunday September 15, 2002 at Mandurah Performing Arts Centre, to which the community is invited. Further information will be provided as it becomes available.

Poster & Slogan Competition:

To encourage community involvement, schools have been invited to enter a competition to design a slogan and poster. The winner will be announced at the official launch on September 15, and the design used for the official banners and posters. The winner will also receive \$150 plus \$1,000 for their school. There are also five encouragement awards of \$50, whose designs will appear in various sporting venues throughout the Games.

CRD03.5/08/02 ARMADALE HOME HELP SERVICE (A0173)

During Armadale Home Help's recent recruitment drive for new Board Members, Cr Joan Scott was asked, by Armadale Home Help representatives, to consider nominating, partly due to her link with the Armadale Kelmescott Hospital Board. Due to the timing of this request, action was required outside Council's Committee Meeting cycle. Shire President, Cr Jan Star, has endorsed Cr Scott's nomination on behalf of Council.

The Armadale Home Help Service Chief Executive Officer's Information Report for July 2002 is with the attachments marked CRD03.5/08/02.

CRD03.6/08/02 PEEL COMMUNITY DEVELOPMENT GROUP (A1123)

At the Peel Community Development Interim Core Group meeting on June 28, 2002 the matter of additional members joining the Interim Core Group was raised due to several requests that had been received.

It was concluded by the Group that, due to the remit of the group and the nomination process, any new members would have to be by invitation due to it being recognised that there was an obvious gap that would need to be filled in order for the Group to function effectively. However, it was noted that invitations are openly extended to interested Councillors and community representatives to attend any meetings of the wider Peel Community Development Group.

The Interim Core Group's main function is to manage the soon to be appointed Peel Community Development Coordinator who is to coordinate the implementation of the recommendations of Peel Away the Mask. The Interim Core Group is required to report back to the wider Peel Community Development Group.

Councillors will be provided with advance notice of any meetings of the wider Peel Community Development Group.

The minutes of the Peel Community Development Group for June 2002 are with the attachments marked CRD03.6/08/02.

CRD03.7/08/02 COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) (A0141-02)

Community groups have been informed that they are invited to investigate whether they are eligible to apply for one third of the costs associated with projects relating to the upgrading or modification of existing sport and recreation facilities, or the construction of new facilities. Applicants are being informed that they must discuss their submissions with both the Community Development Officer and the Department of Sport & Recreation prior to submission. Guidelines and application forms are available from both sources.

Applications must be submitted to Council by Friday September 13, 2002, in order that they can be processed and recommendations made to Council in the October Community & Recreation Development Committee Agenda.

CRD03.8/08/02 SJ YOUTH ACTIVITY GROUP – MINUTES (A0164-02)

The minutes of the SJ Youth Activity Group for June 2002 are with the attachments marked CRD03.8/08/02.

CRD03.9/08/02 PEEL DISTRICT SAFER WA COMMITTEE (A0101)

The new Peel District Safer WA Committee has requested that a representative from the Shire of Serpentine Jarrahdale attend their monthly meetings. Due to the fact that they meet in the middle of the day on the second Monday of each month, it would be difficult for

Councillors or the Community Development Officer to attend. It is proposed, due to the nature and funding source of the Youth Liaison Officer position, that a Councillor be nominated as Council's representative.

The minutes of the Peel District Safer WA Committee for July 2002 are with the attachments marked CRD03.9/08/02.

CRD03.10/08/02 SJ TOURISM ASSOCIATION – MINUTES (A0143-02)

The minutes of the SJ Tourism Association for June 2002 are with the attachments marked CRD03.10/08/02.

CRD03.11/08/02 SERPENTINE SPORTS RESERVE MANAGEMENT COMMITTEE – MINUTES (RS0180)

The minutes of the Serpentine Sports Reserve Management Committee for June 2002 are with the attachments marked CRD03.11/08/02.

CRD03.12/08/02 OUTER URBAN GENERAL PRACTITIONERS MEETING (A0829)

An Outer Urban General Practitioners Meeting in Serpentine Jarrahdale was organised by the Shire in response to the new initiative in the budget favouring Serpentine Jarrahdale.

The minutes of the Outer Urban General Practitioners Meeting in Serpentine Jarrahdale for July 12, 2002 are with the attachments marked CRD03.12/08/02.

CRD03.13/08/02 ACTIVE 2002 SPORT & RECREATION INDUSTRY CONFERENCE (A1122)

Information regarding the Active 2002 Sport & Recreation Industry Conference is with the attachments marked CRD03.13/08/02.

CRD03.14/08/02 COMMUNITY DEVELOPMENT CONFERENCE 2002 (A1122)

Information regarding the 2002 Community Development Conference is with the attachments marked CRD03.14/08/02.

Officer Recommended Resolution

That Council accepts the July 2002 Information Report.

CRCRD3 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Scott seconded Cr Richards

- 1 That Council accepts the July 2002 Information Report.
- 2 That Cr Hoyer be appointed Council's nominee for the Peel District Safer WA Committee (CRD03.9/08/02).
- 3 That a letter be written to Don Randall expressing Council's concern about the impact on the community of the change in the system in relation to local General Practitioners and the potential loss of doctors in Byford. The new system also does not appear to address the already defined need for a doctor in Serpentine (CRD03.12/08/02).
- 4 That Council creates a range of responses relevant to the minutes of the Outer Urban General Practitioners Meeting in attachment CRD03.12/08/02 and promotes the idea of sponsorship of local youth similar to the rural doctor program.
- 5 Cr Hoyer wishes to be nominated as the initial Council representative to attend meetings of the wider Peel Community Development Group (CRD03.6/08/02).

CARRIED 9/0

NOTE: The Officer’s recommendation was changed to reflect discussion of certain items and resolutions arising from those discussions

7.4 Strategic Management Committee Meeting – 19th August, 2002

COUNCIL DECISION

Moved Cr Simpson seconded Cr Murphy
That the minutes of the Strategic Management Committee Meeting held on 19th August, 2002 be received.
CARRIED 9/0

SM005/08/02 REQUEST TO AMEND LANDCARE CENTRE PARTNERSHIP AGREEMENT (A0289-03)		
Proponent	Land Conservation District Committee	In Brief Council to consider request from the Land Conservation District Committee to amend the Landcare Centre Partnership Agreement. It is recommended that the proposed change be accepted.
Officer	Andrew Watson - Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	25 July 2002	
Previously	SM046/02/02	
Disclosure of Interest		
Delegation	Council	

Background

At its meeting of 25th February 2002 Council adopted:

“CRSM046 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Richards, seconded Cr Simpson that

- 1. The Chief Executive Officer and Shire President be authorised to execute the Partnership Agreement with the Serpentine-Jarrahdale Landcare Centre.*
- 2. Council notes the approval of \$10,000 in the mid year financial review to allow employment of a Landcare Executive Officer for a period of 12 months, commencing 1 April 2002 and concluding 31 March 2003.*
- 3. Council commits to \$15,000 in the 2002/2003 financial year to allow continuation of the position of “Landcare Executive Officer” to 31 March 2003.*

CARRIED 8/0”

Land Conservation District Committee seeks Council’s concurrence to alter clause 3 (in part only). The existing provision reads:

“The additional contribution in 1.4 above is conditional on achieving 1, 2 and 3 above by the LCC by 31 December 2002 including the preparation of draft documents and consultation with the Shire by 31 August 2002. Final adoption by the Shire and LCCMC of mutually agreed documents is to occur by 31 December 2002.”

The proposed altered provision reads:

“The additional contribution in 1.4 above is conditional on achieving 1, 2 and 3 above by the LCC by 31 March 2003 including the preparation of draft documents and consultation with the Shire by 30 November 2002. Final adoption by the Shire and LCCMC of mutually agreed documents is to occur by 31 March 2003.”

Comments

The requested alterations relate to the timing of the commencement of the Landcare Centre Business Manager being some months later than originally contemplated. Consequently, the timing of deliverables has been put forward by three months in the case of all dates appearing in the subject clause. No objection is raised in respect of the proposed changes to clause 3.

Sustainability Statement

Council's cooperation with the Community Landcare Centre is part of its overall commitment to minimise environmental harm and rehabilitate degraded lands within the Shire. The partnership agreement reflects Council's spirit of cooperation with the community in addressing environmental issues of concern to all residents of the Shire.

Statutory Environment:

Local Government Act 1995

Policy Implications:

The Partnership Agreement will bring the relationship with Council and the Landcare Centre onto the same basis of accountability as the relationship between Council and its Service Teams as established through Service Level Accords and reported through the Quarterly Reports.

Financial Implications:

Within budget.

Strategic Implications:

This proposal relates to a number of strategies in Council's Strategic Plan including:

Strategy 1.4

Strengthen community groups and promote meaningful input into Council decisions.

Strategy 2.1

Encourage best practise environmental management.

Strategy .2.2

Make best practise environmental management a foundation of Shire business.

Strategy 3.5

Support the development of an Enterprise Culture.

Community Consultation:

Not applicable

Voting Requirements:

Normal

COUNCIL DECISION – EN BLOC RESOLUTION NO 03/08

Moved Cr Simpson seconded Cr Scott that Council adopts en bloc the recommendations of the Strategic Management Committee of the 19th August, 2002 in items SM005/08/02, SM006/08/02 and SM007/08/02.

CARRIED 9/0

CRSM005 COUNCIL DECISION/Committee/Officer Recommended Resolution

The Chief Executive Officer and Shire President be authorised to execute an Partnership Agreement with the Serpentine-Jarrahdale Landcare Centre including the following alteration to Clause 3:

The additional contribution in 1.4 above is conditional on achieving 1, 2 and 3 above by the LCC by 31 March 2003 including the preparation of draft documents and consultation with the Shire by 30 November 2002. Final adoption by the Shire and LCCMC of mutually agreed documents is to occur by 31 March 2003.

CARRIED BY EN BLOC RESOLUTION NO 03/08

SM006/08/02 HARVEST HIGHWAY PROJECT – REQUEST FOR DELEGATION (A0168)		
Proponent	Bunbury Wellington Economic Alliance	In Brief The Bunbury Wellington Economic Alliance has requested to provide a presentation to Council on the Harvest Highway Project in September 2002. The recommendation is that the offer of a presentation be accepted.
Officer	D.E Price - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	5 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

On 3 July 2002 Council received a request from the Bunbury Wellington Economic Alliance for \$3000 funding toward the Harvest Highway Project.

The advice included information which is with the attachments marked SM006.1/08/02.

The Chief Executive Officer provided the following response to this request on the 5 July 2002:

“Thank you for the invitation to the Serpentine Jarrahdale Shire to participate in the “Harvest Highway”.

I regret to advise that Councils 2002-2003 draft budget has now been finalised to the point where the Corporate Services Committee has referred it to Council for adoption. I suggest that any future requests for financial assistance are made by at the latest March, so that it can be considered as part of our normal budget cycle.

It should also be noted that the information provided did not recognise the Serpentine Jarrahdale Shire, other than Byford being the start of the “Harvest Highway”, nor did it quantify the specific benefits which are mentioned would be realised by the Serpentine Jarrahdale Shire for the requested contribution of \$3,000.00. It would be appreciated should there be any future request for funding of this initiative, that it be accompanied by some supporting information addressing these issues.”

Comments

Following the Chief Executive Officers letter of 5 July 2002 a further letter dated 30 July 2002 requesting the opportunity to provide a presentation has been received from the Bunbury Wellington Economic Alliance. It is suggested that the September 2002 Strategic Management Committee Meeting would be an appropriate forum to host this presentation.

No funding has been provided in the current 2002-2003 budget for this project, and to date, whilst this project has the potential to enhance the tourism of the Shire, it has only received very broad exposure in the Shire of Serpentine Jarrahdale.

Should the Bunbury Wellington Economic Alliance seek financial assistance in the future they are encouraged to ensure that such requests are made by at the latest March, so that it can be considered as part of our normal budget cycle.

Sustainability Statement

The issue of Tourism within the Shire, and how it can be provided in the most sustainable way is to be considered in the overall proposed Tourism Strategy, which funding has been included for in the 2002-2003 budget and is also the subject of another item in this agenda.

Statutory Environment: Not applicable to this item

Policy Implications: Council Policy CSP20 Relates to Tourism

Financial Implications: Request for \$3,000 is not funded in the 2002-2003 budget

Strategic Implications: This matter needs to be given consideration as part of the proposed S-J Tourism Strategy to be developed.

Community Consultation: No applicable

Voting Requirements: Normal

CRSM006 COUNCIL DECISION/Committee/Officer Recommended Resolution

1. Council agrees to a presentation to the Strategic Management Committee from the Bunbury Wellington Economic Alliance at a time to be agreed on 16 September 2002.
2. The Bunbury Wellington Economic Alliance are advised that any requests for financial assistance in relation to the Harvest Highway are encouraged to be made by at the latest March each year, so that it can be considered as part of Council's normal Forward Financial Planning cycle.

CARRIED BY EN BLOC RESOLUTION NO 03/08

SM007/08/02 SHIRE TOURISM STRATEGY (A0822-02)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief 1. Commence the development of a Tourism Strategy for the Shire of Serpentine Jarrahdale. 2. Council is requested to nominate a representative(s) to a working group to manage the consultancy.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	12 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

A brief has been prepared by Council's consultant Executive Officer (Dorothy Lucks) to seek quotations for the preparation of a Shire of Serpentine Jarrahdale Tourism Strategy.

A copy of the brief is with the attachments marked SM007.1/08/02.

The Shire of Serpentine-Jarrahdale has a commitment through its Strategic Plan to “develop the tourist potential of the natural attractions of the Shire”.

The Shires 2002-2007 Local Economic Development Strategy identifies the following:

“2. *Expand Local Economic Base*

(b) *Pursue and encourage orderly and sustainable growth of existing business and industry*

(1) *Tourist – Establish S-J Tourism Strategy with S–J Tourism Association.”*

Comments

The Shire has an active Serpentine Jarrahdale Tourist Information Committee, which supports local tourism operators and undertakes to promote tourism attractions within the Shire.

The Shire has a range of existing and planned tourism enterprises, which have good potential for further development. The Shire has a tourism profile in eco-tourism through the natural history walks, the Bibbulmun Track and the National Park. Tumblegum Farm draws international visitors to the area.

In order to achieve the aim of developing the tourism potential within the Shire, a strategic plan is required that includes analysis of:

- Current visitor rates to the Shire;
- Value of tourism in the Shire;
- Estimated spending per visitor and breakdown of spending into accommodation, meals, fees, local tourism products, basic supplies, etc.
- Definition of market segments providing the greatest existing and potential value to a sustainable tourism sector within the Shire;
- Formulation of a networking plan
- Identify needs and options for a Visitors Centre
- Key strategies for harnessing the tourism potential (five year time-scale)

The consultancy will require that consultation is undertaken widely with local operators, inbound tour operators, the Serpentine Jarrahdale Economic Development Unit, Shire Councillor representatives and senior staff to ensure that the Strategy supports the proposed growth of existing industry stakeholders.

It is intended that the consultant will, as part of their work, look at how the potential of each locality can be harnessed. The proposed strategies must be supported both by the industry sector and consideration must also be made of how further resources can be made available for implementation of the Strategy recommendations.

It is proposed that the consultant when appointed will work closely with Shire representatives (Councillor(s), Chief Executive Officer, Community Development Officer and other officers which may be required to be co-opted onto the working group) on a designated working group made up of representatives from the Serpentine Jarrahdale Tourist Association, the Peel Region Tourism Association and other key stakeholders.

It is therefore appropriate that prior to appointing the consultant the working group is established. Council is asked to nominate a representative(s) and endorse the suggested representatives from the Serpentine Jarrahdale Tourist Association, the Peel Region Tourism Association and nominate any other stakeholders that they feel should be involved.

Sustainability Statement

The development of a Tourism Strategy is intended to ensure that a well run sustainable tourism plan is developed which can be implemented to achieve a very successful and active tourism industry within the Shire based on social, economical and environmental considerations.

Statutory Environment: Local Government Act 1995 and Council's purchasing work procedure "CSWP16.

Policy Implications: Tourism Policy "CSP15".

Financial Implications: Council has shown \$24,000 expenditure in the 2002-2003 budget to undertake this work. However, a \$7,500 grant shortfall in income remains, which effectively means only \$16,500 (\$7,500 Regional Development Scheme (RDS) grant and \$9,000 Council) is currently available.

Given this, it was decided to re-approach the three (3) consultants originally asked to provide quotations as part of the RDS Funding requirement and ask them if they would resubmit their quotations on a modified brief, which has now been done. The submissions received now indicate that the consultancy based on the amended brief can now be undertaken within the current available funds.

It is proposed that the (Councillor(s) representative, Community Development Officer and Executive Officer) will make a recommendation for the appointment of a consultant to the Chief Executive Officer and the Chief Executive Officer will then make the appointment on behalf of Council.

Strategic Implications: The Shire of Serpentine Jarrahdale has a commitment through its strategic plan to "develop the tourist potential of the natural attractions of the Shire".

Community Consultation: Community and local Tourism Operator and other stakeholder consultation is included within the brief.

Voting Requirements: Normal

Officer Recommended Resolution

1. Council nominates _____ and endorses their inclusion onto the working group of representatives from the Serpentine Jarrahdale Tourist Association (1 representative), the Peel Region Tourism Association. (1 representative), and (any other stakeholders _____)
2. Council endorses the proposed appointment process for the consultant detailed under Financial Implications above.

CRSM007 COUNCIL DECISION/Committee Recommended Resolution

1. Council nominates Cr Price and endorses their inclusion onto the working group of representatives from the Serpentine Jarrahdale Tourist Association (2 representatives), the Peel Region Tourism Association. (1 representative), and other stakeholders as co-opted by the Working Group.
2. Council endorses the proposed appointment process for the consultant detailed under Financial Implications above.

CARRIED BY EN BLOC RESOLUTION NO 03/08

Note: The Officer Recommended Resolution was changed to include a Council representative and add another representative from the Serpentine Jarrahdale Tourist Association to the working group.

Cr Hoyer disclosed an impartial interest in relation to item SM008/08/02 as he was closely associated with the legal action undertaken by the Ratepayers and Residents Association against Iluka Resources over their mining lease application.

SM008/08/02 ILUKA RESOURCES LIMITED (A0561-02)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief
Officer	D.E Price – Chief Executive Officer	Re-confirm Councils position in relation to proposed sand mining in Mundijong and to request the Minister for State Development, Tourism and Small Business to make a decision in relation to the findings of Warden G.N Calder SM dated 23 December 1999.
Signatures - Author:		
Senior Officer:		
Date of Report	12 August 2002	
Previously	SM078/06/02, P134/01/00	
Disclosure of Interest		
Delegation	Council	

Background

Council made the following decision at the June Ordinary Meeting of Council.

“CRSM078 COUNCIL DECISION

1. *Council accepts the offer to listen to a presentation from Iluka Resources on the current mining lease applications within the Shire held by Iluka Resources.*
2. *Invite representatives of the Residents & Ratepayers Association and the Member for Roleystone – Martin Whitely to listen the presentation.”*

The presentation by Iluka Resources took place on the 9 August 2002. **A copy of the presentation slides is with the attachments marked SM008.1/08/02.**

Comments

Following the Iluka Presentation, the Chief Executive Officer was requested to prepare an item for Councils consideration which reconfirmed the Council position on sand mining.

Council established the following position on sand mining at the 17 January 2000 Ordinary Council Meeting;

- “1. *That Council notes the report and recommendations of Warden G.N Calder SM dated 23 December 1999 in the matter of Iluka Resources Limited and Serpentine Jarrahdale Ratepayers and Residents Association and Others.*

2. *That Councillor's Star and Price and the Manager Planning and Development Services prepare a submission on behalf of Council to the Hon. N.F Moore Minister for Mines:*
 - a) *In support of the Serpentine Jarrahdale Ratepayers and Residents Association; and*
 - b) *Supporting the report and recommendations of Warden G.N Calder SM dated 23 December 1999 in the matter of Iluka Resources Limited and Serpentine Jarrahdale Ratepayers and Residents Association and Others*
3. *That the Chief Executive Officer convene a meeting with Iluka Resources and the Residents and the Ratepayers Association be invited to attend.*
4. *That the Chief Executive Officer arrange a meeting with the Hon. N.F Moore Minister for Mines;”*

There are existing sensitivities associated with the area proposed to be mined by Iluka Resources. It has been suggested by the Serpentine Jarrahdale Residents and Ratepayers Association that under section 111a of the Mining Act 1978, the Minister for State Development, Tourism and Small Business (who has responsibility to the Mining Act) should be giving consideration to this matter on the basis of “Public Interest” and the possible effects mining may have on this area.

This is a position, which has some merit and was acknowledged by Iluka at the presentation when they presented their Sustainability Objectives:

- Public Accountability
- Effective Environmental Management
- Sequential land use.

It was stated at the presentation by an Iluka representative that the company will not mine if they cannot demonstrate “Effective Environmental Management”.

Sustainability Statement

This item relates only to a request to provide a presentation to Council.

Statutory Environment: Not applicable

Policy Implications: Not applicable

Financial Implications: No financial implications are known.

Strategic Implications: Council's 2001-2005 Strategic Plan key result areas 1, 2 and 3 would be significantly challenged for Mundijong and the broader Shire should sand mining be permitted to take place.

Community Consultation: Council invited representatives from the Serpentine Jarrahdale Ratepayers and Residents Association, and the Member for Roleystone, Mr Martin Whitely to attend the presentation by Iluka Resources.

Voting Requirements: Normal

Officer Recommended Resolution

1. Council reconfirms its decision of 17 January 2000 as summarised below:

Council notes the report and recommendations of Warden G.N Calder SM dated 23 December 1999 in the matter of Iluka Resources Limited and Serpentine Jarrahdale Ratepayers and Residents Association and Others.

That Council supports the report and recommendations of Warden G.N Calder SM dated 23 December 1999 in the matter of Iluka Resources Limited and Serpentine Jarrahdale Ratepayers and Residents Association and Others.

2. Council advises the Minister for State Development, Tourism and Small Business of their current stated position (part 1. above) and that they wish him to make a decision in relation to the recommendations of Warden G.N Calder SM dated 23 December 1999 in the matter of Iluka Resources Limited and Serpentine Jarrahdale Ratepayers and Residents Association and Others urgently. In doing so the Minister is requested to take into consideration the “Public Interest” associated with the acknowledged environmental sensitivities associated with the intended mining proposals.
3. Iluka Resources be thanked for their time and presentation on the 9 August 2002.
4. The Member for Roleystone and the Serpentine Jarrahdale Residents and Ratepayers Association be thanked for their attendance at the Iluka presentation on the 8 August 2002.
5. A copy of this Council decision be provided to the Member for Roleystone and the Serpentine Jarrahdale Residents and Ratepayers Association.

CRSM008 Committee Recommended Resolution

1. Council advises the Minister for Tourism (Hon C M Brown MLA):
 - a) It is now apparent that the approach of the Mining Company is not to accept the Wardens recommendation in the long term.
 - b) Council while applauding the recommendations of the Warden at the time has now considered the matter further and believes that the Minister should refuse to grant the mining lease in the Public Interest because of the social (eg the threat of mining is harming peoples security), economic (eg sterilisation of significant urban land) and environmental matters (eg it has become quite apparent that the water table cannot be altered without affecting the Bushplan and other sites).
2. Iluka Resources be thanked for their time and presentation on the 9 August 2002.
3. The Member for Roleystone and the Serpentine Jarrahdale Residents and Ratepayers Association be thanked for their attendance at the Iluka presentation on the 8 August 2002.
4. A copy of this Council decision be provided to the Member for Roleystone and the Serpentine Jarrahdale Residents and Ratepayers Association.
5. Council releases a public statement on its position.

Note: The Officer Recommended Resolution was changed because of Council's consideration of the presentation by Iluka Resources and their amended approach.

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Hoyer

1. Council advises the Premier of Western Australia and Ministers for State Development and Tourism, Environment, Planning and Infrastructure:
 - a) It is now apparent that the approach of the Mining Company is not to accept the Wardens recommendation in the long term.
 - b) Council while applauding the recommendations of the Warden at the time has now considered the matter further and believes that the Minister should refuse to grant the mining lease in the Public Interest because of the social (eg the threat of mining is harming peoples security), economic (eg sterilisation of significant urban land) and environmental matters (eg it has become quite apparent that the water table cannot be altered without affecting the Bushplan and other sites).
2. Iluka Resources be thanked for their time and presentation on the 9 August 2002.
3. The Member for Roleystone and the Serpentine Jarrahdale Residents and Ratepayers Association be thanked for their attendance at the Iluka presentation on the 8 August 2002.

4. A copy of this Council decision be provided to the Member for Roleystone and the Serpentine Jarrahdale Residents and Ratepayers Association.
 5. Council releases a public statement on its position.
- CARRIED 9/0

Note: Reference above to sand mining refers infact to mineral sand mining.

Note: The Committee Recommended Resolution was changed to ensure other Ministers affected were made aware of Council's position.

SM009/08/02 SERPENTINE DAM TEAROOMS (RS0141/01)		
Proponent	Interwall Holdings Pty Ltd	In Brief Council support to progress the re-opening of the Serpentine Dam Tearooms is recommended.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	13 August 2002	
Previously	C175/05/01, C010/07/02	
Disclosure of Interest		
Delegation	Council	

Background

Close to Jarrahdale is the Serpentine Dam, which already attracts a large number of day visitors from the metropolitan area for passive recreation. At the head of the Dam is a currently unused restaurant that had been sub-leased to the Shire of Serpentine Jarrahdale and let to private operators historically as a tearoom, which during operation drew daily coach tours to the area and was frequented by the day visitors. The tearoom had to close in 2000 for Water Corporation to undertake works on the Dam.

Council resolved in July 2002 to advise the Water Corporation the following in relation to the re-leasing of the Serpentine Dam Tearooms:-

“The Shire of Serpentine Jarrahdale agrees to the salient terms as provided by the Water Corporation being:

- Demise: Per original lease dated 1/3/89 between the Water Authority of Western Australia and the Shire of Serpentine–Jarrahdale.*
- Lessee: Shire of Serpentine–Jarrahdale.*
- Lease Period: Six (6) years from lease commencement with an option of a further six (6) years subject to the premises being fit for use after any remedial work.*
- Lease Commencement: Anticipated September 2002 following completion of the Water Corporation works however the date could be earlier by arrangement.*
- Use: Tearooms*
- Net Rental: A peppercorn rental until the establishment of a Tearoom operation by the Shire’s operator. Once the Tearoom is operating a reasonable rental will apply to ensure that the Corporations costs are adequately covered during the lease. The rent to be \$1,000 p.a. for six (6) years.*

<i>Outgoings:</i>	<i>The Shire will be responsible for all outgoings in connection with the premises.</i>
<i>Rent Reviews:</i>	<i>To remain fixed for six (6) years.</i>
<i>Documentation:</i>	<i>This is to be in the Corporation's standard form and all costs in connection with the lease are to be paid by the lessee.</i>
<i>Sub-Letting:</i>	<i>The lessee shall have the right to sub-let the premises.</i>
<i>Maintenance and Repair:</i>	<i>Lessee's responsibility.</i>
<i>Conditions:</i>	<i>The Corporation will carry out an assessment of the condition of the Tearooms following completion of the works and will undertake any minor repairs directly related to the blasting it determines appropriate from it's own funding. In the unlikely event that the Tearooms require major repair the Corporation will have the option of not proceeding with this lease agreement."</i>

Part of Council's decision in May 2001 states that:

"Council retains the funds currently in the Serpentine Dam Tea Rooms reserve account to assist a new operator commence after the remedial works have been completed."

