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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 19th DECEMBER, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.06PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
KR Murphy
IJ Richards
JA Scott
EE Brown until 7.18pm

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr D Long Director Corporate Services
Mr B Coelho Acting Director Engineering
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mr R Montgomery . Executive Manager Strategic Community Planning
Mrs S Langmair Minute Secretary

APOLOGIES: Cr JE Price

GALLERY: 6

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Public Question Time commenced at 7.06pm

David Hopkin, Lot 216 Butter Gum Close, Serpentine regarding Zinalume roof (SD074/12/05)

Mr Hopkin was under the impression that Councillors would be voting on the roof at this meeting and not at the committee meeting.

Q1 The Shire needed to respond to the evidence as supplied to State Administrative Tribunal (SAT).

A The Executive Manager Planning & Regulatory Services explained how the matter was referred back to council by the SAT.

Q2 What evidence does Council have regarding the visual effects of Zinalume compared with other light colours. Other dwellings in the area are going up with light cover roofs.

A The Executive Manager Planning & Regulatory Services advised that as Council is in an appeal situation, these matters will be responded to at the SAT hearing.

Q3 Has Byford By The Scarp been given exemption from the landscape protection policy?

A The Presiding Member advised that this is under consideration.

Public Question Time concluded at 7.18pm.

Cr Brown left the meeting at 7.18pm escorted by Cr Wigg. Cr Wigg returned to the meeting at 7.19pm.

3. PUBLIC STATEMENT TIME:

Public Statement Time commence at 7.19pm

Ron Ianello, Jarrahdale Road regarding Lot 199 Jarrahdale Road (SD078/11/05)

Advised that he had sent a fax to Councillors outlining his issues with regard to Lot 199 Jarrahdale Road so would not go over the details again. Asked Councillors for common sense to prevail when making a decision on this item tonight.

Public Statement Time concluded at 7.21pm.

4. PETITIONS & DEPUTATIONS:

Cr Kirkpatrick presented a petition signed by six (6) residents regarding quarrying at Lot 344 South West Highway failing to comply with the Council's guidelines regarding acceptable practice and causing severe environmental problems such as

- * Excessive noise
- * Dust pollution affecting Whitby falls area
- * Water/Flora/Fauna contamination
- * General contempt for local inhabitants.

The Presiding Member accepted the petition.

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

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

7.1 Ordinary Council Meeting – 28th November, 2005

That the minutes of the Ordinary Council Meeting held on 28th November, 2005 be confirmed.

COUNCIL DECISION

Moved Cr Hoyer seconded Cr Scott

That the minutes of the Ordinary Council Meeting held on 28th November, 2005 be confirmed.

CARRIED 8/0

7.2 Annual Electors Meeting – 7th December, 2005

COUNCIL DECISION

Moved Cr Wigg seconded Cr Murphy

That the minutes of the Annual Electors Meeting held on 7th December, 2005 be received.

CARRIED 8/ 0

REPORTS OF COMMITTEES:

SD078/11/05 CONSIDERATION TO INITIATE SCHEME AMENDMENT - REZONING LOT 199 JARRAHDAL ROAD, JARRAHDAL FROM 'RURAL' TO 'SPECIAL RESIDENTIAL' (P00437/02)		
Proponent:	Dykstra Planning	In Brief A proposal has been received to initiate an amendment to Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2 in order to rezone Lot 199 Jarrahdale Road, Jarrahdale from 'Rural' to 'Special Residential'. It is recommended the amendment not be supported by Council.
Owner:	RJ & L Iannello	
Officer:	Ross Montgomery - Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	15 November 2005	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 12 August 2005
 Advertised: N/A
 Submissions: N/A
 Lot Area: 7.2073ha
 L.A Zoning: Rural
 MRS Zoning: Rural and Water Catchments
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Conservation - Private Land
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: Townscape
 Bush Forever: N/A
 Date of Inspection: Various

Background:

A proposal has been received to request the Shire to initiate an amendment to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("Scheme") in order to rezone Lot 199 Jarrahdale Road, Jarrahdale from 'Rural' to 'Special Residential'. Rezoning is proposed by the landowner to allow subdivision of the subject land into 12 lots, ranging in area from 2 012m² to 4 123m². The Scheme objectives for the 'Special Residential' zone, subdivision provides for residential lot sizes larger than traditional urban residential development but on smaller lots than in 'Special Rural' and 'Rural Living' zones.

Clause 5.8.5 of the Scheme requires a draft subdivision guide plan to form part of the proposal to depict the form of subdivision and development of the subject land likely following rezoning. Officers have assessed the draft subdivision guide plan submitted by the landowner/applicant and the following aspects are considered unsatisfactory:

- i. The proposed access point from Oak Way is dangerous given its proximity to Jarrahdale Road, and that the right hand turn into Oak Way from Jarrahdale Road has a restricted sight line and is steep;
- ii. There will be a large amount of vegetation required to be removed, both in terms of clearing, building footprints and providing a 20m to 30m low fuel zone around buildings;

- iii. There will be negative impacts on biodiversity values of the subject land, through the loss of habitat and old growth vegetation as well as disruption to the vegetation corridor which extends onto the subject land from the adjacent 'State Forest' reserve;
- iv. There will be significant fire risk associated with proposed lots 5-7 and 11;
- v. The proposed lots lack effective north facing solar orientation for development;
- vi. Proposed lot shapes do not adequately respond to the site characteristics of the subject land.

A copy of the proponent's draft subdivision guide plan is with the attachments marked SD078.1/12/05.

The above unsatisfactory aspects may be addressed through redesigning the draft subdivision guide plan in a manner which better accounts for the characteristics and constraints of the subject land and surrounding area. The overall proposal does not complement the intended tourist orientated character for the core precinct of Jarrahdale townsite. Shire officers have met with Mr Iannello and his planning consultant on several occasions to encourage the preparation of a revised proposal which would achieve a more positively tourist orientated proposal and a design which better balances lot yield, safe traffic access, vegetation protection, biodiversity values, fire safety and solar orientation and site sensitive location of development.

The land is situated on a prominent hillside at the entrance to Jarrahdale. The hillside is adjacent to Gooralong Brook and a significant portion of this land has been cleared and is therefore sensitive in terms of visual and environmental impact from roads and associated residential works. A preferred approach would be to consider clustering of dwellings to minimise roading and earthworks associated with this work. In terms of land use this site would offer an opportunity for tourism related development due to its favourable outlook and accessibility.

At the last officer meeting, Mr Iannello was advised that his options were to submit a revised proposal based upon comments provided to him, or to request that the original proposal be advanced to Council for their consideration. He has requested the latter option be actioned and has written requesting that his proposal be forwarded to Council for consideration at the December meeting.

Due to the listed concerns (above) and a reluctance of the applicant to consider options for the site other than subdivision to Special Residential lots. It is recommended that Council resolves not to rezone the subject land from 'Rural' to 'Special Residential' because the submitted proposal does not adequately address a number of environmental landscape impact management issues.

Sustainability Statement:

Effect on Environment: The Shire's Rural Strategy identifies the subject land to be within the Conservation - Private Land Policy Area. This encourages adoption of an innovative approach to land management, geared specifically at the maintenance of conservation values whilst possibly accommodating land use which matches eco-educative objectives and managed by the owner to protect conservation values in perpetuity.

As mentioned above, the proposal and its draft subdivision guide plan is not considered to match objectives appropriate for protecting the environmental or natural heritage values of the subject land. The proponent's draft subdivision guide plan would specifically require a large amount of vegetation to be removed, both in terms of clearing building footprints and providing a 20m to 30m low fuel zone around buildings. This would have negative environmental impacts through the loss of habitat and old growth vegetation, as well as disruption to the vegetation corridor which extends onto the subject land from the adjacent 'State Forest' reserve.

A more landscape sensitive proposal would consider minimising of roads, fencing and control of erosion from stormwater. Any development should be appropriate in its scale, design and location on the site to respect the landscape character.

Use of Local, renewable or recycled Resources: Any development on site would be encouraged to use local contractors and materials wherever possible in the construction phase of the subdivision. Also, generated drainage and stormwater runoff would need to be treated in a water sensitive design manner.

Economic Viability: Will result in additional rates to Council and additional residents to service.

Economic Benefits: Economic benefits of this site as proposed would possibly provide short term building jobs and some additional residents for Jarrahdale townsite. No tourism component and no ongoing employment.

Social - Quality of Life: The proposal is neutral on this criteria.

Social and Environmental Responsibility: In terms of the Shire's social and environmental responsibility, it is recommended that the amendment not be initiated because it falls short in creating diversity, employment and opportunity within the local community.

Statutory Environment:

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme 1963
Town Planning Regulations 1967
Western Australian Planning Commission Act 1985
Environmental Protection Act 1986
Local Government Act 1995
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

Policy/Work Procedure
Implications:

Shire of Serpentine-Jarrahdale Rural Strategy
Statement of Planning Policy No. 1 (*State Planning Framework Policy - Variation 1*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources Policy*)
Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*)
Statement of Planning Policy No. 2.7 (*Public Drinking Water Source Policy*)
Draft Statement of Planning Policy No. 1 (*Draft State Planning Framework Policy - Variation 2*)
Draft Statement of Planning Policy No. 2.9 (*Draft Water Resources*)
Draft Statement of Planning Policy No. 3 (*Draft Urban Growth and Settlement*)
Local Planning Policy No. 6 (*Water Sensitive Design*)
Western Australian Planning Commission Policy DC 2.5 (*Special Residential Zone*)

Financial Implications:

Eventual costs to the Shire to maintain new areas within the subdivision (e.g. roads, drainage, vegetation etc).

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Required: No

If initiated by Council, the amendment will be required to be advertised for public comment for a minimum of 42 days in accordance with the *Town Planning Regulations 1967*.

Internal Consultation:

As part of assessing the draft subdivision guide plan and draft Scheme provisions, consultation has been undertaken with the following officers:

Manager Asset Services
Environmental Coordinator
Environmental Health Officer
Community Emergency Services Manager
Chief Executive Officer
Executive Manager Planning and Regulatory Services
Senior Planner

Meetings have also occurred with the landowner on at least six separate occasions.

Comment:

The Shire's Rural Strategy provides a number of objectives for the Conservation - Private Land Policy Area. Those relevant to the proposal at hand are listed following:

- C2 *To direct all development away from [Conservation - Private Land] sites and to prohibit change of land use, except where it is clearly demonstrated that development is not in conflict with the objectives of protecting and managing conservation values present;*
- C3 *To ensure that, where permitted, development or material changes in land use do not in any way adversely impact on the conservation values present or the integrity of the site, and that management to protect and enhance conservation values is put in place (including buffer zones around conservation sites);*
- C4 *To develop management plans, with long-term guidelines for the management of these sites, to be implemented through co-operative approaches with landowners or as a consequence of development;*
- C5 *To provide real incentives, where possible, for private landowners to pursue conservation management of land, through Council's direct jurisdiction and through representation to State Government, its department and authorities;*
- C10 *To employ setbacks, buffer zones, and require conservation management practices and other measures where necessary and possibly through the statutory planning system to a satisfactory standard of protection relative to the significance of conservation values present.*

The Rural Strategy's position with regard to these is that rezoning and/or development can only be entertained where clearly supportive of the conservation values inherent to a site. With regard to the proposal at hand, the proponent's draft subdivision guide plan has significant shortfalls with regard the following elements:

- i. There would be a large amount of vegetation required to be removed, both in terms of clearing building footprints and providing a 20m to 30m low fuel zone around buildings;
- ii. There would be negative impacts on biodiversity values of the subject land, through the loss of habitat and old growth vegetation as well as disruption to the vegetation corridor which extends onto the subject land from the adjacent 'State Forest' reserve;
- iii. There would be significant fire risk associated with proposed lots 5-7 and 11;
- iv. The proposed lots generally lacked effective north facing solar orientation for development;
- vi. The proposed lot shapes did not adequately respond to the site characteristics of the subject land.

In response, a redesign has been sought by Shire officers which considered options to provide a more landscape sensitive subdivision and development in terms of providing a balance between lot yield, safe traffic access, vegetation protection, biodiversity values, fire safety and solar orientation. The objectives under the Shire's Rural Strategy warrant a more thoughtful and innovative approach.

The 'Rural' zoning of the subject land under the Metropolitan Region Scheme does not allow for any further subdivision or development at this time. As an amendment to the Metropolitan Region Scheme to take the subject land out of the 'Rural' zone would be unlikely to be supported by either the Shire or the Western Australian Planning Commission, it must be considered how any proposal for further subdivision or development can be approached within the confines of the 'Rural' zone under the Metropolitan Region Scheme.

Use of a 'Special Residential' zoning as provided for under the local Scheme and Western Australian Planning Commission Policy No. DC 2.5 is the option suggested by the landowner and it should be noted by Council that section 3.1.4 of the Policy generally limits 'Special Residential' zoned development to 'Urban' zoned land under the Metropolitan Region Scheme. So there remains a question as to whether the Special Residential zoning

proposed meets the spirit of the MRS Rural zone. This requires lots to be no less than 2000m² in area, and that a decision to initiate any rezoning to 'Special Residential' must be based on a site analysis of the land taking into account topography, soil, climate and environmental aspects. A special use zoning for this land is considered more appropriate.

Unless a proposal is provided by the proponent which better meets Council's concerns, it is considered that the rezoning proposal does not adequately reflect Scheme requirements, the Shire's Rural Strategy and Western Australian Planning Commission Policy No. DC 2.5 for 'Special Residential' development. The requirement of conditions under Appendix 3 of the Scheme may best ensure subdivision and development across the subject land is optimal in terms of protecting vegetation and promoting a sustainable form of built development. Control of built development is particularly important given the subject land forms part of the entrance into the historic Jarrahdale townsite and has a high landscape amenity value.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. Council declines to initiate an amendment to rezone Lot 199 Jarrahdale Road, Jarrahdale from 'Rural' to 'Special Residential' because the proposed change is not considered appropriate for the site due to limited potential to promote long term benefits of housing diversity, mixed activity to accommodate tourism, eco-education and employment. With respect to the submitted guide plan:-
- i. The proposed access point from Oak Way is dangerous given its proximity to Jarrahdale Road, and that the right hand turn into Oak Way from Jarrahdale Road has a restricted sight line and is steep;
 - ii. There will be a large amount of vegetation required to be removed, both in terms of clearing building footprints and providing a 20m to 30m low fuel zone around buildings;
 - iii. There will be negative impacts on biodiversity values of the subject land, through the loss of habitat and old growth vegetation as well as disruption to the vegetation corridor which extends onto the subject land from the adjacent 'State Forest' reserve;
 - iv. There will be significant fire risk associated with proposed lots 5-7 and 11;
 - v. The proposed lots lack effective north facing solar orientation for development;
 - vi. Proposed lot shapes do not adequately respond to the site characteristics of the subject land.
- B. Council resolves to advise the landowner it is willing to consider a proposal which is more sensitive to protecting the landscape amenity of the site by addressing the following matters:
- i. Landscape matters of visual exposure, road and earthworks impact
 - ii. Location and clustering of buildings to achieve a visually non-dominant outcome
 - iii. Land uses which may encourage tourism, art, eco-education and cultural use of the site in recognition of its prominence and accessibility
 - iv. Innovative land tenuring, management and administration mechanisms so as to address likely issues of natural resource management, cost neutral civic administration and regulation through covenant
 - v. Consider lease hold, strata conditions and other mechanisms for land tenure and control
- C. Council advises the landowner it would consider a future request which addresses these issues however, should such a proposal not be forthcoming before February 2006 this site may be best considered in the context of the Town Planning Scheme review over the next two years.

AMENDMENT

Moved Cr Star, seconded Cr Wigg that a workshop be convened with the applicant to achieve a satisfactory outcome to all parties.

CARRIED 7/0

SD078/11/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Star seconded Cr Murphy

- A. Council declines to initiate an amendment to rezone Lot 199 Jarrahdale Road, Jarrahdale from 'Rural' to 'Special Residential' because the proposed change is not considered appropriate for the site due to limited potential to promote long term benefits of housing diversity, mixed activity to accommodate tourism, eco-education and employment. With respect to the submitted guide plan:-**
- i. The proposed access point from Oak Way is dangerous given its proximity to Jarrahdale Road, and that the right hand turn into Oak Way from Jarrahdale Road has a restricted sight line and is steep;**
 - ii. There will be a large amount of vegetation required to be removed, both in terms of clearing building footprints and providing a 20m to 30m low fuel zone around buildings;**
 - iii. There will be negative impacts on biodiversity values of the subject land, through the loss of habitat and old growth vegetation as well as disruption to the vegetation corridor which extends onto the subject land from the adjacent 'State Forest' reserve;**
 - iv. There will be significant fire risk associated with proposed lots 5-7 and 11;**
 - v. The proposed lots lack effective north facing solar orientation for development;**
 - vi. Proposed lot shapes do not adequately respond to the site characteristics of the subject land.**
- B. Council resolves to advise the landowner it is willing to consider a proposal which is more sensitive to protecting the landscape amenity of the site by addressing the following matters:**
- i. Landscape matters of visual exposure, road and earthworks impact**
 - ii. Location and clustering of buildings to achieve a visually non-dominant outcome**
 - iii. Land uses which may encourage tourism, art, eco-education and cultural use of the site in recognition of its prominence and accessibility**
 - iv. Innovative land tenuring, management and administration mechanisms so as to address likely issues of natural resource management, cost neutral civic administration and regulation through covenant**
 - v. Consider lease hold, strata conditions and other mechanisms for land tenure and control**
- C. Council advises the landowner it would consider a future request which addresses these issues however, should such a proposal not be forthcoming before February 2006 this site may be best considered in the context of the Town Planning Scheme review over the next two years.**
- D. A workshop be convened with the applicant to achieve a satisfactory outcome to all parties.**

CARRIED 5/3

Committee Note: The Officer Recommended Resolution was changed by adding a Part D so that a workshop may be convened with the applicant to achieve a satisfactory outcome to all parties.

FORESHADOWED MOTION

During debate Cr Scott foreshadowed that she would move the following motion if the motion under debate was defeated.

- a) Council passes this amendment to rezone Lot 199 Jarrahdale Road Jarrahdale from rural to special residential because the proposed change is considered appropriate to the site in respect of sensitivity to the vegetation and landscape, housing, tourism and other spin off benefits to the local community.
- b) Planning officers are requested to present a set of conditions consistent with rezoning the above land from rural to special residential at the January 2006 meeting.

SD068/12/05 POTENTIAL SITING OF EMPLOYMENT GENERATING LAND WITHIN THE SERPENTINE JARARHDALE SHIRE (A0839-06)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To recommend the preliminary work conducted by Worley Parsons to identify potential areas within the Shire suitable for employment generation be subject to further investigation and assessment as part of the preparation of the local planning strategy. To recommend the potential for a best practice business park in the area bounded by South Western Highway, Cardup Siding Road, Norman Road and the South Western railway be investigated in consultation with the community as a matter of priority.
Owner:	N/A	
Officer:	Brad Gleeson, Executive Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	5 December 2005	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 10 October 2005
 Advertised: Not applicable at this stage.
 L.A Zoning: Various
 MRS Zoning: Various
 Byford Structure Plan: Highway Commercial, Mixed Business, Town Centre and Commercial zones.
 Rural Strategy Policy Area: Various
 Rural Strategy Overlay: Various
 Municipal Inventory: Various sites in the Shire
 Townscape/Heritage Precinct: Various sites in the Shire
 Bush Forever: Various sites in the Shire

Background

As a key aspect of achieving sustainable growth, the Serpentine Jarrahdale Shire has identified the importance of developing employment opportunities within the Shire. Local employment enhances sustainability provided it:

- * Uses clean practices
- * Minimises water and energy use
- * Uses regeneration technologies
- * Reduces work journey distance
- * Creates products and services for use within the Shire

* Causes minimal impact on native vegetation and habitat

This includes the need to establish employment generation areas within the Shire to cater for future residential growth in Byford and Mundijong. A review of land capability within the Shire necessarily needs to be balanced with an employment study and workforce analysis. This will be undertaken as part of the local planning strategy. There is currently a limited amount of land that is available for industrial development in the Shire.

Worley Parsons were employed to identify and discuss potential sites within the Shire that could be considered suitable for employment generation. The goals of the study include identification of:

1. The Shire's requirements;
2. Urban and industrial development trends both within and external to the Shire;
3. The impact of major infrastructure projects on the Shire and potential benefits for industrial sites; and
4. The barriers and constraints to industrial development including examining of social, environmental, economic and governance barriers.

A summary of the report is provided below:

Study methodology

The report examines the opportunities to site potential future employment generating lands in the context of reviewing all subject land within the Shire against a matrix of potential constraints including:

*Proximity to transport links, infrastructure and other economic constraints;
Social and environmental constraints; and
Planning and Land Use constraints.*

Existing land use constraints

The report gives due regard to existing land uses in the Shire in the Rural Strategy, including:

*Residential, Town and Village Urban, Commercial;
Rural, Farmlet and Rural Living;
Agriculture Protection; and
Conservation, low lying lands and Landscape Protection areas.*

Opportunities

The report examined the industries that may present opportunities for the Shire. Broadly these industries include service sector (urban market/discretionary spending etc), transport and logistics, agricultural service sector, tourism and lifestyle, timber and construction and small business.

Constraints

The constraints identified include areas of environmentally unsuitable land, such as potential acid sulphate soils, low lying land, areas of agriculture protection and environmental significance, distance to appropriate infrastructure, no appropriate current zoning for industrial purposes and disparate private ownership of lands across the Shire.

Consultative process

The consultation process has included the Shire Councillors and staff and representatives from the LandCorp, Main Roads WA, Public Transport Authority/ Transperth and the Peel Development Commission.

Sustainability Statement

Effect on Environment:

The development of land in the Shire as an employment generation zone will be subject to formal environmental assessment processes. This includes:

1. Assessment by the Environmental Protection Authority (EPA) for any proposals for the rezoning of land or amendments to Town Planning Scheme No. 2.
2. Assessment of the proposal against all relevant State Planning Policies and Environmental Protection Policies.
3. New industry to be located where appropriate buffer areas can be provided between the industrial uses and nearby sensitive land uses.
4. Buffer distances to be determined after a technical analysis of standards and criteria relating to odour, noise, risk, light spill, dust and air quality.

The report identified that environmental factors in the Shire are many and varied and include:

- * *Landscape Protection Policy area;*
- * *Rural Strategy – agriculture protection areas;*
- * *Bush Forever sites;*
- * *Areas of significant vegetation and Bush Forever sites;*
- * *Areas of State Forest, Water Catchment, regional open space;*
- * *Potential for acid sulphate soils, salinity;*
- * *Depth to groundwater;*
- * *Wetland; and*
- * *Jandakot groundwater zone.*

Resource Implications:

The study has investigated at a broad level the servicing and infrastructure requirements for industry and employment areas. This includes water, electricity, gas and wastewater services. Prior to further assessment of specific proposals a detailed assessment of servicing requirements will be required. Such as transport (rail and road) and infrastructure network capacities.

Use of Local, renewable or recycled Resources:

This will be addressed at the rezoning and development application assessment stage.

Economic Viability:

The consultants have recently undertaken work for the Peel Development Commission with the study "Demand for Industrial Land in the Peel Region". A review has been completed on competing estates in the southern, eastern and northern parts of the metropolitan region including a brief assessment of the level of infrastructure, availability of land and indicative land values.

Market opportunities for SJ Shire

- * Development of mid size and larger lot sizes of between 4 000 to 5 000m².
- * Support industries such as timber mills, brickworks and the poultry sector.
- * Flagship client – possibly including bulk warehousing, transport and logistics, manufacturing and other businesses. The luring of a major flagship client is a possibility

and should be encouraged to assist in the development of an industrial subdivision. An example of such a flagship client is the Australian Fine China factory moving to the Forestdale industrial area in Armadale (adjacent to the Tonkin Highway).

- * Manufacturing industries from established industrial areas that are undergoing “gentrification” such as Myaree, O’Connor, Belmont and parts of Canning Vale.
- * Commercial to cater for expanding residential population – warehouses, showrooms (white goods, furniture etc).
- * Tourism industrial eg Oakford ecotourism concept or Jarrahdale Heritage Park.

Transport

The report states:

Competitive access to major transport infrastructure and economic development of land, including the provision of appropriate service infrastructure are key drivers to development of land for any purpose. The Shire has significant opportunities regarding its place on the fringe of the Perth Metropolitan area over the next decade as urban growth continues to push further along the south-western and south-eastern corridors.

The Shire offers strong transport links, low traffic congestion and close proximity to markets in the southern and eastern suburbs, Fremantle, Rockingham and the Peel Region. As part of the Peel Region, the Shire has the opportunity to service the growing metropolitan areas in Mandurah and to a lesser extent Rockingham, particularly when Mundijong Road is extended west to provide direct connection between the Kwinana Freeway and The Rockingham CBD. The Shire is also well placed to service the Kwinana Outer Harbour development with direct road access planned via Rowley, Anketell and Thomas Roads.

