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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG MONDAY 22nd DECEMBER, 2003. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCES & APOLOGIES

PRESENT: Crs DL NeedhamPresiding Member
KR Murphy
AW Wigg
JA Scott
WJ Kirkpatrick
THJ Hoyer
IJ Richards
JE Price
JC Star
AJ Simpson from 7.08pm

APOLOGIES:

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

GALLERY: 4

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

3. PUBLIC STATEMENT TIME:

Public question time commenced at 7.03pm

Mr Grainger, No 17 (Lot 75) Marginata Drive, Jarrahdale

Regarding his three cats residing with him in the Chestnuts Estate, refer to item P046 of the Council's agenda. Mr Grainger asked Council to reconsider part of the Council recommendation requiring 90 days notice and legal action.

Public question time concluded at 7.07pm

4. PETITIONS & DEPUTATIONS:

5. PRESIDENT'S REPORT:

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer, David Price declared a pecuniary interest in item P046/12/03 as he is the owner of the property in Marginata Drive, Jarrahdale.

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 – 24th November, 2003

COUNCIL DECISION

**Moved Cr Richards seconded Cr Price
That the minutes of the Ordinary Council Meeting held on 24th November, 2003 be confirmed.
CARRIED 10/0**

7.2 Annual Electors Meeting – 3rd December, 2003

COUNCIL DECISION

**Moved Cr Price seconded Cr Star
That the minutes of the Annual Electors Meeting held on 3rd December, 2003 be received.
CARRIED 10/0**

REPORTS OF COMMITTEES:

7.2 Corporate Services

C045/12/03 OATHS AND AFFIRMATIONS OF ALLEGIANCE (A0024)	
Proponent	WA Local Government Association <i>In Brief</i>
Officer	G.R. Dougall – Director Corporate Services To support the suggested amendment to the Local Government Act 1995 requiring elected members to provide a declaration of office rather than an oath or affirmation.
Signatures - Author:	
Senior Officer:	
Date of Report	5/12/03
Previously	
Disclosure of Interest	
Delegation	Council

Background

At the 1999 and 2001 Annual Conferences of the Local Government Association resolutions were passed requesting an alternative option to the oath or affirmation of office for elected members for all local governments in Western Australia. These resolutions were forwarded to the state government for consideration. The state undertook a review in 2002 and the Attorney General advised the Western Australian Local Government Association (WALGA) that changes to legislation would be undertaken removing the requirement for swearing allegiance to the Queen and, instead, swearing allegiance to the State of Western Australia.

In October 2003 the Annual Conference resolved to support a change to the Local Government Act 1995 and Local Government (Constitution) Regulations 1998 to allow for elected members to swear allegiance to either the Queen or Commonwealth of Australia.

Comments

Further comments have now been forwarded by the Attorney General advising of Crown Law advice that the proposed change to the legislation can remove the requirement for an oath of affirmation to the Queen as it is considered that all citizens of Australia already owe

allegiance to the Queen. This would also make it inappropriate to prescribe an oath or allegiance to some other entity such as the Commonwealth or State.

A copy of the info page received from WALGA requesting local government feedback on this issue is included with the attachments and marked [C045.12.03.tif](#). The Attorney General is now proposing that amendments to the legislation will only require declarations of office for elected members.

Statutory Environment: Local Government Act 1995 and Local Government (Constitution) Regulations 1996.

Policy Implications: No policy implications.

Financial Implications: No financial Implications.

Strategic Implications: Key Sustainability Result Areas
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:

Voting Requirements: Normal

CRC045 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Star seconded Cr Hoyer
The Western Australian Local Government Association be advised that the Shire of Serpentine Jarrahdale supports the proposed amendments to the Local Government Act 1995 and the Local Government (Constitution) Regulations 1996 to provide a declaration of office for elected members rather than an oath or affirmation.
CARRIED 10/0

7.3 Asset Services

AS035/12/03 PROHIBITED BURNING TIME - GARDEN REFUSE AND FIRE BREAK NOTICE DELEGATED AUTHORITY (A1059)		
Proponent	Council	In Brief <i>Council to reaffirms its fire break notice and prohibited burning prohibition in accordance with Section 24G of the Bush Fires Act and delegate authority to the Chief Executive Officer under section 33 of the Bush Fires Act.</i>
Officer	Fire & Emergency Services	
Signatures - Author:		
Senior Officer:		
Date of Report	26 November 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

With the amendments to the Bush Fires Act this year to bring it in line with the Local Government Act, there is a need for Council to reaffirm the firebreak notice and separately endorse the prohibition of all fires from December 1 through to 31 March each year. Then for the future, delegate authority in accordance with section 33 of the Bush Fires Act, to the chief executive officer as a part of general operation and good rule of the bush fires act.

Comments

This year's fire break notice was distributed as in previous years to all rate payers of the shire. Within the notice is all the relevant information about restricted and prohibited burning times and what can and can not be done through out those times. With the review of the Act there is a requirement to separately gazette and publish the prohibition of the burning of garden refuse and the fire break notice.

Every year the Volunteers are kept busy by people burning off illegally and not complying with the requirements of the bush fires act. Escapes from burn offs is one of the most common call outs that the volunteers receive and as you can appreciate this is a great strain on our community volunteers and their families at the time of year that they should be spending time with their families.

Advice received from Fire & Emergency Services Authority in relation to this matter states;

The Bush Fires Act includes a number of provisions/powers variously and specifically made available to local governments or local governments' Chief Executive Officers (CEO) or local governments' Chief Bush Fire Control Officers (CBFCO).

Section 48 of the Act includes provisions which : Empower a local government to delegate to its CEO (in writing) the performance of any of its functions under the Act; and Make it clear that "Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business."

Section 24G of the Act empowers a local government to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under section 24F. Such restrictions/prohibitions must be published in the Government Gazette and in a newspaper circulating in the local government's district.

Section 33 empowers a local government to issue fire-break or hazard reduction notices - to individual land owners/occupiers, or to all land owners/occupiers by way of notices in the Government Gazette and a newspaper circulating in the district, or by local laws.

In respect of sections 24G and 33, the conservative approach is that the 'local government' is taken to be the council - unless the performance of such functions had been delegated to the CEO under section 48(1). On this basis, the Council's endorsement should be obtained for the documentation relative to sections 24G and 33. Documented proof of such matters would then be readily available in the event that a person tried to suggest that a prosecution related to an offence under section 33 or 24G was invalid because the council itself had not endorsed/approved it.

The less conservative approach would be that the Council's endorsement is not required, as the Council could be argued to be 'acting through' the CEO or CBFCO. If questioned by someone defending a prosecution, the 'acting through' approach would need to be successfully argued in the courts. That's a chance that you shouldn't be taking, given that: As I said earlier, the Act is quite specific where other powers/functions are available to the CEO or CBFCO, rather than to the local government itself; and The importance of the section 33 and 24G matters is such that they should (in my view) be submitted for the Council's endorsement anyway.

I'm not necessarily saying that the section 24G and 33 notices are invalid just because they're not endorsed by the Council, but it's certainly a lot easier (and more certain) to prove that they're valid if they are endorsed by Council.

I can't see any problems with putting the 24G and 33 notices in the same advertisement, but you'd need to ensure that it was quite obvious that there were two notices rather than just a

section 33 notice. Perhaps two clear headings at the top, with subheadings through the document itself.

The fire break notice has been gazetted, published and advertised as required in section 33 of the bush fires act.

Sustainability Statement :

Reduces the impact by smoke and reduces the impact on the community and natural environment by fire, by way of reducing the number of fires in the community.

Statutory Environment: Bush Fires Act

The relevant sections of the bush fires act that apply, states;

- “24G. Minister or local government may further restrict burning of garden refuse**
- (2) A local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.
- 33. Local government may require occupier of land to plough or clear fire-break**
- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so —
as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land, and in any event to do so to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the Interpretation Act 1984.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.
Penalty: \$5 000.”

Policy Implications: Nil

Financial Implications: Cost of advertising

Strategic Implications:

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.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

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 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:

Complied with through the advertising of the notices.