Comments

Council has received an inquiry from Interwall Holdings Pty Ltd regarding the future use of the tearooms at the dam. Interwall Holdings are a Perth bricklaying sub-contracting company. Their Director, Mr Mal Lindley also has an interest in the Jarrahdale Timber Mill.

In his letter to the Council, Mr Lindley states;

"I wondered if the Shire would be interested in working with us, with a view to re-opening the Tearooms and also making room for a gallery to display woodcraft items made from local WA hardwood and made by local artists.

I think with some effort this could be a real chance to get tourists to the area and also to employ people from around the Jarrahdale area."

The letter from Mr Lindley follows a meeting between himself and the Chief Executive Officer. The meeting involved a visit to the Tearooms and a proposal to develop a fine wood gallery and salesroom in the location of the existing restaurant site. The facility would include a large gallery and high quality cafeteria overlooking the forests and the dam, complete with ample parking facility for day-trippers, coaches and other visitors day visitors. In the evening, the site would attract diners and sunset drinks, as well as people coming specifically to view the gallery and sales room. The site would provide direct employment for around eight (8) persons plus opportunities for producers around Peel and the South West to display their products to a wider market.

Jarrahdale is historically significant because it was the first and largest timber concession established in WA and for some time, the largest mill town in the State. The planned Jarrahdale Heritage Park is the subject of a Conservation/Master Plan, which aims to restore the Timber Heritage of the area and promote tourism in the area, not only for the park but also surrounding areas. There are already several fine wood furniture makers in the Shire who have growing markets that have enabled them to subcontract work outside of the Shire to other producers.

Financing would be required to secure the lease on the premises and refurbish the building to a suitable standard, install appropriate fittings for both the gallery and the catering area, and for promotion and initial working capital until operational break-even is achieved. It is estimated that the investment costs required would be approximately \$120,000 (*This cost is indicative only and a meeting has been arranged with key partners to scope out the potential costing in more detail*).

The Chief Executive Officer is liaising with the Water Corporation, and waiting on their comments regarding this proposed venture and permission to undertake refurbishment of the tearooms.

The other important issue is the investment capital required to develop the site to an appropriate level to enable the private sector partners to establish a viable business. Mr Lindley has verbally indicated he is prepared to financially contribute to this project.

It is proposed that Council resources the preparation of applications to the South West Forest Agreement Funding and Regional Development Scheme (and any other relevant opportunity) to assist with the capital investment costs to re-open the Tearooms. Application for funding under both the SW Forest Agreement Funding and Regional Development Scheme close around late September, so Council support of this proposal is sought now to enable grant applications and funding arrangements to be finalised.

Council as stated earlier has previously acknowledged by way of decision (May 2001) that they may need to provide some financial assistance to re-open the Tearooms when it was considering the implications of its closure. This proposal is one way to leverage additional support into the Tearooms

Council also needs to consider future rental return that they would be seeking from the Tearooms, however, it is suggested that in the initial start up period that this may need to be minimal to assist in the establishment of the new Tearooms. This has also been recognised by the Water Corporation, and is reflected in the proposed lease conditions considered by Council in July 2002.

It is appropriate that Council commence actions now to recommence operating the Tearooms in anticipation of the lease with the Water Corporation being finalised and the premises becoming available. Therefore the officers recommendation provides for the opportunity to work with Interwall Holdings as the preferred lessee, subject to compliance with the Local Government Act 1995, but also provides some flexibility should this opportunity not be realised.

Sustainability Statement

The gallery and salesroom would provide employment, increased access to the metropolitan and short-term tourist markets for Peel and South West region timber products. The gallery would provide ample space for display of products from around the regions, including brochures of others. There are also opportunities for interpretive forest-based tourism, wholesale of quality timber and for encouraging clients to travel to "linked" outlets in the southwest.

Statutory Environment: Local Government Act 1995 (Section 3.58 relates to Disposing of Property)

Policy Implications: Council Policy CSP15 Tourism

Financial Implications: Council currently has approximately \$27,800 cash in the Serpentine Dam Tearooms Reserve Account. In accordance with decision C175/05/01 Council agrees make \$20,000 of these funds available to assist a new operator commence.

Strategic Implications:

Council Strategic Plan Key Result Areas;

- 1 *“People and Community - Strategy 1.5 - Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits”.*
- 3 *“Economic Development- strategy 3.2 Develop the tourist potential of the natural attractions of the shire and 3.4 “Create a new economic future for Jarrahdale”.*

Community Consultation:

Local Government Act Section 3.58 describes the process for “disposing of property”

Voting Requirements:

ABSOLUTE MAJORITY

CRSM009 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Scott that

1. The Chief Executive Officer is requested to progress the re-leasing of the Serpentine Dam Tearooms to a suitable operator subject to the following.
 - a) The Chief Executive Officer and Shire President are delegated authority to finalise and sign a lease between Shire of Serpentine Jarrahdale and Water Corporation as per the Council Decision C010/07/02.
 - b) Compliance with the requirements of the Local Government Act 1995.
 - c) Compliance with any Council Planning, Building, Health and Engineering requirements.
 - d) An annual lease fee being negotiated between the Shire of Serpentine Jarrahdale (lessor) and the lessee recognising that initially this should be reduced for at least twelve months to assist in the “start up” of the business.
 - e) A draft lease with any future operator taking into account 1a to 1d of this decision is to be referred to Council for endorsement prior to it being executed.
2. Council agrees to contribute \$20,000 for plant and equipment from the Serpentine Dam Tearoom Reserve account to assist a new operator at the Serpentine Dam Tearooms. This plant and equipment will remain the property of the Shire of Serpentine Jarrahdale and this is to be reflected in any draft lease prepared.
3. Council agrees to accept Interwall Holdings Pty Ltd invitation to partner with them in the refurbishment and future operation of the Serpentine Dam Tearooms subject to a presentation of a Concept Plan to Councils satisfaction of the proposed Café and Wood Gallery. Should this opportunity not be realised by 30 November 2002, then this offer will not be binding on Council after this date, however this date may be reviewed and if necessary the Chief Executive Officer may agree to extend this period on a monthly basis, if it is required and if it is considered appropriate.
4. Council supports the proposal to seek additional grant funding for this project, if available and appropriate and authorises the Chief Executive Officer to sign such funding applications.

CARRIED 9/0 ABSOLUTE MAJORITY

SM010/08/02 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	9 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

SM010.1/08/02 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SUMMARY MINUTES – 5 JUNE 2002 (A0163-06)

Western Australian Local Government Association Summary Minutes of the State Council Meeting held on 5th June 2002 are with the attachments marked SM010.1/08/02.

SM010.2/08/02 COMMON SEAL REGISTER REPORT – AUGUST 2002 (A1080)

The Common Seal Register Report for the month of August 2002 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM010.2/08/02.

SM010.3/08/02 CHIEF EXECUTIVE OFFICER'S MEETING WITH MEMBER FOR ROLEYSTONE (A0180-02)

The Chief Executive Officer met with the Member for Roleystone on Tuesday 30 July 2002. The meeting was to provide briefing notes previously prepared by Council on the following issues and discuss ways in which Council and the Member for Roleystone could work together to achieve a number of positive outcomes for the Shire of Serpentine Jarrahdale:

- Australian Fine China Relocation
- Electrification of Rail to Byford
- Jarrahdale Heritage Park
- High School
- Tonkin Highway
- Byford Urban Development
- Shire Recreation Facility

SM010.4/08/02 FEASIBILITY OF RAILWAY ELECTRIFICATION – SHIRE OF MURRAY (A0976)

Correspondence marked SM010.4/08/02 was received from the Shire of Murray dated 30 July 2002 in response to the Council Decision of May 2002 where by Council agreed to write to the Shire of Murray and Peel Development Commission seeking their interest in examining the feasibility of electrifying the railway from Armadale via Mundijong to Pinjarra and hence to Mandurah via Pinjarra and the shuttling of the Australind between Pinjarra and Bunbury following a report (SM073.12/05/02) to Council by Cr Murphy.

The Peel Development Commission have advised that Mr Greg Wooley of that office is dealing with this matter and at the time of writing no response had been considered.

The concept of the proposal put forward by Councillor Murphy in May is included within the South Western Rail Option Study referred to in the response from the Shire of Murray being undertaken for the Department for Planning and Infrastructure.

SM010.5/08/02 PEEL SUSTAINABLE DEVELOPMENT PLAN 2020 – INVITATION TO ATTEND MEETING (A0134)

A letter has been received from the Peel Development Commission and is attached marked SM010.5/08/02 inviting the Chief Executive Officer to attend an Economic Working Group to assist in the preparation of the discussion paper Peel Sustainable Development Plan 2020. The Chief Executive Officer accepted the invitation and attended on 7th August 2002.

Council will be invited to comment on this draft document when the public comment period takes place. It is intended that the draft will be presented to the Strategic Management Committee.

SM010.6/08/02 INVITATION TO ARMADALE REDEVELOPMENT AUTHORITY BOARD TO MEET WITH COUNCIL (A0436-05)

A copy of the letter of invitation to the Armadale Redevelopment Authority is with the attachments marked SM010.6/08/02. The Armadale Redevelopment Authority Board have accepted Council's invitation to meet at the Strategic Management Committee to be held on 16th September 2002 at 9.30am.

SM010.7/08/02 REGIONAL SUBMISSION – REVIEW OF THE WA TOURISM COMMISSION PARTNERSHIP 21 DOCUMENT (A0822-02)

A regional submission is attached marked SM010.7/08/02 prepared on behalf of the Peel Local Government's (Boddington, Mandurah, Murray, Peel Development Commission, Serpentine Jarrahdale and Waroona) to the review of the WA Tourism Commission Partnership 21 document.

SM010.8/08/02 INQUIRY INTO THE LEVEL OF BANKING AND FINANCIAL SERVICES IN RURAL, REGIONAL AND REMOTE AREAS OF AUSTRALIA (A0108-02)

A copy of this invitation to make comment from the Parliamentary Joint Committee on Corporations and Financial Services has been forwarded to the Bendigo Bank Committee for their consideration. **A copy of the document is with the attachments marked SM010.8/08/02.**

SM010.9/08/02 LEGAL ACTION RELATING TO PERSONAL INJURY OF A COUNCIL EMPLOYEE (H9000)

Legal action has been instigated by a Council employee in relation to personal injuries claimed to have occurred whilst working with Council. This action is being undertaken by a current employee with all correspondence being forwarded to our insurers and our solicitors. At this time the outcome of this matter is still to be determined, however a summons to proceed in the district court has been received from the employees solicitor.

CRSM010 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Richards seconded Cr Wigg that the Information Report to 13 August 2002 be received.
CARRIED 9/0

7.5 Planning Development & Environment Meeting – 19th August, 2002

COUNCIL DECISION

Moved Cr Price seconded Cr Simpson

That the minutes of the Planning Development & Environment Committee Meeting held on 19th August, 2002 be received.

CARRIED 9/0

2. QUESTION TIME

John Symonds, Pioneer Construction Materials

Questions concerning the development application for Lot 11 South Western Highway:

- Q1 Is the Committee aware that our Quarry operates under a DEP (DEWCP) licence and within this licence are controls over water discharge and monitoring. Within the annual Environmental Summary Report this issue is discussed. Why only now is it that Water & Rivers have determined the necessity to duplicate reference to water catchment, drainage and monitoring in the Council's approval. Why also is it that the terms of the Water & Rivers suggested condition has been altered to specify "no discharge of stormwater off site"? Given that watercourses traverse the site and that stormwater flows into these streams, it would seem impracticable to specify no discharge from the site.
- Q2 Why is Council restricting the duration of development approval to 5 years? Western Australian Planning Commission has given a 10 year approval. The Environmental Minister recognised that hard rock quarrying is a long term investment and that the potential life of this location is in excess of 100 years from the CER of 1990. Council in turn approves an Extractive Industry Licence that is currently for only a two year period renewable annually.
- Q3 Is the Committee aware that Pioneer Construction Materials submits to Council and the DEP (DEWCP) an annual Environmental Report. Within this report is a reference to dieback and operational procedures to mitigate its spread. This report is available during February each year. To include an additional condition within the development application to submit a Dieback Management Plan appears to be an unnecessary duplication of processes.
- Q4 On page 60 of the attached papers it is stated that "vehicular activity to and from the site is limited to two trucks a day and should not be a nuisance". We would respectfully advise that this is grossly inaccurate and Committee should not accept this as an accurate reflection on the daily trucking movements. They would be closer to 40 to 50 per day.

Refer to Supplementary Report P127/08/02 for answers to the above questions.

Nick Garrett, Lot 251 Pethick Close, Byford

Application for alteration to the building envelope on Lot 252 Pethick Close, Byford:

- Q The Shire did not formally refer the application for alteration to the building envelope to him. Is this standard?
- A Mr Garrett was advised that the Shire has no statutory obligation to refer the matter and that Mr Garrett's e-mailed submission was taken as his comment.
- Q Could more time be allowed to review the information in the report and also consult with his partner?
- A Mr Garrett was advised that the matter would be referred to Council and he would have the opportunity to comment during question time at the Ordinary Council Meeting on 26 August 2002.

Q Questioned the suitability of the house design for the building envelope and the need for the reduced setback?

A Mrs Wales, owner of Lot 252 Pethick Close, Byford: The applicant advised the Committee that they were constrained by a drainage easement but that they would be willing to move the proposed building to be 8 metres from the boundary which would mean the loss of some eucalypts.

Henry Dykstra
Lot 303 Nettleton Road - Safety 1st Electrical:

Q Has the Committee considered the effect of condition 1 on the recommended approval for Safety 1st Electrical to occupy the existing premises on Lot 303 Nettleton Road? The condition would enable the approval to be revoked by Council in future and with such uncertainty, Safety 1st Electrical is not likely to proceed with what is quite a significant investment for this business.

A No, this item has not yet been considered but it will be looked at when the Committee gets to the item in question.

B06/08/02 PROPOSED BUILDING ENVELOPE MODIFICATION – LOT 252 PETHICK CLOSE, BYFORD (P00811)		In Brief
Proponent		In accordance with an application received 3 July 2002 to modify the building envelope on Lot 252 Pethick Close, Byford to accommodate a proposed residence, it is recommended that Council approve the application
Officer	C & T Wales	
Signatures - Author:	Wayne Chant - Principal Building Surveyor	
Senior Officer:		
Date of Report	08.08.02	
Previously	N/A	
Disclosure of Interest		
Delegation	<u>Council</u>	

Owner: C & T Wales
 Owner's Address: 30 Nethercott Street, Huntingdale
 Applicant: C & T Wales
 Applicant's Address: As above
 Date of Receipt: 2 July 2002
 Advertised: Applicant advised owner of affected adjoining property
 Submissions: Comments received from owner of affected adjoining property
 Lot Area: 4145m²
 LA Zoning: Rural Living A
 MRS Zoning: Urban Deferred
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural Living A Policy Area
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 2 July 2002

Background

The owners of Lot 252 Pethick Close, Byford have selected plans of a residence to be constructed on their property. Unfortunately, the proposed residence exceeds the width of the existing building envelope on Lot 252 by some 4 metres if the house is orientated with living areas facing north. So that the proposed residence may be accommodated within the

building envelope, the owners of Lot 252 have requested that the envelope be increased in width.

Comments

A copy of the approved building envelope plan for Pethick Close will be tabled at the meeting. Superimposed over this plan is the proposed envelope modification. The owners of Lot 252 wish to extend the envelope to within six metres of the eastern side boundary common with Lot 251. This would enable their residence to fit within the envelope.

A site inspection conducted with the applicant revealed that the envelope could not be extended out to the west due to the existence of a drainage easement adjacent to the western side boundary that has resulted in tree planting close to the western edge of the building envelope. If the envelope is extended to the west approximately six trees must be removed to accommodate the proposed residence.

The modification being requested would result in a setback that satisfies the side boundary setback provisions contained within Council's Building Setback Info Note for Rural Living A properties (5 metres minimum). Similar building envelope variations have been granted within this subdivision in the past.

Comments received from the owners of Lot 251, which is the property immediately east of the subject site and the lot potentially most affected by the envelope modification, are summarised as follows:

- 1 The reduced side boundary setback would devalue their property.
- 2 There is a significant gum tree located on Lot 251 approximately 6 metres inside their boundary that they are currently endeavouring to get recognised as a "Scarred Tree" and they believe that locating the residence closer than 10 metres to the side boundary would impact on this tree.

In relation to the neighbours' first concern, this is very subjective and difficult to confirm or deny but it should be pointed out that many Rural Living A properties have building envelopes located within five metres of side boundaries so this variation will not be unique. Council's former Acting Environmental Officer inspected the gum tree on Lot 251 and it was his opinion that the proposed residence would be one metre outside the canopy drip line at the closest point and therefore would not impact on the tree. Falling branches may be a concern, however, the tree does not appear to be diseased.

The approved building envelope for Lot 252 is twenty metres wide. Whilst this width is adequate to accommodate many house designs, the owners of Lot 252 have chosen a design that provides passive solar benefits by positioning most of the living areas to the northern elevation. The applicants are prepared to locate the residence so that the "dead side" of the house faces Lot 251. That is the elevation facing Lot 251 will not incorporate any openings to habitable rooms. This will provide greater separation and privacy between the two residences.

In light of the above comments, it is recommended that Council approve the proposed building envelope modification to allow the proposed residence on Lot 252 to be setback six metres from the common boundary with Lot 251.

Sustainability Statement

By permitting the building envelope to be modified, the proposed residence on Lot 252 may be orientated for greater passive solar benefits thus reducing energy consumption during colder months.

Statutory Environment: Town Planning Scheme N^o 2 Clause 5.12.9(d)

Policy Implications: N/A

Financial Implications: N/A

Strategic Implications: Key Result Area 2 strategy 2.1 - Encourage best practice environmental management: The proposal, if approved, would permit greater solar access to the proposed residence for Lot 252

Community Consultation: Owners of Lot 251 Pethick Close were given the opportunity to comment on the proposal

Voting Requirements: Normal

Officer Recommended Resolution

That Council grants approval to the owners of Lot 252 Pethick Close, Byford to modify their building envelope in accordance with their application submitted 2 July 2002 permitting their proposed residence to be constructed to within six metres of the common side boundary with Lot 251 Pethick Close.

COUNCIL DECISION – EN BLOC RESOLUTION NO 04/08

Moved Cr Richards seconded Cr Scott that Council adopts en bloc the recommendations of the Planning Development and Environment Committee of the 19th August, 2002 in items B06/08/02, E004/08/02 and P121/08/02.
CARRIED 9/0

CRB06 COUNCIL DECISION/Committee Recommended Resolution

Council grants approval to the owners of Lot 252 Pethick Close, Byford to modify their building envelope in accordance with their application submitted 2 July 2002 permitting their proposed residence to be constructed to within eight metres of the common side boundary with Lot 251 Pethick Close.
CARRIED BY EN BLOC RESOLUTION NO 04/08

Note: The Officer's recommendation was altered to reflect the views expressed during Committee Question Time.

E004/08/02 INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI) - WATER CAMPAIGN (A1016)		
Proponent	International Council for Local Environmental Initiatives	In Brief Council has been requested to nominate a contact Council representative for the ICLEI Water Campaign.
Officer	Dr Sue Osborne – Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	9/08/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The Serpentine Jarrahdale Shire has received a letter of congratulations from the International Council for Local Environmental Initiatives (ICLEI) regarding Council's decision CRE002 on 22 July 2002 to commit to the Water Campaign.

The ICLEI has requested that a Council representative be nominated to act as the contact point for this program. The purpose of the contact is to ensure that Council is kept up to date with the Water Campaign and issues relevant to local government and integrated freshwater management.

Comments

A bi-monthly newsletter will be forwarded to the nominated Council representative and Martin Brennan, ICLEI Manager of Political Support, will make contact to provide a briefing on the Water Campaign.

Sustainability Statement

Participation in the Water Campaign will involve assessing water use and quality within the SJ Shire, setting goals or targets for water use and quality, preparing an action plan to address goals and implementing the action plan. All of these steps contribute towards sustainable water use within the Shire.

Statutory Environment: No statutory environment

Policy Implications: No policy implications

Financial Implications: No financial implications.

Strategic Implications: No strategic implications.

Community Consultation: No community consultation required.

Voting Requirements: Normal

Officer Recommended Resolution

Council nominates a contact Council representative for the ICLEI Water Campaign.

CRE004 COUNCIL DECISION/Committee Recommended Resolution

Council nominates Cr Star as the formal representative and Dr Sue Osborne as the technical representative on the ICLEI Water Campaign.
CARRIED BY EN BLOC RESOLUTION NO 04/08

P121/08/02 LOCAL LAW REVIEW WORKING GROUP (A0090)		
Proponent	Executive Management	In Brief Seeking two representatives from the Planning Development & Environment Committee to sit on a Local Law Review Working Group made up of Councillors to consider proposed changes to some of Council's local laws.
Officer	Glen Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	01/08/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

A local government may make local laws prescribing all matters that are required, or permitted to be prescribed, by a local law so as to enable the local government to perform its functions under the local government Act 1995.

In making a local law a local government is to follow the procedure prescribed, in sequence, in accordance with section 3.12 of the Local Government Act 1995.

Comments

Officers are currently reviewing Council's local laws to ensure they are current and in keeping with the intentions of Council. As a result of this review it is anticipated a number of local laws will be modified or amalgamated and updated.

It is envisaged that the review process will first be undertaken by individual service teams then presented to the Development Control Unit for consideration before being forwarded to the Executive for further consideration. Once these steps have been taken to the satisfaction of each group the laws will be forwarded to a councillor working group for consideration before being forwarded to Committee and Council for recommendation of advertising in accordance with the Act and once all requirements are satisfied presented to Council for final adoption.

The requirements of the Act are quite lengthy and the process does take a number of months to undertake, this is besides the internal time required to review the laws. It is considered appropriate to establish the councillors working group to keep councillors involved in the review process before the laws are placed before committee for consideration. Two members from Corporate, Asset and Planning Services Committees are being sought to form this working group. It is not anticipated that the group will meet at least until October 2002.

Sustainability Statement

The review of the local laws will include a review of their sustainability content.

Statutory Environment: Local Government Act 1995

Policy Implications: No policy implications

Financial Implications: There will be financial implications, especially in advertising costs during the review process.

Strategic Implications: Review of local laws will include a review of the impacts on Council's strategic plan.

Community Consultation: The review process requires an advertising period for community comment.

Voting Requirements: Normal

Officer Recommended Resolution

Councillors _____ and _____ be appointed to the Local Law Working Group on behalf of the Planning Development & Environment Committee to the period ending 30 April 2003.

CRP121 COUNCIL DECISION/Committee Recommended Resolution

Councillors Price and Scott be appointed to the Local Law Working Group on behalf of the Planning Development and Environment Committee to the period ending 30 April 2003.
CARRIED BY EN BLOC RESOLUTION NO 04/08

P123/08/02 DELEGATED AUTHORITY FOR DEALING WITH SUBDIVISION REFERRALS AND SUBDIVISION CLEARANCES (A1047/03)		
Proponent	Director Sustainable Development	In Brief To grant delegated authority to the Chief Executive Officer for dealing with subdivision/amalgamation referrals from the WA Planning Commission.
Officer	A. Watson - Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	08.07.02	
Previously	A187/06/00, SM049/05/01, SM065/05/02	
Disclosure of Interest		
Delegation	Council	

Background

Section 24 of the *Town Planning and Development Act 1928* (as amended) (the Act) provides the WA Planning Commission with the discretion to refer applications for subdivision/amalgamation to any local authority, Government Department or public body where the Commission is of the view that the application will have an impact on the powers or functions of that authority, department or body.

Section 24(2) of the Act places a 42 day time limit on the period in which objections or recommendations in relation to a subdivision/amalgamation may be provided to the Planning Commission. If objections or recommendations are not provided to the Planning Commission with the specified time limit, the Commission as an administrative matter presumes no objection or recommendations will be forthcoming.

Comments

Council received the Annual Compliance Return in March 2002. One of the improvement opportunities suggested from the review was the separation of the delegations that Council makes to the Chief Executive Officer under the provisions of the Local Government Act from those that can be made under various other Acts. To assist in this task, Council engaged

independent Local Government practitioner, Mr Laurie Vicary. At its May 2002 meeting Council adopted a revised schedule of delegations based on the work of Mr Vicary.

The following delegations relating to subdivision referrals from the WA Planning Commission were not reissued at Council's May 2002 meeting:

- “5.2** *All recommendations for minor subdivisions in residential and rural zones (up to two lots) and amalgamations of lots.*
- 5.21** *Applications for subdivision where such application is in accordance with an approved subdivision guide plan.*
- 5.22** *Applications for strata title subdivision where such applications are in accordance with Council's strata titles policy.*
- 5.23** *Minor modifications to subdivision plans previously considered by Council not involving the creation of additional lots.*
- 5.24** *To impose as a condition of approval the requirement to amalgamate abutting land parcels under the same ownership where proposed development encroaches over a common lot boundary, where setback or other Scheme requirements cannot be made, or when one or more lots does not abut a public road reserve.”*

The reason for not reissuing the subject delegations at the time lay in the absence of a specific head of power within the *Town Planning and Development Act 1928 (as amended)* to delegate functions under that Act and, given that subdivision isn't a function arising as a consequence of the Local Government Act 1995, delegation under that Act was not considered appropriate.

At the time Council was advised that a policy would be developed to deal with these matters.

Delegations in relation to use and development applications are made pursuant to clause 8.2 of Town Planning Scheme No. 2 which provides:

“8.2 DELEGATION

- 8.2.1** *The Council may delegate to an officer of the Council such of its functions under the Scheme as it thinks fit.*
- 8.2.2** *The exercise of a function by a delegate under Clause 8.2.1 shall be deemed to be a performance of the function by the Council.*
- 8.2.3** *The Council may make rules for the exercise of functions delegated under Clause 8.2.1.*
- 8.2.4** *The Council may, at any time, withdraw the delegation of a function made under Clause 8.2.1.”*

Town Planning Scheme No. 2 does not generally deal with subdivision, notwithstanding that the Scheme includes some descriptions and provisions with respect to various zones and references the Rural Strategy, which itself includes subdivision provisions. The function of responding to applications for subdivision/amalgamation does not arise directly from any provision of Town Planning Scheme No. 2. Consequently, delegation of functions in relation to subdivision cannot be made pursuant to clause 8.2 either.