The functional road hierarchy of the Shire has been investigated including the assessment of road conditions, surrounding land use and suitability for industrial land use. The study identified roads that are considered to have strong, good and poor connectivity, for the purpose of considering industrial development.

Economic Viability and Benefits:

The report identifies that:

The key for the Shire is to develop appropriate planning controls which allow for uniform development, providing local employment opportunities, whilst maintaining the regions village and rural living values. This can be done by attracting complementary businesses and development employment zones in subdivisions based on the “centre of excellence” principle.

The Shire’s Executive Officer Strategic Development has been closely involved in the developing of this study and provides the following comments:

The Serpentine Jarrahdale Employment and Economic Development Strategy produced by Murray Jorgenson & Associates in 2000 indicated that despite the Shire’s large land area it had the smallest amount of retail/commercial land and industrial floor space in the Metropolitan region.

That report indicated that there was only one quarter of the amount of neighbourhood/local floorspace that would normally be expected from a Shire with a population in excess of 11,000. The undersupply is explained by our residents regularly accessing the Armadale Regional Centre and other shopping precincts external to the Shire which is strengthening their respective economies and employment positions.

The Worley Parsons report highlights the high importance of creating employment generating land as there is no existing supply of land zoned for industrial purposes. There is clearly a need to create employment opportunities to cater for the future residential growth in

Byford and Mundijong. The rate of development is gathering pace and there is a need to be pro-active in establishing employment generating land-zones in parallel with residential development.

While a demand analysis for industry to establish in the Shire has not yet been undertaken the type of industry that will be attracted broadly includes the service sector; transport and logistics; agriculture service sector; tourism and lifestyle; timber and construction and small business.

The current timber processing area on South West Highway in Cardup is identified in the report as a high priority for development and is strategically located between Byford and Mundijong. It has extremely good transport and infrastructure links. There is the potential to capture flagship clients and people and intensive industries including computer software companies; public relations; accounting firms; general consultancy practices; health care and medicines; law and planning.

The development of this site as a first priority needs to set the example for others that will invariably follow in the Shire and therefore best practice in design, energy efficiency, cleaner production etc should be encouraged.

Social – Quality of Life, Social and Environmental Responsibility and Social Diversity:

The report states that are a number of social factors that need to be considered by the Shire including:

- * Buffer zones - buffers to comply with EPA requirements. More intensive employment activities to be located centrally within future employment zones with businesses positioned on the edge of the zone boundaries to assist in the creation of a buffer between residential and areas of environmental significance;
- * Noise requirements - as above for general buffer zones;
- * Visual amenity - require buffers using landscaping and other forms of delineation between land uses and roads;
- * Provision of opportunity for localised employment given the metropolitan average figures showing a minimum of 10% of employment is generated locally; and
- * Protection of potential industrial land from encroachment by residential and other land uses.

Statutory Environment:

Metropolitan Region Scheme
Town Planning and Development Act
Environmental Protection Act
Town Planning Scheme No. 2
Rural Strategy
Various WAPC Statements of Planning Policy:

Policy/Work Procedure Implications:

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

Financial Implications:

The costs to develop land include upgrading road networks, fill and drainage and extension of services. Many of these costs will be borne by the land developer or business that establishes in the area. There may be some costs to Council including possible road upgradings as well as the time spent by staff to further progress the planning of employment zones.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Extensive community consultation will occur at the time of considering any proposals for the rezoning of land/scheme amendments or when considering development applications. Referrals of plans and proposals will be undertaken with relevant Government agencies. Close liaison is required with the Department for Planning and Infrastructure and WAPC.

Consultation would be undertaken in accordance with Council's community consultation framework.

Comment:

With regard to the potential siting of employment generating and enterprise precinct land in the Shire the timber processing area on the South Western Highway in Cardup is identified as an immediate priority.

A plan of this land is with attachments marked SD068.1/12/05.

This area of land is considered the most suitable land to develop in the short term. The land is currently zoned Rural and Special Use (manufacture and distribution of timber and related products). Rezoning of the land would be required to accommodate the establishment of employment generating industry in this area. A detailed structure plan would need to be prepared for this land.

Preliminary discussion has occurred with one major landowner in this area who has expressed a strong desire to develop this land as an employment zone.

Shire's Planning Strategy

It is noted that this is a first stage study only, for the purpose of identifying potential land in the Shire that could be considered for employment zones. Much more work is required to be undertaken including further studies to address demand analysis, environmental assessment

of potential sites and assessment of social and community factors. These studies can be undertaken as part of the preparation of a new planning strategy for the Shire.

Already discussions with the Cleaner Production Unit of Curtin University have indicated potential for a partnership to plan a model sustainable Business Park at Cardup.

Conclusion

It is acknowledged that the issue of employment as a strategy remains to be addressed in future studies however, the report recommends that an appropriate level of priority be established for the key site in Cardup due to the impending urban development and growth pressures in the Shire. The area identified as an immediate priority is the timber processing site on South Western Highway, Cardup.

The report also identifies possible sites in the Shire that could be considered further in the context of environmental, employment and transport studies yet to be conducted.

The next phase in progressing this study to the next level is to:

1. Prepare detailed plans to investigate and implement a business park concept at Cardup.
2. Determine the future demand for employment generating land through a quantitative analysis based on future residential catchments within Byford, Mundijong and outside the Serpentine Jarrahdale Shire boundaries
3. Development of a Strategy for the siting of employment generating land
4. Develop cost estimates for the development of certain parcels of land as agreed by the Shire; and
5. Consult with stakeholders including the wider community, landowners and government agencies to further understand areas of priority.

Voting Requirements: Normal

SD068/12/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Richards

1. Further studies be undertaken as part of the preparation of the Shire's new Local Planning Strategy including demand analysis and an assessment of environmental, social and economic implications for employment generating land in the Shire.
2. Shire officers commence the process of investigating, as a priority, the potential for development of land generally bounded by the South Western railway, Cardup Siding Road, South Western Highway and Norman Road, Cardup, including discussion with landowners and the surrounding community in this area and partnerships with Curtin University to develop a best practice business park focused on the service sector, transport and logistics, agriculture service sector, tourism and lifestyle, timber and construction and small business such as computer software companies, public relations, accounting firms, general consultancy practices, healthcare and medicines, law and planning. That Council wishes the addition of Greenhouse Gas Abatement measures to be included as part of the rezoning provisions.

CARRIED 8/0

Council Note: There was a minor amendment to the Committee Recommended Resolution to clarify that best practice measures include greenhouse gas abatement measures.

SD075/12/05 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 344 SOUTH WESTERN HIGHWAY, WHITBY (P00035/07)		
Proponent:	WA Blue Metal	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for crushed and screened granite. It is recommended that the extractive industry licence be granted for a one year period until 31 December 2006.
Owner:	Ransberg Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	16 November 2005	
Previously	SD088/06/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	28 October 2005
Advertised:	N/A
Submissions:	N/A
Lot Area:	81.0 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	Landscape Protection Policy area
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	3 May 2005

Background

Current Licence

At its meeting held on 27 June 2005, Council resolved to grant an Extractive Industry licence for a period of six months ending 31 December 2005.

A copy of the original conditions imposed on the current extractive industry licence is with the attachments marked SD075.1/12/05.

Previous Licence & Appeal

The previous Extractive Industry Licence was granted to WA Blue Metal for a six month period to 30 June 2005. The owner subsequently lodged an appeal on 17 January 2005 with the State Administrative Tribunal under section s377(5) of the Local Government (Miscellaneous Provisions) Act 1960, against the Council's decision to only grant an extractive industry licence for 6 months. The Shire responded to the grounds of the appeal lodged by Ransberg Pty Ltd on 8 February 2005.

WA Blue Metal also appealed conditions 5, 6, 8, 9, 12, 13, 14, 18, 19, 20, 21, 22, 25, 26 and 35 imposed on their licence. Through a series of mediations between the Shire and the applicant, agreement was able to be reached on the rewording of most of the conditions. These reworded conditions will form part of the new licence. As such, the applicant withdrew the appeal on 27 June 2005.

The conditions that remained in dispute were conditions 8 (water quality) and condition 17 (encroachment in the Manjedal Brook buffer).

Sustainability Statement

Effect on Environment: The area is currently used as an extractive industry operation. Extractive industries have the potential to have a significant effect on the environment if the operations are not undertaken in accordance with statutory approvals and licence conditions. Possible impacts on the environment include noise, dust, water quality, vegetation and visual amenity. These issues are examined at the time of site visits by Shire officers and if any complaints are received from the public. The extraction of granite has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity.

Resource Implications and Use of Local, Renewable or Recycled Resources: The proposal will extract a large volume of granite over the life of the extractive industry. The proposal does not specify any specific measures to minimise resource use. The proposal has the potential to use significant amounts of water for dust prevention and fuel for the operation of machinery.

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

Social – Quality of Life, Social and Environmental Responsibility and Social Diversity: The proposal may impact upon the community if the operations do not comply with statutory approvals and licence conditions. The Shire is currently investigating noise complaints about the crusher from residents surrounding the site.

Statutory Environment: Local Government Act 1995.
Town Planning and Development Act.
Extractive Industries – Local Law 1995

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

2.1 A person must not carry on an extractive industry -

- (a) Unless the person is the holder of a valid and current licence; and
- (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

3.2 On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.

RENEWAL OF LICENCE

4.3(4) Upon receipt of an application for the renewal of a licence, the local government may-

- a) refuse the application; or
- b) approve the application on such terms and conditions, if any, as it sees fit.

**Policy/Work Procedure
Implications:**

Landscape Protection Policy area. The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;
3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South Western Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the north-south and east-west railway lines and natural water courses;
5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

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

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

Financial Implications:

The Extractive Industry renewal fee has been paid. Costs associated with staff time to undertake site visits for audit purposes and meeting with the landowners to discuss licence conditions would be significant if totalled for the past 12 months.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

2. Consider specific sites appropriate for industry /commercial development

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation was not required for this Extractive Industry Licence renewal.

Comment:

Previous Licence

Prior to issuing the current extractive industry licence to the operator on 1 July 2005, a site inspection was undertaken by Council staff revealing outstanding planning and environmental issues associated with the extractive industry operation. At the time of renewal, three conditions on the then current licence were deemed to be non-compliant with two further conditions compliant but required the further work to address staff concerns. Conditions under appeal were not audited. The conditions deemed to be non-compliant related to the discharge of suspended solids, control of weeds and buffer distances. Although these conditions were deemed to be non-compliant, it was noted that over the past six months a concerted effort has been made by WA Blue Metal to improve the operation of the extractive industry in a number of areas. The water treatment systems have been upgraded and are working more efficiently than in previous years and revegetation works are continuing to be undertaken.

Appeal

Through the process of appeal against the previous licence, Council staff have mediated with WA Blue Metal through the SAT to reach agreement on a number of conditions that were appealed. As the appeal for the previous licence was not officially withdrawn until after the current licence had been resolved by Council, the wording of conditions on the current licence has not changed. Overall, 15 conditions and the length of time of the licence were appealed. On the 27 June 2005 the appeal was withdrawn as both parties were able to reach agreement on the appealed conditions through Minute of Consent orders. The agreed reworded conditions are included in the new extractive industry licence.

Planning Policy No. 14

Planning Policy No.14 'Extractive Industry Licences' (PP14) sets out guidelines to help Council staff determine the length of licences that should be issued to extractive industry operators.

As many of the licence conditions were appealed against, a comprehensive audit could not be undertaken of the property. The audit undertaken was limited and therefore a complete picture of the level of compliance with the current licence conditions could not be completed.

Condition 1 – Submission of Annual Report

In terms of the submission of documentation, PP14 provides the following guidance. A minor (1) point of compliance is achieved when the "plan has been submitted prior to the commencement of site works for approval or due date as specified in the licence condition but is not of approval standard at present" or "plans submitted between 1-30 days late". The first condition on the licence relates to the submission of the annual report by 15 September 2005. The Shire agreed to extend this deadline to 30 September to enable WA Blue Metal to undertake various works that were required. The annual report was submitted on 18 October 2005, 18 days after the agreed revised due date. As such, under PP14, 1 point is awarded.

Condition 7 – Water Treatment

In terms of site management and operations, PP14 states that a minor (1) point of compliance is achieved when "non-compliance occurred but remediated or commence actions to remedy if long term approach required within 4 weeks of occurrence and this is supported in writing to the Shire". On site it was noted that none of the sediment traps inspected within the mine area were full of sediment and were therefore working well. In addition, the company has sought the advice of three consulting companies regarding the management of surface waters with other measures being put in place to redirect as much surface water as possible back into the mine site area. The sediment traps are working much better than they have in the past, with WA Blue Metal ensuring that the water treatment measures put in place are up to Council standard. As such, under PP14, one point is awarded.

Condition 15 – Weed Control

As per condition 7, condition 15 has achieved a minor (1) point of compliance as the company has been initiating different controls to try and manage the infestation of weeds on the property. Although the control could be improved, WA Blue Metal are doing all they can to meet the condition through additional sprayings and introducing stock on the land to control the weeds. As such, one point is awarded.

Condition 16 – 20 metre Buffer

At the previous site visit, it was noted that although no excavation is taking place within 20 metres of the western boundary, it is likely that the trench that has been constructed to slow surface waters is within this area. The trench can, however, be rehabilitated when the

water quality problems are sorted out. In the last Council report this issue was identified as a minor non-compliance. Therefore, under PP14, one point is awarded.

Conditions still in dispute

Condition 18 – Water Quality

This condition states

The quality of water in Manjedal Brook at the western boundary of the site is to be within 10 percent of the quality of water at the eastern boundary of the site.

The applicant is seeking a condition matching the Department of Environment licence condition limiting TSS to 80mg/l. The revised wording of this condition is supported.

Condition 19 – buffer to Manjedal Brook

This condition states:

The licence is to maintain a buffer zone extending at least 50 metres along either side of Manjedal brook within which no vegetation is to be disturbed and no stockpile materials is to encroach.

This condition has been breached as fill has encroached into the 50 metre buffer. Resolution of this issue has not been reached and is likely to be very difficult to resolve ie removal of the fill that has encroached into the buffer area.

Condition 13 – Revegetation standards

The wording of this condition is disputed.

It is proposed that the current licence condition remain.

Conclusion

Council has received a number of noise complaints about the crusher on this site. This matter needs to be resolved by the operator in conjunction with the Shire. It is recommended that a one year licence be granted for 2006. Following a full audit of all licence conditions during 2006, Council will be in a much better position to determine the level of compliance with conditions on the property and could consider granting a longer length of licence.

Voting Requirements: Normal

SD075/12/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Richards

The extractive industry licence be issued for granite extraction at Lot 344 South Western Highway, Whitby for a one year period expiring 31 December 2006 subject to the following conditions:

PLANNING

- 1. The licensee is to submit an annual report to the Shire by 31 October each year. (AD1)**
- 2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)**
- 3. The main access road from South Western Highway to Lot 344 is to be sealed and maintained so as not to produce dust emissions.**

4. **No works are to be exposed to the view from the South Western Highway and the Coastal Plain.**

ENVIRONMENTAL

Water Quality

5. **The licensee shall prepare by 1 April 2006, an updated Water Management Plan for approval by Executive Manager Strategic Community Planning and thereafter implement the approved Water Management Plan in its entirety. (WQ1)**
6. **The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and uncompleted vegetated areas, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials. (W03)**
7. **All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams. (W04)**
8. **The quality of water in Manjedal Brook at the western boundary of the site is to be within 80mg/l of the quality of water at the eastern boundary of the site as measured during the months of April to November.**
9. **Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after a 25mm rainfall event (over a duration of two hours) and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory. (WQ7)**
10. **On receipt of water sample data which is non-compliant with the target levels set out in conditions 8, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Executive Manager Strategic Community Planning by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Executive Manager Strategic Community Planning that measures have been taken to prevent a recurrence. (WQ8)**
11. **The licensee is to ensure that there are no interruptions or obstructions to the flow of Manjedal Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation. (WQ9)**

Biodiversity Management

12. **The licensee shall prepare by 1 April 2006 a Biodiversity and Landscape Management Plan for approval by Executive Manager Strategic Community Planning approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety. (BM1)**
13. **Revegetation of forest, bushland and riparian habitats is to be:**
 - a) **With locally occurring native tree, shrub and groundcover plant species;**
 - b) **Achieve a minimum survival of 1,200 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;**
 - c) **Achieve a plant diversity of at least 75% of those species on the Shire species list for the defined community outcome with at least 5 species established per 20m²; and**
 - d) **Be managed adaptively to approximate the community structure of an agreed natural community reference site for as long as quarry activities occur on the site and for a minimum of three years after complying with the density target above.**

14. Where sedges and rushes are to be used for revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre. (BM4)
15. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning. (BM5)
16. The licensee is to maintain a 20 metre buffer along the western boundary of Location 344 South Western Highway. (BM6)
17. The only encroachment permitted in the 50 metre buffer zone along Manjedal Brook is in accordance with the plans submitted and approved by the Executive Manager Planning and Regulatory Services.

Dust

18. The licensee shall prepare by 1 April 2006 an updated Dust Management Plan for approval by Executive Manager Strategic Community Planning approval and thereafter implement the approved Dust Management Plan in its entirety. (D1)
19. The licensee shall ensure so far as practicable that visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons. (D2)
20. The licensee shall ensure that all loads entering and leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire. (D4)

Noise

21. The licensee shall prepare by 1 April 2006 an updated Noise Management Plan having particular regard to the crusher for approval by Executive Manager Planning and Regulatory Services approval and thereafter implement the approved Noise Management Plan in its entirety. (N1)
22. All site operations shall comply with the Environmental Protection (Noise) Regulations at all times. (N3)
23. Blasting is to only take place between the hours of 7am and 6pm. (N3)
24. The licensee must notify the Executive Manager Planning and Regulatory Services via facsimile 24 hours prior to each blasting being carried out on the site. (N4)
25. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the *Environmental Protection (Noise) Regulations 1997*.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.(N5)
26. The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure. (N6)
27. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:

- a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;
- the licensee shall notify the Executive Manager Planning and Regulatory Services by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence. (N7)

Hazardous Chemicals

- 28. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. (HC1)
- 29. The compounds described in condition 28 shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and metres associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water. (HC2)
- 30. The licensee shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. (HC3)
- 31. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations. (HC4)
- 32. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by Shire representatives. (HC5)
- 31. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. (HC6)

Minimal Impact Management

- 33. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility. (IMP1)
- 34. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties. (IMP2)

Engineering

- 35. The licensee shall submit by 1 April 2006 a report from a certified Geotechnical Engineer on the short, medium and long term stability of all non-operational stockpiles and bund walls. (ENG1)**

Advice Notes:

- 1. The annual report is to:**
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local law relating to requirements for documentation to accompany applications for renewal of licences;**
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring**
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence**
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months**
 - e) identify any proposed changes to approved management plans.**
- 2. The development must comply with the conditions of the Shire of Serpentine Jarrahdale planning approval dated 28 February 2002.**
- 3. The development must comply with the Approval to Commence Development granted by the WA Planning Commission issued on 1 December 1999.**

Water Quality

- 4. For the purpose of condition 8, “Quality” refers to the concentrations of total suspended solids, hydrocarbons and nutrients and heavy metals.**
- 5. The Water Management Plan is to include text and diagrams that detail:**
 - a) The designs and locations of pollution control infrastructure including traps, filters and bunds to meet water quality conditions;**
 - b) Proposed management of existing natural water courses;**
 - c) A water sampling programme describing the sample sites, and operation procedures for collecting samples, sending them for analysis, storing the data and notifying the Executive Manager Strategic Community Planning if required. (refer condition 5)**
- 6. The written report in relation to condition 10 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.**
- 7. The Biodiversity and Landscape Management Plan (condition 12) should include text and diagrams and is to:**
 - a) Include a statement of biodiversity values within that area of the site that is on the northern side of Manjedal Brook;**
 - b) Identify threats to and pressures on biodiversity values;**
 - c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;**
 - d) Include at least one scaled map of the site north of Manjedal Brook which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole site;**
 - e) Illustrate and describe land contours at proposed stages of the development including the current stage of development and following completion of extractive industry activities;**
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;**

- g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;**
- h) Locate on the map and describe all end point land uses and associated vegetation types for example forest, agricultural parkland cleared, visual screening, aquatic, industrial and riparian;**
- i) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;**
- j) Describe the community structures, species compositions and diversities of naturally growing reference communities;**
- k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);**
- l) Illustrate and describe the drainage proposed at different stages of quarry activities including what is proposed on completion of the quarrying activities;**
- m) Locate firebreaks on the map (Include copies of any necessary State Government approvals for clearing).**
- n) Describe stages and where possible, timeframes for proposed industry operation and site rehabilitation.**

Dust

- 8. The Dust management Plan is to include information relating to:**
- a) The prevailing winds;**
 - b) Buffers;**
 - c) Proposed dust control measures including vegetated screening;**
 - d) Any proposed dust monitoring;**
 - e) Potential sources of complaints about dust including a map showing the proximity of dwellings and sensitive land uses;**
 - f) Procedures to both document and address complaints with complainants and regulatory authorities. (refer condition 18).**

Noise

- 9. The Noise Management Plan is to consist of text and diagrams and include-**
- An acoustic consultant's report that identifies:**
- a) All potential sources of noise;**
 - b) Shows noise contours;**
 - c) Details proposed noise management measures for each source which may include monitoring, crusher cover, buffers and vegetation or other screening;**
- Details of complaints management that identifies:**
- a) Potential sources of complaints including local residences;**
 - b) Procedures to both document and address complaints with complainants and regulatory authorities. (refer to condition 21)**
- 10. The written report in relation to condition 27 is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other limits prescribed in this licence, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.**
- 11. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the environmental management system is approved, further licenses could be redrafted to remove individual conditions and instead refer to the approved environmental management system document.**

12. The geotechnical report refers generally to large structures which have already been rehabilitated, or the licensee plans to rehabilitate. It needs to address short (within five years), medium (20 years) and long term (50 to 100 years) time frames and should include for each structure:

- a) an assessment of overall stability in relation to slumping;
- b) the stability of individual components for example the likelihood and consequences of any boulder being dislodged from its current position on any rock wall;
- c) the stability of surface layers in relation to rates of erosion;
- d) engineering options to ensure the short, medium and long term stability if the geotechnical engineer considers any aspect of the structure to be unstable.

B. The landowner be requested to convene a Community Consultative Committee meeting with the community before March 2006.

CARRIED 5/3

Cr Kirkpatrick voted against the motion.

Committee Note: The Officer Recommended Resolution was changed by adding a Part B where the landowner is requested to convene a Community Consultative Committee meeting with the community before March 2006. The Presiding Officer did not feel that this substantially changed the Officer's Recommended Resolution.

SD076/11/05 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOTS 7, 50 & 101 NETTLETON ROAD, BYFORD (P04655/05)		
Proponent:	Austral Bricks	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for shale production for a period up to 31 December 2010. It is recommended that the extractive industry licence be granted.
Owner:	Statewest Surveying and Planning	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	28 October 2005	
Previously	SD089/06/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	N/A
Advertised:	N/A
Submissions:	N/A
Lot Area:	39.68 ha.
L.A Zoning:	Special Use
MRS Zoning:	Urban deferred
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Raw materials extraction
Rural Strategy Overlay:	Landscape Protection Policy area
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	17 May 2005 (mid year inspection)

Background

An Extractive Industry licence was issued to Austral Bricks for the extraction of shale on the subject lot on 3 February 2005. The licence expires on the 31 December 2005.

A copy of the conditions imposed on the extractive industry licence is with the attachments marked SD076.1/12/05.

Sustainability Statement

Effect on Environment: The area that is being extracted has previously been cleared of any native vegetation. The extractive industry has the potential to cause impacts on the environment by way of noise, vegetation loss, visual amenity, dust and water quality. These matters are examined at the time of site visits by Shire Officers and if any complaints are received from the public. The extraction of shale has the potential to significantly alter the existing landscape, reduce the visual amenity of the property and reduce biodiversity on the subject land.

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

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

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

Statutory Environment:

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

Extractive Industries Local Law

Extracts from the Local Law are outlined below:

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 *A person must not carry on an extractive industry -*
- (a) Unless the person is the holder of a valid and current licence; and*
 - (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*
- Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.*

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

- 4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-*
- a) refuse the application; or*
 - b) approve the application on such terms and conditions, if any, as it sees fit.*

The annual licence fee has not been paid at the time of writing this report, nor has a renewal been applied for.

Policy Implications:

Landscape Protection Policy Area. The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;
3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South Western Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the north-south and east-west railway lines and natural water courses;
5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

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

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

Financial Implications:

Extractive Industry Licence fee to be paid annually.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

An inspection was undertaken on 17 May 2005 as part of the mid-year compliance reports and revealed a number of planning and environmental issues existing on-site. A letter was subsequently sent to the landowner advising of the outstanding issues that were required to be addressed and setting deadlines for the completion of these matters.