Voting Requirements:

ABSOLUTE MAJORITY

Officer Recommended Resolution:

1. In accordance with section 33 of the Bush Fires Act (as amended) Council formally endorses the fire break notice for the 2003/2004 season.
2. In accordance with section 24G of the Bush Fires Act (as amended) Council prohibits the burning of garden refuse within its district that is otherwise permitted under section 24F.
3. Council delegates authority to the Chief Executive Officer the performance of the functions of section 33 of the bush fires act (as amended).

MINOR AMENDMENT

That the word “authority” be deleted from point three.

CRAS035 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Richards seconded Cr Scott

1. In accordance with section 33 of the Bush Fires Act (as amended) Council formally endorses the fire break notice for the 2003/2004 season.
2. In accordance with section 24G of the Bush Fires Act (as amended) Council prohibits the burning of garden refuse within its district that is otherwise permitted under section 24F.
3. Council delegates to the Chief Executive Officer the performance of the functions of section 33 of the bush fires act (as amended).

CARRIED 10/0 ABSOLUTE MAJORITY

AS037/12/03 REVIEW OF ASSET SERVICES POLICIES AP9 (LIGHTING) AND AP17 (SUBDIVISIONS – STORMWATER RUNOFF) (A1048)		
Proponent	Director Asset Services	In Brief <i>Council is requested to endorse amendments made to Asset Services Policies AP9 and AP17</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	26 November 2003	
Previously	CRSM057.2/06/03	
Disclosure of Interest		
Delegation	Council	

Background

Council undertook a review of Council Policies in June 2003. It was resolved that Asset Services Policy AP9 – Lighting was to be workshopped and referred back to Asset Services Committee taking into consideration current safety requirements for Public Open Space (POS), and acquisition of energy efficient products and services. Similarly, Asset Services Policy AP17 – Subdivisions – Stormwater Runoff was to be workshopped and referred back to Asset Services Committee.

Comments

A copy of the current policies are with attachments marked [AS037.1-12-03.doc\(AP9\)](#) and [AS037.2-12-03.doc \(AP17\)](#).

It is proposed that the Asset Services Committee Meeting will be adjourned to enable changes to these policies to be workshopped by Committee and a recommendation then made by the Committee to Council for adoption.

Sustainability Statement

Council's Policies are used in the day to day management of Council in the delivery of its Strategic Plan and Vision.

Statutory Environment:

Policies are reviewed at least annually and are in place to assist in the day to day management of the Council.

Policy Implications:

Annual Review of Policies

Financial Implications: No financial implications are anticipated

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.
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: Nil

Voting Requirements: Normal

CRAS037 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Hoyer

That Council adopts the Policies amended by the Asset Services Committee provided for Council at Attachment AS037.1/12/03 (AP9) and AS037.2/12/03 (AP17).
CARRIED 10/0

AS038/12/03 PROPOSAL TO FENCE TRAIL IN "SANDPIT" SECTION OF SERPENTINE SPORTS RESERVE (RS0180)		
Proponent	Serpentine Sports Reserve Management Committee	In Brief
Officer	Brett Dunn – Reserves Officer	<i>The Serpentine Sports Reserve Management Committee proposes to fence the horse trail in the "Sandpit" section of Serpentine Sports Reserve to protect the surrounding bushland. It is recommended that this proposal be refused.</i>
Signatures - Author:		
Senior Officer:		
Date of Report	25/11/2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The Serpentine Sports Committee consists of the Serpentine Horse & Pony Club, Foothills Polocrosse Club, Serpentine Golf Club and Serpentine Bushland Group. The Committee is an advisory group to Council and regularly commits to on-ground work and overall improvement of the reserve. In July 2002 the Committee minutes reflect that there was general agreement to fence the Sandpit area. However, the Serpentine Bushland Group have since expressed their lack of support for the project as they feel the construction of the fence in the bushland would result in the damage of vegetation. The group also feels that due to the potential for horses to introduce Dieback and weeds into the bushland, the Sandpit area should not be used as a horse trail. The other groups within the Serpentine Sports Reserve Management Committee were also invited to make further submission to be included in the report to go to Council.

A copy of the minutes from July , September and November 2002 of the Serpentine Sports Reserve Management Committee are with attachments marked [AS038.1-12-03.doc](#), [AS038.2-12-03.doc](#), [AS038.3-12-03.doc](#) respectively.

A copy of the submission from Serpentine Bushland Group is with attachments marked [AS038.4-12-03.doc](#).

The Serpentine Sports Reserve, in particular the Sandpit section, is used by the Serpentine Horse & Pony Club as part of their cross country course. The Sandpit is part of a Bush Forever site with 3 occurrences of Threatened Ecological Community type 20b – Eastern *Banksia attenuata* and/or *Eucalyptus marginata* woodlands and Declared Rare Flora *Tetraria australiensis* also present. The Serpentine Sports Reserve Management Committee have proposed to erect a fence around the Sandpit Trail. The aim of the fence is to protect the vegetation by preventing horses from accessing to old sub-tracks as well as the bushland in general.

The proposed fence is to consist of jarrah posts spaced 6 metres apart with 2 lines of sighter wire. At its narrowest points the fence is to be 4m wide. The existing trail is 1.5m wide at its narrowest points thus in some instances the fence is proposed to be constructed 1-1.5 m either side of the trail into the bushland.

A copy of the fence site plan is with attachments marked [AS038.5-12-03.doc](#).

A copy of the aerial photo of "Sandpit Trail" is with attachments marked [AS038.6-12-03.jpg](#).

A copy of photographs of the "Sandpit Trail" is with attachments marked [AS038.7-12-03.doc](#).

Comments

The purpose of the proposal is to construct a fence along the Sandpit trail to:

1. Protect the bushland along the trail;
2. Prevent access to sub-trails by horses to prevent damage to bushland.

The issues related to this proposal are:

1. Public liability and safety with the erection of a fence directly adjacent from a horse trail.
2. Environmental degradation to bushland through fencing resulting in the widening of the existing trail and subsequent damage to bushland.
3. Is a fence the best practice approach to the management of horse trails in bushland?

Public Liability/Risk Management

The erection of a structure, such as a fence, around a horse trail will obviously yield a greater risk of injury to horse riders in the event of an accident.

A copy of the Australian/New Zealand Qualitative Risk Analysis Matrices applied to fencing of sandpit trails is with attachments marked [AS038.8-12-03.doc](#).

Australian/New Zealand Qualitative Risk Analysis Matrices when applied to this situation identifies the level of risk of horse riders to injury, without the fencing of the trail, is "low". The erection of a fence around the Sandpit trail raises this level of risk to "moderate", as the potential for a more serious injury to occur as a result from an accident is heightened.

Under the Local Government Act 1995 Sch. 9.1, cl. 8 states:

- (2) *A local government may –*
- (a) *grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property.*
- (5) **A person who constructs anything in accordance with permission under this section is required to –**
- (a) *maintain it; and*
 - (b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claims for damages which may arise in, or out of, its construction, maintenance or use."*

If Council chose to support the construction of a fence it would be a requirement under the Local Government Act for the Serpentine Sports Reserve Management Committee, or one of the clubs within the Committee, to obtain an insurance policy registering Council as a party of interest, indemnifying the Shire from any claims for damages which may result from the fences construction, maintenance or use.

Environmental Protection

Comments from Environmental Officer:

*While undertaking an environmental assessment of this application the following questions were addressed:
What are the environmental values in the area of land effected by the proposal?
What are the potential impacts on, and benefits to these environmental values from this proposal?
Are there any other solutions which would provide a more favourable balance of impacts and benefits?*

The environmental values are significant:

- *The cross country equine trail passes through Threatened Ecological Communities as determined by the Western Australian Threatened Species and Communities Unit of the Department of Conservation and Land Management.*
- *Declared Rare Flora (DRF) occur within the area through which the trail passes. DRF are protected under the Wildlife Conservation Act;*
- *The bushland area has been recognized as having regional significance through the Bush Forever Program.*
- *The total bushland area encompasses the three main community types of wetland, banksias woodland and marri woodland. This high diversity of community type, its good connection to adjacent bushland along the rail reserve and Lambkin reserve and its poor representation within reserves elsewhere result in the environmental values being very high within the bushland component of the Serpentine Sports Reserve.*

Construction of the proposed fence would be undertaken using a post driver on a 2ft side arm attached to a tractor. The operation of this equipment would cause the following environmental impacts:

- *Flattening and breakage of vegetation beneath wheel tracks*
- *Destruction of trees if two trees occur at a distance closer than the width of the vehicle*
- *Trampling and breakage of vegetation at the location of each post.*
- *Potential spread of dieback and weeds.*

This level of impact would require a vegetation survey to be undertaken by a trained DRF identification officer prior to commencement. The disturbance of any DRF identified during this survey would necessitate a Ministerial approval under the Wildlife Conservation Act to "take" flora. The issuing of such an approval is unlikely when the proposal is not for critical infrastructure. Under these circumstances, an alternative method of construction would need to be used that could not impact on any DRF present.