A limited survey was carried out of other local governments to assess how subdivision referrals were dealt with. All surveyed dealt with at least a portion of referrals under delegated authority. Roughly half purported to grant delegation under their town planning scheme while half used the general power of delegation under the Local Government Act 1995.

Informal advice was sought from McLeods on this matter. McLeods confirmed that delegation under a town planning scheme was inappropriate for the reasons discussed above. McLeods took a contrary view of the use of the general power of delegation under the *Local Government Act 1995* to that arising from the review of delegations by Mr Vicary. It was accepted that the referral of subdivision applications to a local authority occurred under the *Town Planning and Development Act 1928*. That Act does not, however, include a specific obligation on Council to do anything once a referral is received. Consequently, it could not be said that the function of responding to a referral of subdivision application specifically arose under the *Town Planning and Development Act 1928*. On this basis, the matter of local government involvement in subdivision approvals could be said to fall within the general obligation of good government imparted upon a local authority by the *Local Government Act 1995*, thereby allowing for use of the general power of delegation under the Local Government Act.

Set out in the Officer Recommended Resolution are delegations dealing with subdivision addressing the matters previously covered by delegations PS-5.2, PS-5.21, PS-5.22, PS-5.23, and PS-5.24. A new delegation is proposed relating to the endorsement of subdivision clearances. This is an administrative process only whereby Council endorses compliance with conditions of subdivision assigned to it by the WA Planning Commission as part of a subdivision approval.

Sustainability Statement

The proposal relates to streamlining of an administrative process only and consequently does not have a direct tangible impact on sustainability other than process minimisation.

The guidelines within which the proposed delegations will operate are phrased so responses to referrals reflect Council policy, good governance and best practice environmental management.

Statutory Environment:

Local Government Act 1995
Town Planning and Development Act 1928

Policy Implications:

Proposed new Council Policy

Financial Implications:

The issue does not have a direct impact on budgeted income or expenditure in the current or future years.

Strategic Implications:

The specific issue of subdivision referrals relates to strategies 1.2 and 1.3 of Key Result Area People and Community and strategies 2.1 and 2.2 of Key Result Area Environmental in Council's Strategic Plan which are:

- 1.2 Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency.
- 1.3 Encourage road design that is aesthetically pleasing, safe and multifunctional.
- 2.1 Encourage best practise environmental management.
- 2.2 Make best practise environmental management a foundation of Shire business.

Community Consultation:

Not required

Voting Requirements:

ABSOLUTE MAJORITY

CRP123 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Richards seconded Cr Price that the following delegations to the Chief Executive Officer under the *Local Government Act 1995 (as amended)* be numbered appropriately and adopted by Council:

1. PS# Endorsement of Subdivision Clearances

The authority to endorse Plans or Diagrams of Survey to certify the clearance of conditions of subdivision approval.

Conditions/Guidelines

- a) All of the Local Authority (LA) conditions are satisfied.
 - b) Receipt of advice from Health Services, Building Services, Asset Services, Fire and Emergency Services and Ranger Services.
 - c) All use of this delegation is to be included in the Delegations Register and reported to Council through the Planning Development and Environment Committee Information Report.
2. PS# Making Recommendations to the Western Australian Planning Commission with Respect to Subdivision/Amalgamation Referrals

The authority to make recommendations to the WA Planning Commission in respect to subdivisions and amalgamations of land where:

- a) A subdivision guide plan has been previously approved by Council as part of a rezoning;
- b) In the Urban Development zone where a Detailed Area Plan has been approved by Council;
- c) Involving minor modifications to subdivision plans previously considered by Council not involving the creation of additional lots.
- d) Minor subdivisions/amalgamations (up to three lots) in any zone.

Conditions/Guidelines

- a) Rural Strategy - Where a subdivision/amalgamation referral is subject to Council's Rural Strategy (as amended), including the 2001 Rural Strategy Review, any objection or recommendations provided to Western Australian Planning Commission under this policy will be consistent with the Rural Strategy.
- b) Local Planning Policies - Compliance with any Local Planning Policy applicable to the subdivision/amalgamation.
- c) Wetland Protection - For subdivision/amalgamation referrals relating to land within or adjacent to, or which drain into wetlands identified in Bush Forever, Council shall request the Western Australian Planning Commission to refer such applications to the Department of Environmental Protection for assessment.
- d) Bushland Protection
 - i) Council shall request the Western Australian Planning Commission to impose appropriate conditions of subdivision on all development which could impact on significant vegetation.
 - ii) Council shall not support subdivision of any rural area identified as being a linkage corridor between protected bushland complexes unless it can be demonstrated to the satisfaction of the Council and the Department of Environmental Protection that the proposal minimises disruption to ecological linkage corridors.

- e) Scenic Drives - The following roads which are designated high conservation value under Council's Rural Strategy or which fall predominantly within the Landscape Protection Policy Area are hereafter described as 'Scenic Drives' and are to be the subject of special consideration in respect to subdivision proposals which are received for land near to them. The basic aim shall be to protect and enhance the rural landscape character of land which is readily visible from those roads.

Designated Scenic Drives:

- South Western Highway
- Nettleton Road
- Jarrahdale Road
- Kingsbury Drive
- Thomas Road
- Mundijong Road
- Karnup Road

- f) Bushfire Protection

- i) Council shall recommend to the Western Australian Planning Commission that any subdivision adjacent to an area of conservation bushland has a strategic fire break between any development and the bushland.
- ii) Council shall take account of the principles contained in the publication "Planning for Bushfire Protection 2001" in considering any application for subdivision approval.
- iii) Where bushfires are a potential hazard, subdivision proposals should demonstrate, to the satisfaction of the Council, that proper bushfire protection measures will be implemented and maintained, including:
- escape routes from bushfires;
 - firebreaks or strategic firebreaks accessible to give fighting vehicles;
 - water supplies for fire fighting;
 - low fuel areas around dwelling homes having regard to local wind and topographical conditions;
 - fire resistant buildings (AS3959).

- g) Requirement to Amalgamate Lots - Council shall request the Western Australian Planning Commission to impose as a condition of approval the requirement to amalgamate abutting land parcels under the same ownership where proposed development encroaches over a common lot boundary, where setback or other Town Planning Scheme requirements cannot be met, or when one or more lots does not abut a public road reserve.

- h) General - Council shall request the Western Australian Planning Commission to impose appropriate conditions on all subdivision/amalgamation referrals to ensure adequate servicing and infrastructure provision relative to the zone within which the application relates.

CARRIED 9/0 ABSOLUTE MAJORITY

P124/08/02 REQUEST FOR EXPRESSIONS OF INTEREST - PROPOSED KARNUP-DANDALUP UNDERGROUND WATER POLLUTION CONTROL AREA (UWPCA) WORKING GROUP (A0620-02)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief Expressions of interest are sought from Councillors to form a working group with the Shire of Murray to discuss issues relating to the proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA).
Officer	David Spencer – Senior Planner	
Signatures – Author:		
Senior Officer:		
Date of Report	31 July 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

An informal meeting was convened on 29 July 2002 with officers from the Shire of Murray and Councils Director Sustainable Development, Manager Sustainable Development and Senior Planner. Discussions generally focused on the need for a co-ordinated approach with Officer's from the relevant Shire's with a view to raising Council's concerns in respect to the proposed Karnup-Dandalup UWPCA. It was suggested that a working group be formed to discuss issues ahead of the proclamation of the proposed UWPCA, as it was seen that both Council's have similar existing and potential uses within the UWPCA.

Shire of Murray

At its Ordinary meeting held 27 June 2002, the Shire of Murray resolved that, in view of the seriousness of the impacts that the proposed Karnup-Dandalup UWPCA will have on the future planning and development of the north portion of the municipality, that:

- “(a) a report be prepared by Shire Officers for presentation to the August Planning and Development Services Committee meeting, outlining the present situation of the UWPCA and providing details on recent statements by the Water Corporation on its likely timing for the area to be required; and
- (b) since the Shire of Serpentine-Jarrahdale is similarly affected, a working group comprising members from both the Murray and Serpentine Councils be formed to make a concerted approach to all relevant government authorities to ensure that the views of local government can be taken into account before the UWPCA is formally proclaimed.”

The proposed Karnup-Dandalup UWPCA covers almost the entire southern section of the Shire.

The Karnup-Dandalup UWPCA also crosses into the Shire of Murray.

Comments

Council at its meeting held 25 March 2002 resolved the following in respect to the proposed redefinition of the UWPCA:

“...6. Council advises the Water and Rivers Commission that at this stage that it is not in a position to consider a Special Control Area or a groundwater protection zoning of the Karnup-Dandalup UWPCA, until further information is provided on the specific area required for the UWPCA, and the percentage of water that will be provided by the Karnup-Dandalup UWPCA to Perth's drinking water.”

View of State Government Agencies

There appears to be a recent non-preparedness or willingness amongst government agencies including the Department of Environment, Water and Catchment Protection (formally Water and Rivers Commission and the Department of Environmental Protection), Water Corporation and to a certain degree the Department of Health, to support development that may have a potential impact upon the proposed Karnup-Dandalup UWPCA. This was highlighted recently with the consideration of Amendment No. 107 to TPS 2 for final adoption, in which submissions objecting to the Amendment were received by government authorities in view of the proposed UWPCA.

The Water and Rivers Commission (WRC) is the main government body responsible for managing and protecting water resources. It is the WRC's main role and responsibility, under the current legislation, to control any polluting activities in Public Drinking Water Source Areas (PDWSAs), regulate land use, inspect premises and take steps to prevent or clean up pollution in these areas.

The WRC has identified the following priority classifications for PDWSAs:

“Priority 1 (P1) source protection areas are defined and managed to ensure there is no degradation of water resource in these areas. This is the highest level of protection for the water source and normally will apply to land owned by the State, and that is characterised by low – intensity and low – risk land use, such as forestry. Protection of the public water supply outweighs virtually all other considerations in respect to the use of this land P1 source protection areas are managed in accordance with the principle of risk avoidance.

Priority 2 (P2) source protection areas are defined to ensure that there is no increased risk pollution to the water source. P2 areas are declared over land where low risk development already exists. Protection of public water supply sources is high priority in these areas. P2 areas are managed in accordance with the principle of risk minimisation and so conditional development is allowed.

Priority 3 (P3) source protection areas are defined to managed the risk of pollution of the water source. P3 areas are declared over land where water supply sources need to co – exist with other land uses such as residential, commercial, and light industrial developments, although there is some restriction on potentially highly polluting land uses consistent with the WRC's” land Use Compatibility in Public Drinking Water Source Areas” (attached). Protection of P3 areas is otherwise achieved through management guidelines for land use activities. If the water source does become contaminated then water may need to be treated or an alternative water source found.

Council received on the 27 November 2001 correspondence from the Waters and Rivers Commission stating:

“The water resources in the Karnup-Dandalup area have the potential to provide a significant additional source for Perth’s drinking water supply. However, currently there is inadequate protection for water quality in this area.

The Commission recognises Town Planning Schemes (TPS) can be a useful tool for public drinking water quality protection management. The Minister for Planning and Infrastructure, recently outlined her intention to introduce a similar planning mechanism for protection of the proclaimed Public Drinking Water Source Areas (PDWSA), in the form of a statewide Statement of Planning Policy (SPP). The Commission intends to revise the priority boundaries of the Karnup-Dandalup PDWSA and seeks your advice and involvement in that task. The outcome we hope to achieve is protection of the Karnup-Dandalup area using the local TPS.”

In view of the above, it is considered appropriate that a working group be established with interested members from the Shire’s of Serpentine-Jarrahdale and Murray to discuss issues

surrounding the proposed Karnup-Dandalup Underground Water Pollution Control Area, prior to the UWPCA being publicly announced.

Sustainability Statement

The proposed Karnup-Dandalup UWPCA may have a significant impact on the future development in the Shire. More specifically, it has the potential to impact upon the agricultural development of future land use activities. This is considered to contradict Strategy 3.3 of the Shire's Strategic Plan 2001-2005 which states:

“Develop the potential of agricultural diversity and value adding.”

Strategy 2.2 is also relevant to this report which states:

“Make best practice environmental management a foundation of Shire business.”

In addition to the above, the proposed UWPCA is considered to have the potential of restricting the future expansion of the Serpentine townsite with implications for the Shire's Rural Strategy for certain areas and rezoning applications that have progressed substantially through the rezoning process.

Statutory Environment:

Town Planning and Development Act 1928 (as amended)
PDWSA's including UWPCA, water reserves and public water supply catchment areas are declared under the Metropolitan Water Supply, Sewerage and Drainage Act 1909
Country Areas Water Supply Act 1947

Policy Implications:

Introduction of the Karnup-Dandalup UWPCA will have significant impacts on the future development and subdivision of the southern section of the Shire. The UWPCA will also provide an additional source for Perth's drinking water supply.

Financial Implications:

Nil.

Strategic Implications:

Refer to comments made in the Sustainability Statement section of this report.

Community Consultation:

Community consultation has not yet been carried out on the UWPCA. This consultation would be carried out once the Water and Rivers Commission have finalised the area to be covered by the UWPCA.

Voting Requirements:

Normal

Officer Recommended Resolution

1. Nominations be sought for two Councillors to represent Council on a working group in association with relevant Officers and Councillors from the Shire of Murray to discuss the proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA).
2. Council's Senior Planner and Environmental Officer be endorsed as members on the working group.
3. A copy of the report Request For Expressions Of Interest - Proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA) be forwarded to the Shire of Murray with the view of progressing with further discussions in respect to the proposed UWPCA.

Committee Recommended Resolution

1. Cr Star and one other Councillor to be determined, be nominated to represent Council on a working group in association with relevant Officers and Councillors from the Shire of Murray to discuss the proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA).
2. Council's Senior Planner and Environmental Officer be endorsed as members on the working group.
3. A copy of the report Request For Expressions Of Interest - Proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA) be forwarded to the Shire of Murray with the view of progressing with further discussions in respect to the proposed UWPCA.

CRP124 COUNCIL DECISION

Moved Cr Price seconded Cr Scott

1. Cr Star and Councillor Needham, be nominated to represent Council on a working group in association with relevant Officers and Councillors from the Shire of Murray to discuss the proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA).
2. Council's Senior Planner and Environmental Officer be endorsed as members on the working group.
3. A copy of the report Request For Expressions Of Interest - Proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA) be forwarded to the Shire of Murray with the view of progressing with further discussions in respect to the proposed UWPCA.

CARRIED 9/0

Note: Committee Recommended Resolution was changed to include an additional Councillor on the working group.

P125/08/02 SUSTAINABLE DEVELOPMENT SERVICE LEVEL ACCORD (A0580-02)		
Proponent	Chief Executive Officer	In Brief Council endorsement the review of Service Level Accords for Sustainable Development.
Officer	A. Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	5 August 2002	
Previously	P242/05/99; P003/08/00, P011/08/01	
Disclosure of Interest		
Delegation	Council	

Background

This is the fourth Service Level Accord for the Directorate. This years Service Level Accord marks a departure for earlier accords for the Directorate in that two accords have been combined to form a single Service Level Accord.

Comments

The People and Partnerships program involves the ongoing use of Service Level Accords which are agreed documents between Council and the service team that clearly define the levels of service that each service team provides to the community.

Service level accords provide both Council and the service team the opportunity to manage the various service provisions in a controlled equitable partnership. This partnership

provides not only the opportunity for process improvements but also aligns budgets with levels of service.

The first two accords were developed on the premise of identifying a starting point from which to move forward. The Mark III service level accords were refined to ensure teams are accurately reflecting their performance. This concept underlies the current service level accord and has resulted in the following changes to service levels:

Processing times for planning, building and health applications have been revised to reflect actual service levels. For example, the 2001/2002 SLA required 90% of building licence approvals to be issued within 15 working days of receipt of the application or receipt of further information if required. As evidenced in previous quarterly reports, this target has not been met and has subsequently been revised in the 2002/2003 SLA to require 90% of building licence approvals to be issued within 30 working days of receipt of the application or receipt of further information if required. Measurement of application processing time for health has been limited to effluent disposal applications in the 2002/2003 SLA, rather than all application types as required by the 2001/2002 SLA. The rationale being that data capture systems has only been developed for effluent disposal applications. The processing time of 15 working days in the 2001/2002 SLA has also been increased to 20 working days. Thus the new 2002/2003 KPI requires 85% of effluent disposal applications containing all relevant information to be processed within 20 working days.

During 2001/2002 three separate SLAs existed for the Assessments team (planning, building and health), the environmental planning team (environment and special projects) and community development. The 2002/2003 SLA contains all service teams within the one SLA. All teams have generic team performance indicators relating to response to correspondence and council resolutions as well as common key performance indicators for budget management and complaints. The environment and sustainable development project team components of the SLA were drafted utilising the previous SLA as well as incorporating the key duties and responsibilities of the respective position descriptions. Those elements of the special projects role which differ from the sustainable development project role were incorporated into the planning team's services. The community development component of the SLA was completely new, deriving its basis from the recently revised position description (in accordance with the People Plan) for the Community Development Officer. Common KPIs were developed for the environment, sustainable development project and community development teams to reflect the project based nature of their work.

The most innovative change to the SLA has been in respect to the development of the strategic plan key performance indicators. The 2001/2002 strategic KPIs have proved difficult for the majority of staff to report on in a manner that is meaningful to themselves and to the community. Identifying how their daily activities related to the strategic KPIs and then to the strategic plan was not very clear for some staff. This year the CEO consulted with the Directors and required them to create subobjectives for each of the objectives within the strategic plan. The Sustainable Development team then received the CEO's endorsement to detail the 2002/2003 deliverables in relation to each of the subobjectives. This was carried out during the recent performance review process where the Manager Sustainable Development drafted an initial set of deliverables that were then reviewed and refined with individual staff members. All Sustainable Development staff agreed to measure their performance and subsequent level increases based on the deliverables. As they had been involved in the drafting of the deliverables staff had ownership of the process and the link between their activities and Council's strategic vision was readily apparent. There was a logical and documented connection between position descriptions, performance reviews, service level accords and the strategic plan.

Minor modifications were made to the introductory or "contract" section to reflect the revised quarterly report format and updating to "Director" any reference to "Executive Manager". Council retains the opportunity to negotiate variations to the service teams Service Level Accords by utilising customer feedback mechanisms such as surveys and councillor contact, budget constraints, changes to circumstances etc. This information also provides the opportunity for the service teams to work with Council and to be able to offer alternative

solutions to the delivery of both planned and unplanned service provisions in a true “partnering” environment.

A copy of the Sustainable Development Service Level Accord is with the attachments marked P125.1/08/02.

Sustainability Statement

The Sustainable Development Service Level Accord outlines the provision of services by Council’s Sustainable Development Directorate. Within the constraints of budget, human resources and community expectations, the service level accord is a key plank in Council’s commitment to delivering sustainable development objectives.

Statutory Environment: Local Government Act 1995

Policy Implications: Not applicable.

Financial Implications: The Service Level Accord has been written to reflect the 2002/2003 adopted budget.

Strategic Implications: The specific issue of adopting a new service level accord relates to strategy 1.7 of Key Result Area People and Community in Council’s Strategic Plan which is:

“Implement the “People in Partnership” Organisational/Staff Development Program.”

Community Consultation: Council will continue to have the opportunity to negotiate variations to the service teams Service Level Accords by utilising customer feedback mechanisms such as surveys and councillor contact, budget constraints, changes to circumstances etc.

Voting Requirements: Normal

COUNCIL DECISION – EN BLOC RESOLUTION 05/08

Moved Cr Richards seconded Cr Scott that Council adopts en bloc the recommendations of the Planning Development and Environment Committee of the 19th August, 2002 in items P125/08/02 and P126/08/02.

CARRIED 9/0

CRP125 COUNCIL DECISION/Committee/Officer Recommended Resolution

1. Council adopts the Service Level Accord (as amended) for Sustainable Development for the provision of services for the 2002/2003 financial year.
2. The Service Level Accord remains the intellectual property of the Shire and that any use of the accord will require authorisation by the Chief Executive Officer.

CARRIED BY EN BLOC RESOLUTION 05/08

P126/08/02 COMPLIANCE WITH EXTRACTIVE INDUSTRY LICENCES (A0859, P00066/01, P00035/01, P01767/01, P00015, P00659/01 & P00068/01)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief To inform and update Council on compliance with conditions for extractive industry licences within the Shire.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	9 July 2002	
Previously	P001/07/01	
Disclosure of Interest		
Delegation	Council	

Background

To assist operators and Council to ensure that the conditions placed on each Extractive Industry Licence are being met, Council Officers have undertaken inspections on extractive industries that currently have licences within the Shire. This takes place on a six (6) monthly basis.

Comments

The following information is provided in relation to extractive industries within the municipality:

1. Lot 1304 Coyle Road (Sand Extraction)

- Site does not currently have an extractive industry license or planning approval. Extraction rates from the site are likely to increase once approval and licence has been granted, as the demand for sand has significantly increased.
- A staging plan for the site has been altered which proposes to leave the south-east corner as the last stage, being Stage 7.
- Clearing is proposed on the eastern boundary, currently subject to an application to the Commissioner of Soil and Conservation.
- Awaiting further assessment and written advice from the Department of Environment, Water and Catchment Protection in terms of gaining development approval to extract further sand.

2. Lot 344 South Western Highway (Hard Rock Extraction)

- General compliance with conditions of the extractive industry licence.
- Clay stockpile located in the western portion of the excavation area has increased since April 2002, however, stockpile has been reduced approximately 2.0 metres in height.
- It has been advised that no further storage of clay will take place. However, prosecution may be initiated for a breach of Council's Extractive Industry Local Laws in respect to stockpiling of clay.

3. Lot 422 King Road (Sand Extraction)

- Conditions of the extractive industry licence are generally being achieved.
- Council still awaits a bank guarantee for the sum of \$10,000. Council may instigate legal proceedings against the operator for not lodging the required bond.
- Trees for the tree planting programme have been purchased but no revegetation has taken place.

- Site has been tidied up since last compliance inspection in terms of storage of mine machinery.
 - Fencing of the wetland will be carried out by December 2002.
4. Lot 11 South Western Highway (Hard Rock Extraction)
- All conditions are currently being satisfied.
 - It has been advised that a weed eradication program for cottonbush, apple of sodom and bridle creeper will be implemented by November 2002.
 - Approximately 500 new trees have been planted on the new western bund of the subject site. No further revegetation will be carried out this winter.
5. Lot 15 Bird Road (Clay Extraction)
- Extractive industry licence for extraction of clay from the subject land ceased 31 December 2001.
 - Site has generally been reinstated.
 - Property under new ownership. Council Officer's are liaising with the new owners to ensure compliance with conditions.
6. Lot 10 Shale Road (Shale Extraction)
- Extraction on this site is almost complete. Others have been advised that extraction will continue for 18 months to 2 years depending on the need for the area for landfilling.
 - Stockpiles have been moved further west within the pit site to avoid any dust problem that may arise with adjoining landowners.
7. Lot 6 Nettleton Road (Shale Extraction)
- Compliance with conditions of the extractive industry is generally being adhered to.
 - Clean up of the site in respect to Cardup Brook is taking place.
8. Pt Location 22 Kiln Road (Shale Extraction)
- Site not currently being worked. Screen planting still being carried out.
 - Weed control is currently being carried out on-site.
9. Lot 4 King Road (Sand Extraction)
- Extractive industry licence for operations of the subject land expired 31 December 2001. Owner/operator has recently lodged an application with a view to gaining necessary licence approvals.
 - The issue of extraction between Lot 4 and Lot 422 King Road will need to be resolved in the future if and when a new extractive industry licence is granted for operations.

Written correspondence will be forwarded to all operators identifying outstanding conditions and requesting compliance with these conditions prior to 31 December 2002.

Sustainability Statement

The extractive industry licence inspections which are undertaken on a six (6) monthly basis, ensures that environmental damage is minimised through appropriate development control measures. For example, weed eradication programs and rehabilitation of site mining areas. It also ensures that operators of each extractive industry are running the site in an environmentally responsible manner.

Statutory Environment: Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2

Policy Implications: Ensure the ongoing compliance with conditions imposed
by the Extractive Industry Licence
Council's Extractive Industry Local Law

Financial Implications: There are no direct financial implications to Council
associated with this report.

Strategic Implications: Ensure the ongoing compliance and management of
extractive industries within the Shire.

Strategy 2.1 of the Shire's Strategic Plan (2001-2005) is
relevant to this report. It states:

"Encourage best practise environmental management."

Community Consultation: Not applicable

Voting Requirements: Normal

Officer Recommended Resolution

1. Council notes and endorses the Officer's report on Compliance with Extractive Industry Licences within the Shire of Serpentine-Jarrahdale.
2. The matter of non-compliance with licence conditions in respect of sand extraction at Lot 422 King Road be referred to Council's solicitors for action for breach of Clause 2.1 of the Shire of Serpentine-Jarrahdale Extractive Industries Local Law.

CRP126 COUNCIL DECISION/Committee Recommended Resolution

1. Council notes and endorses the Officer's report on Compliance with Extractive Industry Licences within the Shire of Serpentine-Jarrahdale.
2. The matter of non-compliance with licence conditions in respect of sand extraction at Lot 422 King Road be referred to Council's solicitors for action for breach of Clause 2.1 of the Shire of Serpentine-Jarrahdale Extractive Industries Local Law.
3. Council writes to the owners of Lot 1304 Coyle Road advising them to desist from sand extraction until such time as they have relevant approvals in place.

CARRIED BY EN BLOC RESOLUTION 05/08

Note: The Officer Recommended Resolution was altered to reflect the need to progress approvals for Lot 1304 Coyle Road.