On 28 September 2005 a letter was received from the applicant disputing some of the issues as raised in the mid-year Council report and that 14 conditions on the licence have been identified as being non-complaint. The applicant provided the following response:

Condition 6 – Dust Management Plan (DMP)

A dust management plan has been prepared and submitted to Council.

Officer Comment

The DMP provides detail relating to climate, buffers and barriers, dust control measures, monitoring and maps for North and South sources. Officers have not site assessed dust control measures, so the only means of verifying implementation and effectiveness is the number of complaints. Only one informal complaint relating to the blasting dust plume has been lodged.

Condition 7 – Generation of Visible Particulates

This relates to the above matter.

Condition 10 – Noise Management Plan

A noise management plan has been prepared.

Officer Comment

Austral Bricks have submitted a Noise Emissions Study by Herring Storer Acoustics – November 2004. The noise study modelled to predict noise emissions from the proposed quarry for the 2004 – 2005 summer period and assessed the noise level at the nearest residential premises. The study recommended only minor changes to work patterns to ensure compliance with the Environmental Protection (Noise) Regulations 1997.

In the summary report by Statewest Surveying and Planning dated 21 March 2005, a noise management plan was submitted. Council has received no complaints from residents in relation to noise from this site.

Condition 17 – Water Management Plan

McDowall Affleck, consulting engineers, prepared a plan several years ago.

Officer Comment

In correspondence from the company dated 21 March 2005

A Water Management Plan (WMP) is being prepared, which is in essence an updating of the previous work undertaken by McDowell Affleck (Consulting Engineers) and this Plan will address the matters raised in Advice Note 6.

No document has been forwarded to the Shire since 21 March 2005 relating to a Water Management Plan that covers the issues listed in the advice note for the condition.

The company, at the request of Council, has invested large sums of money in managing surface waters on site during the last two years with significant improvements in discharge quality. A responsible, cooperative attitude has therefore been demonstrated and although the revised water management plan required for condition 17 was not provided, a meeting has been set up with the company consultant for 5 December 2005 to discuss preferred formats and necessary contents for documents and to progress their preparation.

Condition 18 – Treatment of Discharged Water

It is acknowledged that further work had to be undertaken, and appropriate drainage has now been established.

Conditions 24, 25 & 26 – Storage of Hazardous Chemicals

The matters raised relative to these conditions have now been attended to, and the drums removed.

Conditions 31, 32, 33 & 34 – Biodiversity & Landscape Plans

A report prepared by 'Landscape Planners' dated July 2005 has been submitted with.

Officer Comment

Following a site discussion and the engagement of a consultant by the company a document entitled Biodiversity Management and Rehabilitation Plan was received by the Shire on 28 July 2005. This document was reviewed by the Environmental Officer and some comments were sent back to the company by letter on 21 October 2005 requesting some minor changes. Subsequent correspondence has indicated that the company environmental consultant intends to incorporate the changes and forward the revised document to the Shire prior to 2 December 2005. Significant progress has been made towards the completion of a document that will be acceptable to the Shire.

Condition 38 – Protection of Remnant Vegetation

This matter is addressed in the report prepared by ‘Landscape Planners’.

Condition 39 – Use of Logs in Rehabilitation

This matter is referred to in ‘Landscape Planners’ report.

Planning Policy No. 14

Planning Policy No.14 ‘Extractive Industry Licences’ (PP14) sets out guidelines to help Council staff determine the length of licences that should be issued to extractive industry operators. Out of the 14 conditions that were originally identified as being non-compliant by Austral Bricks, 10 have been achieved as the documentation had previously been submitted. The remaining 4 conditions, relating to the storage of hazardous chemicals and treatment of discharged water, have since been met. Therefore, all the conditions on the current extractive industry licence are compliant and a five year licence is recommended.

Conclusion

The issuing of a five year licence for Austral Bricks at the expiry of the current licence will benefit both the operator and Shire. Austral Bricks has submitted all the required documentation to the Shire and has been willing to improve in any area of operations that the Shire has identified as being a concern or needing improvement. Further, the subject site will be audited on an annual basis to assess the level of compliance with the recommended conditions. Any issues that may arise through these inspections can be resolved between the operator and Shire staff. It is, therefore, recommended that Austral Bricks be issued with a five year licence as determined by the guidelines within PP14.

Voting Requirements: Normal

SD076/11/05 Committee/Officer Recommended Resolution:

Subject to the annual extractive industry licence fee and compliance with the Extractives Industries Local Law (Part 4.3 - Renewal of Licence) being completed to the satisfaction of the Executive Manager Planning and Regulatory Services, the extractive industry licence be issued for Shale extraction at Lots 7, 50 and 101 Nettleton Road, Byford for a 5 year period expiring 31 December 2010 subject to the following conditions:

PLANNING

1. No works including any haulage roads are to be exposed to the view of the South Western Highway and the Coastal Plain.
2. At least 10 days advance notice in writing to the Shire is required of the intention to cart shale from the land. Signs are to be erected on the haulage road warning “Caution – Trucks using Road” during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.
3. The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October of each year (AD1).
4. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).

Dust

5. The approved Dust Management Plan shall be implemented in its entirety (D1).
6. The licensee shall prevent visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the site by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).

7. The licensee shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire (D4).
8. The Licensee shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions (D5).

Noise

9. The approved Noise Management Plan shall be implemented in its entirety (N1).
10. Blasting is to take place only between the hours of 7am and 6pm (N3). The licensee must notify the Shire by facsimile 24 hours prior to each blasting being carried out on the site (N4).
11. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity (N5).

The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure (N6).

12. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels exceed 10 millimetres per second peak particle velocity;

The licensee shall notify the Shire by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence (N7).

13. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).

Water Quality

14. Subject to approval of the revised Water Management Plan by the Executive Manager Strategic Community Planning, the revised Water Management Plan shall be implemented in its entirety (WQ1).
15. The licensee shall ensure that any discharge of water from the licensed site including runoff from unsealed access tracks and roadways and any other unvegetated areas, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials (WQ4).
16. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams (WQ5).

17. The licensee shall ensure that the water quality in Cardup Brook directly downstream of any point where water directly or indirectly discharges into Cardup Brook, is within 10 per cent variation of the water quality immediately upstream of any such discharge point (WQ7).
18. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after a 25mm rainfall event (over a duration of two hours) and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory (WQ8).
On receipt of water sample data which is non-compliant with the target levels set out in conditions 20 and/or 21, the licensee shall:-
 - a) ensure that an immediate inspection of, and obvious repairs to all the drainage and treatment systems on the premises is undertaken, shall
 - b) notify the Executive Manager Strategic Community Planning by fax within 24 hours and provide a written report within five working days with evidence to
 - c) satisfy the Executive Manager Strategic Community Planning that measures have been taken to prevent a recurrence (WQ9).
19. The licensee is to ensure that there are no interruptions or obstructions to the flow of Cardup Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation (WQ10).

Hazardous Chemicals

20. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).
21. The compounds described in condition 20 shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water (HC2).
22. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds (HC3).
23. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale (HC5).
24. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).

Biodiversity Management

25. Subject to approval of the revised Biodiversity and Landscape Management Plan by the Executive Manager Strategic Community Planning, the revised Biodiversity and Landscape Management Plan shall be implemented in its entirety (BM1).
26. Revegetation and maintenance of native forest and other bushland areas is to achieve:
 - a) a self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - b) a minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
 - c) distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community reference sites;
 - d) through adaptive management, community structures that approximate the community structures of agreed natural community reference sites;
 - e) a weed burden at levels not likely to threaten the native species;Revegetation and maintenance of parkland cleared land is to achieve:
 - a) Stable soils resistant to wind erosion;
 - b) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds (BM3).
27. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre (BM4).
28. The licensee shall control declared weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning (BM5).
29. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
30. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Biodiversity and Landscape Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment (BM6).
31. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Executive Manager Strategic Community Planning, to prevent encroachment by machinery (BM10).
32. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).
33. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

34. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).
35. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Executive Manager Planning and Regulatory Services (HC4).

36. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).

Advice Notes:

1. In relation to condition 3, the annual report is to:
 - a) comply with provisions in the Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months;
 - e) identify any proposed changes to approved management plans.
2. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
3. The written report in relation to condition 12, is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits, reasons for the non-compliant levels were recorded and how the licensee has adjusted operations to prevent a reoccurrence.
4. In relation to condition 17, “water quality” refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals.
5. The written report in relation to condition 18 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, reasons for the non-compliant levels were recorded and how the licensee has adjusted operations to prevent a reoccurrence.

Cr Richards left the meeting at 8.03pm and returned at 8.05pm

SD076/11/05 NEW MOTION

Moved Cr Star seconded Cr Hoyer

Subject to the annual extractive industry licence fee and compliance with the Extractives Industries Local Law (Part 4.3 - Renewal of Licence) being completed to the satisfaction of the Executive Manager Planning and Regulatory Services, the extractive industry licence be issued for Shale extraction at Lots 7, 50 and 101 Nettleton Road, Byford for a 5 year period expiring 31 December 2010 subject to the following conditions:

PLANNING

1. **No works including any haulage roads are to be exposed to the view of the South Western Highway and the Coastal Plain.**
2. **At least 10 days advance notice in writing to the Shire is required of the intention to cart shale from the land. Signs are to be erected on the haulage road warning “Caution – Trucks using Road” during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.**
3. **The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October of each year (AD1).**
4. **The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).**

Dust

5. The approved Dust Management Plan shall be implemented in its entirety (D1).
6. The licensee shall in so far as practicable ensure to the satisfaction of the Shire that the generation of visible particulate (including dust) from roads, accessways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises be minimised by using appropriate dust suppression techniques, including, but limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
7. The licensee shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire (D4).
8. The Licensee shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions (D5).

Noise

9. The approved Noise Management Plan shall be implemented in its entirety (N1).
10. Blasting is to take place only between the hours of 7am and 6pm (N3). The licensee must notify the Shire by facsimile 24 hours prior to each blasting being carried out on the site (N4).
11. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity (N5).

The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure (N6).

12. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels exceed 10 millimetres per second peak particle velocity;

The licensee shall notify the Shire by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence (N7).

13. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).

Water Quality

14. Subject to approval of the revised Water Management Plan by the Executive Manager Strategic Community Planning, the revised Water Management Plan shall be implemented in its entirety (WQ1).
15. The licensee shall ensure that any discharge of water from the licensed site including runoff from unsealed access tracks and roadways and any other unvegetated areas, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials (WQ4).
16. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams (WQ5).
17. The licensee shall ensure that the water quality in Cardup Brook directly downstream of any point where water directly or indirectly discharges into Cardup Brook, is within 10 per cent variation of the water quality immediately upstream of any such discharge point (WQ7).
18. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after a 25mm rainfall event (over a duration of two hours) and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory (WQ8).
On receipt of water sample data which is non-compliant with the target levels set out in conditions 20 and/or 21, the licensee shall:-
 - a) ensure that an immediate inspection of, and obvious repairs to all the drainage and treatment systems on the premises is undertaken, shall
 - b) notify the Executive Manager Strategic Community Planning by fax within 24 hours and provide a written report within five working days with evidence to
 - c) satisfy the Executive Manager Strategic Community Planning that measures have been taken to prevent a recurrence (WQ9).
19. The licensee is to ensure that there are no interruptions or obstructions to the flow of Cardup Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation (WQ10).

Hazardous Chemicals

20. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).
21. The compounds described in condition 20 shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water (HC2).
22. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately

- remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds (HC3).
23. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale (HC5).
24. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).

Biodiversity Management

25. Subject to approval of the revised Biodiversity and Landscape Management Plan by the Executive Manager Strategic Community Planning, the revised Biodiversity and Landscape Management Plan shall be implemented in its entirety (BM1).
26. Revegetation and maintenance of native forest and other bushland areas is to achieve:
- a) a self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - b) a minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
 - c) distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community reference sites;
 - d) through adaptive management, community structures that approximate the community structures of agreed natural community reference sites;
 - e) a weed burden at levels not likely to threaten the native species;
- Revegetation and maintenance of parkland cleared land is to achieve:
- a) Stable soils resistant to wind erosion;
 - b) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds (BM3).
27. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre (BM4).
28. The licensee shall control declared weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning (BM5).
29. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
30. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Biodiversity and Landscape Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment (BM6).
31. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Executive Manager Strategic Community Planning, to prevent encroachment by machinery (BM10).

32. **Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).**
33. **The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.**

Impact Management

34. **Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).**
35. **The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Executive Manager Planning and Regulatory Services (HC4).**
36. **The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).**

Advice Notes:

1. **In relation to condition 3, the annual report is to:**
 - a) **comply with provisions in the Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;**
 - b) **include results of any dust, noise, water, biodiversity and complaints monitoring;**
 - c) **provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;**
 - d) **provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months;**
 - e) **identify any proposed changes to approved management plans.**
2. **The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.**
3. **The written report in relation to condition 12, is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits, reasons for the non-compliant levels were recorded and how the licensee has adjusted operations to prevent a reoccurrence.**
4. **In relation to condition 17, “water quality” refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals.**
5. **The written report in relation to condition 18 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, reasons for the non-compliant levels were recorded and how the licensee has adjusted operations to prevent a reoccurrence.**

AMENDMENT

Moved Cr Hoyer seconded Cr Kirkpatrick

To add a new condition 37

The operator shall take all practical measures and precautions to ensure that vehicles leaving the site and traversing public roads do not deposit dirt, mud or other collection of soil material that may present a hazard in any way to motorists.

To add new Advice Note 6

In relation to condition 37 the operator may wish to consider the installation of stock grids at the exit points of the site.

**After debate the Presiding Member then put the amendment which was
CARRIED 8/0**

COUNCIL DECISION

Subject to the annual extractive industry licence fee and compliance with the Extractives Industries Local Law (Part 4.3 - Renewal of Licence) being completed to the satisfaction of the Executive Manager Planning and Regulatory Services, the extractive industry licence be issued for Shale extraction at Lots 7, 50 and 101 Nettleton Road, Byford for a 5 year period expiring 31 December 2010 subject to the following conditions:

PLANNING

- 1. No works including any haulage roads are to be exposed to the view of the South Western Highway and the Coastal Plain.**
- 2. At least 10 days advance notice in writing to the Shire is required of the intention to cart shale from the land. Signs are to be erected on the haulage road warning “Caution – Trucks using Road” during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.**
- 3. The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October of each year (AD1).**
- 4. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).**

Dust

- 5. The approved Dust Management Plan shall be implemented in its entirety (D1).**
- 6. The licensee shall in so far as practicable ensure to the satisfaction of the Shire that the generation of visible particulate (including dust) from roads, accessways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises be minimised by using appropriate dust suppression techniques, including, but limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).**
- 7. The licensee shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire (D4).**
- 8. The Licensee shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions (D5).**

Noise

- 9. The approved Noise Management Plan shall be implemented in its entirety (N1).**

10. **Blasting is to take place only between the hours of 7am and 6pm (N3). The licensee must notify the Shire by facsimile 24 hours prior to each blasting being carried out on the site (N4).**
11. **The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:**
- a) **the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997.**
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- The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure (N6).**
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- The licensee shall notify the Shire by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence (N7).**
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Water Quality

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17. **The licensee shall ensure that the water quality in Cardup Brook directly downstream of any point where water directly or indirectly discharges into Cardup Brook, is within 10 per cent variation of the water quality immediately upstream of any such discharge point (WQ7).**
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On receipt of water sample data which is non-compliant with the target levels set out in conditions 20 and/or 21, the licensee shall:-

- a) ensure that an immediate inspection of, and obvious repairs to all the drainage and treatment systems on the premises is undertaken, shall
- b) notify the Executive Manager Strategic Community Planning by fax within 24 hours and provide a written report within five working days with evidence to
- c) satisfy the Executive Manager Strategic Community Planning that measures have been taken to prevent a recurrence (WQ9).

19. The licensee is to ensure that there are no interruptions or obstructions to the flow of Cardup Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation (WQ10).

Hazardous Chemicals

20. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).

21. The compounds described in condition 20 shall:

- a) be graded or include a sump to allow recovery of liquid;
- b) be chemically resistant to the substances stored;
- c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
- d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
- e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
- f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water (HC2).

22. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds (HC3).

23. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale (HC5).

24. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).

Biodiversity Management

25. Subject to approval of the revised Biodiversity and Landscape Management Plan by the Executive Manager Strategic Community Planning, the revised Biodiversity and Landscape Management Plan shall be implemented in its entirety (BM1).

26. Revegetation and maintenance of native forest and other bushland areas is to achieve:

- a) a self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
- b) a minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
- c) distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community reference sites;
- d) through adaptive management, community structures that approximate the community structures of agreed natural community reference sites;
- e) a weed burden at levels not likely to threaten the native species;

Revegetation and maintenance of parkland cleared land is to achieve:

- a) Stable soils resistant to wind erosion;
 - b) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds (BM3).
27. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre (BM4).
28. The licensee shall control declared weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning (BM5).
29. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
30. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Biodiversity and Landscape Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment (BM6).
31. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Executive Manager Strategic Community Planning, to prevent encroachment by machinery (BM10).
32. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).
33. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

- 34. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).
- 35. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Executive Manager Planning and Regulatory Services (HC4).

36. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).
37. The operator shall take all practical measures and precautions to ensure that vehicles leaving the site and traversing public roads do not deposit dirt, mud or other collection of soil material that may present a hazard in any way to motorists.

Advice Notes:

1. In relation to condition 3, the annual report is to:
 - a) comply with provisions in the Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months;
 - e) identify any proposed changes to approved management plans.
2. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
3. The written report in relation to condition 12, is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits, reasons for the non-compliant levels were recorded and how the licensee has adjusted operations to prevent a reoccurrence.
4. In relation to condition 17, “water quality” refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals.
5. The written report in relation to condition 18 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, reasons for the non-compliant levels were recorded and how the licensee has adjusted operations to prevent a reoccurrence.
6. In relation to condition 37 the operator may wish to consider the installation of stock grids at the exit points of the site.

CARRIED 8/0

Council Note: Condition 37 and Advice Note 6 were added to address concerns by the residents of Kiln Road and related localities. Condition 6 was amended to ensure consistency with other operating licence conditions.

SD077/12/05 EXTRACTIVE INDUSTRY LICENCE RENEWAL - LOT 202 SOUTH WESTERN HIGHWAY, WHITBY (P05992/04)		
Proponent:	Hanson Construction Materials Pty Ltd	<p>In Brief</p> <p>To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for hard rock and clay at Lot 202 South Western Highway, Byford for a 5 year period up to 31 December 2010.</p> <p>It is recommended that the Extractive Industry Licence be granted.</p>
Owner:	As above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	23 November 2005	
Previously	SD023/08/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	N/A
Advertised:	N/A
Submissions:	N/A
Lot Area:	150.09ha
L.A Zoning:	Special Use
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	7 July 2005 (mid year inspection)

Background

Western Australian Planning Commission approval

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

Shire Planning approval

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

Licence

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

A copy of the current licence conditions is with the attachments marked SD077.1/12/05.

An inspection of the property and associated activities was undertaken as part of the mid-year compliance assessment in July 2005. The site was not able to be fully audited as all of

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

Appeal

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

The application for appeal is still in the process of mediation with SAT between the Shire and Hanson Construction Materials Pty Ltd. A positive outcome is likely to be reached soon subject to Council granting a new licence for the extractive industry and revised conditions being agreed to

Sustainability Statement

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

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

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

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

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

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

Statutory Environment: Local Government Act 1995.
Town Planning and Development Act.
Extractive Industries – Local Law 1995
Town Planning Scheme No. 2

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

2.1 *A person must not carry on an extractive industry -*

- (a) Unless the person is the holder of a valid and current licence; and*
- (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-*

- a) *refuse the application; or*
- b) *approve the application on such terms and conditions, if any, as it sees fit.*

Policy/Work Procedure

Implications:

Landscape Protection Policy area. The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;
3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South Western Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the north-south and east-west railway lines and natural water courses;
5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

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

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

Financial Implications:

The Extractive Industry Licence annual renewal fee was paid on 10 November 2005.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation was not required for this Extractive Industry Licence renewal.

Comment:

Since the current Extractive Industry Licence was appealed by Hanson, Shire Officers have been working closely with the company throughout the year to reach an agreement through the SAT on the wording of conditions and term of the licence. Council's contract Environmental Consultant has independently reviewed the conditions and issues to provide a new assessment of the licence. This review included liaising with the company to finalise the wording on a number of conditions. These agreed reworded conditions will form part of the new licence.

A copy of the general commitments agreed to by the applicant is with the attachments marked SD077.2/12/05.

Compliance

On 7 July 2005, an inspection of the property was undertaken as part of the mid-year compliance assessment. As all of the conditions imposed on the licence were under appeal, the licence conditions were not audited. However, as there is a current planning approval for the operator, all the planning approval conditions were audited during the site visit. This audit revealed that there were only a few issues which had been identified by Shire Officers as having a minor non-compliance.

Planning Policy 14 (PP14)

On 25 July 2005, 'PP14 – Extractive Industry Licences' was formally adopted by Council. Part of the Council resolution also related to the length of licence that would be offered to Hanson upon expiration of the current licence. Part of this resolution was as follows:

"Council resolves the following extractive industry licence length can be used in the mediation of the current appeals relating to the following sites:

- 2. Lot 202 South Western Highway, Whitby – Hanson Construction Materials – 5 year licence".*

As such, it is recommended that Hanson Construction Material be offered a 5 year licence expiring 31 December 2010.

Voting Requirements: Normal

SD077/12/05 Committee/Officer Recommended Resolution:

The extractive industry licence be granted for hard rock and clay extraction at Lot 202 South Western Highway, Whitby for a 5 year period expiring on 31 December 2010 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October each year (AD1).
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).
3. The licensee shall comply with the endorsed commitments in the document dated 8 December 2005 relating to dieback, revegetation, weed control, dust, water quality, noise and surface restoration.

ENVIRONMENT

Dust

4. The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
5. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin or are treated in an alternative effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Executive Manager Planning and Regulatory Services (D4).

6. The Licensee shall ensure that the main access road from South Western Highway to Lot 202 South Western Highway is sealed and maintained to prevent dust emissions (D5).

Noise

7. Blasting is to take place only between the hours of 7am and 6pm other than with the written approval of the Executive Manager Planning and Regulatory Services. The licensee must notify the Shire via facsimile 24 hours prior to each blasting being carried out on the site (N3 & N4).
8. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997;
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity (N5).

The licensee shall measure for each blast the peak particle velocity on any point of a premises approved for the purpose of blast monitoring at least the longest dimension of the foundations of a building or structure away from such building or structure (N6).

9. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels that exceed 10 millimetres per second peak particle velocity;
 - d) the licensee shall notify the Executive Manager Planning and Regulatory Services by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence (N7).

Water Quality

10. The licensee shall prepare by 1 April 2006 a revised Water Management Plan for Executive Manager Strategic Community Planning approval and thereafter implement the approved revised Water Management Plan in its entirety (WQ1).
11. The licensee shall ensure that any discharge of water from Lot 202 South Western Highway, including runoff from unsealed access tracks and roadways and any other unvegetated areas other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials (WQ4).
12. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams (WQ5).
13. The quality of water leaving the site as measured at the underground drainage pipe outfall on the adjoining property immediately to the north is to be within 10 percent of the quality of water at a location prior to entering that portion of the site which has been disturbed by roads, diversion drains, pipes, artificial ponds or any other

- development that has disturbed the natural vegetation, surface soils and/or drainage (WQ7).
14. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of six times a year with at least two of those readings being taken within two hours after separate significant (25mm) rainfall events and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory (WQ8).
 15. On receipt of water sample data which is non-compliant with the target levels set out in conditions 11, 12, 13 or 14, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the premises is undertaken, shall notify the Shire by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Executive Manager Strategic Community Planning that measures have been taken to prevent a recurrence (WQ9).

Hazardous Chemicals

16. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).
17. The compounds shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water (HC2).
18. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by Serpentine Jarrahdale Shire representatives (HC3/5).
19. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations (HC4). The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).

Biodiversity Management

20. The licensee shall prepare by 1 April 2006 a revised Biodiversity and Landscape Management Plan for Executive Manager Strategic Community Planning approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).

21. Revegetation and maintenance of native forest and other bushland areas is to be in accordance with the commitments in the document dated 8 December 2005 to the satisfaction of the Executive Manager Strategic Community Planning.
22. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre (BM4).
23. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning (BM5).
24. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas of the site that contain remnant vegetation (BM6).
25. The following buffers are to be maintained and marked with posts and brightly coloured tape or other suitable means to the satisfaction of the Executive Manager Strategic Community Planning:
 - a) A minimum of 50 metres between quarrying activities and built development, other than the construction and rehabilitation of bunds, along both the western and southern lot boundaries.
 - b) A minimum of 20 metres between lot boundaries and the construction of bunds for visual screening (BM7).
26. Where extractive industry activities including stockpiling and haulage are occurring within close proximity (30 metres) to vegetated buffers or rehabilitated areas and there is any risk of damage by quarrying activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery (BM10).
27. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest.
28. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).
29. The licensee is to maintain existing tracks within the site and install gates designed for fire access to the satisfaction of the Executive Manager Strategic Community Planning.