The risk of spreading dieback and weeds is greatly reduced if the construction is undertaken during dry soil conditions and the tractor is cleaned of mud, and any other soil and vegetation debris prior to commencing the work. The use of a post driver rather than a large drill also reduces the risk of spreading dieback.

Maintaining a fence in the bushland area poses similar ongoing threats to the environmental values to those listed above. These impacts can be minimized only if contractors are consistently well informed and committed to best management practice.

The ongoing existence of fences on either side of the trail gives visual support to priority use by horse riders within this area. The current trail within the remnant bushland area is made of gravel which is visibly evident to riders and therefore provides a clear message regarding where the edges of the trail are and where the bushland starts.

The good condition of bushland directly adjacent to the trail would indicate that with the current level of use, the proportion of riders who veer off the trail is sustainable. The existence of a fence however, poses the significant threat of encouraging riders off the trail and an increase in the proportion of riders trampling the vegetation, may require a reduction in the overall level of use if bushland condition is to be sustained.

To summarize, the existence of a fence through the remnant bushland areas will provide some protection to environmental values outside the fence by preventing access by equine users. However, the construction, maintenance and ongoing

existence of the proposed fence increases the threats to environmental values within the fenced area.

The equine trail also passes through an area which was previously mined for sand. This section of the trail is not marked by a formed surface and although regrowth has commenced, the large areas of cleared land make it difficult for riders to distinguish a single trail. The construction of a fence along this section would assist riders in their endeavour to stay on track and therefore reduce the amount of trampling on regrowth vegetation.

In relation to possible alternative solutions to the proposed fence, consideration needs to be given to the desired outcome. A Reserves Management planning process is currently under way and it is therefore perhaps premature to pre-empt the outcomes of this process. The equine users have indicated that the proposed fence is for the protection of the bushland values. They have also demonstrated a commitment to manage the bushland area by constructing gravel trails, closing side trails and removing horse yards. I would recommend that Council commend the equine users for this commitment but advise them that the bushland is best protected by:

- *defining the trail with gravel along its whole length, and maybe a fence in the cleared area;*

a commitment to adaptive management requiring both monitoring the trail width and bushland condition immediately adjacent to the trail, and adjusting equine pressure to within sustainable levels.

As previously stated the primary aim for the fencing of the Sandpit section of the Serpentine Sports Reserve is to provide protection to the surrounding bushland. The fence is planned to achieve this by preventing access to sub tracks and the general bushland. The fence could not be placed directly on the edges of the trail as this would create an increased safety hazard with the trail as narrow as 1.5 metres in sections.

Environmentally the primary concern of horse use of this area is damage to vegetation by the widening of the main trail and use of old sub-trails. It is not envisaged that horse riders would attempt to ride off the trail directly into the bushland. There are around 10-15 entry points to sub-trails along the main trail. It is a good management strategy for the Serpentine Sports Reserve Management Committee to prevent access to these tracks. However, the fencing of the whole trail to achieve the purpose of bushland protection may not be the most effective method.

The construction of the fence 1-1.5 metres into the bushland, though minimal, will result in some damage to existing remnant vegetation. Of larger environmental consequence is the potential for the trail to widen from horse use. A fence located a short distance within the bushland may give riders the impression that the width of the trail they can ride on corresponds to the width of the fenced area. Thus, there is the potential for damage to vegetation to occur through trail widening at a faster rate than what would occur without the fence.

The stated purpose of the fence along the Sandpit trail of Serpentine Sports Reserve is to protect the bushland. However, it is not of total benefit to the bushland. The fence will prevent access to sub-trails, but it will also increase the risk of damage vegetation within the fence line as well create an increased public liability risk. Therefore, for the protection of the bushland to best be achieved, the sub-trails should be the focus of any on-ground efforts, rather than the main trail in its entirety. Also, a trail within high conservation value bushland such as this should be monitored. A monitoring program would be advantageous as the Shire would be fulfilling its responsibility to protect the vegetation as well as gathering data on the impact of horse riding in the area.

Sustainability Statement

The proposal does not minimise environmental damage through best practice in its field. The fence will succeed in preventing access to old sub-trails thus protecting sections of bushland. However, locating the fence 1-1.5 metres within the bushland will not inhibit damage to vegetation in direct proximity of the trail. Also, if riders make the assumption that the width of the trail corresponds to the width of the fenced area, the damage to this bushland may be increased.

Statutory Environment: Local Government Act 1995 Sch. 9.1, cl. 8

Policy Implications: AP26 - Reserve Improvement/Development by the Community

Financial Implications: If a fence is approved there will be a cost to the Serpentine Sports Reserve Management Committee to obtain a joint insurance policy as required under Local Government Act 1995 Sch. 9.1, cl. 8

If fencing of the Sandpit Trail is refused, as per Officer Recommended Resolution, to install treated pine bollards across 15 sub-tracks will yield a cost of \$500 to Council.

Strategic Implications: Key Sustainability Result Areas

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: The Serpentine Sports Reserve Management Committee have initiated this proposal. All sub-groups within the Committee have also been individually consulted in regards to the fence.

Voting Requirements: Normal.

Officer Recommended Resolution:

That Council refuse the Serpentine Sports Reserve Management Committee's proposal to fence the Sandpit Trail and offer an alternative management solution by:

1. Council placing bollards at the entry points to all sub-trails in the Sandpit; and
2. Investigating the implementation of a trail monitoring program to run over a year.

CRAS038 COUNCIL DECISION/Committee Recommended Resolution/Alternate Motion

Moved Cr Star seconded Cr Wigg

1. Council agrees with the concept of the trail through the sandpit and bush being fenced.
2. Further discussions be held with the Serpentine Sports Reserve Management Committee to define minimum width and negligible damage based on a new type of post available through the Landcare Centre.

CARRIED 10/0

Committee Note: The recommendation was changed as this matter has been the subject of numerous Serpentine Sports Reserve Management Committee discussions and needed a decision from Council to resolve this issue.

7.4 Planning Development & Environment

B08/12/03 PROPOSED RELOCATED RESIDENCE – LOT 10 RAPIDS ROAD, SERPENTINE (P00767)		
Proponent	E & A Hicks	<u>In Brief</u> In accordance with an application received 22 October 2003 to relocate a house onto Lot 10 Rapids Road, Serpentine, it is recommended that Council conditionally approves the proposal
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	8.12.03	
Previously	N/A	
Disclosure of Interest		
Delegation	Council	

Owner: EG & AM Hicks
 Owner's Address: 29 Morriett Street, Attadale
 Applicant: As above
 Applicant's Address: As above
 Date of Receipt: 22.10.03
 Advertised: N/A
 Submissions: N/A
 Lot Area: 10.0013ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural Policy Area
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 08.12.03

Background

The owners of Lot 10 Rapids Road, Serpentine have submitted an application to place a relocated residence on the property. The residence is a transportable structure similar to mine site accommodation type buildings. This application includes plans of the residence, a site plan indicating the proposed location of the residence on Lot 10 and structural engineer's certificate for the residence. This is the first residence applied for on this property. ***The building application was tabled at the committee meeting.***

Comments

Lot 10 is located on the eastern side of Rapids Road and abuts the Wattle Road road reserve to the north (Wattle Road is not constructed immediately north of Lot 10). Existing vegetation is well established and will effectively screen the proposed residence from surrounding properties. The building will be sited on the back side of a slight rise on Lot 10 and should not be visible from Rapids Road. However, it is recommended that screening vegetation be established to ensure the building is hidden from view.