P127/08/02		AMENDMENT TO PLANNING APPROVAL ISSUED FOR EXTRACTIVE INDUSTRY EXTENSION – HARD ROCK EXTRACTION - LOT 11 SOUTH WESTERN HIGHWAY, BYFORD (A0830-03)
Proponent	Pioneer Construction Materials Pty Ltd	In Brief Council to consider a development application for the proposed extension of hard rock - granite extraction from Lot 11 South Western Highway, Byford. It is recommended that conditional approval be granted for a period of five years. Changes are recommended to Council's previous approval.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	27/06/2002	
Previously	P074/01/02	
Disclosure of Interest		
Delegation	Council	

Owner: Pioneer Construction Materials Pty Ltd
 Owner's Address: Locked Bag 5260, Parramatta NSW 2124
 Applicant: Pioneer Construction Materials Pty Ltd
 Applicant's Address: Locked Bag 5260, Parramatta NSW 2124
 Date of Receipt: 6/06/2002
 Advertised: Application referred to adjoining landowners and relevant government agencies for comment.
 Submissions: 1 Submission Received – Water & Rivers Commission
 Lot Area: 170.9457 ha.
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Raw Materials Extraction
 Rural Strategy Overlay: Partly within Landscape Protection Policy Area
 Municipal Inventory: Not applicable
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: Nil
 Date of Inspection: 19 June 2002

Background

Council has previously issued conditional approval for exactly the same application at its meeting of 29th January 2002. Council resolved the following:

“CRP074 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Simpson that

- A. *Council approves the development application for hard rock extraction at Lot 11 South Western Highway, Whitby for a five year period ending 31st December 2007, subject to the following conditions:*
1. *An extractive industry licence be obtained from Council prior to the expiry of the previous licence.*
 2. *The proponent complying with all the environmental conditions imposed by the Minister for the Environment pursuant to the provisions of the Environmental Protection Act 1986 (Bulletin 602).*
 3. *The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest.*
 4. *The eradication program for cottonbush and all other declared weeds be continued as a matter of priority.*
 5. *No works are able to be viewed from within a 30 kilometre radius of the site.*

6. *Notify Council and Conservation and Land Management at least 48 hours prior to each blasting by way of facsimile.*
7. *A screening rehabilitation bund is to be constructed along the western boundary and southern corner of Lot 2779 South Western Highway to a height that will prevent any portion of the works to be visible from any point along the coastal plain.*
8. *That all rehabilitation on site be in accordance with the “Excavation Management and Rehabilitation Plan” dated 30th September 2001.*
9. *Development and quarrying not to be within 50 metres of west and south lot boundaries.*
10. *An analysis to be carried out as to the structural effects of quarrying activity on immediately adjoining properties carried out by a suitably qualified person. Report to be lodged with Council by 31st December 2002.*
11. *A bank guarantee of \$550 000 is to be lodged with Council by the 30th June 2002 for the rehabilitation and reinstatement of the site.*
12. *No vegetation from clearing operations is to be burnt.*

Advice Notes:

1. *The development operation and rehabilitation of the quarry to be in accordance with the document “Environmental Management of Quarries” published by the Department of Minerals and Energy, 1974.*
2. *Compliance with the recommendations made in the document titled “Report and recommendations of the Environmental Protection Authority” dated December 1991 and published by the Environmental Protection Authority.*
3. *It is estimated the height of the screening rehabilitation bund to be at least 10 metres.*
4. *Priority to be given to the construction of the screening rehabilitation bund with any overburden removed from the extractive areas.*
5. *Use of non-local species is strongly discouraged and should be restricted to those species listed in the Excavation Management and Rehabilitation Plan page 36 which are required to build height fast, and are not known to become environmental weeds. Use of Eucalyptus botryoides, E. maculata and E. cladocalyx is not supported for this reason.*
6. *It is noted that the weed bridal creeper occurs on and around the site, and should be included in the weed control program.*
7. *Site compliance inspections will be carried out every six months to check compliance with development approval conditions and any other approvals granted for the site.*
8. *All avenues for use and reuse of cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging.*
9. *Removal and replacement of topsoil should occur in April-May period.*
10. *When notifying Conservation and Land Management regarding proposed blasting to be carried out on the site, please notify the Mundaring office on 9295 1955.*
11. *Utilise any suitable cleared timber for fauna refuge on site before and after rehabilitation.*
12. *No vegetation from clearing operations to be burnt.*

B. Main Roads WA be requested to bitumise the hard shoulder on the western side of the South Western Highway.

C. A Director Sustainable Development arrange a site inspection.

CARRIED 7/0

Note: The Officer Recommended Resolution was amended by deleting condition 6, inserting condition 12 and adding Parts B and C.”

Premise

The reason the applicant has chosen to resubmit the same application for the extension of the quarry is due to the applicant having grievances with a number of conditions on the previous approval. The applicant comments that:

“undue delay from the WAPC resulted in a time delay between the two Approvals that lead to the elapsing of the statutory appeal deadline for the Shire Approval.

Under legal advice we are hereby submitting a further Development Approval application and seek Councils indulgence in considering those conditions from the current Approval to which we seek change.”

The proponent has supplied the following information along with the subject application:

Proposal

Applicant proposes to extract an estimated quantity of 110 000 cubic metres of hard rock - granite annually in progressive stages over the next 5 -10 years. The proponent comments that:

“The move onto the quarry extension on old Location 2779 will commence in the latter part of September 2001 by clearing approximately 1 hectare of land. The quarry will then progressively move southwards in stages of about 5 hectares every ten years. This will give the quarry an expected life of 100 years based on similar rates of extraction.”

A copy of the site plan is with the attachments marked P127.1/08/02.

A copy of the Staging Plan is with the attachments marked P127.2/08/02.

Extraction Process

The extraction process carried out on the subject land is described by the proponent as follows:

“The extraction of hard rock continues to be divided into a number of distinct phases;

- 1. The vegetation is cleared and piled into windrows. Where possible useable eucalypt timber is offered to a suitable party for cutting into firewood, depending safety and liability associated with the various contractors. Remaining vegetation will have to be burnt.*
- 2. Topsoil is stripped from the area under development and where possible spread directly onto an area to be rehabilitated. This is undertaken during wetter months where possible.*
- 3. Overburden is then cleared for use in rehabilitation and the construction of landscape banks.*
- 4. A series of benches approximately 20 metres high and 10 metres wide are used to excavate the faces of the quarry. The quarry faces will continue to be worked in a generally south direction with east and west directions being used to widen the quarry.*
- 5. Small bunds are constructed on the brow of each bench to prevent run off and for safety.*
- 6. Blast holes are drilled in a near continuous operation although firing is conducted only 2 to 3 times per month. Sequential blasting techniques are used to effectively produce a series of small explosions rather than one large one. The A percussion drill is fitted with dust extractor and collector systems.*
- 7. Hard rock is loaded at the face with front end loaders and transported in off-highway dump trucks to the crusher along the benches and haul roads. Haul roads are not sealed they are modified from time to time as quarrying progresses.*
- 8. Haul road gradients will be kept to the lowest practical angle. The road system has edge bunding and marking with old tyres.*

9. *All haulage routes and other roads are continually damped down.*
10. *All vehicles are fitted with efficient silencers and are monitored to assess the noise levels.*
11. *Following mining the benches will be left intact and the face and the benches will be filled with overburden. In places the brows of the benches will be left protruding in places to provide visual irregularities and to assist stabilisation of the rehabilitated banks.*

Aesthetics

The following is an extract of Consultative Environmental Review (CER) 7.1 contained within the applicant's Excavation Management and Rehabilitation Plan:

- *“The proposed quarry will extend southwards behind the scarp. The working faces should not be visible from any direction.*
- *The extension will be worked along the eastern side first. This will ensure that the overburden and part of the top level face will have been revegetated for approximately 20 years before they become visible from limited locations on the coastal plain.*
- *All buildings likely to be visible from outside the area owned by Pioneer Quarries will be painted grey-green to blend in with the existing landscape. This includes the current crushing and screening plant.*
- *The present landscape screening banks are currently being extended and these will be revegetated in 1991 –1992. Where required further banks will be constructed to hide the operations of the quarry and processing plant.*
- *Seasonal haze will help reduce the visibility of the operation from a distance.*

The existing quarry is not visible from South West Highway near the quarry because it is hidden by the natural screening hillside or constructed landscape banks.

In all cases mining the eastern area first and rehabilitating this face with good vegetation cover as soon as practicable will assist visual management. It will however be difficult to prevent the top of the active eastern face from being visible from a small section of South Western Highway to the north west, near Norman Road. The remainder of South Western Highway is protected by roadside vegetation.

From other directions by the time the eastern faces become visible they will have been rehabilitated for a number of years if they are visible at all.

The landscape banks have been formed and rehabilitated to provide screening to the extension onto old Location 2779. Rehabilitation has been so successful that effective screening has been achieved at between 3 and 5 years. This means that only this amount of time is likely to be required prior to exposure, when the rehabilitation is completed well. This is much shorter than the 20 years suggested in the CER at 20 years.”

Machinery and Equipment

Machinery and equipment used in the extraction process on the subject land is as follows:

“Static and mobile plant have changed little, although the crushing and screening facilities were upgraded in 1996 and repainted.

Types of equipment currently in use:

- *Primary, secondary and tertiary crushers with related screens and conveyor belts.*
- *Off-road dump trucks for internal transport of rock from the pit to the crusher.*
- *Rubber wheeled loaders.*
- *Track mounted percussion drill and compressor.*
- *20 tonne water truck for dust suppression.*

- *Workshop and repair equipment.*
- *Weighbridge and site office.*
- *Maintenance and service workshop.*

The weighbridge is calibrated every twelve months to ensure load accuracy, as part of the Quality Assurance Program.”

Processing Plant

“The crushing plant consists of static primary, secondary and tertiary crushers together with screens, associated conveyor belts and stockpiles. These are located to the north west of the quarry. The plant was upgraded in 1996 and painted.

A site office/weighbridge and service facilities are located at the end of the access road just west of the static plant.

All crushers, screens and stockpiles will be constantly sprayed to reduce the emission of dust from all parts of the crushing plant.”

Hours of Operation

“The hours of quarrying operation and production will continue to remain the same as those currently operating at the site. Current hours of operation are between 6.00 am to 6.00 pm Monday to Saturday.”

Access and Transport

Existing access to the quarry is via South Western Highway.

“A sealed bitumen road runs east up the hill from the Highway, then deviates round the slope to the weighbridge. A slip lane and passing lanes have been constructed as part of the upgrade of South Western Highway.

Road trucks and trailers are used to transport finished product from the quarry site. No extra trucks will be required with the extension of the quarry site.”

Safety and Management

“Safety Management Plans are in place, and Quality Assurance has been introduced and is ongoing. Annual Environmental Summary Reports have been prepared since 1992. These document the rolling rehabilitation being undertaken at the quarry.”

Topography

“The subject land is located on the Darling Plateau, just back from the Western edge of the Darling Scarp.”

Geology

“The rocks of the quarry are felsic to intermediate gneisses which have been intruded by multiple veins and dykes of granites.”

Soils

“The soils on quarry extension have a laterite profile with gravel overlying a layer of duricrust approximately one metre thick, over perhaps up to 10 metres of gibbsite material grading into saprolite (weathered rock).

Clay soil on the subject land is good for preventing on site leaching of contaminants from mining activities.”

Drainage

Drainage of surface water occurs to the west of the site.

“The only drainage line is an ephemeral creek along the northern edge of old Location 2779 draining in a south-east to north-west direction.

The quarry area lies on the eastern edge of the proclaimed Groundwater Management Area, providing catchment for the Jandakot Mound.”

Water runoff reports are prepared every month. Leached water runoff is 'caught' in a detention basin located on the bottom landfill site.

Water Quality

“Water quality in the area needs to be maintained to protect the water flowing onto adjoining properties and because the area forms the edge of the catchment of the Jandakot Groundwater Mound. The surface water ultimately percolates into the sediments of the Swan Coastal Plain and contributes to the ground water system.

The greatest risk of pollution lies in fine sediments being washed into the ephemeral stream which flows through the area and onto adjoining properties.

The following management was specified in the CER (Consultative Environmental Review).

- *Within the works area the existing ephemeral streams have either been left untouched or they have been piped through a series of sumps and 750 mm concrete pipes. Boulders and rocks are packed around the pipes to allow water to flow should the pipe become overloaded.*
- *Ultimately all surface water is fed through the pipe system which empties beneath the landscape bank, north west of the stockpiles. On exit the water is fed through a small concrete sediment settlement dam before being released.*
- *Where possible all water used in the quarry and the crushing and screening plants is recycled through small sediment settlement dams for reuse. Water which is not recycled and runoff from precipitation collects in sumps before passing into the pipe system. It then passes through the final sediment trap ensuring that it is free from water borne silt on release.*
- *Quarry fines which accumulate in the crushing plant are stockpiled for use as a sand substitute in concrete or as a dense filling material.*
- *Silt traps will be cleaned at regular intervals to ensure they are operable. The fines recovered will be used in the rehabilitation program.*
- *Erosion is reduced by the construction of lips on the outer edges of all platforms, benches and roads, forcing the water to drain back towards the east, where it collects in drains and gutters before being fed into the pipe system.*
- *All banks including those used in rehabilitation have a proportion of larger rocks in their construction to reduce the erosion of their surfaces by surface water. In addition small along contour banks or furrows will be constructed as required to assist soil penetration of water and reduce runoff.*
- *Landscape banks and rehabilitated slopes are revegetated as soon as practical after construction with a mixture of pasture grass cover and tree and shrub species.*
- *A septic toilet system will be maintained on site to prevent contamination of the groundwater system.*
- *No chemicals or liquids will be disposed of on site. Oils and other lubricants recovered from vehicles during servicing will be stored before being taken to an oil recycling plant.*

Oil and fuel handling areas will have impervious bases and any spillages will be contained by bunds.

- *The water released from the sediment settlement dam will be frequently visually monitored for contamination and samples collected and analysed by an approved laboratory every two months to assess water quality.”*

Waste Disposal

“Few wastes are created during a hard rock quarrying operation. Most wastes arise from worn out components and machinery.

Over the years the mining operation on the subject land has complied with the Consultative Environmental Review which is assessed by the Environmental Protection Authority.”

Vegetation

The applicant comments that:

“A vegetation survey of the proposed quarry area was conducted by Ninnox Wildlife Consulting during February 1984 with a further reconnaissance ground survey early March 1991.

The subject land is substantially vegetated with open Jarrah/Marri forest (western half of the quarry site) and Jarrah/Banksia/Sheoak woodland (eastern half of the quarry site).”

Fauna

The applicant comments that:

“Ninnox Wildlife Consulting surveyed the fauna of the quarry extension during February 1984. The faunal study conducted by Ninnox Wildlife Consulting lists 79 species of birds, 9 species of amphibians, 31 species of reptiles and 18 native mammal species as possibly being present within or in the immediate vicinity of the proposed quarry site.

No rare or endangered fauna were recorded during the faunal survey however the following rare or endangered fauna were identified by Ninnox Wildlife Consulting as being possibly present.

Of the rare fauna listed the Chuditch, Numbat and Carpet Python may be affected by the proposed quarry, but as the site will be cleared in sections they should be able to survive by moving to an uncleared area. The Peregrine Falcon, Carnaby's Black-Cockatoo and Baudins Black-Cockatoo are not dependant on the habitat of the quarry site and are likely to only be inconvenienced if at all affected.”

Aboriginal Sites

“No sites were recorded and none were listed by the Department of Aboriginal Affairs. No sites have been noted within the past 10 years.”

Dieback

The applicant comments that:

*“Jarrah Dieback (*Phytophthora cinnamoni*) is present in the eastern half of the extension where much of the understorey has died. Visual examination suggests that while the western vegetation is in better condition, it is likely that it will either be 'dieback affected' or 'potentially dieback infected'. The creekline, which currently drains dieback infected areas of the quarry extension on old Location 2779, is most likely already infected by dieback.”*

Weeds

“Weeds are located throughout the subject land. These weeds have the potential to spread throughout the site via seeds being brought in from outside the site. Weeds also spread from surrounding farmland.”

The applicant comments that:

“Weeds have not become a problem as yet in the present quarry apart from the growth of some pasture grasses along the road sides. However significant weeds do occur on the old pasture areas.

Surrounding Land Use

The surrounding land uses continue to be aesthetic, agricultural and recreational as related to the Darling Scarp.

Surrounding land uses remain the same. State Forest borders the eastern side of Location quarry extension, to the west is rural land, to the north the landfill and to the south WA Bluemetal hardrock quarry.

Surrounding land uses have remained largely unchanged. The quarry is generally well accepted by the community and there have been few complaints on its operation.”

Rehabilitation Plan

“The rehabilitation plan must be tied to the end use of the quarry. However the end use of the quarry cannot be defined in absolute terms because excavation is not expected to be completed for about 100 years. In the working life of the quarry, excavation methods may change and the development of the surrounding land can only be estimated. The South-East Corridor Plan envisages that the area east from South West Highway will be open space, recreation or special use for public purposes.

Therefore the quarry will be rehabilitated in a manner consistent with several possible future land uses. This could be a recreational activity such as a rifle range or a potential industrial use.

The landscape banks have been constructed on previously pastured areas on the Western side of the quarry. The most essential aspect of this revegetation was to provide fast visual screening.

Cleared vegetation from the subject land will be recycled on-site will be used primarily for screening of the mine site from surrounding views.

Tree planting was undertaken along the edge of South Western Highway in conjunction with the landfill facility and through permission of Main Roads.

The methods of revegetation which have proved successful in the past are proposed for the future. The approved list of species has been refined slightly to include a greater local content to be used in the east adjacent to forest areas.

Revegetation will continue to be by three main methods;

- 1. Direct transfer of soil where available appropriate from a dieback perspective.*
- 2. Direct seeding with indigenous tree and understorey species.*
- 3. Planting small tube trees and/or indigenous understorey species.*

The revegetation program of landscape banks will aim to have a near 100 % vegetation cover with a mix of species.”

Noise

“Noise comes from several potential sources which may have different impacts on the surrounding areas. The quarry and processing have to operate under the Environmental Protection (Noise) Regulations.

Over the years general noise levels and noise from blasting have reduced. For example a total of 16 production and quarry expansion blasts were carried out from December 1999 to December 2000. This was 7 fewer than the corresponding year. All blasts were fitted with micro-second delays and each blast was monitored by Orica at Tumblegum Farm.

Only one complaint on blasting was received in 2000 which is typical of the past 10 years when perhaps up to 3 complaints per year have been received. The Shire of Serpentine-Jarrahdale and nearby residents are telephoned prior to each blast, which is always conducted at 12.30 pm.

Feedback from the residents indicates that they are pleased to be pre-informed of the blast times. Occasionally Pioneer Construction Materials PTY LTD is mistakenly rung with respect to a blast that has been fired on another quarry site.”

Dust

“Dust has the potential to be generated during most phases of the quarrying and crushing operation, particularly during summer. In winter the frequent rains greatly reduce the potential dust emissions.

Workers can be exposed to a dust hazard if steps are not taken to suppress the release of dust. This is controlled under the Mines Safety and Inspection Act. Dust also has the potential to be visually intrusive.”

The following management of dust was listed in the Consultative Environmental Review (CER):

- *“The percussion drill is fitted with an efficient dust extractor and collector.*
- *Where possible blasting will be conducted on days with westerly wind patterns most likely to take dust away from nearby houses. This is most likely to occur in the afternoon and is consistent with the best time for noise reduction. The low frequency of blasting and the dust reduction measures ensure that any vegetation in the past of dust "fallout" will not be affected to any noticeable extent.*
- *Rocks too large to fit into a haul truck are broken by a mobile hydraulic rock breaker, eliminating the need for small blasts.*
- *Dust suppression sprays are installed throughout the crushing and screening plants. These sprays also moisten the material moving along the conveyor belts. All stockpiles are sprayed from portable sprinklers and "water canon" to keep them moist. Other sections of the crushing and screening and conveyor belts will be enclosed where necessary.*
- *All haul roads and some access roads are unsealed. Dust generated from the haul roads is suppressed by dampening the roads using a 20 000 litre capacity water truck. Other roads are moistened as required.*
- *The trees planted around the processing plant and access roads assist in the reduction of dust blowing through the site by filtering the dust and reducing wind speeds. They also provide a means of "visually monitoring" the levels of dust, by noting the quantity of dust on the leaves and the vigour of the new shoots.*
- *The main access road from South West Highway is sealed bitumen.*
- *Loaded trucks pass under a water spray just prior to leaving the site.*
- *Where possible the stripping of overburden and topsoil and their subsequent use in rehabilitation will be undertaken during the wetter months to reduce the generation of dust.”*

Comment on Conditional Approval Granted by the Council

The following is the applicant's response to specific conditions placed on the current development approval for the quarry:

1. Current condition

No works are able to be viewed from within a 30 kilometre radius of the site.

PCM response

"Practical reality is that for periods of development, whether this is bunding or exposing to benches, glimpses of the works will be visible from certain alignments within a 30 kilometre radius. PCM assures Council that it shall undertake rehabilitation to all bunding and benches as practicable to minimise the time of this exposure. PCM's Longer-term goal is to develop bunding to ensure the absolute minimum exposure of the quarry face, however PCM cannot guarantee that at some point within a 30km radius certain sectors of the works will not be visible."

2. Current condition

A screening rehabilitation bund is to be constructed along the western boundary and southern corner of Lot 2779 South Western Highway to a height that will prevent any portion of the works to be visible from any point along the coastal plain.

PCM response

"No objection is made to the actual construction of bunding but our arguments to ensure that no portion of the works will be visible from any point along the coastal plain are as in our response to the previous condition in 1 above.

Additionally our "Excavation and Management Plan", submitted with the Approval Application, makes reference to those points along the South Western Highway or coastal plain where sectors of the works will be visible.

Again we stress that to preclude development because of minimal, short-term glimpses of bunding or excavation works is unreasonable and restrictive."

3. Current condition

Development and quarrying not to be within 50 metres of west and south lot boundaries.

PCM response

"Clarification is sought to the interpretation of development and quarrying. We would interpret that this does not include development of screening bunds. These may well encroach within 50 metres of boundaries. Given that they shall be vegetated we seek clarification that it was not Council's intention to include rehabilitation bunds in this restriction."

4. Current condition

An analysis to be carried out as to the structural effects of quarrying activity on immediately adjoining properties carried out by a suitably qualified person. Report to be lodged with Council by 31st December 2002.

PCM response

"Quarrying operations and more specifically, blasting, is undertaken in accordance with a number of conditions. Air blast and vibration monitoring, along with reference to limits, are contained in the Conditions of Licence from the DEP. PCM Byford operates under Licence No. 4415/6, File No. L9/79.

Furthermore, we note that Australian Standard AS 2187 Part 2, 1993, applies limits for vibration and air blast. Extensive information is contained in Appendix J of this Standard. We respectfully advise that this body has assessed the effects of these

parameters or nearby structures and sets levels accordingly. Any licensing restriction levels are based on these levels.

We do not see it as PCM's responsibility to undertake a study into the establishment of these levels, merely to ensure compliance with licence limits through comprehensive ongoing monitoring."

5. Current condition

A bank guarantee of \$550, 000 is to be lodged with Council by the 30th June 2002 for the rehabilitation and reinstatement of the site.

PCM response

"We question the basis of determination of this level of bond. Under what equation has Council calculated that this is the sum amount necessary to satisfy the rehabilitation requirements?"

Conclusion

The proponent concludes with the following:

"PCM has made a significant investment in the Byford operation and its long-term viability is critical.

Over the past twenty-five years of operation on this site, we feel that PCM has been a responsible and committed member of the local business community and maintained a good working relationship with Council.

Your indulgence in this matter is appreciated and accordingly we submit our Form No. 1, Town Planning Scheme No.2, Application for approval To commence development for Lot 11, South Western Highway, Whitby."

Comments

The subject property is zoned 'Special Use' under Council's Town Planning Scheme. The Special Use zone allows for the extraction and processing of hard rock and clay as a permitted use.

Separate approval of the Western Australian Planning Commission is also required under the provisions of the Metropolitan Region Scheme. The proposal has been forwarded to the Commission for consideration.

WA Planning Commission's Statement of Planning Policy No. 10 – Basic Raw Materials

The subject site is located within the key extraction area of WA Planning Commission's Statement of Planning Policy Number 10 - Basic Raw Materials.

Clause 6.3.1 of this Policy details the relevant considerations in determining such applications for development as follows:

"6.3.1 Before determining an application for an extractive industry operation the Commission and/or local government should consider as appropriate:

1. *The significance of the resource in terms of its positioning in a priority resource location, key extraction area, or extraction area;*
2. *The effect of the proposed extractive industry on any native flora and fauna, the natural landscape, groundwater quality, quantity and use, surface drainage and surface water quality, and sites of cultural and historic significance on and near the land. An application in an environmentally*

- significant area may require referral to the Department of Environmental Protection;*
3. *The effect of the proposed industry on agricultural land;*
 4. *The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area having regard to existing and future uses;*
 5. *The ability to rehabilitate the land to a form or for a use which is compatible with the long term planning for the site and surrounding area;*
 6. *The ability to stage the extraction operations to avoid conflicts with adjacent land uses.”*

The extension of the pit complies with the aims and objectives of this policy in the following ways:

1. The subject land is located in a Raw Materials Extraction area under the Council's Rural Strategy. The subject land is indicated in the key extraction area of the Statement of Planning Policy no. 10.
2. The subject land is not identified in Bush Forever as being regionally significant. The subject land is however located partly within the Landscape Protection Policy Area of Council's Rural Strategy. The development application has been referred to the Department of Environmental Protection for comment.
3. The following species are listed in the Wildlife Conservation Act 1950:

“Rare or likely to become extinct:
- *Chuditch*
- *Numbat*
- *Carnaby's Black Cockatoo*
- *Baudin's Black Cockatoo*
Other specially protected fauna
- *Python*
- *Peregrine Falcon”*
4. The mining activity on the subject land will not have any significant impact on surrounding agricultural land.
5. Vehicular activity to and from the site is limited to two trucks a day and should not be a nuisance.
6. Rehabilitation and environmental management on the site has been of high standard in the past and the proposed rehabilitation plan for the future complies with Council's standards. *As each stage is opened the preceding stage will, when practicable, be rehabilitated depending on future land use, apart from working access roads and active floor benches.*
7. The extension of the mining activity on the subject land is staged. The expected life of the pit is 100 years, this is based on similar rates of extraction in the past on the subject land.

Compliance Inspection

A compliance inspection was carried out on the 6th November 2001. This inspection revealed that all conditions set under the extractive industry licence are currently being met.

A second compliance inspection was carried out in June 2002. The following was revealed:

- Cotton bush, apple solemn and bridle creeper will be sprayed in November. The Site Manager is working with “Website” to discuss the control program for weeds on the site. The Site Manager will be meeting with Website in early July. Website is a weed control company.

- Further work has been carried out in relation to moving into the new section. Mainly stripping of vegetation and the moving of clay has been carried out.
- Clay extracted from the site is either being used for revegetation/screening bunds or being used in the landfill site. The Site Manager was advised that they might like to consider applying for clay extraction as well as hard rock extraction on their next extractive industry license. The clay being taken to the landfill site is not being sold to them.
- 500 trees have been planted on the new bund on the new western bund. No further revegetation will be carried out this winter.

Community Consultation

The application has been referred to surrounding landowners and pertinent government agencies for comment in accordance with Clause 6.3 of the Scheme. The previous application for the extension of the quarry was referred to surrounding landowners and pertinent government agencies for comment. As the application has not changed there has been less of a response to the application the second time around. As a result only one submission has been received (Water and Rivers Commission). The comments received are listed below:

“1. Water Quality

Water quality at the quarry site needs to be maintained as the area forms the edge of the catchment of the Jandakot Groundwater Mound as acknowledged in the Excavation Management and Rehabilitation Plan (2001) for Byford Quarry. The proponent should be advised to follow management plans as specified in the CER document of 1991, which proposed measures to minimise fine sediments being washed into the ephemeral stream and into adjoining properties.

2. Stormwater Management

The WRC supports a philosophy of zero discharge at the mine site and encourages the reuse of water where it is cost effective. Water, which is not recycled at the rock quarry, including runoff from precipitation, should be collected in sumps before it is piped through a final sediment trap before it is released.

3. Groundwater Licence

The proponent should be advised to contact WRC in regards to groundwater and surface water licensing for the property. A licence will be required for all lots over 2000m² to extract groundwater before works can commence.”