Impact Management

30. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).
31. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).

Advice Notes:

1. In relation to condition 1, the annual report is to:
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months;
 - e) identify any proposed changes to approved management plans.
2. In relation to condition 2, the licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If such an environmental management system document were to include all necessary components and be of an adequate standard and approved by Council the licence conditions could be redrafted to remove individual conditions and refer instead to the approved environmental management system document.

3. The written report in relation to condition 9 is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 8, reasons for the non-compliance and how the licensee has adjusted operations to no reoccurrence.
4. For the purpose of condition 13, “Quality” refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals.
5. The written report in relation to condition 5 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
6. In relation to condition 29, the Community Emergency Services Manager can provide additional advice in relation to the maintenance of existing tracks as fire breaks and the design and locations of required fire access gates.

CARRIED 5/2

SUPPLEMENTARY REPORT

SD077/12/05 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 202 SOUTH WESTERN HIGHWAY, WHITBY (P05992/04)

Meeting with Hanson

On 14 December 2005 a meeting was held with representatives from Hanson and the Executive Manager Planning and Regulatory Services, Executive Manager Strategic Community Planning and Environmental Officer, to discuss concerns raised by Hanson about the licence conditions proposed by the Shire.

Period of Licence

The officer recommendation presented to Committee recommended that a five year licence be granted until the end of 2010. However, under the Shire’s Town Planning Scheme, planning approval was granted in 2002 for a period of five years expiring on 3 September 2007.

A question exists on the validity of issuing a licence beyond the term of the planning approval. The term of the new licence therefore needs to be aligned with the current planning approval so both expire on 3 September 2007. The next planning approval and licence to be issued (prior to September 2007) will be for a period of five years provided certain impact management protocols and procedures can be agreed.

Hanson support the revised licence period to match the planning approval date.

Licence conditions to be reviewed

Condition 1

The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October each year (AD1).

Comment:

The applicant has already agreed to submit the annual report to Council by 1 March each year. The change in condition is supported.

Reworded condition

1. The licensee is to submit an annual report on environmental site management standards to the Executive Manager Planning and Regulatory Services by 1 March each year (AD1).

Condition 4

The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).

Comment

It is almost impossible for the licensee to completely prevent any visible particulates from occurring on site. In discussions with other extractive industry operators it was agreed that the condition would be reworded on the licenses to state: “ the licensee shall ensure that so far as practicable ...”

Reworded condition

4. The licensee shall ensure so far as practicable to the satisfaction of the Shire that the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).

Conditions 10 – 15

10. The licensee shall prepare by 1 April 2006 a revised Water Management Plan for the Executive Manager Strategic Community Planning approval and thereafter implement the approved revised Water Management Plan in its entirety (WQ1).
11. The licensee shall ensure that any discharge of water from Lot 202 South Western Highway, including runoff from unsealed access tracks and roadways and any other unvegetated areas other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials (WQ4).
12. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams (WQ5).
13. The quality of water leaving the site as measured at the underground drainage pipe outfall on the adjoining property immediately to the north is to be within 10 percent of the quality of water at a location prior to entering that portion of the site which has been disturbed by roads, diversion drains, pipes, artificial ponds or any other development that has disturbed the natural vegetation, surface soils and/or drainage (WQ7).
14. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of six times a year with at least two of those readings being taken within two hours after separate significant (25mm) rainfall events and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory (WQ8).
15. On receipt of water sample data which is non-compliant with the target levels set out in conditions 11, 12, 13 or 14, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the premises is undertaken, shall notify the Shire by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Executive Manager Strategic Community Planning that measures have been taken to prevent a recurrence (WQ9).

Comment:

These conditions relate to water quality and monitoring. Given that site drainage is collected off-site and that this situation has been approved by the Department of Environment, raises a question of whether an applicant can be held accountable for water quality monitoring off site. Pending resolution of this over a longer term, the following condition 10 is suggested as an interim measure:

Reworded condition

The licensee shall prepare a revised Water Management Plan to identify water flows through and exiting the site, depicting on a plan their route and period of peak flow to the satisfaction of the Executive Manager Strategic Community Planning and implement on site measures detailed in the commitments dated 8 December 2005 to mitigate sediment export and arrest erosion.

Condition 20

The licensee shall prepare by 1 April 2006 a revised Biodiversity and Landscape Management Plan for Executive Manager Strategic Community Planning approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).

Comment

Condition 20 is not required as adequate commitments are included in the document dated 8 December 2005 relating to revegetation.

Condition 24

The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas of the site that contain remnant vegetation (BM6).

Comment

It is recommended that the condition be reworded.

Reworded condition 23

No activity is to occur within dieback prone areas.

Condition 26

Where extractive industry activities including stockpiling and haulage are occurring within close proximity (30 metres) to vegetated buffers or rehabilitated areas and there is any risk of damage by quarrying activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery (BM10).

Comment

This condition needs to be reworded to clarify that no activities including storage shall occur within the 30 metre vegetated buffer area.

Reworded condition 19

The licensee is to ensure that no activities including storage shall occur within 30 metres of the vegetated buffer or rehabilitated areas.

Condition 28

Logs from on site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).

Comment

Condition 28 is not required as adequate commitments will be included in the document dated 8 December 2005 relating to Revegetation.

Condition 30

The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).

Comment

Condition 30 is not required as adequate commitments will be included in the document dated 8 December 2005.

Condition 31

Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).

Comment:

This condition is to be reworded for clarity.

Reworded condition 22

Outside lighting shall minimise light spill onto adjoining properties and bushland areas.

SD077/12/05 REVISED Officer Recommended Resolution:

The extractive industry licence be granted for hard rock and clay extraction at Lot 202 South Western Highway, Whitby expiring on 3 September 2007 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report on environmental site management standards to the Executive Manager Planning and Regulatory Services by 1 March each year (AD1).
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).
3. The licensee shall comply with the endorsed commitments in the document dated 8 December 2005 relating to dieback, revegetation, weed control, dust, water quality, noise and surface restoration.

ENVIRONMENT

Dust

4. The licensee shall ensure so far as practicable to the satisfaction of the Shire that the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).

5. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin or are treated in an alternative effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Executive Manager Planning and Regulatory Services (D4).
6. The Licensee shall ensure that the main access road from South Western Highway to Lot 202 South Western Highway is sealed and maintained to prevent dust emissions (D5).

Noise

7. Blasting is to take place only between the hours of 7am and 6pm other than with the written approval of the Executive Manager Planning and Regulatory Services. The licensee must notify the Shire via facsimile 24 hours prior to each blasting being carried out on the site (N3 & N4).
8. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997;
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity (N5).

The licensee shall measure for each blast the peak particle velocity on any point of a premises approved for the purpose of blast monitoring at least the longest dimension of the foundations of a building or structure away from such building or structure (N6).

9. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels that exceed 10 millimetres per second peak particle velocity;
 - d) the licensee shall notify the Executive Manager Planning and Regulatory Services by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence (N7).

Water Quality

10. The licensee shall prepare a revised Water Management Plan to identify water flows through and exiting the site, depicting on a plan their route and period of peak flow to the satisfaction of the Executive Manager Strategic Community Planning and implement on site measures detailed in the commitments dated 8 December 2005 to mitigate sediment export and arrest erosion.

Hazardous Chemicals

11. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per

- second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).
12. The compounds shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times eg regular inspection and pumping of trapped uncontaminated rain water (HC2).
 13. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on site and available for immediate inspection by Serpentine Jarrahdale Shire representatives (HC3/5).
 14. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations (HC4). The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on site (HC6).

Biodiversity Management

15. Revegetation and maintenance of native forest and other bushland areas is to be in accordance with the commitments in the document dated 8 December 2005 to the satisfaction of the Executive Manager Strategic Community Planning.
16. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre (BM4).
17. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning (BM5).
18. The following buffers are to be maintained and marked with posts and brightly coloured tape or other suitable means to the satisfaction of the Executive Manager Strategic Community Planning:
 - a) A minimum of 50 metres between quarrying activities and built development, other than the construction and rehabilitation of bunds, along both the western and southern lot boundaries.
 - b) A minimum of 20 metres between lot boundaries and the construction of bunds for visual screening (BM7).
19. The licensee is to manage all quarrying activities within 30 metres of the vegetated buffer or rehabilitated areas to mitigate damage. Notwithstanding this, some access roads, bund construction, rehabilitation and fire break maintenance may be necessary within this zone.
20. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest.
21. The licensee is to maintain existing tracks within the site and install gates designed for fire access to the satisfaction of the Director of Engineering.

Impact Management

22. Outside lighting shall be designed to minimise light spill onto adjoining properties and bushland areas.
23. No activity is to occur within dieback prone areas.

Advice Notes:

1. In relation to condition 1, the annual report is to:
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months;
 - e) identify any proposed changes to approved management plans.
2. In relation to condition 2, the licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If such an environmental management system document were to include all necessary components and be of an adequate standard and approved by Council the licence conditions could be redrafted to remove individual conditions and refer instead to the approved environmental management system document.
3. The written report in relation to condition 9 is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 8, reasons for the non-compliance and how the licensee has adjusted operations to no reoccurrence.
4. The written report in relation to condition 5 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
5. In relation to condition 21, the Community Emergency Services Manager can provide additional advice in relation to the maintenance of existing tracks as fire breaks and the design and locations of required fire access gates.

SD077/12/05 COUNCIL DECISION

Moved Cr Star seconded Cr Hoyer

The extractive industry licence be granted for hard rock and clay extraction at Lot 202 South Western Highway, Whitby expiring on 3 September 2007 subject to the following conditions:

PLANNING

1. **The licensee is to submit an annual report on environmental site management standards to the Executive Manager Planning and Regulatory Services by 1 March each year (AD1).**
2. **The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).**
3. **The licensee shall comply with the endorsed commitments in the document dated 8 December 2005 (as amended) relating to dieback, revegetation, weed control, dust, water quality, noise and surface restoration.**

ENVIRONMENT

Dust

4. The licensee shall ensure so far as practicable to the satisfaction of the Shire that the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
5. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin or are treated in an alternative effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Executive Manager Planning and Regulatory Services (D4).
6. The Licensee shall ensure that the main access road from South Western Highway to Lot 202 South Western Highway is sealed and maintained to prevent dust emissions (D5).

Noise

7. Blasting is to take place only between the hours of 7am and 6pm other than with the written approval of the Executive Manager Planning and Regulatory Services. The licensee must notify the Shire via facsimile 24 hours prior to each blasting being carried out on the site (N3 & N4).
8. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997;
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity (N5).

The licensee shall measure for each blast the peak particle velocity on any point of a premises approved for the purpose of blast monitoring at least the longest dimension of the foundations of a building or structure away from such building or structure (N6).

9. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels that exceed 10 millimetres per second peak particle velocity;
 - d) the licensee shall notify the Executive Manager Planning and Regulatory Services by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Executive Manager Planning and Regulatory Services that measures have been taken to prevent a recurrence (N7).

Water Quality

10. The licensee shall prepare a revised Water Management Plan to identify water flows through and exiting the site, depicting on a plan their route and period of peak flow, and a proposed water quality monitoring program to the satisfaction of the Executive Manager Strategic Community Planning and implement on site

measures detailed in the commitments dated 8 December 2005 (as amended) to mitigate sediment export and arrest erosion.

Hazardous Chemicals

- 11. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).**
- 12. The compounds shall:**
 - a) be graded or include a sump to allow recovery of liquid;**
 - b) be chemically resistant to the substances stored;**
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;**
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);**
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and**
 - f) be controlled such that the capacity of the bund is maintained at all times eg regular inspection and pumping of trapped uncontaminated rain water (HC2).**
- 13. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on site and available for immediate inspection by Serpentine Jarrahdale Shire representatives (HC3/5).**
- 14. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations (HC4). The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on site (HC6).**

Biodiversity Management

- 15. Revegetation and maintenance of native forest and other bushland areas is to be in accordance with the commitments in the document dated 8 December 2005 (as amended) to the satisfaction of the Executive Manager Strategic Community Planning. Revegetation with pasture grasses is not acceptable.**
- 16. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre (BM4).**
- 17. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Executive Manager Strategic Community Planning (BM5).**
- 18. The following buffers are to be maintained and marked with posts and brightly coloured tape or other suitable means to the satisfaction of the Executive Manager Strategic Community Planning:**
 - a) A minimum of 50 metres between quarrying activities and built development, other than the construction and rehabilitation of bunds, along both the western and southern lot boundaries.**

- b) A minimum of 20 metres between lot boundaries and the construction of bunds for visual screening (BM7).
19. The licensee is to manage all quarrying activities within 30 metres of the vegetated buffer or rehabilitated areas to mitigate damage. Notwithstanding this, some access roads, bund construction, rehabilitation and fire break maintenance may be necessary within this zone.
20. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest.
21. The licensee is to maintain existing tracks within the site and install gates designed for fire access to the satisfaction of the Director of Engineering.

Impact Management

22. Outside lighting shall be designed to minimise light spill onto adjoining properties and bushland areas.
23. No activity is to occur within dieback prone areas. The document dated 8th December, 2005 is to be amended to include additional dieback prevention measures to the satisfaction of the Executive Manager Strategic Community Planning.

Advice Notes:

1. In relation to condition 1, the annual report is to:
- a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months;
 - e) identify any proposed changes to approved management plans.
2. In relation to condition 2, the licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If such an environmental management system document were to include all necessary components and be of an adequate standard and approved by Council the licence conditions could be redrafted to remove individual conditions and refer instead to the approved environmental management system document.
3. The written report in relation to condition 9 is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 8, reasons for the non-compliance and how the licensee has adjusted operations to no reoccurrence.
4. The written report in relation to condition 5 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
5. In relation to condition 21, the Community Emergency Services Manager can provide additional advice in relation to the maintenance of existing tracks as fire breaks and the design and locations of required fire access gates.

CARRIED 8/0

Council Note: That the revised officer recommendation was changed to include amendments to the document dated 8th December 2005 specifically in relation to dieback, pasture grass species and water quality monitoring.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

CGAM071/12/05		RESOURCE RECOVERY FACILITY FEASIBILITY STUDY (A0664-02)
Proponent:	South East Metropolitan Regional Council	In Brief Council is requested to approve an out of budget expenditure to enable participation in the Resource Recovery Facility Feasibility Study.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	23 November 2005	
Previously	CGAM059/11/05 15 November 2005	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting of 15 November 2005, the Corporate Governance & Asset Management Committee considered an invitation from the South East Metropolitan Regional Council (SEMRC) for Council to partake in a Resource Recovery Facility Feasibility Study.

Council resolved to advise the SEMRC that it intends to partake in the Study at Observer Status level subject to resolving an out of budget expenditure when actual costs attributable to Council were known.

Sustainability Statement

Effect on Environment: The Study has specific environmental objectives including resource conservation, emissions contamination risk, waste diversion from landfill and public health. While a range of technologies are being considered for the treatment of the waste stream, there will remain a need for the landfill of residual waste. The selection of a site for this component of treatment / disposal will need significant environmental assessment.

Resource Implications: The proposal is aimed at minimizing the volume of waste diverted to landfill through recovery of recyclable materials at primary treatment stage.

Use of Local, renewable or recycled Resources: It is anticipated that the Resource Recovery Facility will be located in the South Eastern suburbs which will potentially reduce transportation costs in comparison to other potential waste disposal sites.

Economic Viability: While Council currently enjoys relatively low waste disposal costs through being in a contractual arrangement for kerbside pickup and its proximity to Cardup Landfill site which reduces transport costs, this service has a finite life and alternatives will need to be sought for a solution in the medium term.

Economic Benefits: The major costs associated with waste disposal are treatment and transportation. Provision of a treatment facility in the region will likely allow a comparatively low service cost to be preserved in comparison to use of alternate existing facilities which have significant transportation implications.

Social – Quality of Life: Provision of a waste service is a primary responsibility of local government however there are a number of issues associated with treatment of waste. New

technologies can reduce the impact of treatment on the community and social considerations need to be given equal priority to environmental and cost implications.

Social and Environmental Responsibility: The Study being undertaken by the SEMRC is giving full consideration to social and environmental impacts of various treatment and disposal options.

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

Statutory Environment:

Pursuant to Regulation 11 (2) (e) and (f) of the Local Government (Functions and General) Regulations, tenders do not have to be publicly invited if the unique nature of the goods or services means there is only one potential supplier or if the services are provided by a Local Government. The shire's involvement will be in the feasibility study and therefore falls within the provisions of Regulation 11 (2) (e) or alternatively Regulation 11 (2) (f).

Policy/Work Procedure Implications:

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

Financial Implications:

The cost to Council for involvement in the Study at Observer level has been confirmed by the SEMRC as \$5,671.05 (excluding GST) which is payable immediately. No allowance has been made in the 2004/05 Waste Budget for involvement in the Study therefore approval by Council for out of budget expenditure is required.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.

2. Environment

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

Strategies:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

As it is likely that potential sites for a Resource Recovery Facility will be within the District it will be necessary for community consultation throughout the feasibility component of the project.

Comment:

Confirmation has been received that the Councils of Armadale, Gosnells, South Perth, Mandurah and Murray will be involved in the Study as full participants.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM071/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Kirkpatrick

Council approves an out of budget expenditure of \$5,671.05 (excluding GST) for its contribution towards the Resource Recovery Facility Feasibility Study being undertaken by the South East Metropolitan Regional Council.

CARRIED 8/0 ABSOLUTE MAJORITY

CGAM072/12/05		RFT C05/2005-06 SUPPLY AND DELIVERY OF ONE NEW PARKS AND GARDENS TRACTOR WITH TRADE OR OUTRIGHT PURCHASE OF 1996 NEW HOLLAND 4635 TRACTOR (A1275/11)
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council is requested to award tender RFT C05/2005-06 for the supply and delivery of one new parks and gardens tractor with trade or outright purchase of 1996 New Holland 4635 tractor.
Owner:	Not applicable	
Officer:	Jason Elliott – Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25 October 2005	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The 1996 New Holland 4635 parks and gardens tractor (registration SJ 32) is due for replacement. The tractor is 9 years old and has done 5000 hours of work.

Tenders were advertised in the West Australian on 24th September 2005 and closed on the 13th October 2005.

The following tenders were received;

Company	Description	New Tractor Price (GST Inc)	Trade Price (GST Inc)	Outright Purchase Price (GST Inc)
Wattleup Tractors	Massey Ferguson 5435	\$67,232.00	\$22,000.00	N/A
CJD Equipment	John Deere 5620	\$73,991.50	\$33,116.60	N/A
CJD Equipment	John Deere 5620	\$65,741.50	N/A	N/A
CJD Equipment	John Deere 5325	\$68,417.80	\$34,595.00	N/A
CJD Equipment	John Deere 5325	\$60,717.80	N/A	N/A
Range Equipment Sales	CLAAS 436 Celits 4WD 84 HP	\$67,375.00	\$26,400.00	\$23,100.00
Range Equipment Sales	Deutz Agroplus 70 4WD 70 HP	\$63,250.00	\$26,400.00	\$23,100.00
Boya Equipment	Kubota M6800 Cab 4WD	\$54,377.40	\$17,600.00	N/A
Tillage King Machinery Centre Pty Ltd	Lamborghini R3-85	\$77,990.00	\$35,200.00	N/A
E&MJ Rosher Pty Ltd	Kubota M6800 FC	\$46,570.00	\$16,500.00	N/A

Company	Description	New Tractor Price (GST Inc)	Trade Price (GST Inc)	Outright Purchase Price (GST Inc)
Smith Broughton & Sons Auctioneers	N/A	N/A	N/A	\$16,247.00
Wanneroo Agriculture Machinery	Case IH JX1070U MFD Cab Tractor	\$62,678.00	\$20,328.00	N/A
Tillage King Machinery Centre Pty Ltd	Lamborghini R2-86	\$84,920.00	\$37,400.00	N/A

The following table represents scores from the qualitative criteria evaluation:

Company	Description	Performance, reliability and ergonomics 15%	Tenderers support for parts 10%	Tenderers support for service 10%	Total Score 35%
Wattleup Tractors	Massey Ferguson 5435	12	6	6	24
CJD Equipment	John Deere 5620	12	6	6	24
CJD Equipment	John Deere 5620	12	6	6	24
CJD Equipment	John Deere 5325	10.5	6	6	21.75
CJD Equipment	John Deere 5325	10.5	6	6	21.75
Range Equipment Sales	CLAAS 436 Celits 4WD 84 HP	10.5	6	6	22.5
Range Equipment Sales	Deutz Agroplus 70 4WD 70 HP	9	6	6	21
Boya Equipment	Kubota M6800 Cab 4WD	7.5	6	6	19.5
Tillage King Machinery Centre Pty Ltd	Lamborghini R3-85	9	6	6	21
Tillage King Machinery Centre Pty Ltd	Lamborghini R2-86	9	6	6	21
E&MJ Rosher Pty Ltd	Kubota M6800 FC	7.5	6	6	19.5
Wanneroo Agriculture Machinery	Case IH JX1070U MFD Cab Tractor	9.75	6	6	21.75
Smith Broughton & Sons Auctioneers	No Offer	N/A	N/A	N/A	N/A

(Note; Smith Broughton and Son Auctioneers were not required to submit any qualitative criteria as they are only interested in buying SJ32 outright)

As part of the evaluation process, Operations staff were given an opportunity to test drive all machines. Staff were required to provide feedback on performance, reliability and ergonomics to determine which machine is most advantageous to the Shire. The process narrowed the choice to two machines, the John Deere 5620 and the Massey Ferguson 5435.

Sustainability Statement

Effect on Environment: The introduction of a new tractor will improve the effect on environment due to improvements in engine technology and emissions.

Resource Implications: There are no resource implications other than marginal improvements in fuel efficiency.

Use of Local, renewable or recycled Resources: There are no local companies involved with the manufacture and supply of the tractor.

Economic Viability: The purchase of a new tractor will reduce the cost of maintenance and the need for spare parts.

Economic Benefits: The new tractor will enhance the level of service to the Shire's parks and gardens.

Social – Quality of Life: Investing in a new tractor is part of Asset Services overall strategy to improve the level of service the department provides.

Social Diversity: The proposal does not disadvantage any social groups

Statutory Environment: Local Government Act 1995 & Tender Regulations.

Policy/Work Procedure Implications: CSWP16 – Purchasing Policy

Financial Implications: An allowance of \$70,000 (ex GST) has been made for this item in the 2005/2006 Budget (RPP902). An allowance of \$20,000 (ex GST) was made for the sale of the existing tractor providing a net changeover allowance of \$50,000. The award of the plant replacement contract as recommended by officers results in a net changeover cost of \$39,169.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

2. Environment

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.

2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

Community Consultation:

Required: No

Comment:

In support of comments provided by Operations staff, both the John Deere 5620 tractor and the Massey Ferguson 5435 tractor have excellent ergonomics with comfortable seating, excellent visibility and easy to use controls and both machines comply with European emission control standards.

There are however three main differences to be considered:

- the John Deere 5620 tractor has a turbo charged diesel engine that provides extra power providing better fuel efficiency.
- the John Deere 5620 tractor has a full chassis and,
- the John Deere 5620 tractor is approximately \$5000 cheaper than the Massey Ferguson 5435 tractor based on net change over price.

It is recommended the John Deere 5620 tractor be purchased.

Voting Requirements: Normal

CGAM072/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Richards

Council award contract C05/2005-06 for the supply and delivery of one new parks and gardens tractor to CJD Equipment for a John Deere 5620 tractor at a lump sum price of \$73,991.50 (GST inc) and trade the 1996 New Holland 4635 parks and gardens tractor (registration SJ 32) to CJD Equipment for a lump sum price of \$33,116.60 (GST inc).

CARRIED 8/0

CGAM073/12/05		RFT C14/2005-06 SUPPLY AND DELIVERY OF ONE NEW FRONT END LOADER WITH TOOL CARRIER CONFIGURATION WITH TRADE OR OUTRIGHT PURCHASE OF 1996 CATERPILLAR FRONT END LOADER 938F (A1275/12)
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council is requested to award tender RFT C14/2005-06 for the supply and delivery of one new front end loader with tool carrier configuration with trade or outright purchase of 1996 caterpillar front end loader 938F.
Owner:	Not applicable	
Officer:	Jason Elliott – Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	21 November 2005	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The 1996 Caterpillar Front End Loader 938F (registration SJ 29) is due for replacement. The loader is 9 years old and has done 7000 hours of work.