The owner advises that the building is in good condition and requires no modifications or re-cladding prior to relocation.

The floor area of the proposed residence is 108m². Council's Work Procedure BWP2 requires the application be considered by Council as the floor area is less than 110m².

It is suggested that the relocation of the building onto Lot 10 be conditionally approved subject to the establishing of screening vegetation in accordance with Council's Info Note PS03 – Landscaping and Revegetation.

Sustainability Statement

Savings in material and energy will be realised by relocating an existing residence onto Lot 10 rather than constructing a new residence on site.

Statutory Environment: Local Government (Miscellaneous Provisions) Act 1960;
Building Regulations 1989

Policy Implications: Council Work Procedure BWP2 requires the application to be considered by Council as the proposed building's floor area is less than 110m².

Financial Implications: N/A

Strategic Implications: N/A

Community Consultation: The application has not been advertised as the proposed location of the relocated residence is remote from, and will not be visible from adjoining properties.

Voting Requirements: Normal

Officer Recommended Resolution

Council approves the application submitted on 22 October 2003 to place a relocated residence on Lot 10 Rapids Road, Serpentine subject to compliance with the following conditions:

- 1 A building licence and effluent disposal application be submitted and approved prior to the residence being occupied on Lot 10.
- 2 A bond of \$1,000 to be paid prior to the issue of a building licence to ensure that the residence is provided with screening vegetation in accordance with Council's Info Note PS03 – Landscaping and Revegetation.

Director Corporate Services left the meeting at 7.09pm

CRB08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Murphy seconded Cr Price

That Council approves the application submitted on 22 October 2003 to place a relocated residence on Lot 10 Rapids Road, Serpentine subject to compliance with the following conditions:

- 1 A building licence and effluent disposal application be submitted and approved prior to the residence being occupied on Lot 10.**
- 2 A veranda is to be constructed on the northern, eastern and western elevations of a minimum width of 2.1m to provide shading.**
- 3 A bond of \$2,000 to be paid prior to the issue of a building licence to ensure that the verandah is constructed and screening vegetation established in accordance with Council’s Info Note PS03 – Landscaping and Revegetation.**

CARRIED 10/0

Committee Note: 1) The Officer Recommended Resolution was altered to provide solar shading of the dwelling by the addition of point 2 requiring a verandah.
 2) The bond was increased by \$1000 due to the committee including the requirement for the verandah (point 2)

B09/12/03 REQUEST TO WAIVE BUILDING AND PLANNING FEES FOR PROPOSED SHED AT THE SERPENTINE GOLF COURSE (RS0180)		
Proponent	Serpentine & Districts Golf Club (Inc)	In Brief Council to consider an application from the Serpentine & Districts Golf Club to waive building and planning application fees for a proposed storage shed to be erected at the Serpentine Golf Course.
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	8.12.03	
Previously		It is recommended that Council waives the building licence and planning application fees.
Disclosure of Interest		
Delegation	Council	

Background

The Serpentine & Districts Golf Club wishes to construct a 12m by 9m storage shed on the golf course and is seeking relief from paying application fees for the development.

Comments

The Golf Club has received a quotation from a builder to construct a storage shed for an estimated value of \$19,000. Due to the development being on land zoned regional reserve, both planning and building approval will be required.

The Golf Club wrote to this office on 12 November 2003 requesting building application fees be waived as the development would ultimately become a Shire asset.

Based on an estimated value of \$19,000, building and planning application fees payable to the Shire would total \$160.45 (\$100 planning application fee and \$60.45 building licence application fee).

Should Council consent to waive these application fees, the Golf Club will be required to pay a fee of \$30 only to the Builders’ Registration Board at the time of lodgement of the building licence application.

<u>Statutory Environment:</u>	Building Regulations 1989 Part 6 – Fees; Town Planning (Local Government Planning Fees) Regulations 2000
<u>Policy Implications:</u>	No applicable policies
<u>Financial Implications:</u>	Loss of income of \$100 for planning application fee and loss of income of \$60.45 for building licence application fee
<u>Strategic Implications:</u>	N/A
<u>Community Consultation:</u>	N/A
<u>Voting Requirements:</u>	ABSOLUTE MAJORITY

CRB09 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Hoyer
That Council resolves to waive a planning application of \$100 and a building licence application fee of \$60.45 for the construction of a storage shed valued at \$19,000 on the Serpentine Golf Course.
CARRIED 10/0 ABSOLUTE MAJORITY

Director Corporate Services returned to the meeting at 7.10pm

P045/12/03 FORMER BURNBRAE ORPHANAGE (P04868)		<p>In Brief</p> <p>The Western Australian Planning Commission owns Locations 3033 and 3034 Byford now contained in the Darling Range Regional Park. Due to changes in the leasing arrangements an historic building, the former Burn Brae orphanage, located on the site may be available for community uses.</p> <p>This item is to request approval to write to the Department of Planning and Infrastructure requesting transfer of this land to the Shire for future use.</p>
Proponent	Shire of Serpentine – Jarrahdale	
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	5 December 2003	
Previously	P267/06/03	
Disclosure of Interest		
Delegation	Council	

Background

The Western Australian Planning Commission (WAPC) acquired Cockburn Location 3033 and 3034 in 1991 for Regional Open Space and it is now contained in the Darling Range Regional Park.

The Perth Zoo has been leasing this property for storage and had intended to use the site for developing an endangered species centre. This option is not considered viable for the zoo and they therefore wish to have the lease amended to remove the land south of Admiral Road, Byford.

Located on this land is a substantial dwelling circa 1932 which was owned by the Presbyterian Church and was run as the Burnbrae Orphanage. This property is on Council's Municipal Heritage Inventory.

Before the WAPC would consider amending the lease another managing agent and use needed to be identified. As the property is located within the Shire, the WAPC have asked Council to consider and provide advice on how the property could be used to benefit the local community. Any future use will need to be consistent with the Parks and Recreation reservation and in keeping with the development of the Darling Range Regional Park.

There have been two arranged sites visits attended by staff and councilors to look at the property and meetings have been held to discuss the council's interest in the future of the property. It was agreed that the property was a valuable resource that should be used and the use for eco tourism was thought most suited for the site.

The Department for Planning and Infrastructure (DPI) had also contacted the Shire in regard to another proposal that had been presented to them for the site. The Wungong Aboriginal Group, represented by Mr Spencer Riley, were interested in the property to set it up as an ecotourism venture that could employ aboriginal people and develop education and training. This group wanted to work in partnership with another organisation and had undertaken substantial research and had support from a range of government departments for the idea.

Officers invited Mr Riley to discuss opportunities for the site and a meeting was held on 24 November 2003 with the Shire President, Chief Executive Officer and Manager Sustainability Unit. Mr Riley presented the idea of the ecotourism venture based on aboriginal culture and advised that they would like to work in partnership with the council at the Burnbrae site. It was agreed at the meeting that the project had merit and aligned with council's strategic vision for tourism and economic development and that Shire officers would be interested in discussing opportunities with WAPC for the land.

Comments

A letter was received by the Wungong Aboriginal Group confirming they would like to work with council and progress the idea of the ecotourism venture.

A letter from the Wungong Aboriginal Group is with the attachments marked [p045.1-12-03.tif](#).

The zoo currently leases the land from the WAPC and the Shire has the opportunity to lease the land from the WAPC. The Shire can then sublease it to the Wungong Aboriginal Group.

In discussion with DPI, it has been put forward that their long term vision is to make the property Crown Land and vest it in the Shire of Serpentine-Jarrahdale.

In regards to the Shire's involvement in the property there are three options that could be pursued with the State Government:-

1. Lease – at no cost
2. Crown Land vested in the Shire of Serpentine-Jarrahdale
3. Freehold Land

The option of a freehold title has not been discussed with the DPI but is an approach the Shire officers would like to investigate.

The advantage of freehold are that the Shire will own the asset which can then be offset against any costs that may be incurred in maintaining the property.

Sustainability Statement

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

An ecotourism use could benefit both the built and the natural environment. The retention and management of this historic building will enhance the local area and retain a valuable part of the area's heritage for current and future generations. The proposed future use could have benefits for the natural environment especially considering future uses must be consistent with the Parks and Recreation reservation and in keeping with the development of the Darling Range Regional Park.