The Water and Rivers Commission comments are addressed below:

1. A condition requesting the landowner of the subject land to undertake water quality testing is recommended to address the issue of water quality;
2. It is recommended a condition be placed on the approval to the effect that all stormwater shall be retained on site in order to address the issue of stormwater runoff;
3. The advice regarding a Groundwater Licence shall be included as an advice note on the approval.

Economic Development Implications

Between 5 and 10 persons are employed on site, depending on the rate of production and the number of truck movements.

The quarry site is staged into five year lots over a period of 100 years. The site has the potential to provide granite to industries for a long period of time and is considered an important resource location for granite as the WA Planning Commission considers it a key extraction area.

Response to Applicants Reasons for Objection

The officer's response to the objections raised above in the background is stated below:

1. While it is desirable to have no works visible within a 30 kilometre radius of the site, in reality this will be difficult to achieve. It is recommended that the condition be altered to read as follows:

All practicable measures shall be taken to effectively screen works and activities from the coastal plain in accordance but not limited to those measures and outcomes described in the document "Excavation Management and Rehabilitation Plan" dated 30th September 2001.

2. It is acknowledged that the condition should be altered for the same reasons has mentioned in 1 above. It is recommended that the condition should be altered to read as follows:

A screening rehabilitation bund is to be constructed along the western boundary and southern corner of Lot 2779 South Western Highway to a height that will as far as practicable prevent any portion of the works being visible from any point along the coastal plain in accordance with, but not limited to, those measures and outcomes described in the document "Excavation Management and Rehabilitation Plan" dated 30th September 2001.

3. It is acknowledged that the term "quarrying" and "development" was not intended to include the development of screening bunds. However, the development of the screening bunds should be clear of the lot boundary line, as fire and access breaks need to be maintained around the extent of the lot. It is recommended that the condition be altered to read as follows:

All quarrying activities and built development is not to be within 50 metres of west and south lot boundaries.

An advice note will be included to clarify that the construction of rehabilitation bunds are not considered "Built Development".

4. It is acknowledged that the condition requiring an analysis to be carried out may not be appropriate when there are DEP licence requirements and Australian Standards in place restricting noise and vibration level emissions. It is recommended that the condition be altered to read as follows:

Proponent to provide an annual compliance report for Department of Environmental Protection licence conditions to Council.

This will allow the proponent to report against the DEP requirements regarding noise and vibration levels.

5. In respect of the calculation of the bond level, this was done using standard rates for moving earth (Volume of Bund = 1000 metres long x 10 metres high x 50 metres wide = 250,000 m³ @ \$2 per cubic metre to move and place bund material = \$500,000).

The revegetation was calculated using standard rates for the purchasing and planting of plants (Surface area of bund = 50 metres by 1000 metres = 5 hectares @ \$10,000 per hectare = \$50,000).

Total Bond Amount = \$550 000.

It is advised that a condition of approval will require the applicant to provide a report to calculate the cost for the screening and reinstatement of the site. A bank guarantee shall be requested based on the figures derived from the report. This will replace the requirement for a bond for the construction of a screening bund.

Screening Rehabilitation Bund

It is recommended that due to the extensive nature of the quarrying and the high impact of the activity on the existing landscape, that a screening rehabilitation bund is developed. This would be achieved in progressive stages in conjunction with the quarrying stages in order to screen the total quarry works from all points along South Western Highway.

In order to achieve successful screening of the total works of the development from all points along South Western Highway a bund of no less than 10 metres high, by 50 metres wide and 1000 metres long would need to be constructed. These figures are based upon the length of the western boundary of the lot, a conservative estimate of the height of the bund and a slope of 1:5 metres, making the base of the bund 50 metres in length.

The height of the screening rehabilitation bund must be at least 35 metres in height in order to successfully screen the proposed future works on the subject land. Therefore the average height of the trees used on the revegetation bund would be approximately 25 metres and therefore the bund must be at least 10 metres high.

In order to create this bund it is recommended that the overburden removed from the excavation area(s) must be given priority towards the creation of this bund.

Conclusion

Council has previously issued conditional approval for exactly the same application at its meeting of 29th January 2002. The applicant was unsatisfied with some of the conditions but because of the delay by the WA Planning Commission the applicant missed the opportunity to appeal Council's decisions. A fresh application has been submitted. In view of the applicant's submission objecting to the conditional approval it is recommended that some of the conditions be modified and/or removed.

Changes have been made to condition 5 and 10 of the previous approval, condition 11 has been deleted and an additional condition relating to screening of works has been included in the new recommended conditions of approval, as well as some additional environmental conditions.

Sustainability Statement

The existing quarry and proposed extension is located within the Basic Raw Materials Extraction Policy Area. The policy area is designed to facilitate the extraction of materials in close proximity to the Metropolitan region. The extraction of hard from the subject land provides necessary materials for a sustainable economy in the local context as well as the regional and global context.

Excavation management and rehabilitation on Lot 11 South Western Highway has in the past been carried out to the satisfaction of Council officers. Pioneer Construction Materials Pty Ltd have produced a comprehensive document called the "Excavation Management and Rehabilitation Plan" which identifies possible environmental impacts and aims to minimise and manage any environmental impacts caused by quarrying activities.

Statutory Environment: Town Planning and Development Act 1928 (as amended), Town Planning Scheme No.2, Shire of Serpentine-Jarrahdale Extractive Industry Local Law

Policy Implications: The site is indicated in the key extraction area of the Statement of Planning Policy No.10 and therefore the extension of the pit complies with the aims and objectives of this policy. The site is also shown as Raw Materials Extraction under the Shire's Rural Strategy and therefore complies with the aims and objectives of the Rural Strategy.

Financial Implications: No direct financial implications for Council.

Strategic Implications: This proposal relates to strategy 2.1 of Key Result Area: Environmental in Council's Strategic Plan, which states:

"Encourage best practice environmental management."

Community Consultation: Application referred to adjoining landowners and relevant government agencies for comment.

Voting Requirements: Normal

Officer Recommended Resolution

Council approves a development application dated 5th June 2002 for hard rock extraction at Lot 11 South Western Highway, Whitby for a five year period ending 31st December 2007, subject to the following conditions:

1. An extractive industry licence be obtained from Council prior to the expiry of the previous licence;
2. The proponent complying with all the environmental conditions imposed by the Minister for the Environment pursuant to the provisions of the Environmental Protection Act 1986 (Bulletin 602);
3. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest;
4. The eradication program for cottonbush and all other declared weeds be continued as a matter of priority;
5. All practicable measures shall be taken to effectively screen works and activities from the coastal plain in accordance but not limited to those measures and outcomes described in the document "Excavation Management and Rehabilitation Plan" dated 30th September 2001;
6. Notify Council and Conservation and Land Management at least 48 hours prior to each blasting by way of facsimile;
7. A screening rehabilitation bund is to be constructed along the western boundary and southern corner of Lot 2779 South Western Highway to a height and length that will as far as practicable prevent any portion of the works being visible from any point along the coastal plain in accordance with, but not limited to, those measures and outcomes described in the document "Excavation Management and Rehabilitation Plan" dated 30th September 2001;
8. That all rehabilitation on site be in accordance with the "Excavation Management and Rehabilitation Plan" dated 30th September 2001;
9. All quarrying activities and built development is not to be within 50 metres of west and south lot boundaries;
10. No vegetation from clearing operations is to be burnt;

11. Rehabilitation bunds are not to encroach within 20 metres of lot boundaries in accordance with the Shire of Serpentine-Jarrahdale Extractive Industries Local Law;
12. Proponent to provide an annual compliance report for Department of Environmental Protection licence conditions to Council;
13. A Council approved water testing laboratory be employed by the owner of Lot 11 South Western Highway so that water samples must be taken every two months. The test site is to be downstream of the extractive industry and silt traps on the lot and to be approved by Council. At least two tests per annum to be taken within five hours after a rainstorm in excess of 25 mm per hour. The tests shall record percentage of clay and silt content and salt content. The test results to be forwarded to Pioneer Quarry Materials PTY LTD and to Council within 10 days of being made available;
14. All stormwater is to be retained on site;
15. Applicant to provide fauna refuge's through the placement of felled trees and logs in areas undergoing rehabilitation on the subject land;
16. Applicant to liaise with Shire officers regarding the carrying out of a survey to identify any potential Black Cockatoo nesting hollows, with a view to providing artificial nesting sites elsewhere on the subject land;
17. A Dieback Management Plan be submitted to Council within 90 days of this approval.
18. The Dieback Management Plan will ensure that dieback infection does not move uphill in order to prevent the spreading of dieback into unaffected areas;
19. Existing vegetation shall be retained wherever possible in order to screen works;
20. The applicant to provide a detailed analysis of the cost of revegetation and reinstatement of the site including any works proposed within the period for which this approval is given. The applicant is required to submit a bank guarantee of such value as the analysis provides. The analysis is to be provided within 90 days of the date of this approval. The bank guarantee is to be lodged with Council within 14 days of a request by Council.

Advice Notes:

1. The development operation and rehabilitation of the quarry to be in accordance with the document "Environmental Management of Quarries" published by the Department of Minerals and Energy, 1974.
2. Compliance with the recommendations made in the document titled "Report and recommendations of the Environmental Protection Authority" dated December 1991 and published by the Environmental Protection Authority.
3. It is estimated the height of the screening rehabilitation bund to be at least 10 metres.
4. Priority to be given to the construction of the screening rehabilitation bund with any overburden removed from the extractive areas.
5. Use of non-local species is strongly discouraged and should be restricted to those species listed in the Excavation Management and Rehabilitation Plan page 36 which are required to build height fast, and are not known to become environmental weeds. Use of Eucalyptus botryoides, E. maculata and E. cladocalyx is not supported for this reason.
6. It is noted that the weed bridal creeper occurs on and around the site, and should be included in the weed control program.
7. Site compliance inspections will be carried out every six months to check compliance with development approval conditions and any other approvals granted for the site.
8. All avenues for use and reuse of cleared vegetation material are encouraged. This may include mulching, timber use and/or plant salvaging.
9. Removal and replacement of topsoil should occur in April-May period.
10. When notifying Conservation and Land Management regarding proposed blasting to be carried out on the site, please notify the Mundaring office on 9295 1955.
11. Utilise any suitable cleared timber for fauna refuge on site before and after rehabilitation.
12. In respect of condition 10, built development does not include the construction of rehabilitation bunds.
13. A groundwater Licence from the Water and Rivers Commission will be required for the extraction of groundwater before works can commence.

14. In respect of condition 7, the length of bund to be constructed during the period for which this approval is given shall be not less than 100 metres.

CRP127 Committee Recommended Resolution

This item be deferred pending a supplementary report with further information being prepared.

Note: The Officer Recommended Resolution was altered to allow the Officers to respond to questions raised by the applicant during Question Time.

Supplementary Report

P127/08/02 AMENDMENT TO PLANNING APPROVAL ISSUED FOR EXTRACTIVE INDUSTRY EXTENSION – HARD ROCK EXTRACTION - LOT 11 SOUTH WESTERN HIGHWAY, BYFORD (P01767/01)

Supplementary report that addresses questions raised by Pioneer Construction Materials Pty Ltd at the Planning Development and Environment Committee Meeting on 19 August 2002

Q1) Is the Committee aware that our Quarry operates under a DEP (DEWCP) Licence and within this Licence are controls over waste discharge and monitoring. Within the annual Environmental Summary Report this issue is discussed. Why only now is it that Water and Rivers have determined the necessity to duplicate reference to water catchment, drainage and monitoring in the Council's Approval. Why also is it that the terms of the Water and Rivers suggested condition has been altered to specify "no discharge of stormwater off site"? Given that watercourses traverse the site and that stormwater flows into these streams, it would seem impractical to specify no discharge from the site.

Council is aware that the quarry on Lot 11 South Western Highway, Whitby operates under a DEP (DEWCP) Licence. It is acknowledged that there are controls over water discharge and monitoring under this Licence. In regards to the Water and Rivers Commissions comments received by Council, the Council is not bound to impose the Water and Rivers Commission recommendations and any issues with those recommendations will need to be taken up with the Water and Rivers Commission. It is acknowledged however, that the wording of the condition relating to the discharge of stormwater off site may not be appropriate in that it specifies a requirement that cannot be achieved. The intention of the condition was to prevent wherever possible, stormwater discharge entering the watercourses located on-site. However, it is noted that the DEP Licence contains conditions that relate to stormwater management. It is recommended that Condition 14 be deleted.

Q2) Why is Council restricting the duration of Development Approval to 5 years? Western Australian Planning Commission has given a 10-year Approval. The Environmental Minister recognised that hard rock quarrying is a long-term investment and that the potential life of this location is in excess of 100 years from the CER of 1990. Council in turn approves an Extractive Industry Licence that is current for only a two-year period renewable annually.

In respect to this question, the development approval time frame of 5 years is recommended due to the continuous and evolving nature of quarry operations. In the past, Council issued development approval for quarries for a maximum of 5 years. There are currently no approvals for quarry activities within the Shire that exceed 5 years.

Q3) Is the Committee aware that Pioneer Construction Materials submits to Council and the DEP (DEWCP) an annual Environmental Report. Within this report is a reference to Dieback and operational procedures to mitigate its spread. This report is available during February each year. To include an additional condition within the DA to submit a Dieback Management Plan appears to be an unnecessary duplication of the process.

Council is aware that Pioneer Construction Materials Pty Ltd submits an annual Environmental Report. It is acknowledged that this report contains information relating to the management of dieback. However, Council requires a copy of a Dieback Management Plan in order to be provided with a chance to comment on the management aspects for dieback as well as to maintain up to date knowledge on the environmental practices of Pioneer Construction Materials Pty Ltd. It is recommended that Condition 18 be deleted and Condition 17 be reworded to read as follows:

17. Review all current environmental protection and reporting procedures as part of developing a comprehensive environmental management system during the five year term of this approval.

Q4) On page 60 of the attached papers it is stated that “vehicular activity to and from the site is limited to two trucks a day and should not be a nuisance”. We would respectfully advise that this is grossly inaccurate and Committee should not accept this as an accurate reflection on the daily trucking movements. They would be closer to 40 to 50 per day.

With respect to the information contained in the Council report on truck movements, the information was obtained while on site with the Site Manager on the 6 November 2001. The interpretation of the information received on site may not be accurate. It is noted that the statement does not affect any of the recommended conditions.

CRP127 Officer Recommended Resolution

Council approves a development application dated 5th June 2002 for hard rock extraction at Lot 11 South Western Highway, Whitby for a five year period ending 31st December 2007, subject to the following conditions:

1. An extractive industry licence be obtained from Council prior to the expiry of the previous licence;
2. The proponent complying with all the environmental conditions imposed by the Minister for the Environment pursuant to the provisions of the Environmental Protection Act 1986 (Bulletin 602);
3. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest;
4. The eradication program for cottonbush and all other declared weeds be continued as a matter of priority;
5. All practicable measures shall be taken to effectively screen works and activities from the coastal plain in accordance but not limited to those measures and outcomes described in the document “Excavation Management and Rehabilitation Plan” dated 30th September 2001;
6. Notify Council and Conservation and Land Management at least 48 hours prior to each blasting by way of facsimile;
7. A screening rehabilitation bund is to be constructed along the western boundary and southern corner of Lot 2779 South Western Highway to a height and length that will as far as practicable prevent any portion of the works being visible from any point along the coastal plain in accordance with, but not limited to, those measures and outcomes described in the document “Excavation Management and Rehabilitation Plan” dated 30th September 2001;
8. That all rehabilitation on site be in accordance with the “Excavation Management and Rehabilitation Plan” dated 30th September 2001;
9. All quarrying activities and built development is not to be within 50 metres of west and south lot boundaries;
10. No vegetation from clearing operations is to be burnt;
11. Rehabilitation bunds are not to encroach within 20 metres of lot boundaries in accordance with the Shire of Serpentine-Jarrahdale Extractive Industries Local Law;
12. Proponent to provide an annual compliance report for Department of Environmental Protection licence conditions to Council;

13. A Council approved water testing laboratory be employed by the owner of Lot 11 South Western Highway so that water samples must be taken every two months. The test site is to be downstream of the extractive industry and silt traps on the lot and to be approved by Council. At least two tests per annum to be taken within five hours after a rainstorm in excess of 25 mm per hour. The tests shall record percentage of clay and silt content and salt content. The test results to be forwarded to Pioneer Quarry Materials PTY LTD and to Council within 10 days of being made available;
14. Applicant to provide fauna refuge's through the placement of felled trees and logs in areas undergoing rehabilitation on the subject land;
15. Applicant to liaise with Shire officers regarding the carrying out of a survey to identify any potential Black Cockatoo nesting hollows, with a view to providing artificial nesting sites elsewhere on the subject land;
16. Review all current environmental protection and reporting procedures as part of developing a comprehensive environmental management system during the five year term of this approval;
18. Existing vegetation shall be retained wherever possible in order to screen works;
19. The applicant to provide a detailed analysis of the cost of revegetation and reinstatement of the site including any works proposed within the period for which this approval is given. The applicant is required to submit a bank guarantee of such value as the analysis provides. The analysis is to be provided within 90 days of the date of this approval. The bank guarantee is to be lodged with Council within 14 days of a request by Council.

Advice Notes:

1. The development operation and rehabilitation of the quarry to be in accordance with the document "Environmental Management of Quarries" published by the Department of Minerals and Energy, 1994.
2. Compliance with the recommendations made in the document titled "Report and recommendations of the Environmental Protection Authority" dated December 1991 and published by the Environmental Protection Authority.
3. It is estimated the height of the screening rehabilitation bund to be at least 10 metres.
4. Priority to be given to the construction of the screening rehabilitation bund with any overburden removed from the extractive areas.
5. Use of non-local species is strongly discouraged and should be restricted to those species listed in the Excavation Management and Rehabilitation Plan page 36 which are required to build height fast, and are not known to become environmental weeds. Use of *Eucalyptus botryoides*, *E. maculata* and *E. cladocalyx* is not supported for this reason.
6. It is noted that the weed bridal creeper occurs on and around the site, and should be included in the weed control program.
7. Site compliance inspections will be carried out every six months to check compliance with development approval conditions and any other approvals granted for the site.
8. All avenues for use and reuse of cleared vegetation material are encouraged. This may include mulching, timber use and/or plant salvaging.
9. Removal and replacement of topsoil should occur in April-May period.
10. When notifying Conservation and Land Management regarding proposed blasting to be carried out on the site, please notify the Mundaring office on 9295 1955.
11. Utilise any suitable cleared timber for fauna refuge on site before and after rehabilitation.
12. In respect of condition 10, built development does not include the construction of rehabilitation bunds.
13. A groundwater Licence from the Water and Rivers Commission will be required for the extraction of groundwater before works can commence.
14. In respect of condition 7, the length of bund to be constructed during the period for which this approval is given shall be not less than 100 metres.

Cr Richards left the meeting at 7.53pm and returned at 7.55pm.

COUNCIL DECISION

Moved Cr Hoyer seconded Cr Kirkpatrick

Council approves a development application dated 5th June 2002 for hard rock extraction at Lot 11 South Western Highway, Whitby for a five year period ending 31st December 2007, subject to the following conditions:

1. An extractive industry licence be obtained from Council prior to the expiry of the previous licence;
2. The proponent complying with all the environmental conditions imposed by the Minister for the Environment pursuant to the provisions of the Environmental Protection Act 1986 (Bulletin 602);
3. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest;
4. The eradication program for cottonbush and all other declared weeds be continued as a matter of priority;
5. All practicable measures shall be taken to effectively screen works and activities from the coastal plain in accordance but not limited to those measures and outcomes described in the document "Excavation Management and Rehabilitation Plan" dated 30th September 2001;
6. Notify Council and Conservation and Land Management at least 48 hours prior to each blasting by way of facsimile;
7. A screening rehabilitation bund is to be constructed along the western boundary and southern corner of Lot 2779 South Western Highway to a height and length that will as far as practicable prevent any portion of the works being visible from any point along the coastal plain in accordance with, but not limited to, those measures and outcomes described in the document "Excavation Management and Rehabilitation Plan" dated 30th September 2001;
8. That all rehabilitation on site be in accordance with the "Excavation Management and Rehabilitation Plan" dated 30th September 2001;
9. All quarrying activities and built development is not to be within 50 metres of west and south lot boundaries;
10. No vegetation from clearing operations is to be burnt;
11. Rehabilitation bunds are not to encroach within 20 metres of lot boundaries in accordance with the Shire of Serpentine-Jarrahdale Extractive Industries Local Law;
12. Proponent to provide an annual compliance report for Department of Environmental Protection licence conditions to Council;
13. A Council approved water testing laboratory be employed by the owner of Lot 11 South Western Highway so that water samples must be taken every two months. The test site is to be downstream of the extractive industry and silt traps on the lot and to be approved by Council. At least two tests per annum to be taken within five hours after a rainstorm in excess of 25 mm per hour. The tests shall record percentage of clay and silt content and salt content. The test results to be forwarded to Pioneer Quarry Materials PTY LTD and to Council within 10 days of being made available;
14. Applicant to provide fauna refuge's through the placement of felled trees and logs in areas undergoing rehabilitation on the subject land;
15. Applicant to liaise with Shire officers regarding the carrying out of a survey to identify any potential Black Cockatoo nesting hollows, with a view to providing artificial nesting sites elsewhere on the subject land;
16. Review all current environmental protection and reporting procedures as part of developing a comprehensive environmental management system during the five year term of this approval;
17. Review all current environmental protection and reporting procedures as part of developing a comprehensive environmental management system during the five year term of this approval.
18. Existing vegetation shall be retained wherever possible in order to screen works;
19. The applicant to provide a detailed analysis of the cost of revegetation and reinstatement of the site including any works proposed within the period for which this approval is given. The applicant is required to submit a bank guarantee of such

value as the analysis provides. The analysis is to be provided within 90 days of the date of this approval. The bank guarantee is to be lodged with Council within 14 days of a request by Council.

20. The development operation and rehabilitation of the quarry to be in accordance with the document “Environmental Management of Quarries” published by the Department of Minerals and Energy, 1994.

Advice Notes:

1. Compliance with the recommendations made in the document titled “Report and recommendations of the Environmental Protection Authority” dated December 1991 and published by the Environmental Protection Authority.
2. It is estimated the height of the screening rehabilitation bund to be at least 10 metres.
3. Priority to be given to the construction of the screening rehabilitation bund with any overburden removed from the extractive areas.
4. Use of non-local species is strongly discouraged and should be restricted to those species listed in the Excavation Management and Rehabilitation Plan page 36 which are required to build height fast, and are not known to become environmental weeds. Use of *Eucalyptus botryoides*, *E. maculata* and *E. cladocalyx* is not supported for this reason.
5. It is noted that the weed bridal creeper occurs on and around the site, and should be included in the weed control program.
6. Site compliance inspections will be carried out every six months to check compliance with development approval conditions and any other approvals granted for the site.
7. All avenues for use and reuse of cleared vegetation material are encouraged. This may include mulching, timber use and/or plant salvaging.
8. Removal and replacement of topsoil should occur in April-May period.
9. When notifying Conservation and Land Management regarding proposed blasting to be carried out on the site, please notify the Mundaring office on 9295 1955.
10. Utilise any suitable cleared timber for fauna refuge on site before and after rehabilitation.
11. In respect of condition 10, built development does not include the construction of rehabilitation bunds.
12. A groundwater Licence from the Water and Rivers Commission will be required for the extraction of groundwater before works can commence.
13. In respect of condition 7, the length of bund to be constructed during the period for which this approval is given shall be not less than 100 metres.
14. The applicant is requested to work with Council during the life of this permit to prepare an end use strategy in accordance with “Environmental Management of Quarries” published by the Department of Minerals and Energy, 1994 for approval as part of any subsequent application for extension of this quarry.

CARRIED 9/0

Note: The Officers Recommendation was changed to ensure the practical consideration to the act of rehabilitation referred to in the document “Environmental Management of Quarries” published by the Department of Minerals and Energy, 1994 was a condition of approval.

P128/08/02 PROPOSED CHANGE OF USE - LOT 303 NETTLETON ROAD, BYFORD (P00983)		
Proponent	Dykstra and Associates	In Brief It is an application for a change of use in Byford Urban Development area. It is recommended that the application be conditionally approved.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	30 July 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: Varyia Nominees Pty
 Owner's Address: Medulla Valley, 230 Jarrahdale Road, Jarrahdale
 Applicant: Dykstra and Associates
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott
 Date of Receipt: 20/06/02
 Advertised: To affected property owners from 10/07/02 to 01/08/02
 Submissions: No submissions received
 Lot Area: 3000M²
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Rural Residential
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 11th July 2002

Background

The letter accompanying the application states the following:

"The attached Development Application and associated Development Plan (Figure 1) relates to the proposed establishment of an office/warehouse to accommodate Safety 1st Electrical, which is a local electrical service business, currently operating as a home business within the Byford townsite.

The subject land currently accommodates an office, storage shed, yard area, car parking and access ways, and was previously approved by Council as an agricultural supply store for "Palmer's Rural". This previous business activity has ceased and the land is subject to an offer of purchase by Safety 1st Electrical, who wish now to accommodate the existing premises.

Safety First Electrical intends to operate their administration function from the existing office component of the building, and the warehouse component of the building is to be utilized for the storage of electrical equipment used in the day-to-day operation of the electrical business. The main vehicle movement to and from the site will be that of the service vehicles which would collect jobs and equipment from the site at the commencement of the working day, or occasionally prior to commencement of a new job. On site car parking is available for administrative staff, and whilst customer interface on site would be extremely minimal there are additional car parking bays available for this.

Further, it is the intention of the new owner to insert a new advertising signboard within the existing sign structure at the frontage of the lot. This would be in place of the previous sign, which advertised "Palmer's Rural".

In support of this application, the following planning rationale is also submitted:-

Lot 303 is zoned Urban Development under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, wherein Council has the discretion to approve the change of use to office/warehouse on the subject land;

The improvements on the subject land have been purpose built for semi-commercial use and have, until recently, been operated as an approved agricultural supply store for “Palmer’s Rural”. This proposal to utilize the existing premises as an office/warehouse is more low-key in nature than the previous land use given that the previous land use had a heavy retail component and was very dependent on customers regularly visiting the premises;

The proximity of the subject site to the Byford town center and its location along a major road and linkages to the other major roads make it an attractive and practical location for the proposed land use;

The subject land is positioned immediately opposite existing industrial land uses, which occur in the industrial zone on the south side of Nettleton Road;

The proposal will not result in any additional development on the subject land but merely utilize existing improvements. In terms of land use requirements the proposal complies with the various setback, car parking and landscaping requirements of Council; and

The land is adequately serviced with road access, power, water and telecommunications. No additional servicing would be required.

In view of the above summary of the proposal, and the detailed rationale outlined, it is respectfully requested that Council give due consideration to this proposed Development Application for a change of use to allow Safety 1st Electrical to operate and occupy the office and warehouse on Lot 303 Nettleton Road, Byford.

A development plan is with the attachments marked P128.1/08/02.

Comments

Town Planning Scheme No. 2.