Tenders were advertised in the West Australian on 24th September 2005 and closed on the 13th October 2005.

The following tenders were received;

Company	Description	New Loader Price Inclusive of Extras (GST Inc)	Trade Price (GST Inc)	Outright Purchase Price (GST Inc)
McIntosh & Son	Case 721D XT	\$240,295.00	\$93,500.00	No Offer
McIntosh & Son	Case 621D XT	\$202,400.00	\$93,500.00	No Offer
Komatsu Australia Pty Ltd	Komatsu WA250PT-5	\$246,247.10	\$99,000.00	No Offer
CJD Equipment Pty Ltd	Volvo L70E	\$241,687.00	\$110,000.00	No Offer
CJD Equipment Pty Ltd	Volvo L90E	\$263,296.00	\$110,000.00	No Offer
WesTrac CAT	Caterpillar 938G	\$287,039.79	\$104,500.00	No Offer
WesTrac CAT	Caterpillar 930G	\$264,168.30	\$104,500.00	No Offer
Hitachi Construction Machinery Pty Ltd	John Deere 544J	\$218,484.00	\$110,000.00	No Offer

Company	Description	New Loader Price Inclusive of Extras (GST Inc)	Trade Price (GST Inc)	Outright Purchase Price (GST Inc)
Hitachi Construction Machinery Pty Ltd	John Deere 624J	\$238,284.00	\$110,000.00	No Offer
Earthwest	Hyundai HL757TM-7	\$235,070.00	\$99,000.00	No Offer
Earthwest	Hyundai 760-7	\$267,740.00	\$99,000.00	No Offer
Smith Broughton & Sons Auctioneers	No Offer	No Offer	No Offer	\$83,347.00

The following table represents scores from the qualitative criteria evaluation:

Company	Description	Performance, reliability and ergonomics 15%	Tenderers support for parts 10%	Tenderers support for service 10%	Total Score 35%
McIntosh & Son	Case 721D XT	9	6	6	21
Komatsu Australia Pty Ltd	Komatsu WA250PT-5	9	6	6	21
McIntosh & Son	Case 621D XT	8.25	6	6	20.25
CJD Equipment Pty Ltd	Volvo L70E	8.25	6	6	20.25
CJD Equipment Pty Ltd	Volvo L90E	8.25	6	6	20.25
WesTrac CAT	Caterpillar 938G	8.25	6	6	20.25
WesTrac CAT	Caterpillar 930G	8.25	6	6	20.25
Hitachi Construction Machinery Pty Ltd	John Deere 544J	7.5	6	6	19.5
Hitachi Construction Machinery Pty Ltd	John Deere 624J	7.5	6	6	19.5
Earthwest	Hyundai HL757TM-7	7.5	6	6	19.5
Earthwest	Hyundai 760-7	7.5	6	6	19.5
Smith Broughton & Sons Auctioneers	No Offer	N/A	N/A	N/A	N/A

(Note; Smith Broughton and Son Auctioneers were not required to submit any qualitative criteria as they are only interested in buying SJ29 outright)

As part of the evaluation process, Operations staff were given an opportunity to test drive all machines. Staff were required to provide feedback on performance, reliability and ergonomics to determine which machine is most advantageous to the Shire. The process narrowed the choice to two machines, the Case 721D XT and the Komatsu WA250PT-5.

Sustainability Statement

Effect on Environment: The introduction of a new loader will improve the effect on environment due to improvements in engine technology and emissions.

Resource Implications: There are no resource implications other than marginal improvements in fuel efficiency.

Use of Local, renewable or recycled Resources: There are no local companies involved with the manufacture and supply of the loader.

Economic Viability: The purchase of a new loader will reduce the cost of maintenance and the need for spare parts.

Economic Benefits: The new loader will enhance the level of service to the Shire's infrastructure and maintenance program.

Social – Quality of Life: Investing in a new loader is part of Asset Services overall strategy to improve the level of service provided by the department.

Social Diversity: The proposal does not disadvantage any social groups

Statutory Environment: Local Government Act 1995 & Tender Regulations.

Policy/Work Procedure Implications: CSWP16 – Purchasing Policy

Financial Implications: An allowance of \$240,000 (ex GST) has been made for this item in the amended 2005/2006 Budget (RSS730). An allowance of \$85,000 (ex GST) has been made for the disposal of the existing loader providing a net changeover allowance of \$155,000. The award of the plant replacement contract as recommended by officers results in a net changeover cost of \$148,002.70.

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

- 1. People and Community**
Objective 1: Good quality of life for all residents
Strategies:
 6. Ensure a safe and secure community.
- 2. Environment**
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
 3. Encourage protection and rehabilitation of natural resources.
 5. Reduce green house gas emissions.
- 4. Governance**
Objective 1: An effective continuous improvement program
Strategies:
 1. Identify and implement best practice in all areas of operation.

2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

Community Consultation:

Required: No

Comment:

The table below represents net change over prices (inc GST).

Company	Description	New Loader Price Inclusive of Extras (GST Inc)	Trade Price (GST Inc)	Net Change Over Price (GST Inc)
McIntosh & Son	Case 721D XT	\$240,295.00	\$93,500.00	\$146,795.00
McIntosh & Son	Case 621D XT	\$202,400.00	\$93,500.00	\$108,900.00
Komatsu Australia Pty Ltd	Komatsu WA250PT-5	\$246,247.10	\$99,000.00	\$147,247.10
CJD Equipment Pty Ltd	Volvo L70E	\$241,687.00	\$110,000.00	\$131,687.00
CJD Equipment Pty Ltd	Volvo L90E	\$263,296.00	\$110,000.00	\$153,296.00
WesTrac CAT	Caterpillar 938G	\$287,039.79	\$104,500.00	\$182,539.79
WesTrac CAT	Caterpillar 930G	\$264,168.30	\$104,500.00	\$159,668.30
Hitachi Construction Machinery Pty Ltd	John Deere 544J	\$218,484.00	\$110,000.00	\$118,484.00
Hitachi Construction Machinery Pty Ltd	John Deere 624J	\$238,284.00	\$110,000.00	\$128,284.00
Earthwest	Hyundai HL757TM-7	\$235,070.00	\$99,000.00	\$136,070.00
Earthwest	Hyundai 760-7	\$267,740.00	\$99,000.00	\$168,740.00
Smith Broughton & Sons Auctioneers	No Offer	No Offer	No Offer	No Offer

In terms of net change over price, offers range from \$108,900.00 to \$182,539.79. The two machines recommended by Operations staff are the Case 721D XT with a net change over price of \$146,795.00 (GST inc), and the Komatsu WA250PT-5 with a net change over price of \$147,247.10 (GST inc). Given that both machines are very similar in performance, reliability and ergonomics and both have a similar support network for service and parts, it is recommended based on price that the Case 721D XT be purchased.

In addition to the included extras as provided in the purchase price, it is recommended that a new 4 in 1 bucket be purchased to replace the existing bucket to improve versatility of machine at a cost of \$8,000.00 (inc GST). Also to be included as an additional extra a compuload and printer to ensure correct weight of material when loading trucks as required by law.

Voting Requirements: Normal

Cr Star left the meeting at 8.35pm

CGAM073/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Richards seconded Cr Kirkpatrick

- 1. Council award contract C14/2005-06 for the supply and delivery of one new front end loader with tool carrier configuration and extras to McIntosh & Son for the Case 721D XT at a lump sum price of \$240,295.00 (GST inc) and trade the 1996 Caterpillar front end loader 938F (registration SJ 29) to McIntosh & Son for a lump sum price of \$93,500.00 (GST inc).**
- 2. In addition to the included extras, Council approve the purchase of a new 4 in 1 bucket at a cost of \$8,000.00 (inc GST), and a fitted Compuload with printer at a cost of \$8,008.00 (inc GST).**

CARRIED 7/0

CGAM074/12/05	MONTHLY FINANCIAL REPORT – NOVEMBER 2005	(A0924/05)
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 30 November 2005.
Owner:		
Officer:	C Green – Manager Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	30/11/05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Background

As per the new Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month with the following detail -

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,

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

Sustainability Statement:

This review provides an indication of current allocation of resources to provide services as adopted in the 2005/2006 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

Statutory Environment:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month. The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

Policy Implications:

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

Financial Implications:

As provided within the report

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No

Comment:

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actuals amounts for the purpose of keeping Council abreast of the current financial position.

A copy of the Financial Report is included with the attachments and marked [CGAM074-12-05.pdf](#). The Report reflects the period to 30 November 2005.

Voting Requirements:

Normal

Cr Star returned to the meeting at 8.38pm.

Officer Recommended Resolution:

Moved Cr Murphy seconded Cr

Council receives the Monthly Financial Report, as at 30 November 2005, in accordance with Section 6.4 of the Local Government Act 1995.

MOTION LAPSED FOR A WANT OF A SECONDER

CGAM074/12/05 COUNCIL DECISION

Cr Murphy seconded Cr Wigg

The November Monthly Financial Report be deferred to the Corporate Governance & Asset Management meeting to be held in January 2006

CARRIED 8/0

Council Note: Item CGAM074/12/05 was deferred to the January Council meeting to allow Councillors sufficient time to assess the revised report which had been provided to them at attachment (GCAM074revised/12/05)

CGAM075/12/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during November 2005
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

Background

Nil

Sustainability Statement

Not Applicable

Statutory Environment:

No Statutory Requirement

Policy/Work Procedure Implications:

No Policy Implications

Financial Implications:

No Financial Implications

Strategic Implications:

No Strategic Plan Implications

Community Consultation:

Not Applicable

Comment:

In accordance with Local Government (Financial Management) Regulations 1996 13(1) Schedules of all payments made through the Council's Bank Accounts are presented to the Committee and to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

Invoices supporting all payments are available for the inspection of the Committee and Council. All invoices and vouchers presented to the Committee and to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

Summary of creditor accounts paid and payable for the month of November.

From EFT8513 to EFT8712 and 36026 to 36086 totalling	\$1,315,658.19	MUNICIPAL FUND
	\$0	TRUST ACCOUNT
Nil	\$0	LOAN ACCOUNT
TOTAL	\$1,315,658.19	
Remaining balance outstanding (and yet to be paid) as at 30 November 2005	\$96,148.09	

A copy of the vouchers numbered EFT8513 to EFT8712 and 36026 to 36086 totalling \$1,315,658.19 for the month of November is included with the attachments and marked [CGAM075-12-05.xls](#).

Voting Requirements: Normal

CGAM075/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Scott seconded Cr Murphy

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of November, presented to the Corporate Governance & Asset Management 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 8/0

CGAM076/12/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 30 November 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Nil

Sustainability Statement Not Applicable

Statutory Environment: No Statutory Environment

Policy/Work Procedure Implications: No Policy Implications

Financial Implications: No Financial Implications
Strategic Implications: No Strategic Plan Implications

Community Consultation: No

Comment:

DEBTOR NUMBER	AMOUNT \$	SINCE	FOR	DETAILS
771	\$3,502.50	21/04/05	Repairs to assets and infrastructure – Car accident in Byford	Payment arrangement entered into. \$20.00 p/w with view to account being finalised by 31.12.05 (payee to source finance) as approved by Acting Director Corporate Services.
765	\$1,750.00	22/06/05	Lease	Payment arrangement entered into. First and second instalment payment has been made. Debt to be finalised by January 2006. Arrangement approved by Manager Corporate Services 05.09.05.
	\$5,252.50			

Voting Requirements: Normal

CGAM076/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Star
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 30 November 2005.
CARRIED 8/0

CGAM077/12/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 30 November 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

Background

Nil

Sustainability Statement

Statutory Environment: No Statutory Environment

Policy/Work Procedure

Implications: No Policy Implications

Financial Implications: No Financial Implications

Strategic Implications: No Strategic Implications

Community Consultation: No

Comment:

October 2005

Debtors over	3 months	\$12,459.46
	2 months	\$8,655.49
	1 month	\$9,101.32
	Current	\$5,898.16
	BALANCE	\$36,114.43

November 2005

Debtors over	3 months	\$11,906.46
	2 months	\$0
	1 month	\$1,164.00
	Current	\$50,124.57
	BALANCE	\$63,195.03

Voting Requirements: Normal

CGAM077/12/05 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Murphy seconded Cr Richards
Council receive and note the report on Sundry Debtor Outstanding Accounts as at
30 November 2005.
CARRIED 8/0**

CGAM078/12/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	To receive the rates report as at 30 November 2005
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Nil

Sustainability Statement

No Sustainability Statement

Statutory Environment:

No Statutory Requirement

Policy/Work Procedure Implications:

No Policy Implications

Financial Implications:

No Financial Implications

Strategic Implications:

No Strategic Implications

Community Consultation:

No

Comment:

2005/2006 (As at 30 November 2005)		SAME PERIOD 2004/2005		TOTAL 2004/2005		
	RATES \$	RUBBISH /OTHER \$	RATES /OTHER \$	RUBBISH /OTHER \$	RATES /OTHER \$	RUBBISH /OTHER \$
Outstanding 30 June 2005	\$209,024	\$115,453	\$270,342	\$87,605	\$270,342	\$87,605
Deferred pensions 30/06/05	-\$79,525		-\$79,525		-\$79,525	
TOTAL	\$129,499		\$190,817		\$190,817	
Levied 2005/2006 – 1 July	\$4,939,616	\$705,630	\$4,548,216	\$714,970	\$4,528,304	\$740,199
Bushfire Levy	\$0		\$0		\$0	
ESL	\$293,871		\$258,939		\$258,303	
Interim Rates	\$55,847		-\$1,028	\$	\$13,961	
Penalties	\$15,648		\$10,202		\$24,387	
Rates Receipts	-\$3,948,029	-\$637,764	-\$3,633,006	-\$630,546	-\$4,626,831	-\$712,351

Bush Fire Levy Receipts	- \$7,640			- \$4,998				- \$6,712		
ESL Receipts	- \$238,123			- \$202,239				- \$252,729		
Less Deferred Pensions	- \$96,599			- \$79,525				- \$79,525		
Outstanding	\$1,223,615		\$183,319	\$1,166,903		\$172,029		\$129,499		\$115,453
Instalment Owing			\$669,160			\$909,954				\$0
Other Outstanding			\$737,775			\$428,978				\$0
Total Outstanding			\$1,406,935			\$1,338,932				\$244,952
Collection Percentages	Rates	Rubbish	Bushfire	Rates	Rubbish	Bushfire	Rates	Rubbish	Bushfire	
	75.63%	77.67%	81.03%	75.25%	78.57%	78.10%	95.66%	86.05%	97.84%	

	Pay Balance Owing As at	Number of Properties
Payment Arrangements (Direct Debits)	\$91,270	74
Collection Agency – Dun & Bradstreet		
- Payment Arrangements	\$7,913	2
- Summons Notice	\$0	0
- Summons	\$6,122	3
- Warrant	\$16,778	5
- Paid	\$6,348	3
- Means Inquiry	\$0	0
- Judgement	\$3,386	1
Overdue Rates	\$376,740	339
Instalment Options 3 (two payments)	\$0	0
Instalment Options 4 (four payments)	\$669,160	1,097
Interim Rates	\$26,258	45
Further Investigation/Possible Corrections	\$23,622	11
Subject to Settlement	\$1,765	1
Pensioners – current year rates	\$160,765	245
Pensioners to be claimed or adjusted	\$12,049	
Minor Balances (\$0 to 99.99)	\$4,758	504
	\$1,406,935	2,330

Payment Arrangements

Of the 74 properties subject to payment arrangement, 17 are overdue for payment. Of these, 4 are behind by one payment and will be monitored, 5 are two payments behind and will receive demand notices, 8 are at least three payments behind and will be sent to Council's collection agency.

Collection Agency – Dun & Bradstreet

The total now referred for collection is 686 properties with total debts of \$856,090.20. There are currently 18 properties active with debts of \$55,415 that remain with Dun & Bradstreet.

Instalments

There are 253 who have chosen option 3 (two payments) with a \$ value of \$135,245, the final payment for this option was due on the 15th November 2005. 44 have not paid the final payment and will be sent letters. 1,097 who have chosen option 4 (four payments) with a \$ value of \$669,160. The due date for the 3rd instalment is 12 January 2006.

Interim Rates

These interim rate are mainly for rubbish services and subdivisions.

Further Investigation

Of the 11 outstanding items, 1 is to be written off as the owner cannot be found and the property has been subdivided. One other is a manual pension claim that we are awaiting on payment for. The others have had payment arrangement forms sent out and we are waiting on a response.

Pensioners – Outstanding Claims

Investigation is continuing in consultation with State Revenue Department to resolve the outstanding rebate claims. Manual pension claims are being processed to reduce this outstanding amount.

Overdue

There are 399 overdue. Notices will be sent to the ratepayers who have not paid their rates, requiring them to either go onto a formal payment arrangement or to pay in full within two weeks of the date on the letter. If no reply is received, they will be forwarded to Council's collection agency.

Voting Requirements: Normal

CGAM078/12/05 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Murphy seconded Cr Richards
Council receive and note the report the Rate Debtors accounts as at
30 November 2005.
CARRIED 8/0**

CGAM079/12/05		INFORMATION REPORT
Proponent:	Director Corporate Services	In Brief To receive the information report to 30 November 2005
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM079.1/12/05 INTEREST ON INVESTMENTS (A0073)

Bank	Maturity Date	Purpose	Terms	Balance	Anticipated Interest
Reserve Funds					
Bendigo Bank	29/01/06	Tourism Reserve	5.65%	\$21,059.20	\$290.13
Bendigo Bank	29/01/06	Gravel Pit Reserve	5.65%	\$33,313.71	\$458.95
Bendigo Bank	29/01/06	Leave Reserve	5.65%	\$113,494.57	\$1,563.58
Bendigo Bank	29/01/06	Waste Reserve	5.65%	\$1,069.29	\$14.73
Bendigo Bank	29/01/06	Renewable Energy Reserve	5.65%	\$19,008.00	\$261.87
Bendigo Bank	29/01/06	Community Facilities Reserve	5.65%	\$12,900.93	\$177.73
Bendigo Bank	29/01/06	Investment Reserve	5.65%	\$183,315.49	\$2,525.48
Bendigo Bank	29/01/06	Plant Reserve	5.65%	\$394,806.48	\$5,439.14
Bendigo Bank	29/01/06	Admin Building Reserve	5.65%	\$124,747.58	\$1,718.61
Bendigo Bank	29/01/06	Road Reseals Reserve	5.65%	\$58,634.51	\$807.79

				\$962,349.76	\$13,258.02
Telstra Shares	Telstra Shares as at 30 November 2005 at 4:00pm @ \$3.90	7.30%		\$11,700.00	
Bendigo Bank	Byford District & Community Development Services Ltd shares @ \$1			\$10,000.00	
				\$984,049.76	\$13,258.02
Bonds Funds					
Bendigo Bank	29/01/06		5.65%	\$253,444.18	\$3,491.63
Bendigo Bank	29/01/06		5.65%	\$405,510.68	\$5,586.60
				\$658,954.86	\$9,078.23
Special Purpose Investments					
Bendigo Bank	04/02/06	Byford Youth Forum	5.65%	\$5,611.52	\$79.91
BankWest	01/03/06	Darling Downs Capital	5.65%	\$111,374.06	\$1,586.09
TOTAL INVESTMENTS				\$116,985.58	\$1,666.00
MUNICIPAL INVESTMENTS					
BankWest	02/12/05		5.64%	\$250,000.00	\$3,515.34
BankWest	14/12/05		5.66%	\$1,500,000.00	\$21,166.85
Bendigo	29/12/05		5.65%	\$1,000,000.00	\$14,086.30
BankWest	02/02/06		5.67%	\$201,885.15	\$2,885.24
BankWest	22/02/06		5.65%	\$253,427.40	\$3,530.63
BankWest	28/02/06		5.65%	\$267,954.76	\$3,815.97
TOTAL				\$3,473,267.31	\$49,000.33
TOTAL INVESTMENTS				\$5,233,257.51	\$73,002.58

FUNDS INVESTED FROM ACCOUNTS

Municipal	\$3,473,267.31
Reserve	\$984,049.76
Special Purpose	\$116,985.58
Bond Funds	\$658,954.86
	<u>\$5,233,257.51</u>

INTEREST EARNED

Interest for November 2005	\$11,616.92
Previous interest	\$38,837.57
	<u>\$50,454.49</u>

BANKS RESERVES INVESTED WITH

BankWest	49.39%	\$2,584,641.37
Bendigo Bank	50.20%	\$2,626,916.14
Byford & Districts Community Development Shares	0.19%	\$10,000.00
Telstra Shares	0.22%	\$11,700.00
		<u>\$5,233,257.51</u>

CGAM079.2/12/05 DELEGATED AUTHORITY (A0039-02)

The Director Asset Services exercised the following delegated authority since the last meeting in November 2005 –

AS-24 - Prohibited Burning Time Variation
Bush Fires Act Section 33

This was enacted by the Chief Bushfire Control Officer pursuant to the Bush fires Act 1954 as amended and due to season conditions, the shortening of Prohibited Burning Period for the Serpentine Jarrahdale Shire was shortened to 14 December 2005 for Department of Conservation and Land Management and Bushfire Brigades.

Newspaper advertisement and Public Notices were placed as required.

CGAM079.3/12/05 ROADWISE (A0491/01)

A copy of the minutes of the meeting held on 23 November 2005 is with attachments marked [CGAM079.3-12-05.doc](#).

CGAM079/12/05 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Murphy seconded Cr Kirkpatrick
The information report to 8 December 2005 be received.
CARRIED 8/0**

CGAM080/12/05		REVIEW OF POLICY CSP17 – AUTHORISATION AND PAYMENT OF CREDITORS (A1048)
Proponent	Financial Services Team	<u>In Brief</u>
Officer	Cary Green – Manager Corporate Services	To amend the policy to allow the Executive Manager Planning & Regulatory Services and the Executive Manager Strategic Community Planning to be authorising signatories for the payments of creditors, to ensure the timeliness of payments. And to also delete the Manager of Finance and replace authorising signatory to the Manager of Corporate Services
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

As a result of a review to improve timely payment of creditors, the Finance Services Team has suggested an amendment to this policy to allow the Executive Manager Planning & Regulatory Services, and Executive Manager Strategic Community Planning the authority to authorise payments in accordance with paragraph (i) of the policy:

CSP17 AUTHORISATION AND PAYMENT OF CREDITORS

Responsibility: Director Corporate Services

Original Date Adopted – C029/08/00	28/08/00 – Ordinary Council Meeting
Modified – SM004/07/01	23/07/01 – Ordinary Council Meeting
Reviewed – SM004/07/01	23/07/01 – Ordinary Council Meeting
Review – SM077/06/02	24.06.02 – Ordinary Council Meeting
Last Review – SM057.2/06/03	23.06.03 – Ordinary Council Meeting
Modified – SM000/01/06	00/01/06 – Ordinary Council Meeting

That payments from the Municipal and Trust funds of Council be paid in accordance with Regulation 12 of the Local Government (Financial Management) Regulations 1996;

- i) all payments are to be authorised prior to payment by two (2) of either the Chief Executive Officer, Directors or Finance Manager.
- ii) a list of all payments authorised be presented to the next ordinary meeting of Council in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.
- iii) Corporate credit cards be allowed a limit of up to \$3,000 for Council business only for the Chief Executive Officer and up to \$1,500 for Council business only for Directors.

Comments

As a consequence of this review it is recommended that clause (i) be modified as follows,

all payments are to be authorised prior to payment by two (2) of either the Chief Executive Officer, Directors, Executive Managers, or ~~Finance Manager~~ Manager of Corporate Services.

This modification will ensure that the Executive Managers can be used to authorise payments to improve the timeliness of payments made. The amendment is suggested to provide a continuous flow of payment when access to all of the Directors and Chief Executive Officer is not available.

Statutory Environment:

Section 6.10 (d) of the Local Government Act 1995 and regulation 12 of the Local Government (Financial Management) Regulations 1996. Council has already delegated this responsibility to the Chief Executive Officer in accordance with regulation 12, but this policy clearly indicates how payments are to be made. As a consequence the Chief Executive Officer will on delegate the responsibility to the Directors, Executive Managers, and Manager of Corporate Services.

Policy Implications:

Modification to policy CSP17 as provided in the recommendation

Financial Implications:

No financial implications

Strategic Implications:

Key Sustainability Result Areas

4 Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

Community Consultation:

Not required

Voting Requirements:

Normal as delegation has already been made to the Chief Executive Officer in accordance with the Local Government Act 1995.