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

The retention of a building which can be used reduces resource use in it mitigates the need for another venue to be constructed. Maintaining existing buildings and adapting them for reuse is an important part of sustainable planning and resource management for the future.

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

The proposal seeks to use the regional aboriginal group to restore, manage and maintain the property.

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

The Wungong Aboriginal Group proposal seeks to make the property economically viable generating enough money through funding and then through the profits of the venture. This money can then be used for education and training and put back into the site. The group are not looking to make large profits but rather to create a cultural facility to maintain and enhance the aboriginal culture and provide employment opportunities.

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

This proposal offers the opportunity for the community to be involved and/or benefit from the potential future uses of the building. It also builds up the capacity of the regional aboriginal group enabling participation in the region.

Does the proposal/issue disadvantage any social groups?

No the proposal does not disadvantage any groups.

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

The proposal seeks to provide education and training and employment primarily for aboriginal people and in particular aboriginal youth. The proposal offers long term economic benefits to the Shire and the region through providing a tourist facility and educational/training facility.

Statutory Environment: Not applicable

Policy Implications: Councils Municipal Heritage Inventory - Place 8481

Financial Implications: If the building and land is granted freehold or vested in the Shire, Council may then lease the building to recover part of the costs. There are funding opportunities available to help with both the building as well as setting up the project.

Strategic Implications: Council's Strategic Plan Strategies state:

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

- 1 Provide recreational opportunities.
- 4 Respect diversity within the community.
- 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.

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:

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

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

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:

Community consultation has not been undertaken as yet for this project.

Voting Requirements: Normal

Officer Recommended Resolution

- A. Council proposes to the Western Australian Planning Commission that the Former Burnbrae Orphanage Site be:-
- (i) granted freehold to the Serpentine Jarrahdale Shire
 - (ii) If negotiations for freehold acquisition are unsuccessful that the land and building be vested in Council with the power to lease.
- B. Subject to A, Council seeks to establish a partnership with the Wungong Aboriginal Group, which may include a lease between the group and Council for the Former Burnbrae Orphanage site.

CRP045 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Price seconded Cr Star

- A. Council proposes to the Western Australian Planning Commission that the former Burnbrae Orphanage Site be:-**
- (i) granted freehold to the Serpentine Jarrahdale Shire with a covenant preventing resale for a period of ten years.**
 - (ii) If negotiations for freehold acquisition are unsuccessful that the land and building be vested in Council with the power to lease.**
- B. Subject to A, Council seeks to establish a partnership with the Wungong Aboriginal Group, which may include a lease between the group and Council for the former Burnbrae Orphanage site.**

CARRIED 6/5

Committee Note: The Officer Recommended Resolution was changed by adding the provision of a covenant preventing resale for a period of ten years which is intended to demonstrate to WAPC Councils commitment to funding a suitable long term use for the site.

Council Note: Due to the equality of votes the Presiding Member cast a second vote.

FORESHADOWED MOTION

During debate Cr Hoyer foreshadowed that he would move the following if the motion under debate was defeated:

The matter be deferred and subject to an economic viability assessment of the Wungong Aboriginal Group and a building maintenance and restoration assessment.

The Chief Executive Officer left the meeting at 7.33pm

P046/12/03 KEEPING OF CATS IN CHESTNUTS ESTATE – LOT 75 (17) MARGINATA PARADE, JARRAHDAL (P03179)		In Brief The landowner is keeping three cats on the property in contravention of the provisions of the Town Planning Scheme for the Chestnuts estate. The landowner is required to remove the cats from the property.
Proponent	K & C Grainger	
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	4 December 2003	
Previously		
Disclosure of Interest	Chief Executive Officer – Impartiality – owner of Lot 78 Marginata Parade, Jarrahdale	
Delegation	Council	

Owner: K & C Grainger
 Owner's Address: 17 Marginata Parade, Jarrahdale
 Applicant: N/A
 Applicant's Address: N/A
 Date of Receipt: N/A
 Advertised: N/A
 Submissions: Objections received to the keeping of the cats on the property in the form of a petition signed by 23 local residents. One letter of objection was received from the developer of the estate.

Lot Area: 4012m2
 L.A Zoning: Special Residential R2.5
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural Living A
 Rural Strategy Overlay: Landscape Protection area
 Municipal Inventory: N/A
 Townscape/Heritage Precinct:
 Bush Forever: N/A
 Date of Inspection: N/A

Background

In 1995, the WA Planning Commission granted final approval to Amendment No. 22 to Town Planning Scheme No. 2 (TPS 2) to rezone land in this area to Special Residential. The Scheme amendment included special provisions relating to the use and development of the land in the Chestnut Estate, including the following clause:

4.2 (Land Use)

“(iv) The keeping of domestic cats is not permitted”

A complaint was received on 17 October 2003 that a number of cats were being kept on the subject lot. A letter was sent to the owners on 24 October 2004 advising that it had been brought to the Council's attention that a number of cats were being kept on the property. The landowners advised Council on 29 October 2003, confirming that they keep 3 cats on the property. The cats are aged 10, 10 and 14 years and were all indoor cats, all female and were all sterilized. The owners stated that:

“we purchased the land knowing that the our family pets would not be venturing outside, there not causing any harm to the environment or persons within the Chestnuts Estate.”

A copy of the correspondence from the landowner is with the attachments marked [p046.1-12-03.tif](#).

Comments

Town Planning Scheme No. 2

The keeping of cats in this estate is a breach of the special provisions of TPS 2 that relate to the Chestnuts Estate in Jarrahdale. There are no discretionary provisions in the Scheme that allow Council to vary this Scheme provision and allow the cats to remain on the property.

If Council permitted the cats to remain, it would set a precedent for other landowners in the area to also possibly keep cats on their property, either in a controlled or uncontrolled manner.

For example, if Council was to permit cats in the Chestnuts estate to be kept e.g. within the dwelling only, then an amendment will be required to the Town Planning Scheme.

The real estate agent representing the original developer of the estate has confirmed that the owner of this property had acknowledged in writing the special provisions that applied to the estate when they purchased the land.

Environment

The Chestnuts estate is focused around environmental principles and protection of wildlife, which included restrictions on the keeping of cats on the land.

Emergency Management

It is not considered that the keeping of cats within the area would not have an impact on emergency management.

Conclusion

It is recommended that the landowner be required to comply with the Scheme provisions that relate to the Chestnuts estate and remove the cats from the property within 60 days.

Sustainability Statement

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

There is the potential for the environmental integrity of the area to be compromised if cats are permitted to be kept in this area.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Does the proposal/issue disadvantage any social groups?

Permission to keep of cats on this property in the Chestnuts estate would disadvantage other landowners in the area that have purchased land knowing the rules that apply relating to cats not being permitted in the area.

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

Not applicable.

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

Policy Implications: Not applicable.

Financial Implications: Not applicable.

Strategic Implications: 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.
4 Foster a strong sense of community, place and belonging.
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 Governance
Objective 3: Compliance to necessary legislation
Strategies:
1 Ensure development and use of infrastructure and land complies with required standards.

Community Consultation: Not applicable.

Voting Requirements: Normal

Officer Recommended Resolution

The owners of Lot 75 (17) Marginata Parade, Jarrahdale be advised:

1. The keeping of three cats on the property is a breach of the provisions of Town Planning Scheme No. 2 (Appendix 3, Area 4, Clause 4.2(iv)) relating to the Chestnuts Estate.
2. All cats on the property must be removed within 60 days of receiving written advice from the Shire.
3. Subject to non compliance with (2) above within the required time frame, Council agrees to commence legal action against the owners of Lot 75 (17) Marginata Parade, Jarrahdale for a breach of the provisions of Town Planning Scheme No. 2 relating to the keeping of cats in the Chestnuts Estate.