The subject land is zoned Urban Development under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. (TPS No. 2). The subject land is located within the Byford Structure Plan area.

Clause 5.18.7.3 of the TPS No.2 states the following in regards to assessing the applications in the Urban Development area:

“Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:

- 1. The preparation of a Structure Plan for, or*
- 2. The orderly and proper planning of, or*
- 3. The health, amenity safety or convenience of the future occupants of,*

The area intended for the preparation of a Structure plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3.”

The proposal was advertised for public comment to the affected neighboring property owners. No comments were received.

Safety 1st Electrical is a type of business that does not fit into any definitions under the TPS No.2 and can only be assessed as a use not listed in the zoning table. Clause 3.2.5. of the TPS No.2 states the following in regards to assessing uses that are not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of any of the use categories:

Council may:

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

The proposed Safety 1st Electrical business is not likely to have an adverse effect on the preparation of the Structure Plan or the orderly and proper planning of the locality.

Although there is a potential that the proposed use may affect the amenity of the local area in the future if the vacant land adjacent to the subject property is subdivided as Residential R 20 in accordance with the future designated zoning under the Byford Structure Plan.

The properties on the other side of the Nettleton road are currently being used for non-residential purposes, such uses as salvage yard, wrecking yard, sand supplies are located immediately opposite the subject land. This properties are zoned Urban Development, but are not included as part of the Byford Structure Plan.

As specified in the application the existing shed on the property will be mainly used for storage of equipment. It is also specified by the applicant that all the jobs will be carried out on customers' premises. The applicant indicated that possibly a maximum of three service vans will be used in conjunction with the business. There are no retail or wholesale sales proposed to be carried out from the subject property. Applicant also indicated that the proposed business would employ a maximum of five persons (two persons as office workers and three electricians).

The proposed Safety 1st Electrical business will utilise the existing buildings on the subject property, which are currently vacant. There are also existing parking facilities on the property, which would be sufficient for the proposed business. There are ten car parking bays provided at the front of the building. If five car bays will be used for employee parking, there will be still five bays available for visitors parking.

It is recommended that the Council requires the applicant to carry out landscaping of the property along the property boundaries in order to minimize the negative visual effect of the development on the adjoining rural residential properties.

Taking into account all the information provided by the applicant about the proposed Safety 1st Electrical business operations, it appears that the proposed business is a relatively low impact use, and if all the recommended conditions of approval are complied with by the business operators the proposed use is not likely to have a negative impact on the adjoining properties in the locality.

It is recommended as one of the conditions of approval that the operation of Safety 1st Electrical is limited to normal business hours in order to minimize any possible disturbance to adjoining Rural Residential properties. It is suggested that in cases when the operators of the business need to collect equipment for their jobs during early morning hours, they ensure that all the necessary equipment is picked up from the subject property at the close of business on a previous day and there are no service vans entering or leaving the subject property outside of normal business hours.

Byford Structure Plan

The subject property is located within the area designated as Rural Residential under the Byford Structure Plan.

Previously an approval to commence development on the subject property was issued in 1992 for Rural Industry, subject to a number of conditions. One of the conditions required that the applicant lodge a rezoning application or bank guarantee, to ensure submission of documents at a later date to rezone the site to “Special Use” Zone. The applicant did not proceed with the abovementioned rezoning. As a result the intention to designate the subject property as a Special Use Zone was not picked up during the process of rezoning of the Byford Town site as Urban Development area.

Clause 7.9 of the Byford Structure plan states the following in regards to the intent of the Rural Residential zone in the area where the subject land is located:

“At the far eastern edge of the Structure Plan north of Nettleton Road, it is intended to retain the Rural Residential lots as a buffer transition to the adjoining Darling Scarp Regional parks and Recreation reservation.

Rural Residential zone is intended to accommodate larger lot sizes than in Residential R20. There are rural residential properties approximately all 2000m² and over in size located to the north and northeast of the subject property. There is also a larger vacant block adjacent to the western boundary of the subject land (over 32 ha in size) designated as base Residential R20, drainage, road edge within multiple use corridor and neighborhood park on the Draft Byford Structure Plan.

This land potentially will be subdivided into smaller residential lots in the future. Location of the proposed Safety 1st Electrical business on the subject land could potentially affect the amenity of the surrounding rural residential properties and future residential properties.”

It is recommended that Council limit the approval period to specify that the approval would lapse at the time of residential subdivision of Lot 2 South Western Highway in accordance with the Byford Structure Plan. Clause 6.10 of Town Planning Scheme No. 2 allows Council to limit the time period for which approval is granted.

Environment

Proposed business is not likely to have a potential to affect natural environment in the locality. There are no new structures proposed to be built on the subject property and there will be no clearing of vegetation associated with the proposal. Provision of effluent disposal on the subject property will be subject to approval by the Principal Environmental Health Officer.

Emergency Management

There are no specific issues associated with the proposed development. The new owners would be required to ensure that the existing equipment for fire fighting purposes is in working order and necessary equipment is installed by the new owners in accordance with Building Code of Australia.

Sustainability Statement

The proposal is to use the existing buildings on the property for the operation of the Safety 1st Electrical business. As currently the buildings are not utilized and have been vacant for a considerably long period of time, proposals such as this can be seen as a positive step, as the new owners will utilize and maintain the existing structures.

The adjoining property is zoned Urban Development and designated as Residential Base R20 under the Byford Structure Plan. Proposed business has a potential to negatively affect the residential properties in the future when the adjoining land is subdivided in accordance with Byford Structure Plan. Recommended condition of approval, which limits the length of approval for Safety 1st Electrical business on the subject property until the adjoining land is subdivided as residential R20, is aimed at eliminating a potential negative effect on the amenity of the local area by the proposed business.

Statutory Environment: Town Planning and Development Act 1928, Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

Policy Implications: Draft Byford Structure Plan

Financial Implications: Nil

Strategic Implications: This proposal to for a change of use in order to establish a business on the property relates to the Strategy 1.2 of the people and Community Key Result area in Council's Strategic Plan which is:

"Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimize car dependency."

Community Consultation: Advertised to affected property owners

Voting Requirements: Normal

Officer Recommended Resolution

- A. Council, in accordance with Clause 3.2.5(a) of Town Planning Scheme No. 2 determines that a Contractors Depot (Safety 1st Electrical) is a use consistent with the objectives of the Urban Development zone.
- B. Council approves the application for a change of use to office/warehouse for Safety 1st Electrical, in accordance with the application dated 20th July 2002, subject to the following conditions:
1. Approval is given for the length of time until subdivision clearance is issued for Lot 2 South Western Highway, in accordance with the Byford Structure Plan.
 2. Operations to be carried out during normal business hours 8am to 5pm Monday to Friday.
 3. No retail sales to be carried out from the premises.
 4. All equipment to be stored in the shed.
 5. Applicant to submit a landscaping Plan for screen planting along the property boundaries in accordance with the Landscaping and Revegetation Policy No. 4 for Council approval prior to commencement of business operations. Landscaping in accordance with approved plans to be completed within three months of approval of such plans.
 6. Provision of effluent disposal will be subject to approval by the Council's Principal Environmental Health Officer.
 7. All the car parking areas to be maintained to the satisfaction of Council.
 8. The office space within the building shall not be subleased.
 9. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or

- waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
10. Installation of appropriate fire extinguishers and emergency lighting in accordance with the Australian Building Code requirements.
 11. This approval is limited to Safety 1st Electrical and is not transferable.

Advice Note:

1. Any proposed signage on the property would be subject to a separate application in accordance with Planning Policy No. 5 - Control of Advertisements.

CRP128 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Scott seconded Cr Hoyer that

- A. Council, in accordance with Clause 3.2.5(a) of Town Planning Scheme No. 2 determines that a Contractors Depot (Safety 1st Electrical) is a use consistent with the objectives of the Urban Development zone.
- B. Council approves the application for a change of use to office/warehouse for Safety 1st Electrical, in accordance with the application dated 20th July 2002, subject to the following conditions:
 1. Operations to be carried out during normal business hours 8am to 5pm Monday to Friday.
 2. No retail sales to be carried out from the premises.
 3. All equipment to be stored in the shed.
 4. Applicant to submit a landscaping Plan for screen planting along the property boundaries in accordance with the Landscaping and Revegetation Policy No. 4 for Council approval prior to commencement of business operations. Landscaping in accordance with approved plans to be completed within three months of approval of such plans.
 5. Provision of effluent disposal will be subject to approval by the Council's Principal Environmental Health Officer.
 6. All the car parking areas to be maintained to the satisfaction of Council.
 7. The office space within the building shall not be subleased.
 8. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
 9. Installation of appropriate fire extinguishers and emergency lighting in accordance with the Australian Building Code requirements.
 10. This approval is limited to Safety 1st Electrical and is not transferable.

Advice Note:

1. Any proposed signage on the property would subject to a separate application in accordance with the Planning Policy No. 5 - Control of Advertisements.

CARRIED 8/1

Cr Richards requested that his name be recorded to reflect that he voted against this item.

Note: The Officer Recommended Resolution was altered by deleting condition 1 of Part B to provide the applicant with certainty.

P132/08/02 PROPOSED SUBDIVISION – LOTS 786, 787 & 788 CORNER KARNUP & WALKER ROADS, KARNUP (S119637)		
Proponent	The Planning Group	In Brief Council to consider an application proposing to subdivide Lots 786-788 corner Karnup and Walker Roads, Karnup, into 57 lots. It is recommended that the WA Planning Commission be advised that the Shire supports the proposal subject to conditions.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	24 July 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: PS Rifici
 Owner's Address: 120 Walker Road, Serpentine
 Applicant: The Planning Group
 Applicant's Address: 152-158 St Georges Terrace, Perth
 Date of Receipt: 18 July 2002
 Advertised: Advertising not required
 Submissions: Not applicable
 Lot Area:
 Lot 786: 19ha
 Lot 787: 19.97ha
 Lot 788: 20.56ha
 Total: 59.53ha
 L.A Zoning: Rural Living A
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Rural Living A Policy Area
 Rural Strategy Overlay: Not applicable
 Bush Forever: Not applicable
 Date of Inspection: 21 June 2002

Background

A draft subdivision proposal was received and referred to officers for comment on 27 June 2002. The preliminary proposal was presented to the Shire for its initial comments on the proposed subdivision.

The draft proposal was considered and the information provided was seen as sufficient to make an assessment subject to the applicant addressing key issues such as; dust management, fire management, multiple use trails, environmental impacts (e.g. revegetation), Statement of Planning Policy No. 11 (SPP No. 11), etc. It is considered that the applicant has attempted to address some of the items mentioned above.

1995-2000

Approval to subdivide the subject land was granted by the WA Planning Commission (WAPC) on 23 August 1995. The proposal was re-submitted for approval in 1997, as the three (3) year approval had expired. Once again, subdivision approval was granted on 9 July 1997. A reapplication was then necessary in 2000 in order to maintain the validity of the approval, as the owner was not proceeding with works until late that year.

March 2000

Approval was granted on 22 March 2000 by the WAPC subject to conditions. However, due to unforeseen circumstances the subdivision is still yet to be commenced. The current

subdivision proposal is presented for consideration in anticipation of the subdivision not being started and completed prior to the expiry date on March 2003.

Appeals

It should be noted that the applicant appealed against Conditions 2, 8 and 27 of the WAPC's approval (Ref No. 97071) in 1996. The Minister resolved to uphold the appeal in part. The only condition that was considered no longer necessary was Condition 8, which required the construction of bridle paths within the subdivisional area. Despite this, this condition was once again imposed by the WAPC on the subdivision approval dated March 2000. The applicant did not make an appeal to the Minister seeking to dismiss this condition. It is therefore recommended that this condition be imposed in respect to the subdivision application.

Comments

Site and Zoning Description

Lots 786-788 Karnup Road are currently zoned 'Rural Living A' under the provisions of Town Planning Scheme No. 2 (TPS 2) and 'Rural' under the provisions of the Metropolitan Region Scheme (MRS).

The subject land may be described as relatively flat with a few stands of native mature vegetation located on the site. The land is presently undeveloped with the exception of pasture growth which caters for some livestock.

Karnup Road has recently been upgraded by the Shire and is in good condition.

Rural Strategy and Town Planning Scheme No. 2

One of the main objectives of the 'Rural Living A' zone and policy area, as described in the Shire's Rural Strategy and TPS 2, is to provide for rural-living lifestyle with a greater sense of space and privacy. Of particular importance, in respect to the proposed subdivision, is Clause 5.12.2 of TPS 2, which states:

"The Rural Living A Zone is intended to cater for rural residential development on a range of lots between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy".

The subdivision design plan submitted with the application complies with this Scheme requirement which provides for a diverse range of lot sizes.

Statement of Planning Policy No. 11 (SPP 11)

Clause 5.3.1(iii) of SPP11 is relevant to the proposal and states the following:

"The Commission will only support subdivision for Rural-Residential and Rural Smallholdings where the land has been appropriately zoned within the town planning scheme and the provisions of Policy No. DC3.4 (2001) Clause 6 can be complied with."

The subject land falls within the category of Rural-Residential under SPP 11 (i.e. Rural Living A under Council's TPS 2) and therefore the WAPC are able to consider approving the proposed subdivision.

Subdivision Proposal

The subdivision proposal submitted to Council is unchanged in respect to its design and layout to that previously approved by the WAPC in March 2000.

The proposed subdivision of the subject land envisages subdivision of the original lots to create a total of 57 lots. Lot sizes vary from approximately 4250m² to 2.25ha with an average lot size of 9808m².

A copy of the proposed Concept Subdivision Design Plan is with the attachments marked P132.1/08/02.

The applicant has stated in their application letter that the general intent of the proposed subdivision is to locate the smaller lots in areas that are more capable of sustaining higher density development and the larger lots in area of low land capability. It is also stated that the small lots also have frontage to the existing golf course located to the east of the land.

Services and Facilities

The applicant in support of the proposal has provided the following servicing considerations:

- Water supply - It is proposed that all lots will be reticulated.
- Effluent disposal - Sewerage reticulation is not feasible in this area due to the distances involved to a suitable outfall. It is proposed that alternative methods be adopted. ATU's will also be required for those lots that fall within 100m of the drainage line.
- Power supply - It is proposed to supply electricity by overhead reticulation from an existing main in Karnup Road.
- Roadworks - Roads will be constructed to rural road standard to Council's specifications. It is proposed that road reserve widths of 20m and 22m be adopted.
- Drainage - It is proposed that stormwater will discharge to a compensating basin covered by an easement in favour of the Water Corporation. The subdivision layout depicts a basin in the northern part of the subdivision area. Further, cut-off drains will be required on some of the subdivision boundaries to prevent discharge to adjoining properties.

The proposed subdivision appears to be well designed in terms of environmental, management and servicing considerations. It is considered that the subdivision provides a variety of lot sizes, good connectivity of roads, appropriate on-site effluent disposal systems, connection of lots to water and other essential services.

Notwithstanding the above, it is noted that the subdivision guide plan depicts a public open space area with two (2) street frontages. One of these will have access via a battle-axe access leg from the internal subdivision road. It is considered that this design is not appropriate and that the subdivision should be amended to reflect frontage to one (1) internal road only.

Multiple Use Trails

The Shire's Draft Trail Master Plan designates a potential multi-use trail for the subdivision area.

The proposed route of the multi-use trails is depicted on the accompanying attachment marked P132.2/08/02.

The applicant in their subdivision submission to the WAPC did not address multi-use trails within the application area.

It is considered that the provision and construction of multiple use trails on the subject land is warranted. The multi-use trails should be constructed to a standard in accordance with Council's Draft Trails Policy. This will allow for the use of the trail by such groups as walkers, horse riders, horse and carts and mountain bike riders. In addition, the trails should be constructed in accordance with Council's Draft Trails Policy.

Proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA)

The proposed Karnup-Dandalup UWPCA has the potential of impacting upon the subdivision area. It is acknowledged that water resources in the Karnup-Dandalup area have the potential of providing a significant additional source for Perth's drinking water supply. However, the UWPCA is only proposed and does not currently hold any 'statutory weight'.

It is considered that a working group be established with the Shire of Murray to ensure that views of Local Government may be considered prior to the proclamation of the proposed UWPCA for Karnup-Dandalup. This is considered elsewhere as a separate item in this agenda.

Environmental Checklist/Management Considerations

The applicant has provided the following information in relation to potential environmental impacts of the proposed subdivision:

- Tree Preservation – it is intended that the existing vegetation will be preserved which will be supplemented by widespread replanting of trees, shrubs and sedges (where appropriate). The selection of suitable native tree species will improve the landscape amenity of the land and provide a buffer along roadside boundaries.
- Soil Types – the subject land contains low or variable phosphorous retention ability. This is further complicated by duplex soils (sand over clay), which reduces the soil permeability and creates higher ground water tables in winter.
- Stocking Levels – stocking levels on new land subdivisions between 4,000m² up to 4.0 hectares are governed by a planning approval granted by Council and the Department of Agriculture. The Council takes into account the impact that stock will have on the environment with respect to water quality and potential for land degradation.
- Water Balance – water balance strategies in the proposed subdivision aim to retain and dispose of water (runoff waste water) on-site through a combination of waste water treatment, tree planting, soil amendment, irrigation and engineering methods (e.g. retention basin earthworks). By integrating all these approaches the normal means of transporting nutrients via water movement to rivers and streams will be reduced.
- Nutrient Removal - due to the low lying nature of soil in relation to groundwater levels in winter in the subdivision area, effluent disposal systems may need to be installed in raised sand pads to prevent inundation.

Emergency Risk Management

The provision of a reticulated water supply system to all lots in the proposed development means that the integrated fire management strategy can be provided. This system is based upon the provision of fire hydrants. The location of these fire hydrants will be determined in consultation with Council.

The provision and construction of multi-use trails within the application area will allow for fire and emergency vehicles, maintenance plant and equipment access.

Conclusion

Essentially, the proposal represents a re-consideration of a previous subdivision approval that is due to lapse in approximately 9 months. The subdivision design plan submitted has remained unchanged to the subdivision approved by the WAPC in March 2000.

It is recommended that the proposed subdivision of Lots 786-788 Karnup and Walker Roads, Karnup, be supported subject to those conditions contained in the Officer's Recommended Resolution.

Sustainability Statement

The proposed subdivision has been designed to ensure the retention and preservation of existing mature trees, although the site is predominantly void of native vegetation. Despite this, the proponents have indicated that revegetation will be integrated with engineering methods and a tree planting programme will be formulated for those allotments, which have been partially cleared.

The Shire has prepared a planning guideline for nutrient management. The proponents will endeavour to ensure that nutrient input into the Peel-Harvey Estuary is minimised via nutrient reduction strategies.

A drainage strategy for the site will also be implemented to assist in reducing water logging.

Statutory Environment: Town Planning and Development Act 1928 (as amended), Town Planning Scheme No. 2

Policy Implications: Shire's Rural Strategy 1994 (as amended)
Statement of Planning Policy No. 11 (SPP 11)
Local Planning Policy No. 9 - Multiple Use Trails Within the Shire

Financial Implications: The applicant/subdivider will be responsible for payment of half cost of upgrading Walker Road and contribute to the cost of upgrading Karnup Road. This amount is to be calculated by the Shire's Asset Service.

Strategic Implications: The subject land is situated in close proximity to the Serpentine Town Centre. A golf course and showground's are located to the east of the subdivision area.

Strategies 1.3, 1.5 and 2.1 of the Shire's Strategic Plan (2001-2005) are relevant to the proposal

Community Consultation: Consultation with the community not required at subdivision stage.

Voting Requirements: Normal

Officer Recommended Resolution

The WA Planning Commission be advised that Council supports the proposed subdivision of Lots 786, 787 and 788 corner Karnup Road and Walter Road, Karnup, subject to the following conditions:

1. Deletion of the battle-axe access leg servicing the proposed public open space (POS) area. It is recommended that the POS lot have frontage to one (1) internal road only.
2. Provision and construction of multiple use trails as part of the subdivisional works for the land, in accordance with the Shire of Serpentine-Jarrahdale Draft Trails Master Plan and Draft Trails Policy.
3. Submission of a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the Local Authority and Bush Fire Service.
4. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
5. The battleaxe access leg(s) being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
6. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
7. Extension of the pedestrian access way from the proposed pedestrian access way the subject of the subdivision approval issued to the adjoining Lot 789 (WAPC reference 96794) across the northern section of the public open space lot to connect with the proposed loop road.
8. The pedestrian access way(s) within the subdivision being shown on the Diagram or Plan of Survey as such and vested in the Crown under Section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.
9. The pedestrian access way(s) within the subdivision being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
10. Construction of multiple use trails as part of the subdivisional works for the land to the satisfaction of the local authority where they relate to an integral movement system as determined by the local authority, for the overall rural living estate bounded by Walker, Karnup, Hall and Wattle Roads.
11. The land being filled and/or drained at the satisfaction of the Western Australian Planning Commission, and any easement and/or reserve necessary for the implementation thereof, being provided free of cost.
12. The applicant providing a geotechnical report on the soil conditions of the property to the specifications of the Local Authority.
13. The land being graded and stabilized at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
14. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
15. The detailed design, construction and landscaping of the public open space/drainage reserve(s) being to the satisfaction of the Western Australian Planning Commission.
16. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.
17. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme, which relates to the land use and management of the land.

18. Building envelopes and effluent disposal sites for each lot to be identified by survey generally in accordance with the sites shown on the plan of subdivision.
19. Measurements being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
20. Revegetation being carried out to the satisfaction of the Western Australian Planning Commission.
21. The subdivider to provide all purchasers of the lots within the subdivision with a copy of the document "Small Block Manual – Land Management on Small Rural Blocks in the Shire of Serpentine-Jarrahdale."
22. Arrangements being made to the satisfaction of the Western Australian Planning Commission to ensure prospective purchasers of the proposed lots fronting Walker Road are made aware of the existence of the raw material extraction activity carried out on Lot 602 Walker Road and the nature and the frequency of the activity.
23. Uniform fencing along the boundaries of all the proposed lots abutting the public open space lot and along the common boundary with the golf course lot to be constructed to the satisfaction of the Western Australian Planning Commission.
24. The length of Walker Road fronting the subdivision application area to be upgraded to a two (2) lane sealed road in accordance with Austroads Rural Design Guide and to the satisfaction of the Local Authority.
25. Street lighting to be provided at each road intersection within the subdivision and the new road intersections on Karnup Road and Rapids Road and on any bends or dead ends.
26. Street lighting to be provided on the corner adjacent the public open space area and Lot 27.
27. Submission of a Dust Management Plan to the local authority for approval.
28. The application, type and distribution of fertiliser to the land shall be subject to approval of the local authority that shall consult with the Department for Environment, Water and Catchment Protection before approval is granted.

Advice Notes:

1. The subdivider should, as soon as practical, liaise with and obtain any separate approvals required by the Water Corporation, Health Department, Water and Rivers Commission and the Local Government in respect of the drainage system, the use of on-site effluent disposal systems and associated management practices for the land prior to the commencement or completion of site works.
2. In respect to Condition 11 the developer shall provide adequate drainage system and drainage compensation to meet the requirements of the Manual for Managing Urban Stormwater Quality in Western Australia, Water and Rivers Commission 1998 and Water Corporations Mundijong Drainage District Rural Drainage Criteria dated 24 May 2000.
3. In respect Condition 12 the geotechnical report should address if acid sulphate is present within the subdivision area.
4. Condition 18 of this approval will require identification and testing of the most suitable locations for the placement of the appropriate on-site effluent disposal systems. These sites should be cleared by both the Health Department and the Local Government and the selected effluent disposal system installed and arrangements made to ensure satisfactory on-going maintenance to the specifications and satisfaction of the Health Department, Water and Rivers Commission and Local Government.
5. The subdividers should consult with the Local Government regarding the application to the land of the Planning Guidelines for Nutrient Management as prescribed in the Shire's Local Rural Strategy and in particular nutrient stripping for drainage basins and artificial wetlands.
6. The subdivider should satisfy those Special Provisions for the estate (per Amendment No. 48) and provisions of the Scheme that relate to initial site development in particular detailed drainage requirements, protection of existing vegetation, revegetation, fencing and fire mitigation and management.

7. In respect of fire mitigation and management and in accordance with the Special Provisions of the Scheme the Bush Fire Service will, in conjunction with the Local Government, specify the detail requirements, which may necessitate minor modifications of the subdivision layout to provide for fire fighting facilities and will require provision of easements. The subdivider is required to demonstrate to the Commission at the time of lodgement of Diagrams of Survey that these requirements have been satisfied.
8. It is recommended that the installation of infrastructure services be co-ordinated were practical through discussion and agreement with the relevant agencies.
9. The applicant is advised to liaise with the Local Government regarding the orientation of buildings to address the golf course.
10. The Local Authority is prepared to accept cash-in-lieu of public open space as a condition of subdivision.
12. The applicant is advised to liaise with the Local Government in terms of the construction and design of the multiple use trails within the subdivision area as prescribed in the Shire's Draft Trails Master Plan and Local Planning Policy No.9.

Footnotes

1. The following definitions to apply to the subdivision:

Multiple Use Trail: is any corridor, track, trail, route or pathway which has its primary land usage any one of – or combination of – recreational walking, hiking, cycling, horse riding and other non-motorised recreational uses, not including suburban dual use pathways and footpaths, which have potential to be managed units with community support in both development and maintenance.

Multiple Use Corridor – multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function and recreational and educational opportunities.

CRP132 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Richards seconded Cr Simpson that the WA Planning Commission be advised that Council supports the proposed subdivision of Lots 786, 787 and 788 corner Karnup Road and Walter Road, Karnup, subject to the following conditions:

1. Deletion of the battle-axe access leg servicing the proposed public open space (POS) area. It is recommended that the POS lot have frontage to one (1) internal road only.
2. Provision and construction of multiple use trails as part of the subdivisional works for the land, in accordance with the Shire of Serpentine-Jarrahdale Draft Trails Master Plan and Draft Trails Policy.
3. Submission of a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the Local Authority and Bush Fire Service.
4. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
5. The battleaxe access leg(s) being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

6. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
7. Extension of the pedestrian access way from the proposed pedestrian access way the subject of the subdivision approval issued to the adjoining Lot 789 (WAPC reference 96794) across the northern section of the public open space lot to connect with the proposed loop road.
8. The pedestrian access way(s) within the subdivision being shown on the Diagram or Plan of Survey as such and vested in the Crown under Section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.
9. The pedestrian access way(s) within the subdivision being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
10. Construction of multiple use trails as part of the subdivisional works for the land to the satisfaction of the local authority where they relate to an integral movement system as determined by the local authority, for the overall rural living estate bounded by Walker, Karnup, Hall and Wattle Roads.
11. The land being filled and/or drained at the satisfaction of the Western Australian Planning Commission, and any easement and/or reserve necessary for the implementation thereof, being provided free of cost.
12. The applicant providing a geotechnical report on the soil conditions of the property to the specifications of the Local Authority.
13. The land being graded and stabilized at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
14. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
15. The detailed design, construction and landscaping of the public open space/drainage reserve(s) being to the satisfaction of the Western Australian Planning Commission.
16. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.
17. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme, which relates to the land use and management of the land.
18. Building envelopes and effluent disposal sites for each lot to be identified by survey generally in accordance with the sites shown on the plan of subdivision.
19. Measurements being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
20. Revegetation being carried out to the satisfaction of the Western Australian Planning Commission.
21. The subdivider to provide all purchasers of the lots within the subdivision with a copy of the document "Small Block Manual – Land Management on Small Rural Blocks in the Shire of Serpentine-Jarrahdale."
22. Arrangements being made to the satisfaction of the Western Australian Planning Commission to ensure prospective purchasers of the proposed lots fronting Walker Road are made aware of the existence of the raw material extraction activity carried out on Lot 602 Walker Road and the nature and the frequency of the activity.
23. Uniform fencing along the boundaries of all the proposed lots abutting the public open space lot and along the common boundary with the golf course lot to be constructed to the satisfaction of the Western Australian Planning Commission.
24. The length of Walker Road fronting the subdivision application area to be upgraded to a two (2) lane sealed road in accordance with Austroads Rural Design Guide and to the satisfaction of the Local Authority.