CGAM080/12/05 COUNCIL DECISION/Officer Recommended Resolution

**Moved Cr Scott seconded Cr Star
Council Policy CSP17 be amended as follows;**

That payments from the Municipal and Trust funds of Council be paid in accordance with Regulation 12 of the Local Government (Financial Management) Regulations 1996;

- i) all payments, are to be authorised prior to payment by two of either the Chief Executive Officer, Directors, Executive Managers, or ~~Finance Manager~~ Manager of Corporate Services.**
- ii) a list of all payments authorised be presented to the next ordinary meeting of Council in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.**
- iii) Corporate credit cards be allowed a limit of up to \$3,000 for Council business only for the Chief Executive Officer and up to \$1,500 for Council business only for Directors.**

CARRIED 8/0

CGAM081/12/05		ADDITIONAL FEES AND CHARGES	(A1281)
Proponent	E. Cox – Acting Director Corporate Services	<u>In Brief</u>	
Officer	E. Cox – Acting Director Corporate Services	For Council to consider the inclusion of fees and charges accidentally omitted from the budget document.	
Signatures - Author:			
Senior Officer:			
Date of Report	14 December 2005		
Previously			
Disclosure of Interest			
Delegation	Council		

Background

Council at the July 2005 Ordinary Council Meeting resolved to adopt the fees and charges as listed in the 2005/06 Budget Papers, Council at this meeting also resolved to adopt the operating income and expenditure as detailed within each program.

It has now come to Administration's attention that a section of page 134 within the Economic Services programme was omitted and can be seen as a blank space within the list of fees and charges. This omission was not identified prior to the final print of the document. This space should have contained an additional 7 fees and charges.

A copy of the fees and charges to be included with the 2005/06 budget is included with the attachments and marked CGAM081/12/05.

A budget amount for the expected revenue was included within the operating income account EIF100 contained in the 2005/06 budget.

Administration during the budget deliberations did not propose an increase to the 7 fees and charges previously approved in the 2004/05 budget. This standard set of fees and charges have been identified in previous budget documents.

Sustainability Statement Nil

<u>Statutory Environment:</u>	Section 6.16 of the Local Government Act 1995 requires Local Governments to adopt a budget prior to 31 August 2005. Listed in the budget are the fees and charges for consideration and approval.
<u>Policy Implications:</u>	Nil
<u>Financial Implications:</u>	The annual licences need to be issued effected 1 January 2006 and are required to be included within the list of fees and charges.
<u>Strategic Implications:</u>	<p>Key Sustainability Result Areas</p> <p>1 People and Community</p> <p><i>Objective 1: Good quality of life for all residents</i></p> <p><u>Strategies:</u></p> <ol style="list-style-type: none">1. Provide recreational opportunities.2. Develop good services for health and well being.3. Retain seniors and youth within the community.4. Respect diversity within the community.5. Value and enhance the heritage character, arts and culture of the Shire.6. Ensure a safe and secure community. <p><i>Objective 2: Plan and develop towns and communities based on principles of sustainability</i></p> <p><u>Strategies:</u></p> <ol style="list-style-type: none">1. Increase information and awareness of key activities around the Shire and principles of sustainability.2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.3. Design and develop clustered neighbourhoods in order to minimise car dependency.4. Foster a strong sense of community, place and belonging.5. Protect built and natural heritage for economic and cultural benefits. <p><i>Objective 3: High level of social commitment</i></p> <p><u>Strategies:</u></p> <ol style="list-style-type: none">1. Encourage social commitment and self determination by the SJ community.2. Build key community partnerships. <p><u>Strategies:</u></p> <ol style="list-style-type: none">1. Implement known best practice sustainable natural resource management.2. Respond to Greenhouse and Climate change.3. Reduce waste and improve recycling processes <p>3 Economic</p> <p><i>Objective 1: A vibrant local community</i></p> <p><u>Strategies:</u></p> <ol style="list-style-type: none">1. Attract and facilitate appropriate industries, commercial activities and employment.2. Identify value-adding opportunities for primary production.3. Develop tourism potential.4. Promote info-technology and telecommuting opportunities. <p><i>Objective 2: Well developed and maintained infrastructure to support economic growth</i></p> <p><u>Strategies:</u></p>

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4 Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: No

Comments

Council is unable to raise an account for these 7 fees and charges until they are approved by Council. As they were omitted from the adopted budget papers, Council is requested to correct the omission and adopt the 7 fees and charges relating to account EIF100.

Voting Requirements: ABSOLUTE MAJORITY

CGAM081/12/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Murphy

That the 7 line items as listed in attachment CGAM081/12/05 which were omitted from the fees and charges within the Economic Service Program be approved for reinstatement into the 2005/06 annual budget.

CARRIED 8/0 ABSOLUTE MAJORITY

OCM017/12/05		SERPENTINE JARRAHDAL COMMUNITY RECREATION CENTRE FUNCTION ROOMS (A0900-03)
Proponent:	YMCA of Perth Inc.	In Brief Council is requested to approve the use of the name “Kingia Function Centre” to assist in the marketing of the Function Room facilities at the Recreation Centre.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	31 August 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Serpentine Jarrahdale Community Recreation Centre, opened on 28 May 2005, was designed and built to not only provide traditional recreational facilities but also Function Rooms for use by the community and Corporate groups. As part of the Management Contract awarded to the YMCA of Perth Inc, marketing of the Centre and its facilities was identified as a key requirement to the viability of the services provided.

To date the Function Rooms have been used for a variety of purposes including private parties, corporate meetings and community group purposes however the level of utilization has not achieved that expected. In response to this the YMCA have commenced direct marketing of the Function Rooms through a number of strategies including mail outs, newspaper advertising, direct selling and via the internet utilizing Search Engine optimization. Paid listings have also been included on local wedding sites with links to the Recreation Centre website.

Traditionally Function Rooms attached to Recreation Centres, due to their nature, have not been suitable for weddings or corporate events. While Council has created a venue well suited to these markets, it is necessary to break the traditional perception of what the facility will look like for those who have not visited the Centre. Review of the marketing strategies implemented indicates that it is desirable to identify the Function Rooms almost as a separate entity although remaining associated with the Recreation Centre.

The YMCA have undertaken some research into marketing of the facility and have recommended that the Function Rooms achieve their individuality through provision of marketable name which will stimulate the imagination of potential users and provide an indication of the environment around the facility before they have visited it in person or viewed images.

While such facilities are often named after persons having a historical involvement with a place, it is recommended in this instance that a name given describes the topography or point of interest in the area. In this regard it has been suggested that the name “Kingia Function Centre” is adopted due to the spectacular Kingia Australis grass trees on the reserve. The name “Kingia” lends itself well to the creation of an emblem for marketing material and immediately gives an impression of the location and scenery, both of which are immediately noticeable when visiting the facility or viewing images of the Function Room.

Sustainability Statement

Effect on Environment: The name “Kingia” has been suggested in recognition of the surrounding natural environment and topography which will add value to the experience of facility users.

Economic Viability: Specific branding of the Function Rooms is a minimal cost initiative which will assist in the marketing and promotion of the facility against strong competition. A catchy name will attract the attention of potential customers.

Economic Benefits: Use of the Function Rooms will not only reduce the cost of operation of the whole Recreation Centre facility, but also has benefits for local businesses through provision of services required for functions.

Social – Quality of Life: The primary role of the Function Rooms is to provide facilities for the use of local community groups. The branding and marketing of the facilities for other uses will complement the primary role.

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

Statutory Environment: Not applicable

Policy/Work Procedure Implications: There are no work procedures/policy implications directly related to this application/issue.

Financial Implications:

There are no Financial implications to Council related to this application/issue. Marketing of the Recreation Centre and its facilities is undertaken primarily by the YMCA as part of the Management Contract. Provision of a name for the Function Rooms will require some small changes to the Centres website, web listings, brochures and signage with all costs absorbed into the current operating budget.

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

- 1. People and Community**
Objective 1: Good quality of life for all residents
Strategies:
 1. Provide recreational opportunities.
 5. Value and enhance the heritage character, arts and culture of the Shire.*Objective 2: Plan and develop towns and communities based on principles of sustainability*
Strategies:
 4. Foster a strong sense of community, place and belonging.
 5. Protect built and natural heritage for economic and cultural benefits.
- 2. Environment**
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
 1. Increase awareness of the value of environmental requirements towards sustainability.
 3. Encourage protection and rehabilitation of natural resources.
- 3. Economic**
Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

3. Develop specific partnerships to effectively use and leverage additional resources.

Community Consultation:

The YMCA originally suggested the following names for consideration:

Beenyup Function Centre
Hill View Function Centre
Darling View Function Centre

These names were checked for their availability to use as business names.

The Serpentine Jarrahdale Community Recreation Centre Management Group and Shire staff provided constructive comments on the above and further suggestions which included.

Outlook Function Centre
On the Scarp Function Centre
Scarp Vista Function Centre
Scarp View Function Centre
Brickwood Function Centre
Kingia Function Centre

Council were then requested to consider the suggestions at November Concept Forum and then agree on a shortlist for market testing.

Council favoured the name Kingia Function Centre and agreed that the names, and in particular Kingia, be forwarded to a local marketing professional for their opinion.

The marketing professional was keen on the name Kingia – but not so much the extension, as they felt the words “function centre” immediately “down graded” the facilities if you are relying on a name to create a perception/image. They were also concerned that the term may be perceived as antiquated and more suggestive of 1980 buildings where every second venue was coined a “function centre”.

They suggested that the words ‘function centre’ could be dropped and either not replaced – so the venue becomes a one-word name, which may or may not work for Kingia, or consideration be given to other extensions eg. The Kingia Centre, or The Kingia Grande, or Kingia Place etc.

The YMCA then responded acknowledging the validity of the marketing companies opinion, but reiterating their keenness to go with Kingia Function Centre for the following reasons:

For our marketing purposes we should retain function centre in the title. As we only have a modest marketing budget to promote the function centre we need a name that makes it clear to people what the facility is, remembering we are not only marketing to people within the shire but also people across the metro area. We also need to ensure the facility is easy for people to find when they do a general Google search and retaining function centre in the name will allow this.

My preference is still Kingia Function Centre. I feel this name depicts the suitability of the venue for a wide variety of functions and actually looks quite good written down.

Comment:

Greater utilization of the facility is possible through strategic marketing and provision of a name which catches attention and promotes the attractiveness of the venue in comparison to competitors is recommended.

Voting Requirements: Normal

OCM017/12/05 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Star seconded Cr Scott
Council agrees to the use of the name “Kingia Function Centre” for the Function Room facilities at the Serpentine Jarrahdale Community Recreation Centre.
CARRIED 8/0**

OCM018/12/05		POLICY FORUM (A0039)
Proponent:	Executive	In Brief Council is requested to introduce a monthly Policy Forum for the purposes of identification of policy issues and review.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	17 November 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Strategic Planning Workshop of 10 and 11 June 2005, attended by Councilors and Staff, it was agreed to progress a greater focus by elected members on the function of policy development.

A presentation was given to Councilors on 1 November 2005 by the Director Asset Services and Chief Executive Officer regarding the formulation of good policies and the roles of Council and officers in policy development. It was proposed to formalize a Policy Forum which comprised all elected members for the purposes of the review and development of Councils Policies.

Sustainability Statement

Development of sound policies will result in the decisions and actions of Council and its employees meeting the sustainability objectives of the shire.

Statutory Environment:

Part 5 of the Local Government Act 1995 sets out the framework by which elected members meet as the governing body for the purpose of decision-making on behalf of the local government. It is a legal requirement that all decisions made on behalf of the local government are to be made at meetings called and convened under the provisions of the Act.

In the interests of transparency, accountability, probity and integrity it is recommended that all outcomes of the Policy Forum are referred to the relevant Committee of Council, rather than the Policy Forum having delegated powers, to ensure the fullest possible participation of Council and the community can occur.

Policy/Work Procedure Implications:

The function of the Policy Forum is to identify policy issues and review existing policies. The Executive will develop work procedures aligned to the policy outcomes.

Financial Implications:

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

Strategic Implications:

All objectives of the Shire's Strategic Plan can be addressed through the development of sound policies.

Comment:

In January 2004 the Department of Local Government and Regional Development released Local Government Operational Guidelines Number 5 – Council Forums. This document provides guidance to Councils on the development of procedures that allow elected members and officers to meet and discuss matters relating to the operations and affairs of their local government outside of the formal Council meeting framework. These Guidelines were used in the development of the Concept Forum which has successfully operated since 18th August, 2003.

The primary purpose of the Policy Forum is for Council, as representatives of the community, to identify policy issues and discuss development of policies. The Policy Forum is not a decision making body of Council however will seek the informal agreement of all Councillors to progress policy issues. Forum meetings would have two distinct parts being identification of Policy issues by elected members and presentation by the Executive of draft policies.

On agreement of a policy issue, elected members would provide the Executive with the objectives of the policy. It is the responsibility of the elected members to be satisfied that the policy issue is relevant to the governance of the District, can contain sufficient flexibility to respond to change without compromising its intent, has outcomes and objectives that are measurable, allows delegation to staff, is not discriminatory, is aligned to the Shire's Strategic Plan and is an appropriate issue for Council. The Executive would be responsible for preparing the draft of the policy, ensuring that the policy is legal and workable and undertaking consultation with the staff who would be required to implement the policy.

It is recommended that, in line with Guidelines Number 5 – Council Forums, the Policy Forum is structured and operated in a similar manner to the Concept Forum with procedural controls, an elected member as chair, agendas and records of meetings being kept. The following procedures are recommended for the operation of the Policy Forum:

1. Dates and times for forums should be set well in advance

2. The Chief Executive Officer (CEO) will ensure timely written notice and the agenda for each forum is provided to each member
3. Policy Forum agendas should be distributed to the members at least three (3) days prior to the workshop
4. The President or other designated elected member is to be the presiding member at all Policy Forum meetings
5. Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed
6. Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 as they apply to council meetings. Persons disclosing a financial interest will not participate in that part of the agenda relating to their interest and leave the meeting room.
7. There is to be no opportunity for a person with an interest to request that they continue in the forum.
8. A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departure/returns recorded. This record should be referred to Council for information to ensure it is on the public record.
9. Policy Forums may be open to the public when an issue is being discussed that Council believes would be of benefit from public awareness and debate
10. Discussions between members is to be limited to those issues which are in the preliminary development stages. Items already listed on a council meeting agenda are not to be discussed. (It is preferable that matters considered by the Policy Forum are referred to a relevant Committee initially rather than directly to Council)
11. As discussion items are not completely predictable there is to be some flexibility as to disclosures of interest. A person may disclose an interest at the time discussions commences on an issue not specifically included on the agenda.

Voting Requirements:

ABSOLUTE MAJORITY

OCM018/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Star seconded Cr Richards

Council agrees to the introduction of Policy Forums effective from January 2006 subject to the following:

- 1. Council to conduct one (1) Policy Forum meeting per month.**
- 2. Council Policy Forum is held on the first Tuesday of every month at 9am to 10.30am.**
- 3. Council Policy Forums be conducted based on the eleven (11) procedures recommended by the Department of Local Government and Regional Development in its January 2004 publication “Council Forums – Local Government Operational Guidelines Number 5”.**
- 4. Policy Forums will only deal with matters pertaining to policy development and review which are in their preliminary stages and are to be referred to Council via the relevant Committee for decision.**

CARRIED 8/0 ABSOLUTE MAJORITY

OCM019/12/05		EXTRACTIVE INDUSTRY LICENCE RENEWAL & PLANNING APPROVAL – LOT 422 KING ROAD, OLDBURY (P00659/04 & P00659/06)
Proponent:	Cook Industrial Minerals Pty Ltd	<p>In Brief</p> <p>To grant planning approval and issue an extractive industry licence in accordance with the Local Laws for Extractive Industries.</p> <p>It is recommended that planning approval be granted and an Extractive Industry Licence be granted for a period of three years.</p>
Owner:	As above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25 November 2005	
Previously	SD010/07/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	Development application: 14 September 2005
	Licence: 7 November 2005
Advertised:	Referred to Department of Environment and WAPC
Submissions:	Still being advertised
Lot Area:	20.5 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Not applicable
Date of Inspection:	28 June 2005 (for mid year inspection)

Background

Licence

An Extractive Industry licence was issued for the extraction of sand on the subject lot on 23 December 2004. The licence expires on 31 December 2005.

A copy of the current extractive industry licence is with the attachments marked OCM019.1/12/05 (OC05/9990)

Appeal

The owner subsequently lodged an appeal on 20 January 2005 with the State Administrative Tribunal (SAT) under section s377(5) of the Local Government (Miscellaneous Provisions) Act 1960, against conditions 3, 4, 10, 13-16 and 20 imposed on their licence. The Shire responded to the grounds of the appeal lodged by Cook Industrial Minerals on 8 February 2005.

A Directions hearing for the appeal was held on 1 December 2005, where both parties reported to SAT that they had reached agreement on the reworded conditions on the licence. The agreement on these reworded conditions was subject to Council granting a new licence and the reworded conditions being incorporated in this licence. The SAT made an order that the appeal be adjourned until 19 January 2006 for a further Directions hearing. However, if both parties had reached agreement on the matters associated with the appeal and a new licence issued, then the appeal could be withdrawn by the landowner.

Western Australian Planning Commission (WAPC) approval

The WAPC granted planning approval on 13 August 1991 for the extractive industry under the Metropolitan Region Scheme (MRS). This approval was valid for a period of 5 years expiring on 13 August 1996. No further planning approvals under the MRS had been lodged by the applicant or granted by the WAPC for an extractive industry on the property. A WAPC application for approval under MRS has now been lodged by the applicant.

Shire Planning approval

Planning approval was issued by the Shire under the Town Planning Scheme to the landowner on 19 September 1996. This approval was valid for a period of 5 years expiring on 19 September 2001. No further planning approvals under the Town Planning Scheme had been lodged for the extractive industry on the property since 2001 and the landowner has been operating an extractive industry on this land without a valid planning approval. The applicant has since lodged a planning application for the continuation of sand extraction on the property.

Proposal

The applicant has provided the following information in relation to the proposal and continuation of sand extraction at the site:

Summary

The excavation of sand has been undertaken on Lot 422 King Road, Oldbury since 1984 through an Extractive Industries Licence granted by the Shire of Serpentine Jarrahdale.

Extractive Industries Licences have conditions attached to control the excavation. A washing plant washes the sand that has been excavated. The sand is mainly used for specialty sands such as foundry and filter sand.

The quarry only has about two years sand supply left but because Cook Industrial Minerals does not have the market share currently, the pit can only produce sufficient sand within the one to two days per week that the operation is open.

Excavation of the sand quarry has continued to be to the approved Revegetation Plan dated 7 December 2000. The rehabilitation up to this point has been aimed at achieving the criteria listed in that plan. A new Rehabilitation Criteria and Plan was proposed on 28 July 2005. The new plan built on the completion criteria from the 2000 approved Revegetation Plan.

A number of conditions placed on the licence in December 2004 were appealed and all but the rehabilitation criteria have been resolved. Agreement on the rehabilitation criteria has nearly been reached.

Aims of the Proposal

The aims of the proposal are to:

- *Allow completion and rehabilitation of excavation on Lot 422.*
- *Reform the land surface and improve the soils to a form suitable for parkland pasture whilst at the same time maintaining and enhancing the remnant vegetation on site.*
- *To comply with Statement of Planning Policy No.2.4, Basic Raw Materials, which states that basic raw materials should be taken prior to sterilisation of the area by development.*

Excavation

The excavation procedures are the same as any sand pit in the Perth Metropolitan Region. Almost all the sand resource has already been removed with only a small area left on the western edge.

Excavation is carried out as a sequence.

- *Any shrub vegetation that is cleared will be used for rehabilitation.*
- *Topsoil will be removed and recovered for spreading directly onto areas to be revegetated.*
- *Sand will then be excavated from the floor of the pit to an elevation of 21 metres AHD.*
- *The washing plant will remain in its current location in the east of Lot 422.*
- *At the end of excavation the floor of the quarry will be covered in a layer of overburden and top soil and rehabilitated with pasture and local indigenous tree/shrub species.*

Completion of excavation is expected to take three years.

The applicant has submitted an updated Evacuation and Rehabilitation Management Plan on 29 August 2005. This report builds upon the earlier approved Revegetation Plan dated 7 December 2000 with updated completion criteria for revegetation and weed management. The updated report has been reviewed by an independent Environmental consultant and is supported. Approval of this plan will allow a number of current environment licence conditions to be merged into a single condition.

A copy of the excavation proposal for the site is with the attachments marked OCM019.2/12/05.

Sustainability Statement

Effect on Environment: The area to be extracted has generally been cleared of vegetation with the exception of the wetland area on the southern boundary.

Resource Implications: The subject site is nearing the end life of the pit. The proposal does not specify any specific measures to minimise resource use. The proposal has the potential to use significant amounts of water for dust prevention and fuel for operation of machinery.

Use of Local, renewable or recycled Resources: The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

Economic Viability: It is considered that the proposal is unlikely to impact on the landscape as most of the sand has previously been extracted. The site has been extensively rehabilitated over the past few years.

Economic Benefits: The operation has the potential to create employment for residents in the Shire.

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

Social and Environmental Responsibility: The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment.

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

Statutory Environment: Metropolitan Region Scheme (Clause 32)
Local Government Act 1995.
Extractive Industries Local Law
Town Planning and Development Act.
Town Planning Scheme No. 2

Planning approval for the extractive industry is required from the WAPC under the MRS and from the Shire under the Town Planning Scheme.

Extracts from the Extractive Industries Local Law is outlined below:

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 *A person must not carry on an extractive industry -*
- (a) *Unless the person is the holder of a valid and current licence; and*
 - (b) *Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*
- Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.*

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

- 4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-*
- *refuse the application; or*
 - *approve the application on such terms and conditions, if any, as it sees fit.*

The applicant has submitted an application for an extractive industry licence renewal for the subject land.

Policy/Work Procedure

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

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

Financial Implications:

The Extractive Industry Licence annual fee and development application fee have been paid.

Community Consultation:

Development Application

The proposal has been referred to the Western Australian Planning Commission and the Department of Environment for comment.

Comment:

Development Application

The development application was submitted to Council on 14 September 2005 for assessment. Since that time, Council staff have been liaising with Cook Industrial Minerals Pty Ltd to bring their documentation up to a standard deemed suitable to achieve the objectives and requirements that Council has set out. Cook Industrial Minerals Pty Ltd is continuing their operations along the same manner they have in the past without any apparent significant impacts on the locality.

Assessing the development application and licence renewal at the same time for Cook Industrial Minerals Pty Ltd provides an opportunity to revise existing licence conditions and ensure that conditions are not replicated on both the planning approval and the licence. Some conditions will be transferred to the planning approval to allow for the licence to serve the function of regulating the operations. Compliance checks will occur during the length of the licence to ensure compliance with the current approvals/conditions.

Current Licence

The current Extractive Industry Licence was issued on 23 December 2004 and expires on 31 December 2005. An inspection of the property was undertaken on 28 June 2005 as part of the mid-year compliance assessments for all extractive industry operations. As a number of the conditions imposed on the licence were under appeal, these were not reported on. There were only three conditions on the current Extractive Industry Licence that were not under appeal which had only been partially complied with. These related to fuel storage, dieback hygiene management and maintaining a log book on site for any contamination issues. In regard to addressing these three conditions, Shire Officers have been working with the operator to bring these up to Council standard.

Planning Policy No. 14 (PP14)

Planning Policy No.14 'Extractive Industry Licences' sets out guidelines to help Council staff determine the length of licences that should be issued to extractive industry operators. Three conditions under the current licence were identified as being partially non-compliant by Council staff.

Under PP14 it states that a minor (1) point of compliance is achieved when "non-compliance occurred but remediated or commence actions to remedy if long term approach required within 4 weeks of occurrence and this is supported in writing to the Shire". On 19 August 2005 correspondence was received from the operator disputing the three areas identified as being partially non-compliant. The correspondence detailed how these areas will be brought up to Council standard. Therefore, in accordance with PP14, one point is awarded to each licence condition.

Of the thirteen conditions not under appeal on the current extractive industry licence, ten have been complied with by the operator. The three that have been identified as non-compliant are minor areas of non-compliance and have therefore been awarded one point each in accordance with PP14. As such, Cook Industrial Minerals Pty Ltd has obtained a total of three points under the scoring system for auditing mine sites. A total audit score of three corresponds to a length of licence of three years.

It is acknowledged that Cook Industrial Minerals Pty Ltd has improved its operations over the past few years to bring it into compliance and therefore they should be rewarded as such. The issuing of a 3 year licence for Cook Industrial Minerals Pty Ltd at the expiry of the current licence will benefit both the operator and Shire. Cook Industrial Minerals Pty Ltd has been willing to improve in any area of operations that the Shire has identified as being a concern or needing improvement. Further, the subject site will be audited on a yearly basis to assess the level of compliance with the recommended conditions. Any issues that may arise through these inspections can be resolved between the operator and Shire staff.

Conclusion

Planning approval is required to be issued under the Town Planning Scheme as well as from the Western Australian Planning Commission. The planning approval is recommended to run for a period of three years in line with the period of the extractive industry licence.

The proposed development and renewal of the extractive industry licence is supported.

Council at its meeting held on 23 May 2005 considered a report regarding the planning policy relating to extractive industries. The report recognised that once planning approval was granted by Council, that a three year licence would be given to the operators of Lot 422 King Road, Oldbury.