CRP046 COUNCIL DECISION/Committee Recommended Resolution

**Moved Cr Richards seconded Cr Murphy
 That the owners of Lot 75 (17) Marginata Parade, Jarrahdale be advised:**

1. **The keeping of three cats on the property is a breach of the provisions of Town Planning Scheme No. 2 (Appendix 3, Area 4, Clause 4.2(iv)) relating to the Chestnuts Estate.**
2. **All cats on the property must be removed within 90 days of receiving written advice from the Shire.**
3. **Subject to non compliance with (2) above within the required time frame, Council agrees to commence legal action against the owners of Lot 75 (17) Marginata Parade, Jarrahdale for a breach of the provisions of Town Planning Scheme No. 2 relating to the keeping of cats in the Chestnuts Estate.**

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed by extending the time to 90 days for the cats to be removed from the property.

The Chief Executive Officer returned to the meeting at 7.36pm.

P048/12/03 LICENCE RENEWAL – EXTRACTIVE INDUSTRY - LOT 6 NETTLETON ROAD, BYFORD (P04655/01)		
Proponent	Metro Brick	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for shale extraction at Lot 6 Nettleton Road, Byford for the period up to 30 June 2004. It is recommended that the Extractive Industry licence be granted.
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	1 December 2003	
Previously	P018/09/03, P206/01/03	
Disclosure of Interest		
Delegation	Council	

Owner: Bristle Ltd
 Owner's Address: 66 Kings Park Road, West Perth 6005
 Applicant: C/- Metro Brick
 Applicant's Address: 245 South Western Highway, Armadale 6112
 Date of Receipt: 24 November 2003
 Advertised: Not applicable
 Submissions: Not applicable
 Lot Area: 39.6807 ha.
 L.A Zoning: Special Use
 MRS Zoning: Urban Deferred
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Raw Materials Extraction

Rural Strategy Overlay:	Landscape Protection Policy Area
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Nil
Date of Inspection:	2 July 2003

Background

An extractive industry licence for the subject land was issued on 23 January 2003 and is valid until 31 December 2003.

A copy of the conditions placed on the Extractive Industry Licence is with the attachments marked [p048.1-12-03.dot](#)

An inspection of the property was undertaken on 2 July 2003, which revealed that a number of significant planning and environmental issues existed on this site. A report outlining the results of this inspection was presented to Council on 22 September 2003.

A letter was sent to the landowner on 6 October 2003 advising of the outstanding issues that were required to be addressed and setting deadlines for the completion of these matters.

Outstanding Licence Conditions

- 1 Lodgement of a complete Staging Plan by 1 December 2003 (condition 10).
- 2 Lodgement of a complete Revegetation Plan by 1 December 2003 (condition 11). The company was also advised that Eucalyptus camaldulensis is a declared weed and shall be removed from the site and replaced with a locally native species.
- 3 To establish a 30 metre buffer surrounding the pit with 1000 stems per hectare to be completed by 1 September 2004 (conditions 12 & 13).
- 4 Additional planting in accordance with Council's Info Note (Revegetation) to occur by 1 September 2004 (condition 14).
- 5 Significant drainage and stormwater management issues were noted on-site. A stormwater management plan that addresses stormwater management on-site was to be lodged by 1 December 2003 (condition 16).
- 6 Fly ash was being stored on the property without planning approval.

In response to the above matter, the following information is provided:

Condition 10 (1 above) The applicants submitted an aerial photo showing a range of works over the next five years. This plan does not demonstrate a progression of works which aim to minimize the visual impact of works from the coastal plain.

Condition 11 (2 above) The applicants submitted a revegetation plan in May 2003. This plan was inadequate as it showed the wrong species types and was implemented at the incorrect densities. Planting has been commenced prior to the approval of the revegetation plan.

Condition 12, 13 and 14 (3 and 4 above) These conditions will be audited by 30 September 2004. Planting will need to be at a density of minimum 1 000 stems per hectare.

Condition 16 The proponents have submitted a stormwater management plan on 3 December 2003. Staff are currently reviewing this document.

Extractive Industries Local Law

Extracts from the Local 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.

Environment

The applicant has not submitted a landscape and revegetation plan in accordance with the current licence conditions. Effective screening measures will have the potential to reduce the amenity impact caused by the current and future extractive industry activities on the subject lot. A landscape and revegetation plan has been requested on a number of occasions in order to reduce the impact on visual amenity.

Emergency Management

The quarry pit is required to be setback 20 metres from the property boundaries as per Council's Extractive Industry Local Law. This allows for emergency vehicle access and management. The property firebreaks are required to be maintained as per Council policy.

Conclusion

As a result of the significant and ongoing non-compliance with the extractive industry licence at Lot 6 Nettleton Road, Byford, it is recommended that Council grant a new extractive industry licence for a six month period from 1 January 2004 to 30 June 2004.

The landowner will be required to comply with all licence conditions before any further renewals will be granted.

Sustainability Statement

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

The area to be extracted has previously been cleared of any native vegetation. The applicant has not submitted a Landscape Plan in accordance with previous licence conditions. It is

important that the landowner is committed to ongoing rehabilitation of the site and also committed to landscaping for screening purposes.

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

The proposal will extract a large volume of shale 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.

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

The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

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

The proposal will be economically productive in a way that incorporates its external costs. However, 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, which cannot be priced as a monetary value.

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

The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment. The surrounding landowners are notified and given an opportunity to comment on an extractive industry operation at the time the applicant lodges a development application for an extractive industry on the land.

Does the proposal/issue disadvantage any social groups?

The proposal will not directly disadvantage any specific social groups.

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

If a new extractive industry licence is granted, the operation has the potential to create employment for residents within the Shire.

Statutory Environment: Local Government Act 1995.
Extractive Industries – Local Law.
Town Planning and Development Act 1928.

Policy Implications: Landscape Protection Policy Area.

Financial Implications: Extractive Industry Licence annual fee.

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

"Implement known best practice sustainable natural resource".

Community Consultation: Not applicable

Voting Requirements: Normal

Officer Recommended Resolution

- A. Council grants an extractive industry licence for shale extraction at Lot 6 Nettleton Road, Byford for a six month period expiring 30 June 2004 subject to payment of the extractive industry licence fee and compliance with the Extractive Industries Local Law (Part 4.3 Renewal of Licence).
- B. Subject to A above being completed to the satisfaction of the Director Sustainable Development, the extractive industry licence for shale extraction at Lot 6 Nettleton Road, Byford be issued for a six month period expiring on 30 June 2004, subject to the following conditions:

PLANNING

1. Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the licence and operation of site. This report is to include, but not be limited to the following:
 - a) amount of shale extracted and the amount of shale transported off-site;
 - b) works completed throughout the licence period;
 - c) landscaping and revegetation works undertaken;
 - d) operation specifications;
 - e) specific details as to site performance in respect to conditions attached to the licence;
 - f) outline of proposed works and activities for the coming year;
 - g) the location and depth of the proposed excavation of the land;
 - h) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land;
 - i) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land.which shall be submitted by 1 March 2004 to the satisfaction of the Director Sustainable Development.
2. All development on-site shall be in accordance with the approved staging plan and annual report, unless written approval for a variation to the approved plan is granted by the Council.
3. Payment to Council of an annual renewal licence fee, which is based on the volume of extraction, is to be made by the 31 December 2004.
4. No works are to be exposed to the view from the South Western Highway.
5. Haulage roads (existing and proposed) are not to be exposed to the view from the South Western Highway.
6. Council to be notified via facsimile 24 hours prior to each blasting carried out on the site.
7. The applicant is to give the Shire of Serpentine-Jarrahdale at least 10 days advance noticed in writing of the intention to cart shale from the subject site.
8. The applicant is to cause signs 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.
9. All practicable measures are to be taken to contain stormwater within Lot 6 Nettleton Road. A stormwater management plan certified by an independent engineer is to be submitted to the satisfaction of the Director Asset Services by 30 June 2003 (refer Advice Note 11).
10. A Staging Plan indicating the future works to be undertaken on the subject land including the location, extent and timing of mining and rehabilitation works is to be submitted for approval by the Director Sustainable Development by 1 March 2004. The Staging Plan shall demonstrate a progression of works which will aim to minimise visual impact of the works from the coastal plain. The Staging Plan shall be shown in five (5) year stages.