25. Street lighting to be provided at each road intersection within the subdivision and the new road intersections on Karnup Road and Rapids Road and on any bends or dead ends.
26. Street lighting to be provided on the corner adjacent the public open space area and Lot 27.
27. Submission of a Dust Management Plan to the local authority for approval.
28. The subdividers should consult with the Local Government regarding the application to the land of the Planning Guidelines for Nutrient Management as prescribed in the Shire's Local Rural Strategy and in particular nutrient stripping for drainage basins and artificial wetlands.
29. Provision of underground power to all lots.

Advice Notes:

1. The subdivider should, as soon as practical, liaise with and obtain any separate approvals required by the Water Corporation, Health Department, Water and Rivers Commission and the Local Government in respect of the drainage system, the use of on-site effluent disposal systems and associated management practices for the land prior to the commencement or completion of site works.
2. In respect to Condition 11 the developer shall provide adequate drainage system and drainage compensation to meet the requirements of the Manual for Managing Urban Stormwater Quality in Western Australia, Water and Rivers Commission 1998 and Water Corporations Mundijong Drainage District Rural Drainage Criteria dated 24 May 2000.
3. In respect Condition 12 the geotechnical report should address if acid sulphate is present within the subdivision area.
4. Condition 18 of this approval will require identification and testing of the most suitable locations for the placement of the appropriate on-site effluent disposal systems. These sites should be cleared by both the Health Department and the Local Government and the selected effluent disposal system installed and arrangements made to ensure satisfactory on-going maintenance to the specifications and satisfaction of the Health Department, Water and Rivers Commission and Local Government.
5. The subdivider should satisfy those Special Provisions for the estate (per Amendment No. 48) and provisions of the Scheme that relate to initial site development in particular detailed drainage requirements, protection of existing vegetation, revegetation, fencing and fire mitigation and management.
6. In respect of fire mitigation and management and in accordance with the Special Provisions of the Scheme the Bush Fire Service will, in conjunction with the Local Government, specify the detail requirements, which may necessitate minor modifications of the subdivision layout to provide for fire fighting facilities and will require provision of easements. The subdivider is required to demonstrate to the Commission at the time of lodgement of Diagrams of Survey that these requirements have been satisfied.
7. It is recommended that the installation of infrastructure services be co-ordinated were practical through discussion and agreement with the relevant agencies.
8. The applicant is advised to liaise with the Local Government regarding the orientation of buildings to address the golf course.
9. The Local Authority is prepared to accept cash-in-lieu of public open space as a condition of subdivision.
10. The applicant is advised to liaise with the Local Government in terms of the construction and design of the multiple use trails within the subdivision area as prescribed in the Shire's Draft Trails Master Plan and Local Planning Policy No.9.

Footnote:

1. The following definitions to apply to the subdivision:
Multiple Use Trail: is any corridor, track, trail, route or pathway which has its primary land usage any one of – or combination of – recreational walking, hiking, cycling,

horse riding and other non-motorised recreational uses, not including suburban dual use pathways and footpaths, which have potential to be managed units with community support in both development and maintenance.

Multiple Use Corridor – multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function and recreational and educational opportunities.

CARRIED 9/0

Note: The Officer Recommended Resolution was altered by replacing condition 28 and adding condition 29.

Cr Scott declared an interest in item P135/08/02 as she is an adjoining landowner and left the meeting at 8.00pm.

Director Sustainable Development tabled a letter of objection to the Committee Meeting received from Mr Bruce Scott which was received within the advertising period but was not passed to Sustainable Development prior to this report being prepared.

P135/08/02 FINALISATION OF AMENDMENT NO. 125 TO TOWN PLANNING SCHEME No. 2 (P01560/01)		In Brief
Proponent	Dykstra & Associates	<p>Council to consider finalising Amendment No. 125 to Town Planning Scheme No. 2.</p> <p>Amendment No. 125 proposes to rezone Lot 216 Nettleton Road, Byford, from 'Rural' to 'Rural Living A' and 'Rural Living B'.</p> <p>The Amendment is recommended for final adoption with modifications.</p>
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	16 July 2002	
Previously	P045/10/01; P067/12/01	
Disclosure of Interest		
Delegation	Council	

Owner: Lockhart Holdings
 Owner's Address: 147 Nettleton Road, Byford
 Applicant: Dykstra & Associates
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott
 Date of Receipt: November 2001
 Advertised: Advertised for 42 days from 14 May to 24 June 2002 (inclusive)
 Submissions: Yes. A total of seven (7) submissions received
 Lot Area: 13.46ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Falls immediately outside Byford Structure Plan area
 Rural Strategy Policy Area: Rural Living 'A'
 Rural Strategy Overlay: Landscape Protection Policy Area
 Municipal Inventory: Not applicable
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: Nil.
 Date of Inspection: 11 July 2002

Background

Council at its meeting held 17 December 2001 considered the rezoning proposal and resolved the following:

“Moved Cr Price seconded Cr Murphy

That Council, pursuant to Section 7 of the Town Planning and Development Act 1928, resolves to initiate an amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme N^o 2 by rezoning Lot 216 Nettleton Road, Byford to Rural Living A and Rural Living B zone in accordance with application dated 7 May 2001 subject to satisfactory preparation of five copies of amending documents including special provisions subject to:

- 1 A revised plan being submitted which provides for not more than two lots on the northern side of the brook (this portion of the subject land to be rezoned to Rural Living B). These building envelopes to be positioned on the flat section of the blocks.*
- 2 Water sensitive detention features to be located at points A and C and construction of two riffle structures as shown on Figure 4.*
- 3 All building envelopes must be a minimum of 40 metres from the brook.*
- 4 A special provision to be included and approved by Council that the subdivider prepares a storm water management plan to address mosquito control, erosion, nutrient and drainage issues during and post construction.*
- 5 The subdivider shall prepare a foreshore management plan for the Beenyup Brook reserve within the lot, including any constructed wetlands, and proposed method of mosquito control and submit with application for subdivision. The Reserve shall be created for the multiple use of waterway protection, drainage, wildlife protection and passive complementary recreation. The Plan shall address vegetation management (including weed control), waterway restoration and infrastructure. This to be subject of an approved special provision.*
- 6 Standard Council provisions for re-vegetation shall be included.*
- 7 Strategic firebreak to be installed to encapsulate the two northern blocks and link into the two cul-de-sac roads that would service the estate. These shall be incorporated into an approved fire management plan and reflected on the subdivisional guide plan. The fire management plan shall cover all aspects of fire prevention and mitigation for high fire risk areas.*
- 8 A reserve for access be provided to the Darling Range Regional Park to the north for public access.*

CARRIED 5/1”

In response to the applicants submission of the revised subdivision plan, the following comments are made:

1. The modified plan depicts two (2) lots on the northern side of the brook, however, it is considered that the building envelopes have not been positioned on the flat sections of the two (2) lots, as approved by Council. It is recommended that they be relocated closer to the brook in an area that is flat and predominantly cleared of native vegetation (**refer to the modified Subdivision Guide Plan with the attachments marked P135.1/08/02**).
2. Water sensitive design features have been nominated on the subdivision plan and these are considered acceptable. The two (2) riffle structures have also been shown in those locations agreed to by Council.
3. Building envelopes will need to be located 40 metres from the brook. Additionally, the use of ATU's will be required for those properties that fall within 100 metres of the brook.
4. The applicant has included a Special Provision within the Amendment pertaining to the preparation of a Stormwater Management Plan.
5. The applicant has included a Special Provision which requires the preparation of a Foreshore Management Plan for the Beenyup Brook reserve.
6. A Special Provision has also been included which requires that a tree planting and maintenance programme be submitted at the time of submitting a building application for each prospective lot. Re-vegetation areas have been nominated on the subdivision guide plan.

7. A strategic firebreak has been incorporated into the subdivision area, however, it does not encapsulate the two (2) northern blocks. It is recommended that the plan be amended as illustrated in the modified Subdivision Guide Plan.
8. The applicant has provided a 3.0 metre wide emergency accessway from the second bridge to the eastern boundary adjoining the Darling Range Regional Park.

Subdivision Proposal

The applicant originally applied for approval to rezone the subject land from 'Rural' to 'Rural Living A' in its entirety, with nine (9) lots on the northern side of the creek and thirteen (13) lots on the southern side. A loop road extending from Nettleton Road was proposed to service the northern lots. However, this was not supported by Council for reasons stated in this report.

The advertised Amendment proposes thirteen (13) 'Rural Living A' lots on the southern side of Beenyup Creek and two (2) 'Rural Living B' lots on the elevated northern side of the creek.

Refer to a copy of the applicants revised Subdivision Guide Plan with the attachments marked P135.2/08/02.

Comments

Public and Government Agency Consultation

Amendment No. 125 was advertised for a period of 42 days from 14 May 2002 to 24 June 2002 (inclusive). Surrounding landowners and pertinent government agencies were advised in writing of the proposal and invited to comment. One (1) sign was placed on-site and an advertisement was placed in the West Australian newspaper.

At the conclusion of the advertising period a total of seven (7) submissions were received. Of these, five (5) raised no objections to the Amendment, one (1) opposed the rezoning proposal and one (1) was partly in favour of the proposed rezoning, being the applicants submission.

A copy of the submissions table is with the attachments marked P135.3/08/02.

Applicants Submission

The applicant has lodged a submission during the advertising period seeking re-consideration of the initiated and advertised Amendment proposal. The applicants revised Subdivision Guide Plan depicts four (4) lots to the north, whilst maintaining thirteen (13) lots to the south. A 'Rural Living A' zoning is proposed by the applicant over Lot 216 in its entirety.

The applicant's submission is re-produced in part below:

"...the subject land is already located within the 'Rural Living A Policy Area' of the Shire of Serpentine-Jarrahdale Rural Strategy which recommends a minimum lot size of 0.4ha. Therefore it is not unreasonable to expect that the land will be rezoned accordingly to reflect the intent of the land under the Rural Strategy. ... if rezoned, provisions can be placed to still restrict the lot yield on the northern side of the Brook.

The inclusion of four (4) lots to the north of the Brook will actually improve the environmental values of the land especially in terms of conservation of the Brook. By having a slightly higher lot yield, the landowner can construct a bridge crossing to service these newly created lots thereby minimising any possible impact of the existing Brook.

Subdivision to a 1.0ha minimum rather than 2.0ha on the northern side of the Brook will allow the subject land to become more in keeping with the 'Rural Living A' intent of the land. In this regard the newly constructed lots will be able to be serviced by Scheme water and in addition, activities of a more "rural" nature such as the keeping of horses will be prevented from occurring on these northern lots.

Finally, a concern raised by Council in their decision to reduce the lot yield on the northern side of the Brook is to meet the landscape objectives of the area. However, subdivision to 1.0ha lots will still allow for the positioning of building envelopes in the lower lying areas on each new lot that will have no impact on the landscape values of the area."

Analysis of Applicants Submission

In summary, there are reservations with supporting more than two (2) properties on the northern side of the creek for the following reasons:

1. This area is moderately vegetated with mature trees. Two (2) lots would result in minimal clearing of existing vegetation for future proposed building envelopes. It would also assist in preventing erosion and degradation of a fragile environment;
2. The creation of two (2) lots on the northern side of the brook and location of building envelopes as far down the face of the scarp as possible, Council will be preventing the construction of houses along the ridge line and therefore retaining the amenity of the ridge line;
3. The creation of larger lots would create a buffer between the future subdivision area and the Darling Range Regional Park situated to the north-east;
4. The 'seen area' of this steep area needs to be taken into account. In this respect, there is a need to protect the visual amenity of the Darling Scarp. This is incorporated within the Shire's Rural Strategy;
5. The Town Planning Scheme lists Landscape Protection in Appendix 5 referring to acceptable development with the Scarp Area. It is considered that the application does not meet the intentions of Appendix 5 used by Council Officers when assessing development requirements within the Scarp, particularly in respect to building control;
6. There will be a reduction in the need for infrastructure and therefore the costs of placing infrastructure within the subdivision.

An important consideration in respect to the proposed rezoning is the following 'Policy Objective' for the Landscape Protection Policy Overlay. As such LP5 (page 58) of the Rural Strategy states:

"To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including: South west Highway, Nettleton Road, Admiral Road, Kingsbury Drive, Jarrahdale Road and both the North – South and East – West Railway lines."

Conclusion

The Amendment proposes to rezone Lot 216 Nettleton Road from its current 'Rural' zoning to 'Rural Living A' and 'Rural Living B'. The applicant has lodged a submission during the advertising period requesting re-consideration of the rezoning proposal by creating a blanket zoning of 'Rural Living A' over the entire subject land. This is not supported by the Sustainable Development Service for reasons explained above.

In view of the above rationale, it is recommended that Amendment No. 125 be adopted for final approval subject to modifications outlined in the Officer's Recommended Resolution.

Sustainability Statement

There is a need to protect the visual amenity of the Darling Scarp and ensure that the subject land is environmentally sustainable for future generations. Council's Vision Statement says:

"Our growth will attract people who value our rural character, diverse lifestyle, natural beauty and heritage and manage responsibly today for a better tomorrow."

Statutory Environment: Section 7 of Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2 (TPS 2)
Appendix 5 from TPS 2 – Landscape Protection Policy

Policy Implications: Section 5 and 8 of the Shire's Rural Strategy 1994 (as amended).

Financial Implications: Nil.

Strategic Implications: Further proliferation of Rural Living 'A' and Rural Living 'B' development in close proximity to the Byford Urban Cell is generally supported.

Relevant strategies from the Shire's Strategic Plan (2001-2005) are:

Strategy 1.5

"Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits."

Strategy 2.1

"Encourage best practise environmental management."

Community Consultation: Amendment was advertised for 42 day period – seven (7) submissions received. Refer to Schedule of Submissions table.

Voting Requirements: Normal

Officer Recommended Resolution

- A. Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolve to adopt for final approval Amendment No. 125 to Town Planning Scheme No. 2 by rezoning Lot 216 Nettleton Road, Byford, from 'Rural' to 'Rural Living A' and 'Rural Living B', subject to changes being effected to the subdivision guide plan which depicts the following:
1. Relocation of the proposed building envelopes on the flat sections of the two (2) northern properties as shown on the modified plan.
 2. Location of a strategic firebreak encapsulating the two (2) northern properties, as shown on the modified plan.
 3. Notation requiring alternate treatment units within 100 metres of the brook.
- B. Council note and endorse the Officer's comments contained in the Schedule of Submissions table and Comments section of the Officer's report.

CRP135 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Simpson seconded Cr Hoyer that

- A. Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolve to adopt for final approval Amendment No. 125 to Town Planning Scheme No. 2 by rezoning Lot 216 Nettleton Road, Byford, from 'Rural' to 'Rural Living A' and 'Rural Living B', subject to changes being effected to the subdivision guide plan which depicts the following:
1. Relocation of the proposed building envelopes on the flat sections of the two (2) northern properties as shown on the modified plan.
 2. Location of a strategic firebreak encapsulating the two (2) northern properties, as shown on the modified plan.
 3. Notation requiring alternate treatment units within 100 metres of the brook.
- B. Council note and endorse the Officer's comments contained in the Schedule of Submissions table and Comments section of the Officer's report.

CARRIED 7/1

Cr Richards requested that his name be recorded to reflect that he voted against this item.

Cr Scott was not present and did not vote

Cr Scott returned to the meeting at 8.02pm.

SUPPLEMENTARY REPORT

P135/08/02 FINALISATION OF AMENDMENT NO. 125 TO TOWN PLANNING SCHEME No. 2 (P01560/01)

The purpose of this report is to present for Council's consideration an additional submission that was lodged during the advertising period for Amendment No. 125.

The submission has been summarised in the Schedule of Submissions table below.

TOWN PLANNING & DEVELOPMENT ACT, 1928 (AS AMENDED) - SCHEDULE OF SUBMISSIONS - AMENDMENT No. 125

No.	NAME/ADDRESS	AFFECTED PROPERTY	SUBMISSION	OFFICERS COMMENTS
1.	B Scott	164 Nettleton Road, Byford	Objection for the following reasons:	Noted.
			<ul style="list-style-type: none"> Development encroaches into the Darling Range which backs onto a National Park. 	The Darling Range Regional park abuts the subject site. However, there are special provisions set up through the amendment and subdivision that ensures that any future development of the subject land will minimise environmental damage.
			<ul style="list-style-type: none"> Creation of 15 lots would destroy the rural atmosphere of the area. 	Not supported. The Shire recommends that a maximum of 2 lots be supported on the northern side of the existing creek which is considered to be the 'seen area' of the subject land. Special provisions will also be enforced through requirements of Council's Town Planning Scheme No. 2.
			<ul style="list-style-type: none"> Are there any residential design codes in position for uniformity if this development is allowed to go ahead? 	There are no proposed residential or architectural design codes proposed for this future development.
			<ul style="list-style-type: none"> If the classification Rural stays does this imply that the block has to be a minimum of 40 hectares for subdivision? 	The Shire's Rural Strategy 1994 recommends a minimum lot size for new subdivision of 40 hectares. If the rezoning is not approved by the Hon. Minister for Planning and Infrastructure then the subject lot will remain as Rural with a lot area of 13.46 hectares.
			<ul style="list-style-type: none"> If this proposal goes ahead in its present form neighbouring properties will go down in value. 	Property devaluation of neighbouring properties cannot be substantiated.

Director Sustainable Development declared an interest in item P136.9/08/02 and left the meeting at 8.03pm.

P136/08/02 INFORMATION REPORT			
Proponent	Director Sustainable Development		In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development		
Signatures - Author:			
Senior Officer:			
Date of Report			
Previously			
Disclosure of Interest	A Watson – Director Sustainable Development in relation to P136.9/08/02 as he has shares in Telstra.		
Delegation	Council		

P136.1/08/02 PLANNING SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is with the attachments marked P136.1/08/02.

P136.2/08/02 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Development & Property
9/7/02	Shed – Lot 54 Mader Road, Mundijong
9/7/02	Warehouse – Lot 7 South Western Highway, Jarrahdale
11/7/02	Retaining Wall – Lot 111 Crossing View, Byford
19/7/02	Shed – Lot 59 Tonkin Street, Mundijong
22/7/02	Addition to existing dwelling – Lot 16 South Western Highway, Byford
23/7/02	Commercial Vehicle Parking – Lot 55 Feast Road, Serpentine
24/7/02	Garage/Studio/Workshop – Lot 69 Davey Street, Mundijong
5/8/02	Single residence – Lot 111 Crossing View, Byford
6/8/02	Patio – Lot 60 Munro Street, Jarrahdale
9/8/02	Shed – Lot 104 Jarrahdale Road, Jarrahdale

P136.3/08/02 PROPOSED SUBDIVISION – LOT 247 WALTERS ROAD, BYFORD (S115582)

Owner: V & L Grigg
 Proposal: Two lots – 2 005m² & 2 261m²
 L.A.Decn: Deferred (detailed area plan required for each precinct)
 Mfpdecn: Approved

P136.4/08/02 PROPOSED SUBDIVISION – LOT 303 & LOT 2 JARRAHDAL ROAD, JARRAHDAL (S119157)

Owner: T G Parolo
 Proposal: Amalgamation of two Rural lots
 L.A.Decn: Approved
 Mfpdecn: Approved

P136.5/08/02 AUDIT REPORT – EXTENSION OF EXISTING QUARRY (PIONEER CONSTRUCTION MATERIALS PTY LTD) – SOUTH WESTERN HIGHWAY, BYFORD (P01767)

The Minister for the Environment granted approval for Pioneer to undertake the proposed quarry extension on Lot 2779 by endorsing Statement 227 on 10 March 1992. However, the approval to implement the proposal would lapse if the project had not substantially commenced within ten (10) years.

The Audit Report has been produced following a site inspection undertaken by officers from the Department of Environment, Water and Catchment Protection.

A copy of Audit Report 5/02 (Statement 526) is with the attachments marked P136.5/08/02.

The Audit report contains conclusions and recommendations to assist Pioneer Construction Materials Pty Ltd to continue implementing the proposal in accordance with the Minister for the Environment's Statement of environmental conditions.

The Department has reviewed the document 'Excavation Management and Rehabilitation Plan' dated 30 September 2002 as part of determining the findings of the inspection. Overall, it was considered by the Department that the Rehabilitation Plan is a satisfactory document.

The Audit Report also identifies that the project has been substantially commenced within 10 years from when the approval was granted by the Minister for the Environment.

The purpose of the Audit Report prepared by the Department of Environment, Water and Catchment Protection is to ensure that Pioneer continue their compliance with environmental conditions set by the Minister for the Environment, and that the quarry site is rehabilitated in a manner that reduces environmental damage.

It is recommended that a process be implemented at the Shire which ensures that sections of the Rehabilitation Plan are forwarded to the Department of Environment, Water and Catchment Protection as required. However, it is considered that the applicant should forward this rather than the onus being on Council.

P136.6/08/02 STATEMENT BY MRS NIELD IN RELATION TO LOT 12 BIRD ROAD AND LOT 1 JACKSON ROAD, OLDBURY (P00098 & P005586/01)

Mrs Nield at the July Ordinary Council Meeting made the following statement:

"Would like to know if Council are dealing today with Lot 1 and Lot 12 and the fill they already have on those two properties and also the application to continue filling those two properties? The Presiding Member advised this was the case.

Would like to draw Councillors and Council Officers attention to some discrepancies in this report:

- In relation to the officer report, the owners address states 26 Bird Road Oldbury and this is not true. The legal address is Lot 12 Bird Road Oldbury and the postal address is 36 Bird Road Oldbury and have informed Council of this before.*
- The applicant date of receipt states Clout and Associates dated 30th November 2001 is not quite correct the applicant was Mitchell Goff and Associates filed to the Shire of Serpentine Jarrahdal 13th November 2001.*
- The form No 1 Town Planning Scheme No 2 application for approval to commence development was signed by Gordon McLean and submitted to the Council attention to Andrew Watson under a cover letter by Mitchell Goff and Associates dated 18/07/2001.*

- *Background on page 1 and I quote from the report, this application has arisen as a result of the applicant having appealed planning conditions of the Shire in relation to Lot 12 and having been granted a consent from the Minister for Planning which was Graham Kerrith at that time for filling in respects to Lot 1 and 12 possibly be due to information on plan submitted for Lot 12 also referring to Lot 1 this is not quite correct. It has arisen due to the fact that the Minister for Planning Ministerial conditions stated that the height of the fill was to be 1.3 metres with a surface covering as a growing medium for the timber plantation. He gave the Council the right to impose the conditions which were to enforce the ministerial conditions. Council has advised they did not see any reason to do so. These ministerial, when the Minister upholds an appeal on, I am led to believe and I have been informed by government authorities that the local authority is to impose those conditions. And I also note that the Minister for Environment requested from the Council with the above when she asked if you had audited this site in relation to the application for a licence for Lot 1 Jackson Road. Whether the Planning Minister, Mr Graham Kerrith on appeal gave permission for Lot 1 Jackson Road to be filled not relevant at all, he gave permission in April 1999 and you ought to be aware could not and one reason why was because the land fill, any land filling were required to be licensed before commencing and Lot 1 Jackson Road was not licensed in 1999. It did not become licensed until 13th June 2001.*
- *The Officers also stated quote the applicant had deleted Lot 1 from the original application approval and now seeks Council conditional approval in respect to Lot 1 via a fresh application for development approval. The Councils minutes in July 1998 do imply this to be so but it was deleted from the application for the Council at that time and in fact as follows the Council seems to have received an application for retrospective approval for Lot 1 Jackson Road in July 2001 and the documents from the Shire verify this. I have to say you the Council are fully aware that McLean Recycling Industries received a licence from the Department of Environmental Protection on the 13th July 2001 not as the officers state in their report. This was for Lot 1 Jackson Road only, Lot 12 at that time was not licensed and I understand is not licensed still today. You are fully aware that it has been said that the Director Sustainable Development had no problem with the licence being issued for Lot 1 Jackson Road. He was also aware that Planning permission had not been approved. The owner operator Mr McLean was made aware by the government that he must get permission from other authorities before commencing. You the Council continued to allow dumping of demolition waste knowing that you the Council had not given planning permission for the so called development. In fact have allowed a breach of your own town planning scheme it seems. The conditions that you now require to be installed, very good conditions, monitoring such like, were also required to be installed in 1997 when you gave planning permission. There is no question that the DEP's licence conflicted with the Council's conditions because the sawmill was not licensed by the DEP and still not today I understand. The planning officer reconfirmed this in a letter dated 28th January 1999 and those conditions for the saw mill were the conditions that you are requiring to be enforced today under this retrospective approval.*

The report states there are no objections or seems to be sustainable and we have management plans, two management plans, one for 1996 and one for 2001. I would like to say that a landfill is not sustainable, it does not sustain the environment, does not sustain health, does not out water or our land, it contaminates. The two management plans received in 1996 and 2001 these have been disregarded by the owner/operator and you are well aware of this. He has not adhered to them at all. We have no guarantee that the owner/operator will show that he is responsible, he has not done to date and some of your officers have even stated such to me and we have no guarantee from the Council that you will enforce these conditions."

It is not customary to respond to statements made at a Council meeting, and nor should the making of a response in this case be taken as establishing a new protocol or precedent.

The statement made in this case, however, contains a number of incorrect opinions purported to be fact.