However advertising of the proposal has not closed and it is possible that comments from the Department of Environment may need to be incorporated. It is intended that pending the close of submissions planning approval be granted for the extraction of sand at Lot 422 King Road, Oldbury subject to the following conditions:

1. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law and all extractive industry licence conditions. (AD3)
2. The approved Revegetation Plan (dated 28 July 2005) submitted in a report dated 29 August 2005 shall be implemented in its entirety to the satisfaction of the Executive Manager Strategic Community Planning.
3. Declared and environmental weeds shall be controlled on-site to the satisfaction of the Executive Manager Strategic Community Planning.
4. Prior to stock being placed on the land, remnant vegetation and revegetated areas, including clumps of trees and large shrubs within parkland cleared areas are to be fenced in a manner that allows native animal access but

- prevents domestic stock from entering and degrading these areas prior to stock being permitted onto the site (BM10).
5. The licensee shall take all measures necessary to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).
 6. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).
 7. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside any low permeability compounds (HC3).
 8. Where extractive industry activities, including stockpiling, screening, washing, loading or haulage operations occur within close proximity (30 metres) to remnant vegetation or revegetated areas the boundaries of the vegetation and revegetation areas are to be defined by fencing and brightly coloured tape or some other mechanism to the satisfaction of the Executive Manager Strategic Community Planning to prevent machinery encroaching and damage to the vegetation (BM9).
 9. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt (BM12).
 10. This approval is valid for a period of three years only until 31 December 2008.
 11. All mining equipment and machinery is to be removed from the property within thirty (30) days of the completion of all sand extraction from the land.

Advice Notes

1. Approval is required from the Western Australian Planning Commission for the extractive industry under the Metropolitan Region Scheme.

It is also intended pending the close of submissions that the extractive industry licence be issued for sand extraction at Lot 422 King Road, Oldbury for a three (3) year period expiring 31 December 2008 subject to the following conditions:

Planning

1. The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October each year. (AD1).
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3)

Dust

3. The licensee shall ensure so far as practicable to the satisfaction of the Shire that visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the site by using, where necessary, appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
4. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an alternative effective manner to suppress dust and prevent dust nuisance to the satisfaction of Executive Manager Planning and Regulatory Services. (D4).

Water Quality

5. The licensee is to prevent the discharge of surface water from that portion of the site which is currently being used, and/or has been used in the past for extraction, mineral processing, stockpiling, haulage, storage of mining and other machinery, settlement and other ponds or any other activity that results in disturbance of the natural surface or vegetation of the site.

Biodiversity Management

6. No activity is to occur in dieback prone areas.
7. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10⁻⁹ metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (HC1).
The compounds described shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water (HC2).
8. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside any low permeability compounds (HC3).
9. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and made available for immediate inspection by Serpentine Jarrahdale Shire representatives (HC5).
10. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).
11. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt (BM12).

Impact Management

12. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).

Advice Notes:

1. In relation to condition 1, the annual report is to:
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;

- c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the preceding twelve (12) months;
 - d) provide a statement of actions to be taken and progress proposed in relation to:-
 - i) the implementation of management plans during the next 12 months;
 - ii) identify any proposed changes to approved management plans.
2. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approved such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved environmental management system document.
3. The licensee shall not store, or permit to be stored any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the prior written approval of the Executive Manager Strategic Community Planning (HC4).

Voting Requirements: ABSOLUTE MAJORITY

OCM019/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Star seconded Cr Hoyer

The Executive Manager Planning & Regulatory Services be granted delegated authority to issue a planning approval and extractive industry licence for the extraction of sand at Lot 422 King Road, Oldbury.

CARRIED 8/0 ABSOLUTE MAJORITY

OCM020/12/05		EXTRACTIVE INDUSTRY LICENCE RENEWAL & PLANNING APPROVAL – LOT 4 (309) KING ROAD, OLDBURY (P00068/02 & P00068/08)
Proponent:	Readymix Holdings Pty Ltd	<p>In Brief</p> <p>To grant planning approval and issue an extractive industry licence in accordance with the Local Laws for Extractive Industries.</p> <p>It is recommended that planning approval be granted and an Extractive Industry Licence be granted for a period of 3 years.</p>
Owner:	Alex Cumming	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	21 November 2005	
Previously	SD094/06/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of receipt:	Development Application: 28 June 2005
Advertised:	Referred to Department of Environment (DoE), WAPC and surrounding landowners
Submissions:	Comments received from DoE
Lot Area:	14 hectares
LA Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/ Heritage	N/A

Heritage Precinct: N/A
Bush Forever: N/A
Date of Inspection: 22 June 2005 (for previous licence renewal)

Background

Planning Approval

Planning approval under the Town Planning Scheme for this development expired on February 2005. A new planning application for an extractive industry was received by the Shire on 28 June 2005 and is the subject of this report. Planning approval was granted by the Western Australian Planning Commission on 2 December 2005 for a period of 7 years.

Proposal

The applicant has provided the following information in relation to the proposal and continuation of sand extraction at the site:

Development Strategy

The planned development strategy will be as follows:

Stage 1: To extend the pit in a westerly direction and continue the excavation along the southern boundary into the adjacent Cook Industries sand quarry to unite at the existing excavated RL.

Stage 2: To extract any remaining parcels of sand around the northern boundary.

Sufficient fill sand will be reserved for use as back-fill in the re-contouring of the site for rehabilitation purposes. The future strategy for this resource is to move the extraction northwards from Lot 4 onto Lot 5. In order to implement this, Readymix intends to apply for a Development Approval and an Extractive Industries Licence to excavate Lot 5 in the near future.

Buffers

The current pit development strategy maintains the original planned 10 metre wide buffer of natural ground and vegetation to be left on the western perimeter of the resource.

A section of the 20 metre buffer along the northern edge of the lot has unfortunately already been excavated in past years, to the extent that the current pit transects the boundary between Lots 4 & 5. In the event that the appropriate permitting is not sought and/or granted for extraction of sand from Lot 5, some backfilling and remediation of the over-excavated northern boundary of Lot 4 will be required. Remediation would include filling the void created on Lot 5 and replacing the 20 metre wide buffer with fill sand, then reinstating local native vegetation over the filled area.

Site Access

Current access and transport routes to the quarry will be maintained. Traffic currently enters to and from King Road and this entrance will continue to be used during the remaining excavation of Lot 4. The entrance onto King Road has been asphalt sealed by Readymix.

Plant & Equipment

Equipment on-site includes a portable office with toilets, front end loader, a bulldozer or excavator and a portable screening plant (if required). Currently only one employee, a loader operator, is employed on the site.

Hydrology

There is not expected to be any effect on the quality of water leaving the site as a result of the excavation operations because no water courses have been disturbed in the excavation process and floor levels shall remain at least 1m above the water table.

Flora & Fauna

A vegetation and flora study of the adjacent Lot 5 was undertaken by Bennett Environmental Consulting in December 2000. This report was provided to the Shire in 2003.

Noise

Sand excavation is relatively quiet with no blasting, crushing or rock breaking activities occurring. Any noise from the trucks and front-end loader are to be minimised by the buffer zone around the quarry which will assist in reducing any noise. A noise monitoring program will be implemented if deemed necessary to determine the site's compliance to regulatory noise levels and identify any improvements required to meet or exceed compliance.

Visual Amenity

The ridge between the operating pit and the cleared pasture at the western side of the lot is not intended to be excavated and therefore provides long-term and effective screening.

In addition to the above, Readymix has put in measures to help control dust and weeds on site. These measures will continue through the duration of the new extractive industry licence and planning approval.

A copy of the excavation proposal of the site is with the attachments marked OCM020.1/12/05. king road

Extractive Industry Licence

An extractive industry licence for the subject land was issued by the Shire on 1 July 2005 and is valid until 31 December 2005.

A copy of the conditions placed on this Extractive Industry Licence is with the attachments marked OCM020.2/12/05. (OC05/4232)

Sustainability Statement

Effect on Environment: The area to be extracted has generally been cleared of vegetation. Measures have previously been put in place by Readymix to rehabilitate the site to Council's satisfaction. These measures will continue during the duration of the new licence. The extraction of sand has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the subject land if not well managed.

Resource Implications: The proposal will extract a large volume of sand over the life of the extractive industry. Although the proposal does not specify any specific measures to minimise resource use, there is no water on site. There is the potential for fuel to be used for the operation of the machinery.

Use of Local, renewable or recycled Resources: The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

Economic Benefits: If the new extractive industry licence and development approval is granted, the operation has the potential to create some limited employment for residents in the Shire.

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

Social and Environmental Responsibility: The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment. The development application was referred to affected parties for a period up to four weeks.

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

Statutory Environment: Local Government Act 1995.
Extractive Industries Local Law
Town Planning and Development Act.
Metropolitan Region Scheme (Clause 32)
Town Planning Scheme No. 2

Planning approval for the extractive industry is required from the WAPC under the Metropolitan Region Scheme and from the Shire under the Town Planning Scheme.

Local Law

Extracts from the Extractive Industries Local Law are outlined below:

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 *A person must not carry on an extractive industry -*
- (a) *Unless the person is the holder of a valid and current licence; and*
 - (b) *Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*
- Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.*

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

- 4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-
refuse the application; or
approve the application on such terms and conditions, if any, as it sees fit.*

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

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

Financial Implications: The Extractive Industry Licence annual fee has not yet been paid at the time of writing this report. The planning application fee has been paid.

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Development Application

Community consultation was undertaken in respect of the planning application. The proposal was referred to the WAPC, DoE and surrounding landowners for comment for a period of up to four weeks. The following comments were provided by the Department of Environment. No other comments were received.

The Department of Environment has assessed the proposal and has no objections subject to the following conditions:

1 Acid Sulphate Soils

The subject site is identified as having a moderate to low risk of acid sulphate soils at depths greater than 3 metres. However, the site is located close to areas of high risk acid sulphate soils. Therefore, prior to the commencement of any site works:

- a) A preliminary site investigation shall be undertaken to determine whether acid sulphate soils are present on the land and, if present, their extent and severity;
- b) If the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted and approved; and
- c) All site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the Western Australian Planning Commission.

2 Drainage Management Plan

A Drainage Management Plan being prepared and implemented to the satisfaction of the Department of Environment, prior to the commencement of site works. The Drainage Management Plan should include, but not be limited to, site drainage details and water quality protection measures.

3 Rehabilitation Management Plan

A Rehabilitation Management Plan being prepared and implemented to the satisfaction of the Department of Environment. This plan should include, but not be limited to, species to be planted, planting densities and fertiliser application rates, total quantities, management and site plan clearly identifying the areas to be rehabilitated.

4 Clearing Permit

An application for a Clearing Permit from the Department of Environment will be required to remove native vegetation for the proposal. The proponent is advised to seek advice from Andrew Richardson at the Department of Environment Mandurah.

The Department of Environment has also provided advice in respect of obtaining a Works Approval and the issue of Groundwater Allocation.

Comment:

Development Application

The development application was submitted to Council on 28 June 2005 for assessment. Since that time, Council staff have been liaising closely with Readymix to bring their documentation up to a standard deemed suitable. Readymix has been more than willing to work with Council to improve their documentation and achieve the objectives and requirements that Council has set out. Readymix is continuing its operations in the same manner they have in the past without any apparent significant impacts on the locality.

Assessing the development application and licence renewal at the same time for Readymix provides an opportunity to revise existing licence conditions and ensure that conditions are not replicated on both the planning approval and the licence. Some conditions will be transferred to the planning approval to allow for the licence to serve the function of regulating the operations. Compliance checks will occur during the length of the licence to ensure compliance with the current approval conditions.

Previous Licence

Prior to issuing the current extractive industry licence to the operator on 1 July 2005, a site inspection was undertaken by Council staff revealing outstanding planning and environmental issues associated with the extractive industry operation. At the time of renewal, five conditions on the then current licence were deemed to be non-compliant with four relating to the planting of vegetation and pasture and one regarding the covering of loads. Although these conditions were deemed to be non-complaint, it was noted that the vegetation conditions were still being investigated by the company and will be agreed upon through close consultation with the Shire. Further, the condition relating to the covering of all loads is difficult to enforce on external small scale operators. Readymix has made substantial progress with regard to bringing its operations into compliance with the previous licence conditions.

Planning Policy No. 14

Planning Policy No. 14 'Extractive Industry Licences' (PP14) sets out guidelines to help Council staff determine the length of licences that should be issued to extractive industry

operators. Five conditions under the previous licence were identified as being non-compliant by Council staff. These non-compliances are relatively minor with Readymix putting processes in place to bring these conditions up to Council standard.

Condition 5 – Covering of all Loads

This condition is always going to be difficult to enforce when private operators outside of the company are taking loads off the property. Readymix has indicated it advises drivers to cover the loads when leaving the property but cannot physically force them to do so. As this is a minor compliance, under PP14 one point is awarded.

Conditions 15, 16, 17 and 21 – Planting & Revegetation

Under the previous audit report, it was identified that these conditions have not yet been met as Readymix is still investigating the types of pasture and seeds that are best suited for the site. Readymix are liaising with the Shire with respect to these issues and have been more than willing to amend their documentation into the new format as required by Shire Officers. These conditions are still under discussion and therefore should be identified as having a minor non-compliance. Further, as Readymix has made a commitment to continue working closely with the Shire to achieve these outcomes, it is recommended that these conditions remain on the licence in order for Council to monitor the progress. Under PP14, one point of compliance is awarded for each condition.

Licence Period

There are five conditions on the current Extractive Industry Licence which have been identified as being non-compliant. However, these conditions are minor non-compliances and have therefore been awarded one point each in accordance with PP14. As such, Readymix has obtained a total of 5 points under the scoring system for auditing mine sites.

A total audit score of 5 corresponds to a length of licence of 3 years. It is acknowledged that Readymix has made substantial progress over the past few years to bring its operations into compliance and, therefore, it should be rewarded as such. The issuing of a 3 year licence for Readymix at the expiry of the current licence will benefit both the operator and Shire. Readymix has been willing to improve in any area of operations that the Shire has identified as being a concern or needing improvement. Further, the subject site will be audited on a yearly basis to assess the level of compliance with the recommended conditions. Any issues that may arise through these inspections can be resolved between the operator and Shire staff.

Conclusion

Planning approval is required to be issued under the Town Planning Scheme as well as from the Western Australian Planning Commission. The planning approval is recommended to run indefinitely without a specified timeframe to allow for the extractive industry licence to help regulate the operations. The proposed development and renewal of the extractive industry licence is supported.

Voting Requirements: Normal

OCM020/12/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Richards seconded Cr Hoyer

A. Planning approval be granted for the extraction of sand at Lot 4 King Road, Oldbury subject to the following conditions:

1. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law and all extractive industry licence conditions. (AD3)
2. An updated Biodiversity and Landscape Management Plan shall be submitted for approval to the satisfaction of the Executive Manager Strategic Community Planning by 1 April 2006. The approved plan shall thereafter be implemented in its entirety.
3. Declared and environmental weeds shall be controlled on site to the satisfaction of the Executive Manager Strategic Community Planning.
4. Prior to stock being placed on the land, remnant vegetation and revegetated areas including clumps of trees and large shrubs within parkland cleared areas are to be fenced in a manner that allows native animal access but prevents domestic stock from entering and degrading these areas prior to stock being permitted onto the site.
5. A report being prepared by a suitably qualified professional by 1 April 2006, to the satisfaction of the Executive Manager Planning & Regulatory Services identifying whether acid sulphate soils are present on the land. If such soils are found:
 - a) the report shall include a management plan to address these impacts
 - b) the management plan shall be implemented to the satisfaction of the Shire.
6. Where stockpiling, extraction, screening, loading or haulage operations occur within close proximity (30 metres) of remnant vegetation or revegetated areas, the boundaries of the vegetation and revegetation areas are to be defined by star pickets and brightly coloured tape or some other mechanism to the satisfaction of the Executive Manager Strategic Community Planning to prevent machinery encroaching and damaging these areas (BM9).
7. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt (BM12).
8. Extraction of the western end of the sand pit is not to occur until a visual vegetation buffer has been established to the satisfaction of the Executive Manager Strategic Community Planning.
9. Management of existing, plus revegetation of banksia woodland and lowland bushland areas is to achieve:
 - a) a self-sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent banksia woodland on the batters, around the periphery of the excavated sand pit and in areas identified for banksia woodland in the approved Biodiversity and Landscape Management Plan;
 - b) a self-sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of lowland vegetation in areas identified for lowland bushland revegetation on the approved Biodiversity and Landscape Management Plan;
 - c) a minimum survival of 500 local native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - d) a plant diversity of at least 60% of the plant diversity at agreed natural community reference sites and a minimum species richness of 5 native species per 100 square metres; and
 - e) a weed burden at levels not likely to threaten the native species;

Advice Notes:

1. In relation to condition 2:

- a) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact on vegetation;
- b) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
- c) Locate on the map and describe all endpoint vegetation types for example Banksia woodland, lowland bushland or agricultural parkland cleared;
- d) Describe the species, projected sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
- e) Describe the community structures, species compositions and diversities of naturally growing reference communities;
- f) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden and the placement of logs for habitat provision);
- g) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
- h) Locate fire breaks on the map;
- i) Provide time frames for stages of proposed industry operations;
- j) Include copies of any necessary State Government approvals for clearing (BM1).

2. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:

- a) Include a statement of biodiversity values on the site;
- b) Identify threats to and pressures on biodiversity values;
- c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
- d) Include at least one scaled map of the premises which can be placed as an overlay over a recent aerial photograph of the whole site; and
- e) Illustrate and describe land contours at proposed stages of the development including current contours and those proposed at completion of extractive industry activities.

B. Subject to the annual extractive industry licence fee and compliance with the Extractive Industries Local Law (Part 4.3 - Renewal of Licence) being completed to the satisfaction of the Executive Manager Planning and Regulatory Services, the extractive industry licence be issued for sand extraction at Lot 4 King Road, Oldbury for a three (3) year period expiring 31 December 2008 subject to the following conditions:

Planning

1. The licensee is to submit an annual report to the Executive Manager Planning and Regulatory Services by 31 October each year. (AD1)
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)

Dust

3. The licensee shall ensure so far as practicable to the satisfaction of the Shire that visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary

of the premises by using, where necessary, appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).

4. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an alternative effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Executive Manager Planning and Regulatory Services (D4).
5. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be brought on-site and made available for immediate inspection by the Shire of Serpentine Jarrahdale staff during site audits (H5).

Noise

6. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).

Hazardous Chemicals

7. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10⁻⁹ metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (H1).
8. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside any low permeability compounds (H3).
9. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be brought on-site and made available for immediate inspection by the Shire of Serpentine Jarrahdale staff during site audits (H5).
10. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (H6).

Biodiversity Management

11. No activity is to occur in dieback prone areas.
12. Remnant vegetation and revegetated areas, including clumps of trees and large shrubs within parkland cleared areas are to be fenced prior to stock being placed on the land in a manner that allows native animal access but prevents domestic stock from entering and degrading these areas (BM10).

Impact Management

13. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).

Advice Notes:

1. In relation to condition 1, the annual report is to:
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the preceding twelve (12) months;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans.
 - e) identify any proposed changes to approved management plans (AD1).
 2. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approved such a document, the licence conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document (AD3).
- CARRIED 8/0**

OCM022/12/05 LOCAL GOVERNMENT STRUCTURAL AND ELECTORAL REFORM REVIEW (A1063-06)		
Proponent:	Local Government Advisory Board	In Brief To endorse the Shire's response to the Local Government Advisory Board Review into Local Government Structural and Electoral Reform.
Owner:	Not applicable	
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	16 th December 2005	
Previously	None	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<u>Council</u>	

Background

On Tuesday 4th October 2005, the Minister for Local Government and Regional Development, the Hon. John Bowler MLA, announced that the Local Government Advisory Board would carry out an investigation of structural and electoral reform issues in Local Government. The Board was given the deadline of 10 February 2006 to report to the Minister. Submissions and public comment will be received by the Board until December 23rd 2005. The terms of reference for the review are outlined in **OCM022.1/12/05**.

In order to facilitate comment on the terms of reference an issues paper was released by the Board. To achieve this outcome the issues paper offers questions and commentary in relation to each term of reference and can be found at **OCM022.2/12/05**.

Sustainability Statement

The aim of the review is to ensure the future sustainability of communities. The issues paper references the 2003 State Sustainability Strategy definition of “meeting the needs of current and future generations through an integration of environmental protection, social

advancement and economic prosperity” but goes on further to add that “in the local government context this could be interpreted to mean a system of local government that is economically viable and strategically managed for future generations, a system that improves social inclusiveness and strengthens community capacity, and a system that is better equipped to improve environmental quality through high standards of environmental management”.

Statutory Environment:

Not applicable

Policy/Work Procedure Implications:

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

Financial Implications:

There are no direct financial implications to Council related to this issue. However there is the potential for significant change if recommendations are made that fundamentally affect the structure and operations of local governments in WA.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The terms of reference provided to the Board require consultation to be undertaken with the Western Australian Local Government Association (WALGA), the Local Government Managers Association as well as individual local governments and the wider community.

Comment:

In relation to the electoral reform component of the review WALGA released a survey for members which was discussed with councillors at the Concept Forum meeting on December 6th 2005. The Shire's survey submission, as at **OCM022.3/12/05**, was then forwarded to WALGA. Given the timeframe for return of submissions there wasn't an opportunity for the survey responses to be formally endorsed and as such it is recommended that Council endorse the actions of the Chief Executive Officer in forwarding the reply back to WALGA as the Shire's response. There was one councillor in attendance at the Concept Forum who did not agree with the survey submission and that councillor has chosen to make a separate submission to WALGA which can be viewed at **OCM022.4/12/05**.

With respect to the structural reform component of the review the Western Australian Local Government Association has prepared a draft response (as per **OCM022.5/12/05**) which reflects the Association's position that the Board's review is premature and should be preceded by a more substantial investigation into the systemic sustainability of local government, from which a more targeted and appropriate reference could be developed for the Board. It may also identify other investigative references or actions which need to be addressed by State and Federal Government Departments and agencies to enhance the sustainability of Local Government. The Association argues that only with this legitimate research base can valid actions be taken by the three spheres of government in addressing the structural reform of Local Government. In order to progress this the Association has made a submission to the State government budget process for matching funds of up to \$150,000 towards a joint inquiry into the systemic sustainability of Local Government in WA. It is recommended that the Shire endorse the Association's submission on structural reform as per **OCM022.5/12/05** with the additional comment that the review should examine a wide range of potential solutions to the systemic sustainability of local government including international trends such as the governmental structures in operation in New Zealand.

To assist with the review, and in particular to give the Board a complete picture on the contemporary extent of resource sharing and regional co-operation, the Board distributed a survey to councils. The regional resource sharing survey is to be found at **OCM022.6/12/05**. As this is essentially a data collection survey and the breakdown figures for each of the contract values for question 18 were not available at the time of preparation of this report it is recommended that the Chief Executive Officer be granted delegated authority to complete this survey and forward it to the Board as the Shire's response.

Voting Requirements:

ABSOLUTE MAJORITY required for recommendation 4

Officer Recommended Resolution:

1. Council endorses the Chief Executive Officer forwarding the electoral reform survey responses as at *OCM022.3/12/05* to the Western Australian Local Government Association
2. Council endorses the electoral reform survey responses as at *OCM022.3/12/05* as part of the Shire's submission to the Local Government Advisory Board review
3. Council endorses the Western Australian Local Government Association's structural reform response as at *OCM022.5/12/05* as part of the Shire's submission to the Local Government Advisory Board review with the additional comment that the review should examine a wide range of potential solutions to the systemic sustainability of local government including international trends such as the governmental structures in operation in New Zealand
4. Council grants delegated authority to the Chief Executive Officer to complete the regional resource sharing survey at *OCM022.6/12/05* and forward it to the Board as the Shire's response.

OCM022/12/05 COUNCIL DECISION

Moved Cr Star seconded Cr Wigg

1. Council endorses the Chief Executive Officer forwarding the electoral reform survey responses as at *OCM022.3/12/05* to the Western Australian Local Government Association
2. Council endorses the electoral reform survey responses as at *OCM022.3/12/05* as part of the Shire's submission to the Local Government Advisory Board review
3. Council endorses the Western Australian Local Government Association's structural reform response as at *OCM022.5/12/05* as part of the Shire's submission to the Local Government Advisory Board review with the additional comment that the review should examine a wide range of potential solutions to the systemic sustainability of local government including international trends such as the governmental structures in operation in New Zealand. Council also draws to the Board's attention that being a total catchment (of the Serpentine River) has been of great benefit to all in dealing with environmental planning and issues.
4. Council grants delegated authority to the Chief Executive Officer to complete the regional resource sharing survey at *OCM022.6/12/05* and forward it to the Board as the Shire's response.

CARRIED 8/0 ABSOLUTE MAJORITY

Council Note: The Officer's Recommended Resolution was changed by adding to part 3 bringing to the Board's attention that being a total catchment has great benefits in dealing with environmental planning and issues.