11. An Environmental Management System is to be designed and submitted to the Director Sustainable Development for approval by 1 March 2004. The Environmental Management System document is to address the following matters:
- Identify potential environmental risks associated with past, present and future mining and rehabilitation operations;
 - Set management targets in accordance with State and local government legislation and policies;
 - Describe management strategies to be used to both maintain environmental outcomes within management targets and rectify any breaches of management targets; and
 - Design and commit to a reporting framework.

The Environmental Management System is thereafter to be implemented in its entirety (refer to Advice Note 10).

ENVIRONMENTAL

12. The applicant shall submit details of the eradication program for cotton bush and other declared weeds to Council by 30 June 2004. Details to include, contractor details, weed species to be targeted and the date the eradication program is to be carried out.
13. Dust is not to leave the site boundaries. All loads are to be covered to reduce dust nuisance.
14. A Revegetation Plan along with proposed revegetation works is to be lodged with Council by 1 June 2004 and approved by the Director Sustainable Development. The Revegetation Plan shall include the planting of a minimum of four (4) rows of local native mixed trees and shrubs to screen the pit from South Western Highway users. This work is to be completed by 30 September 2004.
15. Revegetation of land surrounding the pit and the worked area is not to be less than 30 metres of mixed local native trees and shrubs.
16. Densities of all plantings are to be at a minimum of 1000 stems per hectare.
17. All revegetation work is to be carried out in accordance with Council's Info Note PS03 – Landscaping and Revegetation.
18. Extend and maintain tree breaks to extend the full length of the operation to ensure works cannot be seen from the South Western Highway and progressively reinstate the pit.
19. Scrap pile located at the northern boundary entrance of the subject lot to be removed and disposed of at a licenced landfill facility.

Advice Notes:

1. Compliance with Mines Act 1978, Mining Regulations 1981, Council's Extractive Industry Local Law and the Mines Safety and Inspection Act 1974.
2. Compliance with the conditions of the Shire of Serpentine – Jarrahdale planning approval dated 29 September 2000.
3. The applicant is to liaise with Council's Director Asset Services in relation to the use of Kiln Road as an alternative access to Nettleton Road.
4. The development, operation and rehabilitation of the quarry to be in accordance with the document "Environmental Management of Quarries" published by the Department of Minerals and Energy, 1994.
5. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
6. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
7. A further licence renewal application for the subject land must be submitted to Council by the 1 May 2004 in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and renewal would be subject to full compliance with the above conditions.

8. Noxious weeds to be removed in accordance with Council's brochure titled "*Weed It Out*".
 9. Relative to Condition 14 above, all revegetation planting must be of local native species. The applicant is encouraged to seek advice from the Shire of Serpentine Jarrahdale Landcare Centre.
 10. Relative to Condition 11 above, the environmental risks addressed are to include:
 - Noise;
 - Dust;
 - Potential light pollution;
 - The transportation, storage and use of flammable liquids and other dangerous goods;
 - Visual amenity;
 - Water management, including storm water management, surface and ground water pollution and water use for mining operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;
 - Fauna management including habitat protection and control of feral animals;
 - Levels of knowledge and understanding of staff and other operators on site;
 - Waste management; and
 - Green house gas emissions.
- The legislative and policy framework referred to include but not be limited to:
- All other conditions of approval;
 - Requirements of the Department of Industry and Resources;
 - Environmental Protection Authority Environmental Code of Practice for Extractive Industries;
 - Department of Environment Water Quality Protection Note - Extractive Industries;
 - Serpentine Jarrahdale Town Planning Scheme No. 2;
 - Shire of Serpentine-Jarrahdale Extractive Industries Local Law 1999;
 - Shire Information Note PS03 – Landscaping and Revegetation;
- The following target statements are to be incorporated into the EMS:
- No visible dust is to cross the property boundary;
 - Mining operations are to be completely screened from the whole length of the South Western Highway; and
 - The amount and quality of water leaving the property is to remain unaffected by any of the operations on the property.
11. The stormwater management plan submitted in December 2003 would form the basis of this plan with any amendments required as a result of officer's review.

Cr Richards left the meeting at 7.36pm

CRP048 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Wigg

- A. Subject to payment of the 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 Director Sustainable Development, the extractive industry licence for shale extraction at Lot 6 Nettleton Road, Byford be issued for a six month period expiring on 30 June 2004, subject to the following conditions:**

PLANNING

1. **Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the licence and operation of site. This report is to include, but not be limited to the following:**
 - a) **amount of shale extracted and the amount of shale transported off-site;**
 - b) **works completed throughout the licence period;**
 - c) **landscaping and revegetation works undertaken;**

- d) operation specifications;
- e) specific details as to site performance in respect to conditions attached to the licence;
- f) outline of proposed works and activities for the coming year;
- g) the location and depth of the proposed excavation of the land;
- h) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land;
- i) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land.

which shall be submitted by 1 March 2004 to the satisfaction of the Director Sustainable Development.

2. All development on-site shall be in accordance with the approved staging plan and annual report, unless written approval for a variation to the approved plan is granted by the Council.
3. Payment to Council of an annual renewal licence fee, which is based on the volume of extraction, is to be made by the 31 December 2004.
4. No works are to be exposed to the view from the South Western Highway and the Swan Coastal Plain.
5. Haulage roads (existing and proposed) are not to be exposed to the view from the South Western Highway.
6. Council to be notified via facsimile 24 hours prior to each blasting carried out on the site.
7. The applicant is to give the Shire of Serpentine-Jarrahdale at least 10 days advance noticed in writing of the intention to cart shale from the subject site.
8. The applicant is to cause signs 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.
9. All practicable measures are to be taken to contain stormwater within Lot 6 Nettleton Road. A stormwater management plan certified by an independent engineer is to be submitted to the satisfaction of the Director Asset Services by 30 June 2003 (refer Advice Note 11).
10. A Staging Plan indicating the future works to be undertaken on the subject land including the location, extent and timing of mining and rehabilitation works is to be submitted for approval by the Director Sustainable Development by 1 March 2004. The Staging Plan shall demonstrate a progression of works which will aim to minimise visual impact of the works from the coastal plain. The Staging Plan shall be shown in five (5) year stages.
11. An Environmental Management System is to be designed and submitted to the Director Sustainable Development for approval by 1 March 2004. The Environmental Management System document is to address the following matters:
 - Identify potential environmental risks associated with past, present and future mining and rehabilitation operations;
 - Set management targets in accordance with State and local government legislation and policies;
 - Describe management strategies to be used to both maintain environmental outcomes within management targets and rectify any breaches of management targets; and
 - Design and commit to a reporting framework.

The Environmental Management System is thereafter to be implemented in its entirety (refer to Advice Note 10).

ENVIRONMENTAL

12. The applicant shall submit details of the eradication program for cotton bush and other declared weeds to Council by 30 June 2004. Details to include,

- contractor details, weed species to be targeted and the date the eradication program is to be carried out.
13. Dust is not to leave the site boundaries. All loads are to be covered to reduce dust nuisance.
 14. A Revegetation Plan along with proposed revegetation works is to be lodged with Council by 1 June 2004 and approved by the Director Sustainable Development. The Revegetation Plan shall include the planting of a minimum of four (4) rows of local native mixed trees and shrubs to screen the pit from South Western Highway users. This work is to be completed by 30 September 2004.
 15. Revegetation of land surrounding the pit and the worked area is not to be less than 30 metres of mixed local native trees and shrubs.
 16. Densities of all plantings are to be at a minimum of 1000 stems per hectare.
 17. All revegetation work is to be carried out in accordance with Council's Info Note PS03 – Landscaping and Revegetation.
 18. Extend and maintain tree breaks to extend the full length of the operation to ensure works cannot be seen from the South Western Highway and progressively reinstate the pit.
 19. Scrap pile located at the southern boundary entrance of the subject lot to be removed and disposed of at a licenced landfill facility.