The following points are made in relation to the statement:

- The Form 1 lodged in respect of retrospective fill on both lots indicates the address of the owner is 26 Bird Road. This application is dated and received 13th November 2001. Reports to Council address relevant matters, not all matters. The application is clearly made with the consent of the owner (who signed the application as residing at 26 Bird Road. The address of McLean Recycling Industries is in fact 38 Bird Road, not 36 as indicated in the statement.
- A separate application for Lot 1 Jackson Road only is dated 18th July 2001 and received 20th July. Because the application in respect of Lot 1 was not considered complete until receipt of information lodged on 13th November 2001, the date for both applications is recorded as the later date. Again, this information is not material to Council's determination of either application. Both applications could have been considered by the applicant to be deemed refused.
- Council's position is that the application it determined and which was subsequently considered by the Minister on appeal was for Lot 12 only, however the Ministers decision relates to both lots. Council has considered two matters, retrospective approval for Lot 12 and retrospective and approval for additional fill on Lot 1.
- It is not Council's function to audit DEP licence conditions.
- The Ministers decision allowed Council to impose a condition relating to the height of stockpiles. It did not require such a condition. Council considered the Ministers decision in April 1999 and did not impose such a condition.
- The officers report to Council is correct in respect to the dates of different DEP licences for the subject lands. The licence dates listed is not exclusive and the report indicates such.
- In respect of the suggestion that the Director Sustainable Development advised the DEP that he had "no problem with the licence being issued for Lot 1 Jackson Road", this statement is false. In a letter to Council dated 3rd December 2001 the Minister for the Environment and Heritage wrote:

"Please accept my apology for the unintended consequences of my letter of 19 October 2001 to Mr Paul Nield, advising him of the outcome of his appeal concerning the above licence.

Firstly, it has been brought to my attention that the Department of Environmental Protection did not seek comment from the Serpentine-Jarrahdale Shire about the issue of a licence for Lot 1 of the Jackson Road site in the correct manner. Therefore, the Shire's overall approval for the issuing of this licence should not have been assumed as implied in the letter to Mr Nield."

Mr Nield was sent a copy of this correspondence by the Minister at the time of which the person making the statement should be aware.

P136.7/08/02 RESPONSE TO QUESTION FROM JULY OCM FROM J SULLIVAN –
RETROSPECTIVE PLANNING APPROVAL, LOT 1 JACKSON ROAD,
OLDBURY (P005586/01)

Q Why is it necessary for Council to approve the breaches of license conditions on Lot 1 Jackson Road, Oldbury if the Minister for Planning has already over ruled the Shire's Planning conditions.

A Council is obligated to deal with any development application submitted to it. It cannot determine simply not to deal with an application. Council's Town Planning Scheme allows application to be made for retrospective planning approval. The

approval for retrospective fill on the subject land is outside the terms of the approval granted under appeal by the former Minister for Planning.

P136.8/08/02 RESPONSE TO QUESTIONS ASKED BY MR PAUL NIELD AT JUNE ORDINARY COUNCIL MEETING (A0429/03)

- Q. Regarding Lots 1 Jackson and 12 Bird Road, Oldbury the Council and staff traditionally claim that these contaminated sites are the responsibility of the DEP, these polluting properties are no longer licenced by that Department so the Shire must have a duty of care to fully assess the contamination problems especially so when considering the advice of the cowboy operator Gordon McLean gave to the Councils Planning Committee, that he has never completed his leachate drainage system a condition recognised by Council and a requirement of the DEP licence and works approval. What immediate action will the Council take regarding this serious breach of trust and criminal negligence?
- A. The issues raised in this question were subsequently addressed in report P018/07/02 and P019/07/02.
- Q. Regarding 2.4D and MCPA Chemicals and other identified heavy metals etc being injected into Serpentine paddocks on a broad acre policy, whilst not apparently under any stringent testing for types and levels of contamination of volume, since this is a broad acre pollution is now in a recognised quality water resource that is recognised essential for Western Australian consumers use (Council have had advice that evaluation of the suitability of dumping this contaminate had neglected to test for some contaminates). Will Council observe their duty of care and conduct a transparent and reputable assessment of what is being dumped and its possible detrimental effects?
- A. The issues raised in this question were subsequently addressed as part of the information report E039.1/06/02.
- Q. Is Council President Jan Star on a Committee and/or other group that previously considered the dumping of this waste and allowed it to commence and continue?
- A. Due to the limited information contained within this question, the local government cannot establish any relevant interest and therefore no response is provided.

P136.9/08/02 CURRENT STATUS OF TELECOMMUNICATIONS IN THE SHIRE OF SERPENTINE JARRAHDAL (A0340)

Senator Alan Eggleston, Liberal Senator for Western Australia has written to the Shire President enquiring as to the current status of telecommunications in the Shire. The inquiry is related to the potential future sale of Telstra.

The Chief Executive Officer has responded to Senator Egglestone in the following terms:

“The Shire of Serpentine Jarrahdale is considered semi rural, and is located within a thirty (30) minute drive to the Perth CBD. Access however, to broadband services for the internet is not readily available. Also the telephone exchange does not allow installation of the latest digital telephone technology and there is difficulty in communicating with satellite offices i.e. there are limited bandwidth options.

I am sure you agree, that for the proximity to the capital city of Western Australia, these services should be readily available. I hope you are able to assist in improving our telecommunications services in the areas I have mentioned and I look forward to some improvements in the future.”

Senator Egglestone has been advised that Council opposes the further sale of Telstra.

Council may wish to refer this matter to the National General Assembly in November which will be attended by the Shire President and Deputy President.

P136.10/08/02 QUARTERLY REPORT – APRIL TO JUNE 2002 (A0899)

A copy of the Sustainable Development Directorate Quarterly Report is with the attachments marked P136.10/08/02.

Council is provided with the quarterly report from the Director Sustainable Development to the Chief Executive Officer for the April to June 2002 inclusive period.

Councillors are encouraged to discuss any areas within the report that they would like clarification on with the Director.

Officer Recommended Resolution

The Information Report to 14 August 2002 be received.

Committee Recommended Resolution

1. The Information Report to 14 August 2002 be received.
2. In respect to item P136.9/08/02, the Chief Executive Officer refers his response to the delegates attending the National General Assembly in November. The Chief Executive Officer also advises Telstra that Council is unhappy with Telstra's decision to install the CDMA facility on the Jarrahdale mast, neglecting to service current users of digital telephony resulting in local customers in the Jarrahdale area being denied the service.

CRP136 COUNCIL DECISION

Moved Cr Price seconded Cr Wigg

1. The Information Report to 14 August 2002 be received.
2. In respect to item P136.9/08/02, the Chief Executive Officer refers his response to the delegates attending the National General Assembly in November. The Chief Executive Officer also advises Telstra that current users of digital telephone in Jarrahdale do not have a service at the moment. Telstra be requested to initiate the earliest opportunity incentives for Jarrahdale residents to change over to the CDMA system which has coverage from the Jarrahdale tower.

CARRIED 9/0

A Watson returned to the meeting at 8.04pm

Note: The Officer Recommended Resolution was altered to refer the status of telecommunications in the Shire to the National General Assembly

- 8. MOTION OF WHICH NOTICE HAS BEEN GIVEN**
- 9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:**
- 9.1 INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS**
9.2 COUNCILLORS QUESTIONS
- 10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY**
- 10.1 Corporate Services

C023/08/02 LOCAL LAW REVIEW WORKING GROUP (A0090)		
Proponent	Executive Management	In Brief Seeking two representatives from the Corporate Services committee to sit on a Local Law Review Working Group made up of councillors to consider proposed changes to some of Council's local laws.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	01/08/02	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM065/05/02	

CRC023/08/02 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Wigg:
Councillors Simpson and Murphy be appointed to the Local Law Working Group on behalf of the Corporate Services Committee to the period ending 30 April, 2003.
CARRIED 5/0

C025/08/02 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent	Director Corporate Services	In Brief
Officer	P. Igglesden – Acting Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01	

CRC025/08/02 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Hoyer:
Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the month of July, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 5/0

C026/08/02 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000(A0917)		
Proponent	Director Corporate Services	In Brief
Officer	J. Fletcher – Customer Services Officer/Cashier	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01	

CRC026/08/02 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Hoyer:
Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 July 2002.
CARRIED 5/0

C027/08/02 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	In Brief
Officer	J. Fletcher – Customer Services Officer/Cashier	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01	

CRC027/08/02 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Murphy:
Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 July 2002.
CARRIED 5/0

C028/08/02 INFORMATION REPORT		
Proponent	Director Corporate Services	In Brief
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01	

CRC028/08/02 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Kirkpatrick:
The information report to 8 August 2002 be received.
CARRIED 5/0

10.2 Asset Services

AS004/08/02 KING ROAD, OLDBURY – SPEED ZONING (R0026)		
Proponent	Main Roads WA	In Brief Agreement to a set a speed limits on King Road between Thomas Road and Mundijong Road, Oldbury
Officer	Simon Kenworthy-Groen Design Engineer	
Signatures - Author:		
Senior Officer:	Robert Harris	
Date of Report	25 July 2002	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM065/05/02	

CRAS004 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Scott that Main Roads be advised that Council concurs with the proposed speed zonings for King Road between Thomas Road and Mundijong Road of;

- King Road from Thomas Rd to Anderson Rd retain the existing 80km/hr zoning,
- King Road from Anderson Rd to Mundijong Road is changed from state limit to 100km/hr.

CARRIED 5/0

AS006/08/02 Local Law Review Working Group (A0090)		
Proponent	Executive Management	In Brief Seeking two representatives from the Asset Services Committee to sit on a Local Law Review Working Group made up of Councillors to consider proposed changes to some of Council's local laws.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	01/08/02	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM065/05/02	

CRAS006 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Scott that Cr Kirkpatrick and Cr Wigg be appointed to the Local Law Working Group on behalf of the Asset Services Committee to the period ending 30 April, 2003

CARRIED 5/0

AS007/08/02 REVIEW OF SPEED LIMIT – ABERNETHY ROAD (R0026/A0468)		
Proponent	Main Roads WA	In Brief Main Roads is seeking Council's concurrence of proposed speed limit of 80 km/h on Abernethy Road from Kargotich To Hopkinson Road
Officer	Simon Kenworthy-Groen Design Engineer	
Signatures - Author:		
Senior Officer:		
Date of Report	02/08/02	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM065/05/02	

CR007 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Scott seconded Simpson that Main Roads be advised that Council concurs with the proposed speed zonings for Abernethy Road between Kargotich Road and Hopkinson Road of 80 km/h.
CARRIED 5/0

AS009/08/02 COMPETITIVE TENDERING OF MAJOR CAPITAL INFRASTRUCTURE PROJECTS (A0520)		
Proponent	Director Asset Services	In Brief It is proposed competitive tendering of works be deferred from 2002-03 to 2003-04 due to reduced works proposed to be undertaken in 2002-03.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	06.08.02	
Previously	AS022/09/00	
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM065/05/02	

CRAS009 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Simpson that the competitive tendering of capital infrastructure projects valued in excess of \$100,000 be deferred until the 2003-04 financial year, and the budgeted 2002-03 Bishop Road upgrading project be performed by the Operations Team on the basis of a negotiated best value proposal agreed between the Operations Team Leader and the Director Asset Services with a report submitted to the Asset Services Committee on the outcome of the conclusion at the works.
CARRIED 5/0

AS010/08/02 INFORMATION REPORT			
Proponent	Director Asset Services		
Officer	Various	Date of Report	Various
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
Delegation	Committee in accordance with resolution SM049/05/01		

CRAS010 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Simpson seconded Cr Scott That the information report to the 31 July 2002 be received .

CARRIED 5/0

10.3 Community & Recreation Development

Nil

10.4 Building Services

B05/08/02 PROPOSED RELOCATED RESIDENCE – LOT 13 RANDELL ROAD, MARDELLA (P00967)		
Proponent	Joanne Joyce	In Brief In accordance with an application received on 2 August 2002 to relocate a house onto Lot 13 Randell Road, Mardella, it is recommended that Council conditionally approve the proposal
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	08.08.02	
Previously	N/A	
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM065/05/02	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Scott that Council approves the application submitted on 2 August 2002 to place a relocated residence on Lot 13 Randell Road, Mardella, being a house less than that required by Clause 5.13.7(j) of Town Planning Scheme N^o 2, subject to compliance with the following conditions:

- 1 A building licence and effluent disposal application be submitted and approved prior to the residence being relocated onto Lot 13.
- 2 The residence is not to be relocated until all cladding containing asbestos fibres is removed and replaced with new material and certification provided to the Principal Building Surveyor that the building is asbestos free.
- 3 A bond of \$5,000 to be paid prior to the issue of a building licence to ensure that the residence is relocated and re-established and screening landscaping installed in accordance with Council's Specification for Screening Planting.

CARRIED 5/0

B07/08/02 INFORMATION REPORT		
Proponent	N/A	In Brief Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	08.08.02	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM065/05/02	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Scott that Council accepts the July 2002 Information Report.
CARRIED 5/0

10.5 Health Services

H02/08/02 INFORMATION REPORT		
Proponent	N/A	In Brief Information report
Officer	Joanne Abbiss	
Signatures - Author:		
Senior Officer:		
Date of Report	09.08.02	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM065/05/02	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Price

- 1 That Council accepts the July 2002 Information Report.
- 2 That Council endorses the officer comments contained within H02.2/08/02 to be forwarded to Department of Health.

CARRIED 5/0

10.6 Planning Development & Environment

E005/08/02 INFORMATION REPORT		
Proponent	Environmental Officer & Acting Environmental Officer	In Brief Information Report.
Officer	Dr Sue Osborne – Environmental Officer & B Dunn – Acting Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

CRE005 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Price that the Information Report to 8 August 2002 be received.

CARRIED 5/0

P120/08/02 ADOPTION OF THE EARTH CHARTER (A0193-03)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief To adopt the Earth Charter as a statement of fundamental principles underlying Council's commitment to sustainable development.
Officer	A. Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	17 July 2002	
Previously	E013/10/01	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

CRP120 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Price, seconded Cr Murphy that

1. Council adopts the Earth Charter as a statement of principles underlying the implementation of sustainable development within the Shire.
2. The Earth Charter be introduced to the community through the community forums project over the next eighteen months.

CARRIED 5/0

P122/08/02 ARMADALE REGION INTEGRATED TRANSPORT PLAN (A0518)		
Proponent	Department for Planning and Infrastructure	In Brief Progress on the Armadale Region Integrated Transport Plan and the community consultation process is reported.
Officer	A. Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	01.08.02	
Previously	SM045/02/02, SM039/12/01	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

CRP122 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Price that Council notes the progress on the Armadale Region Integrated Transport Plan.
CARRIED 5/0

P129/08/02 PROPOSED ANCILLARY ACCOMMODATION – LOT 27 KARGOTICH ROAD, OAKFORD (P02110)		
Proponent	S & K White	In Brief It is recommended that Council approve an application dated the 13 th May 2002 for ancillary accommodation on Lot 27 Kargotich Road, Oakford subject to conditions.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	28/07/02	
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

CRP129 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Needham that Council approves the application for ancillary accommodation on Lot 27 (298) Kargotich Road, Oakford subject to the following conditions:

1. A building licence be obtained, prior to commencement of development.
2. Ancillary accommodation shall only be occupied by the members of the applicants family or workers employed for agricultural/intensive agricultural activities on the subject land.
3. Legal agreement be entered into prior to the issue of a building licence.
4. All legal costs incurred to be met by the applicants.
5. Exterior finish to be the same or similar to the main dwelling.
6. Ancillary accommodation to be joined with the main dwelling by a roofed walkway.
7. Maximum area of the Ancillary Accommodation to be no larger than specified in the application dated 13/05/02.
8. Provision of effluent disposal will be subject to approval by the Health Department of WA and Council's Principal Environmental Health Officer.

Advice Note:

- In relation to condition 2, a Notification under Section 70 A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to the issue of a building license to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 2. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.

CARRIED 5/0

P130/08/02 PROPOSED CLEARING OF LAND FOR THE PURPOSES OF CONSTRUCTING A SINGLE RESIDENCE AND ESTABLISHMENT OF PASTURE – LOT 201 GOSSAGE ROAD, OLDBURY (P01908)		
Proponent	S. J. Williams & M. J. Lewis	In Brief It is an application for clearing of land for the purpose of construction of residence and for establishment of pasture for grazing of stock. It is recommended that the application be conditionally approved.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	16/07/02	
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

Officer Recommended Resolution

Council approves the application for clearing of land on Lot 201 Gossage Road, Oldbury in accordance with the application dated 4 June 2002, subject to the following conditions:

- The area to be cleared for the purpose of building a single residence to be no larger than 2000m².
- No clearing to occur on the property other than specified in the application dated 04/06/02.
- Applicant to carry out native vegetation planting on the lot boundaries in accordance with Landscaping and Revegetation Policy LPP No. 4. Planting to be carried out by 31st August 2003.
- Applicant to retain all trees 4m and above in height and fence those trees from stock.
- No more than 26 sheep and 2 calves to be kept on the property at any one time.
- Paddocks stocked with animals over the period November to April be maintained with a pasture cover at least 75%.

Advice Notes:

- Applicant is advised that lots in close proximity to Lot 201 Gossage Road are identified as Sand Extraction Areas in the State Planning Policy No. 10 – Basic Raw Materials. Possible future Extractive Industry Uses within those areas have a potential to create a negative impact on sensitive land uses in the locality. Residential buildings within 1000m of the extraction area are considered to be a sensitive use.
- Keeping of stock on the property is required to be in accordance with Agriculture WA stacking rates, keeping of stock above the recommended Base Stocking Rates would require a separate application for Planning Consent and would require a Stock Management Plan.

CRP130 COMMITTEE DECISION

Moved Cr Scott, seconded Cr Hoyer that Council approves the application for clearing of land on Lot 201 Gossage Road, Oldbury in accordance with the application dated 4 June 2002, subject to the following conditions:

1. The area to be cleared for the purpose of building a single residence to be no larger than 2000m².
2. No clearing to occur on the property other than specified in the application dated 04/06/02.
3. Applicant to carry out native vegetation planting on the lot boundaries in accordance with Landscaping and Revegetation Policy LPP No. 4. Planting to be carried out by 31st August 2003.
4. Applicant to retain all trees 4m and above in height and fence those trees from stock.
5. No more than 20 sheep and 2 calves to be kept on the property at any one time.
6. Paddocks stocked with animals over the period November to April be maintained with a pasture cover at least 75%.

Advice Notes:

1. Applicant is advised that lots in close proximity to Lot 201 Gossage Road are identified as Sand Extraction Areas in the State Planning Policy No. 10 – Basic Raw Materials. Possible future Extractive Industry Uses within those areas have a potential to create a negative impact on sensitive land uses in the locality. Residential buildings within 1000m of the extraction area are considered to be a sensitive use.
2. Keeping of stock on the property is required to be in accordance with Agriculture WA stacking rates, keeping of stock above the recommended Base Stocking Rates would require a separate application for Planning Consent and would require a Stock Management Plan.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered to reduce the number of sheep able to be kept from 26 to 20 in line with the application. The Presiding Officer did not consider that this amendment substantially altered the Officer Recommended Resolution.

P131/08/02 PROPOSED SUBDIVISION - LOT 17 BLAIR ROAD, OAKFORD (S119656)		
Proponent	Brook & Marsh Pty Ltd	In Brief That Council recommends to the WA Planning Commission that it refuse an application dated the 1 st July 2002 for the subdivision of Lot 17 Blair Road, Oakford.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	23/07/2002	
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

CRP131 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Price, seconded Cr Hoyer that Council recommends to the WA Planning Commission that it refuses an application dated 1st July 2002 for the subdivision of Lot 17 Blair Road, Oakford for the following reasons:

1. The subject land is recommended for inclusion in the Farmlot Policy Area in Councils 2001 Rural Strategy Review. Subdivision would create lots under the four hectare minimum lot size for subdivision of Farmlot land identified in Council's Rural Strategy.

2. The WA Planning Commission is unable to approve applications for subdivision of land that has not been appropriately zoned for Rural-Residential or Rural Smallholdings within Council's Town Planning Scheme.
3. The WA Planning Commission is unable to approve applications for subdivision which result in lot sizes below those specified within an approved local Rural Strategy as stated in the "Development Control – Policy Manual – DC 3.4".

CARRIED 5/0

P133/08/02		FINAL ADOPTION OF AMENDMENT NO. 121 TO TOWN PLANNING SCHEME NO.2 (P00469/01)	
Proponent	Gray & Lewis	In Brief The purpose of this report is to consider final adoption of Amendment No. 121 to Town Planning Scheme No.2, which proposes to rezone Lot 80 Thomas Road, Byford from 'Urban Development' to 'Rural Living A'. It is recommended Council finally adopt the amendment.	
Officer	Michael Davis – Planning Officer		
Signatures - Author:			
Senior Officer:			
Date of Report	12/07/2002		
Previously			
Disclosure of Interest			
Delegation	Committee In Accordance With Resolution SM049/05/01		

Officer Recommended Resolution

- A. Council in pursuance to Clause 17 of the Town Planning Regulations 1967, resolves to adopt for final approval Amendment No. 121 as follows:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME NO.2 – AMENDMENT NO. 121

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

All other uses are prohibited.

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

2. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.
3. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the

- clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
 5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
 6. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fire Service.
 7. Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
 8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.
 9. The land is situated within the catchment of the Peel-Harvey estuarine system where active nutrient management and responsible use of fertiliser is crucial to the health of the catchment and estuary. The application, type and distribution of fertiliser to the land shall be within limits set by the Department of Environmental Protection for irrigated and non-irrigated land.
 10. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.
 11. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.
 12. The Subdivision Guide Plan referred to in Clause 10 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.
 13. Bridle paths shall be constructed by the subdivider in accordance with the subdivision Guide Plan.
 14. Direct vehicle access is to be restricted in accordance with the endorsed Subdivision Guide Plan.
 15. Only one horse per lot may be permitted by Council.

16. Effective buffer between stables on 4000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be not less than 100 metres (including road reserve) to Urban Development to the north.
17. The proposed bridle path at the rear of 4000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be retained as a road reserve for access by horse transport to the lots;
18. The drainage system is to be designed to maximise infiltration of roof and hard surfaces runoff as close to source as possible. Piped networks, where installed, are to be kept as small as practicable and incorporate gross pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into Public Open Space or Multiple Use Corridors;
19. Developer to make payment towards infrastructure and headworks contributions for land inside the Byford Structure Plan area as determined by Council.

CRP133 COMMITTEE DECISION

Moved Cr Hoyer, seconded Cr Price that

- A. Council in pursuance to Clause 17 of the Town Planning Regulations 1967, resolves to adopt for final approval Amendment No. 121 as follows:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME NO.2 – AMENDMENT NO. 121

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

All other uses are prohibited.

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

2. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.
3. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for

- natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
6. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fire Service.
 7. Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
 8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.
 9. The land is situated within the catchment of the Peel-Harvey estuarine system where active nutrient management and responsible use of fertiliser is crucial to the health of the catchment and estuary. The application, type and distribution of fertiliser to the land shall be within limits set by the Department of Environmental Protection for irrigated and non-irrigated land.
 10. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.
 11. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.
 12. The Subdivision Guide Plan referred to in Clause 10 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.
 13. Multiple use path shall be constructed to the satisfaction of the local authority by the subdivider in accordance with the Subdivision Guide Plan.
 14. Direct vehicle access is to be restricted in accordance with the endorsed Subdivision Guide Plan.
 15. Only one horse per lot may be permitted by Council.
 16. Effective buffer between stables on 4000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be not less than 100 metres (including road reserve) to Urban Development to the north.
 17. The proposed multiple use path at the rear of 4000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be retained as a road reserve for access by horse floats to the lots.
 18. The drainage system is to be designed to maximise infiltration of roof and hard surfaces runoff as close to source as possible. Piped networks, where installed, are to be kept as small as practicable and incorporate gross

pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into Public Open Space or Multiple Use Corridors.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered by deleting condition 19 as the condition does not apply in this instance and by altering the reference to bridle trails to refer to multiple use trails. The Presiding Officer did not consider that these alterations significantly altered the intent of the Officer Recommended Resolution.

P134/08/02 FINALISATION OF AMENDMENT NO. 122 TO TOWN PLANNING SCHEME NO. 2 (A0974)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief For Council to consider the final adoption of Amendment No. 122 to TPS 2. Amendment No. 122 proposes to reflect the realignment of Mundijong Road MRS reserve arising from the gazettal of MRS Amendment No. 991/33 South West Districts Omnibus (No. 3B). It is recommended that Council resolve to finalise the Amendment.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	10 July 2002	
Previously	P118/03/01	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

CRP134 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Murphy, seconded Cr Price that

1. Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to adopt for final approval Amendment No. 122 to Town Planning Scheme No. 2 by rezoning those portions of Mundijong Road and directly abutting land to be consistent with the Metropolitan Region Scheme as shown in Figure 19 of the Metropolitan Region Scheme Amendment No. 991/33 South West Districts Omnibus (No. 3B).
2. Council notes and endorses the Officer's comments contained in the Schedule of Submissions table.

CARRIED 5/0

P137/03/02 CURRENT LEGAL MATTERS IN WHICH THE SHIRE HAS AN INTEREST (P01498/01, P01790 & A0068-02) Confidential Item		
Proponent	Shire of Serpentine-Jarrahdale	In Brief There have been recent developments in several long running legal matters in which the Shire has an interest. An update on these matters has been provided.
Officer	J Abbiss - Acting Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	16 th August 2002	
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01	

Officer Recommended Resolution

1. Council notes the officer report regarding current legal matters in which the Shire has an interest.
2. The Director Sustainable Development makes a written request to Bristile to honour their commitment, given in evidence during their recent appeal, to pay for maintenance items on Kingsbury Drive such as the upkeep of shoulders, in respect of the extractive industry licence renewal for Lot 737 Firns Road, Serpentine.
3. The Director Sustainable Development makes a written request to Bristile seeking their compliance with standard conditions relating to operation and rehabilitation of the site, in respect of the extractive industry licence renewal for Lot 737 Firns Road, Serpentine.
4. Council endorse the issuance of the extractive industry licence renewal for Lot 737 Firns Road, Serpentine subject to the condition imposed by the Magistrate limiting the speed of vehicles going both to and from Lot 737 Firns Road, Serpentine, to 30 kilometres an hour when travelling upon Kingsbury Drive.

CRP137 COMMITTEE DECISION

Moved Cr Price, seconded Cr Needham that

1. Council notes the officer report regarding current legal matters in which the Shire has an interest.
2. The Director Asset Services makes a written request to Bristile to honour their commitment, given in evidence during their recent appeal, to pay for maintenance items on Kingsbury Drive such as the upkeep of shoulders, in respect of the extractive industry licence renewal for Lot 737 Firns Road, Serpentine.
3. The Director Sustainable Development makes a written request to Bristile seeking their compliance with standard conditions relating to operation and rehabilitation of the site, in respect of the extractive industry licence renewal for Lot 737 Firns Road, Serpentine.
4. Council endorse the issuance of the extractive industry licence renewal for Lot 737 Firns Road, Serpentine subject to the condition imposed by the Magistrate limiting the speed of vehicles going both to and from Lot 737 Firns Road, Serpentine, to 30 kilometres an hour when travelling upon Kingsbury Drive.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered to replace Director Sustainable Development with Director Asset Services in part 2. The Presiding Officer did not consider that this amendment significantly altered the Officer Recommended Resolution.

11. CLOSE

There being no further business the meeting closed at 8.05pm.

I certify that these minutes were confirmed at the ordinary council meeting held on 23rd September, 2002

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Presiding Member

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Date