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM021/12/05		INFORMATION REPORT
Proponent	Chief Executive Officer	In Brief Information Report for the month of December 2005.
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14 th December, 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM021.1/12/05 COMMON SEAL REGISTER REPORT – NOVEMBER, 2005 (A1128)

The Common Seal Register Report for the month of October, 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM021.1/12/05. (E02/5614)

OCM021.2/12/05 EXECUTIVE OFFICER STRATEGIC DEVELOPMENT REPORT – DECEMBER, 2005 (A0436-05)

The Executive Officer Strategic Development report of priorities to 16th November, 2005 is with the attachments marked OCM021.2/12/05 (E05/7102)

OCM021.3/12/05 USE OF DELEGATION REPORT –NOVEMBER, 2005 (A0039-02)

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

CS-9 Internal & External Funding Applications Seeking Council Endorsement

Letter of Support, Community Conservation Grant – Sports Aircraft Builders Club (OC05/7581)

In accordance with Council Resolution CGAM062/11/05 – Planning application signed.

OCM021.4/12/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION PEEL ZONE MEETING MINUTES DECEMBER 2005 (A1164)

The WALGA Peel Zone Meeting Minutes for meeting held on 1st December 2005 is with the attachments marked OCM021.4/12/05 (IN05/13183 & IN05/13513)

OCM021.5/12/05 OUTER METRO GROWTH COUNCILS POLICY FORUM (A0943)

The Serpentine Jarrahdale Shire has joined the Outer Metro Growth Council's Policy Forum and as such now benefits from the ability of submitting collective responses to current issues papers with the Cities of Armadale, Swan, Wanneroo, Cockburn, Mandurah and Rockingham as well as the Town of Kwinana. ***Details of the Outer Metropolitan Growth Council Focus Group submission on "Strategic directions for the WA Sport & Recreation Industry (2006-2010)"; and the forum's submission on "Sustainability checklist discussion document (March 2005)" have been included as well as WALGA's submission entitled "A Sustainability Checklist" is in the attachments for Councillors information and marked OCM021.5/12/05.***

OCM021.6/12/05 PEEL DEVELOPMENT COMMISSION – STRATEGIC PLAN 2005-2009 (A0109-02)

The Peel Development Commission Strategic Plan 2005-2009 is with the attachments marked OCM021.6/12/05 (IN05/10973)

OCM021/12/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Star
The Information Report to 14th December, 2005 is received.
CARRIED 8/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 9.09pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD065/12/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	01.12.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD065/12/05 COMMITTEE DECISION/Officer Recommended Resolution

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

SD066/12/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1.12.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD066/12/05 COMMITTEE DECISION/Officer Recommended Resolution

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

SD067/12/05 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief <u>Information report</u>
Owner:	Not applicable	
Officer:	Robyn Brown, Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1.12.05	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD067/12/05 COMMITTEE DECISION/Officer Recommended Resolution

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

SD069/12/05 PROPOSED RELOCATED DWELLING - LOT 7 (246) SOLDIERS ROAD, CARDUP (P05136/02)		
Proponent	J Short	In Brief Application for planning approval to place a relocated dwelling on above residential property. Referred to Council for determination as per Building Work Procedure BWP3 Relocated Dwellings. Approval is recommended subject to conditions.
Owner	P Cable	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	22 November 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Committee in accordance with resolution SM054/05/03	

SD069/12/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application for approval to commence development of a Single House on Lot 7 (246) Soldiers Road, Cardup be approved subject to the following conditions:

- 1. A bond of \$5 000 is to be lodged with the Shire prior to the issue of a Building Licence. Such bond shall be released by the Shire back to the landowner subject to a satisfactory final completion inspection of the dwelling being carried out by the Shire's Principal Building Surveyor.**
- 2. The dwelling shall be amended to incorporate treatments to the west facing windows including awnings or verandas to reduce direct sunlight penetration into those rooms in summer whilst still allowing sunlight penetration into rooms during winter. Details of the proposed measures to be used are to be submitted with the application for a Building Licence for the dwelling.**
- 3. The dwelling shall be connected to the Water Corporation's reticulated water supply system or, in the event that a reticulated water service is not available**

- to the property the dwelling shall be provided with a potable water supply of minimum capacity of 92 000 litres to the satisfaction of the Shire.
4. The specific approval of Council's Health Service is required for an alternate treatment unit effluent disposal system prior to the commencement of development.
 5. The colours and materials used shall be as detailed on the schedule attached to and forming part of the approval unless otherwise approved in writing by the Shire.
 6. All stormwater to be disposed of within the property. This may be achieved by methods such as spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties. No direct discharge of stormwater into watercourses or drainage lines.
 7. Existing trees on the subject site and the adjacent verge are not permitted to be removed, unless the prior written approval of the Shire is obtained and shall be protected from damage prior to and during construction.
 8. A building licence is to be obtained prior to the commencement of development (including earthworks).
 9. Full plans and specifications and photographs of the dwelling intended to be relocated are to be provided with the Building Licence application.

Advice Notes:

1. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.
2. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
3. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in obtaining a vegetation clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, from the Department of Environment. Further information should be obtained from the Department of Environment.

CARRIED 7/0

SD070/12/05 PROPOSED ADDITIONS TO MEDICAL CENTRE – LOT 4 & 44 (4 & 8) CLIFTON STREET, BYFORD (P0447/01)		
Proponent:	APO Pty Ltd	In Brief The applicant seeks planning approval for additions to the existing Medical Centre on Clifton Street, Byford. It is recommended that the application for additions to the medical centre be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	14 November 2005	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD070/12/05 COMMITTEE DECISION/Officer Recommended Resolution:

A. The application for approval to commence development for additions to the Medical Centre on Lots 4 and 44 Clifton Street, Byford be approved subject to the following conditions:

1. Lots 4 and 44 Clifton Street, Byford being amalgamated to create one single lot and the right of way abutting the rear of Lot 44 Clifton Street shall be widened by 2.5 metres in accordance with the requirements of the Byford Detailed Area Plan. An endorsed diagram of survey shall be issued by the Department of Land Information for the new lot, prior to the issue of a building licence.
2. The right of way between Blytheswood Avenue and the access to the rear carparking area shall be upgraded to the satisfaction of the Director of Engineering.
3. Development to be in accordance with the requirements of Council's Town Planning Scheme No. 2, Byford Detailed Area Plan and in accordance with the approved Development Plan dated August 2005, subject to the modifications as shown on revised Plan B. Plans submitted with the building licence application are to demonstrate the design changes being undertaken to the satisfaction of the Shire as shown in red on *Attachment SD070.2/12/05* including provision of a suitable service and bin storage area, screened from public view and enclosed with material similar to that of the main medical centre building and details of signage.
4. A Practical Completion Inspection being obtained prior to occupancy requiring an on site inspection and clearance of all outstanding conditions to the satisfaction of the Shire. The building not being occupied until a Certificate of Classification has been issued by the Shire.
5. A building licence must be applied for and issued by the Shire before any work commences on site.
6. Materials and colours used in the construction of the additions are to match in with the existing development on site.
7. Any proposed signage to be in accordance with Council's Local Planning Policy No.5 – Control of Advertisements.
8. The preparation and submission of a Drainage Management Plan for the development to the specifications and satisfaction of the Shire. Details to be submitted with the building licence application. All earth works

- and associated drainage shall be in accordance with plans and specifications submitted to and approved by the Shire.
9. The vehicle car parking areas, accessway(s), crossover(s) and pedestrian crossing points shall be designed, constructed, upgraded, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved Development Plan, Byford Detailed Area Plan and specification to the satisfaction of the Shire prior to the occupation of the development. The one way carpark shall be adequately signed posted for such purpose. Details to be submitted with the building licence application.
 10. Twenty car parking bays (inclusive of 2 disabled bays) shall be provided on site to the satisfaction of the Shire prior to the occupation of the development. Two parallel bays shall be provided on the road verge. The car parking bays are to be a minimum dimension of 5.4m x 2.4m. The disabled bays are to be of minimum width 3.2m and sign posted, and located in accordance with revised Plan B. Details to be submitted with the building licence application. All plans and works are to be to the satisfaction of the Director of Engineering.
 11. A 1.5m wide footpath being constructed between the proposed retaining wall and driveway. The footpath is to be flush with the driveway and paved of a different material to delineate the footpath and driveway from each other. Details to be submitted with the building licence application.
 12. The location of external fans, air conditioners and the like shall be to the satisfaction of the Shire and installed to prevent loss of amenity to the area by appearance, noise, emission or otherwise. Details to be submitted with the building licence application.
 13. Any outdoor display lighting or security lighting being located or shielded so that no additional light is cast on adjoining land or so that it will distract traffic.
 14. The development is to be connected to the Water Corporation's reticulated water and sewerage system.
 15. The development shall be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia.
 16. An application to construct, extend or alter a public building to be submitted with the building licence application.
 17. A Landscaping Plan for the subject land is to be submitted to the Shire and approved prior to the issue of a building licence for the development. For the purpose of this condition, the Plan shall be drawn to a scale of 1:100 and shall show the following:
 - i. The location, name and mature heights of existing and proposed trees and shrubs;
 - ii. Any lawn and paved areas to be established;
 - iii. Revegetation with local indigenous species;
 - iv. Use of shade trees in the car parking areas at the rate of one tree per six parking bays.
 18. Landscaping and reticulation to be established in accordance with the approved Plan prior to the development first being occupied and thereafter maintained by the applicant/owner to the satisfaction of the Shire.
 19. All waste produced from the Medical Centre, is to be disposed of off site at authorised disposal sites.
 20. The rear car park to be used for staff parking only and adequately sign posted for such purpose. No client parking at the rear is permitted.

Advice Notes:

1. The applicant/owner is advised that the proposal is to comply with all aspects of the Building Code of Australia including fire rating; fire separation;

- provision of fire hydrants; hose and reel provision; the provision of disabled access/ramp and facilities; emergency lighting and signage.**
- 2. Prior to the removal of any structure a demolition licence shall be obtained from Council pursuant to the Building Regulations 1989.**
- B. Following further assessment by the Acting Director of Engineering, further bays may need to be marked out on the road to identify carparking problems on Clifton Street.**

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by adding a Part B in case of a perceived need for extra parking on Clifton Street. The Presiding Officer did not feel that this substantially changed the Officer's Recommended Resolution.

SD071/12/05 PRIVATE RECREATION – NEW YEAR'S EVE RODEO & COUNTRY MUSIC NIGHT - LOTS 1 & 2 (1475) SOUTH WESTERN HIGHWAY, WHITBY (P00435/08)		
Proponent:	Rodeo WA	In Brief The applicant seeks planning approval for a Rodeo & Country Music Night on Lots 1 and 2 South Western Highway, Whitby. The event will be held on 31 December 2005. It is recommended that the application be conditionally approved.
Owner:	Tumbulgum Farm	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	23 November 2005	
Previously	N/A	
Disclosure of Interest	The Senior Ranger assisted the applicant in preparing the risk management plan.	
Delegation	Committee in accordance with resolution SM051/06/04	

SD071/12/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application for Private Recreation – Rodeo and Country Music Night at Lots 1 and 2 (No. 1475) South Western Highway, Whitby be granted temporary approval subject to the following conditions:

- 1 Approval for the event is valid from 12pm Saturday, 31 December 2005 to 12pm Sunday, 1 January 2006 only.**
- 2 An Emergency Management Plan is to be prepared to the satisfaction of Council's Community Emergency Services Manager prior to the start of the event.**
- 3 No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event without the prior approval of Council.**
- 4 No signs for the event are permitted to be displayed on any road reserves, except entry and exit signs (refer condition 16).**
- 5 No temporary structures with a floor area greater than 25 square metres are permitted without an Engineers Certification and approved under the Health (Public Building) Regulations 1992.**
- 6 A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.**
- 7 No electrical appliances, cables or ancillary electrical equipment is to be used without being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Health (Public Building) Regulations 1992 prior to the start of the event.**
- 8 All food offered for sale is to be prepared in an approved food preparation area under the Health (Food Hygiene) Regulations 1993.**

- 9 Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 appendix 7A – Recommended Toilet Facilities for Temporary Events prior to the start of the event to the satisfaction of Council's Principal Environmental Health Officer.
- 10 Adequate rubbish receptacles are to be provided and a suitable disposal system is to be implemented for the event to the satisfaction of Council's Principal Environmental Health Officer.
- 11 All structures and facilities erected for the purpose of the event must be removed at the applicants expense by 5.00pm on Wednesday, 4 January 2006.
- 12 The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5.00pm on Wednesday, 4 January 2006.
- 13 Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
- 14 The land is to be returned to the state it was prior to the event by the operator/landowner by 31 January 2006 to the satisfaction of the Shire.
- 15 The disposal of petrol, grease, oil and other chemicals shall occur at a suitably approved facility to the satisfaction of the Shire. Petrol, grease, oil or other chemicals shall not be disposed of on the subject land.
- 16 Entry and exit to the parking area for spectators is to be via the existing sealed driveway used for access to Tumbulgum Farm only. Entry and exit to the parking area for competitors and organisers is to be via the northern entry. Entry and exit signs shall be installed to the satisfaction of the Shire.
- 17 No closure or partial closure is to be carried out on South Western Highway without prior approval from Main Roads WA.
- 18 Access to other properties shall be maintained at all times.
- 19 Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997.
- 20 Camping is to be confined to the 'overnight parking and camping' area only as shown on the approved site plan.
- 21 Vehicles are not permitted to enter or exit the approved camping area between the commencement of the event and 7am the following morning, to ensure the safety of campers.
- 22 Any outdoor amplified equipment used in conjunction with the event shall be located to minimise impacts on land adjoining premises to the satisfaction of Council's Principal Environmental Health Officer.

CARRIED 7/0

SD072/12/05 PROPOSED DEMOLITION OF HOMESTEAD ON PT LOT 521 AND PT LOT 523 SOUTH WESTERN HIGHWAY, BYFORD (P00602/05)		
Proponent	LWP Property	In Brief Proposed demolition of homestead on public open space reserve within Byford by the Scarp Development. It is recommended that a Demolition Licence be refused by the Shire.
Owner	Bradwell Pty Ltd	
Officer	R Montgomery – Executive Manager – Strategic Community Planning	
Signatures - Author:		
Senior Officer:		
Date of Report	18 November 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD072/12/05 COMMITTEE DECISION/Officer Recommended Resolution:

- A. The application for approval to demolish the existing house on the public open space (Lot 116) located on the northern side of Cardup Brook within the Byford by the Scarp residential estate be refused for the following reasons:**
- 1. The Nairn homestead building dates from c.1914 and serves as an artefact of past times and link with pioneers of the Byford district.**
 - 2. The homestead is situated on land set aside for public open space and therefore its retention and eventual repair represents an opportunity to develop a facility with the potential for sustainable community use and benefit from this site.**
- B. Upon vesting of the land in Council the building and its curtilage is to be made secure to prevent unauthorised access and arrest any further vandalism and destruction of the building and its materials of construction.**
- C. The site is to be considered as a part of the Community Facilities and Services Plan. LWP is to be advised that a cash contribution towards the repair of the premises and the preparation of a Repair, Site Development and Management Plan would be offset against the per lot contribution as agreed in the MOU. Should LWP wish that this facility can be repaired in time to be available for new residents of the Byford by the Scarp and nearby urban areas then Council is prepared to accept up-front contribution to expedite works.**
- D. The Royal Australian Naval Armaments Depot land and any remaining buildings related to the past operation of the depot be subject to further research and be included in the next review of the Shire’s Municipal Heritage Inventory.**

CARRIED 7/0

SD073/12/05 PROPOSED ALTERATIONS TO EXISTING TAVERN - LOT 21 SOUTH WESTERN HIGHWAY, BYFORD (P01759/03)		
Proponent:	R Adair Planning	In Brief Proposed alterations to existing tavern within Byford highway commercial precinct. It is proposed that the application be approved subject to conditions.
Owner:	Westate Hotel Group Pty Ltd	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	13 December 2005	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD073/12/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application to commence development of alterations to the existing tavern on Lot 21 South Western Highway, Byford be approved subject to the following conditions:

1. Development shall be undertaken in accordance with the approved Development Plan dated 13 December 2005, subject to any modification required as a consequence of any condition of this planning approval.
2. Plans submitted for approval prior to the issue of a building licence are to demonstrate the following design changes being undertaken to the satisfaction of the Shire as indicated in red on the approved Development Plan:
 - i. Provision of a suitable loading bay and manoeuvring area;
 - ii. Provision of a suitable service and bin storage area, screened from public view and enclosed with material similar to that of the main tavern building;
 - iii. Provision of a vehicle access link with the adjacent southern side property as per the Byford Detailed Area Plan.
3. A building licence must be applied for and issued by the Shire before any work commences on site.
4. A Practical Completion Inspection being obtained prior to occupancy requiring an on site inspection and clearance of all outstanding conditions to the satisfaction of the Shire. The building not being occupied until a Certificate of Classification has been issued by the Shire.
5. Notwithstanding the specifications required to be submitted with a building licence application, a separate schedule of colours, materials and textures shall be submitted and approved by the Shire prior to the issue of a building licence.
6. Details of signs and hoardings to be submitted for approval prior to the issue of a building licence.
7. The preparation and submission of a Drainage Management Plan for the development to the specifications and satisfaction of the Shire prior to the issue of a building licence. This is to detail how stormwater will be managed for the development, and how generated stormwater runoff will be directed into landscaped areas and vegetation filtration strips.
8. All earthworks and associated drainage shall be in accordance with plans and specifications submitted to and approved by the Shire. No polluted water to be discharged into the drainage system or any water course.

9. The vehicle car parking access(s), accessway(s), crossover(s) and pedestrian crossing points shall be designed, constructed, upgraded, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved Development Plan and the Byford Detailed Area Plan and specification to the satisfaction of the Shire prior to the occupation of the development. Details to be submitted with the building licence application.
10. A minimum of 88 car parking bays (inclusive of 2 disabled bays) being provided on site and within the leased portion of adjacent Railway reservation to the satisfaction of the Shire prior to the occupation of the development. The car parking bays are to be a minimum dimension of 5.5m x 2.5m, served by a 6m wide paved accessway. The disabled bays are to be of minimum width 3.2m and sign posted, and located convenient to the building entrance. Details to be submitted with the building licence application.
11. Submission and approval of a legal agreement, at the applicant's expense and to the satisfaction of the Shire, to facilitate reciprocal vehicular access between the subject land and southern adjoining Lot 4 South Western Highway, Byford.
12. Within 30 days of the adjacent Abernethy Road and South Western Highway intersection being upgraded the access and car parking design for the development shall be modified and constructed in the following manner to the satisfaction of the Shire and Main Roads Western Australia, as indicated in red on the approved Development Plan:
 - i. The crossover closest to the intersection being removed and the verge reinstated;
 - ii. The provision of a new 'entry only' crossover in the south east corner of the development along South Western Highway;
 - iii. Extending the internal access road to a full loop road around the tavern building.
13. Details to be submitted with the building licence application. At the time which the public access road along the rear boundary of Lot 21 is dedicated, the access and car parking design for the development shall be modified to the satisfaction of the Shire as indicated in red on the approved Development Plan. Prior to these works commencing, plans are to be submitted to the Shire for approval.
14. The existing footpath along Abernethy Road being upgraded and extended along the full extent of the eastern (South Western Highway) frontage of the lot to the specifications and satisfaction of the Shire. Plans are to be submitted prior to the issue of a building licence.
15. The portion of the adjacent 'Railways' reservation leased for access and car parking for the development is to be suitably fenced to the satisfaction of the Shire. No other fencing of the reservation or subject land is permitted unless approved by the Shire. Details are to be submitted for approval prior to the issue of a building licence.
16. The location of external fans, air conditioners and the like shall be to the satisfaction of the Shire and installed to prevent loss of amenity to the area by appearance, noise, emission or otherwise. Details to be submitted with the building licence application.
17. A detailed plan of all food preparation, storage, dining area(s), maximum seating capacity and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations 1993.
18. Any outdoor display lighting or security lighting being located or shielded so that no additional light is cast on adjoining land so as to provide a distraction to traffic on surrounding or nearby roads.
19. The development shall be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia.

- 20. An application to construct, extend or alter a public building to be submitted with the building licence application.**
- 21. A Landscaping and Vegetation Management Plan for the subject land and adjoining road verge is to be submitted to the Shire and approved prior to the issue of a building licence for the development. For the purpose of this condition, the Plan shall be drawn to a scale of 1:100 and shall show the following:**
 - i. The location, name and mature heights of existing and proposed trees and shrubs;**
 - ii. Any lawn and paved areas to be established;**
 - iii. Any natural landscaped areas to be retained; and**
 - iv. The provision of vegetation filtration strips along the southern side boundary adjacent to Beenyp Brook;**
 - v. Revegetation with local indigenous species;**
 - vi. Use of shade trees in the car parking areas at the rate of one tree per six parking bays.**
- 22. Landscaping and reticulation to be established in accordance with the approved Plan prior to the development first being occupied and thereafter maintained by the applicant/owner to the satisfaction of the Shire.**
- 23. If development, subject of this planning approval, is not substantially commenced within two years from the date of this planning approval, the planning approval shall lapse and be of no further effect. Where a planning approval has lapsed, no development shall be carried out without further planning approval being sought and obtained from the Shire.**

Advice Notes:

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

CARRIED 7/0

SD074/12/05 APPLICATION FOR UNAUTHORISED EXISTING DEVELOPMENT - LOT 216 BUTTER GUM CLOSE, SERPENTINE (P05848/01)		
Proponent:	DMJ Hopkin	<p>In Brief</p> <p>Council previously resolved (SD025/08/05) on 22 August 2005 to give written direction to the owner of Lot 216 Butter Gum Close, Serpentine ("subject land"), to remove or suitably alter through painting the Zincalume material which has been used to roof the single house on the subject land. The owner has subsequently applied to the State Administrative Tribunal ("SAT") to have Council's decision to give written direction reviewed.</p> <p>Following the initial directions hearing on 9 November 2005, SAT has ordered Council to formally consider an application for retrospective planning approval for the use of Zincalume material for the roof of the single house on the subject land. Notwithstanding the contravention of the planning approval which has taken place, SAT has stayed the written direction and ordered Council consider retrospectively the matter.</p> <p>It is recommended that Council refuse the granting of retrospective planning approval for the use of Zincalume material for the roof of the single house.</p>
Owner:	DMJ Hopkin	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	30 November 2005	
Previously	SD025/08/05	
Disclosure of Interest	Cr Needham declared an interest as the applicants partner is a hairdresser in Serpentine.	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD074/12/05 COMMITTEE DECISION/Officer Recommended Resolution:

- A. The application seeking planning approval for the unauthorised existing development (being the Zincalume roof of the single house) on Lot 216 Butter Gum Close, Serpentine, be refused for the following reasons:**
- 1. The unauthorised existing development does not comply with clause 5.12.9(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. This states:**
“no building shall be constructed within the zone of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality;”
 As the subject land is one of the highest exposed lots within the immediate area which is void of remnant vegetation cover, the unauthorised existing development results in a scenic impact through the highly reflective nature of the Zincalume roofing material. This scenic impact extends into the lower areas of the estate, South Western Highway and beyond, making the Zincalume roofing material undesirable for the locality.
 - 2. The unauthorised existing development does not satisfy all the matters needing to be considered by Council under clause 6.4.2 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Through being designed to take in the western views across the Swan Coastal Plain, the single house presents a significant amount of wall and roof structure when viewed from the lower areas within the estate, South Western Highway and beyond. This west facing aspect coupled with the large amounts of visible roof area means the use of Zincalume material**

- presents a reflective scenic impact. Particularly in late afternoon and early evening times, it is considered that the decreasing angle of the sun will exacerbate the reflective impacts of the building.
3. Through being nonconforming with the provisions of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the application does not comply with clause 6.8.1 of the Scheme. This provides that Council may only grant planning approval to existing unauthorised development subject to it conforming with the provisions of the Scheme.
 4. The application does not satisfy clause 9.2 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, through being noncompliant with Local Planning Policy No. 8. While it is acknowledged that this Policy allows for the consideration of colour schemes that blend with the surrounding environment, such cannot be used to justify the use of Zinalume material for the roof of the single house in this case. While the single house has utilised an appropriate wall material which blends well with the surrounding landscape, the Zinalume roofing material presents a clearly reflective contrast to the backdrop of the Darling Scarp landscape.

B. In response to the order of the State Administrative Tribunal (SAT) dated 9 November 2005, Council provides a copy of this decision to SAT.

CARRIED 6/0

SD079/12/05 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 December 2005	
Previously		
Disclosure of Interest	Cr Murphy declared an interest in item SD079.8/12/05 as he is the landowner	
Delegation	Committee in accordance with resolution SM051/06/04	

SD079/12/05 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 7 December 2005 be received.

CARRIED 6/0