Advice Notes:

1. Compliance with Mines Act 1978, Mining Regulations 1981, Council's Extractive Industry Local Law and the Mines Safety and Inspection Act 1974.
2. Compliance with the conditions of the Shire of Serpentine – Jarrahdale planning approval dated 29 September 2000.
3. The applicant is to liaise with Council's Director Asset Services in relation to the use of Kiln Road as an alternative access to Nettleton Road.
4. The development, operation and rehabilitation of the quarry to be in accordance with the document "Environmental Management of Quarries" published by the Department of Minerals and Energy, 1994.
5. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
6. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
7. A further licence renewal application for the subject land must be submitted to Council by the 1 May 2004 in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and renewal would be subject to full compliance with the above conditions.
8. Noxious weeds to be removed in accordance with Council's brochure titled "Weed It Out".
9. Relative to Condition 14 above, all revegetation planting must be of local native species. The applicant is encouraged to seek advice from the Shire of Serpentine Jarrahdale Landcare Centre.
10. Relative to Condition 11 above, the environmental risks addressed are to include:
 - Noise;
 - Dust;
 - Potential light pollution;
 - The transportation, storage and use of flammable liquids and other dangerous goods;
 - Visual amenity;
 - Water management, including storm water management, surface and ground water pollution and water use for mining operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;

- Fauna management including habitat protection and control of feral animals;
- Levels of knowledge and understanding of staff and other operators on site;
- Waste management; and
- Estimation of Green house gas emissions.

The legislative and policy framework referred to include but not be limited to:

- All other conditions of approval;
- Requirements of the Department of Industry and Resources;
- Environmental Protection Authority Environmental Code of Practice for Extractive Industries;
- Department of Environment Water Quality Protection Note - Extractive Industries;
- Serpentine Jarrahdale Town Planning Scheme No. 2;
- Shire of Serpentine-Jarrahdale Extractive Industries Local Law 1999;
- Shire Information Note PS03 – Landscaping and Revegetation;

The following target statements are to be incorporated into the EMS:

- No visible dust is to cross the property boundary;
- Mining operations are to be completely screened from the whole length of the South Western Highway; and
- The amount and quality of water leaving the property is to remain unaffected by any of the operations on the property.

11. The stormwater management plan submitted in December 2003 would form the basis of this plan with any amendments required as a result of officer's review.
12. The monitoring points for visibility from the coastal plain are to be Thomas Road, Kargotich Road and Mundijong Road.
13. Information regarding Greenhouse Gas Emissions can be obtained from the Cleaner Production Unit at Curtin University.

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed to combine part A with the introductory section of part B, adding the coastal plain to condition 4, changing northern to southern in condition 19, requiring estimation of green house gas emissions in advice note 10 and adding advice notes 12 and 13.

P053/12/03 LICENCE RENEWAL - EXTRACTIVE INDUSTRY - LOT 344 SOUTH WESTERN HIGHWAY, WHITBY (P00035/01)		
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 at Lot 344 South Western Highway, Whitby for the period up 31 June 2004.
Officer	Brad Gleeson – Manager Planning & Regulatory Services	
Signatures - Author:		It is recommended that the Extractive Industry Licence be granted.
Senior Officer:		
Date of Report	4 December 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: Ransberg Pty Ltd
 Owners Address: 41 Spearwood Avenue, Bibra Lake
 Applicant: WA Blue Metal
 Applicants Address: As above
 Date of receipt: 31 October 2003
 Advertised: Not applicable
 Submissions: Not applicable

Lot Area:	81 hectares
LA Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	Landscape Protection Policy Area
Municipal Inventory:	Not applicable
Townscape/ Heritage	Not applicable
Precinct:	
Heritage Precinct:	Not applicable
Bush Forever:	Not applicable
Date of Inspection:	26/27 June 2003

Background

An extractive industry licence for the subject land was issued on 20 February 2003 and is valid until 31 December 2003.

A copy of the conditions placed on the Extractive Industries Licence is with the attachments marked [p053.1-12-03.dot](#)

An inspection of the property was undertaken on 26 and 27 June 2003, which revealed that a number of significant planning and environmental issues existed on the site. A report outlining the results of this inspection was presented to Council on 22 September 2003.

A copy of the table outlining the level of compliance/ non compliance of the current licence is with the attachments marked [p053.2-12-03.doc](#)

A letter was sent to the applicants on 26 September 2003 advising of the outstanding issues that were required to be addressed and setting deadlines for the completion of these matters. The applicants met with Council staff on 21 October 2003 to discuss the issues of non-compliance with the licence conditions.

OUTSTANDING LICENCE CONDITIONS

In response to concerns raised in relation to each specific outstanding condition, the applicant has provided the following comments. Officer responses to each of the comments provided by the applicant are also included.

Conditions 4 and 5 – Stabilisation/ Revegetation Plan

A Stabilisation plan was submitted on 9 April 2003 and approved by the Shire on 5 May 2003. Additional information regarding rehabilitation was prepared by Landform Research and forwarded to the DEP on 16 July 2003. Ripping, seeding and planting have been completed in July 2003, as detailed in their letter of 9 April 2003.

Officer response:

The revegetation plan received on 9 April 2003 was deemed satisfactory by planning staff.

Conditions 6 & 7 – Fuel/ chemical storage

Details of a self-bunded wrap for the fuelling pad have been submitted to Council on 22 October 2003. The existing installation will then be decommissioned. Licensee regrets not acting sooner to abandon the existing fuel installation. New undercover drum store installed near workshop.

Officer response:

Plans have been submitted and are being reviewed by staff. Planning approval is required for installation of these tanks.

Condition 10 – Revegetation

Annual report will be submitted by 15 November 2003 and will address performance of rehabilitation.

Officer response:

The quarry management report and plan was required to be submitted by 30 September 2003 as per the licence condition. This report has not been submitted at the time of writing this report.

Condition 13 – Height of clay overburden stockpile to be reduced

The applicant advised the Shire on 17 March 2003 that they would appeal this condition. Photographs and some supporting information were submitted by the applicant on 9 April 2003 in support of a variation to this condition.

Officer response:

Shire officers advised the appellants that the visual impact of the additional height of the clay overburden is likely to be inconsistent with Condition 3-1 of the Ministerial Statement #318 (27 July 1983). The reason the condition was imposed was as a consequence of unauthorized earthworks undertaken prior to 2002 that in the view of Council breached the intent of the aforementioned Ministerial condition. Given the difficulty in policing compliance with a subjectively worded Ministerial condition, Council chose to impose a quantitative measure as a licence condition (RL 228m) to remove any ambiguity regarding what was acceptable.

The applicant was advised on 5 May 2003 that staff would only support such a variation if WA Blue Metal could demonstrate that an increase in height above RL228m would not adversely affect landscape values. The current height of the clay stockpile is 239 metres which are 11 metres higher than that required under this condition. No further additional information has been submitted by the applicant in support of retaining the unauthorized and overheight fill on the property.

Condition 14 – Perimeter buffer

Believe some encroachment has taken place in order to gain access to the toe of the clay stockpile and enable installation of the rock wall. Applicant to confirm encroachment in the 20 metre buffer area at the licence renewal application by 15 November 2003.

Officer response:

An as constructed survey plan submitted on 9 April 2003 shows an encroachment close to the western boundary. The exact distance from this boundary is not known. No further information has been provided.

Condition 21 – 24 (Inc.) – Water quality (sediment dam)

- Temporary silt traps were installed. It is not possible to construct larger permanent silt traps without compromising other licence and Minister conditions.
- No requirement for settlement dams in original approvals.
- Existing settlement dams are operating efficiently.
- Only one breach that compromised the water quality of brook, recorded from 32 water samples in 5 years in relation to oil drum storage.

Officer response:

Staff are not satisfied that the temporary silt traps will ensure that water quality in the brook is not compromised.

Condition 26/27 – Water quality

Only one breach recorded in 32 water samples over 5 years. Why is the storage of liquids onsite such a serious problem? Results that are sent to the DEP will now be sent to the Shire.

Officer response:

Water quality results undertaken by WA Blue Metal on 27 June 2003 indicated there is a serious problem with fuel contaminants. Initial test results were not forwarded to the Shire until requested but subsequent results have been forwarded to the Shire as required.

Condition 28 – Water testing

- There is no intent on the part of licensee to stall the reporting of results. Sometimes water quality is improved by more than 10% as it passes by the quarry.
- The origins of the condition are questioned and were raised with the Shire on 6 May 2003.

Officer response:

This condition is deemed to be justifiable based on staff's concerns of adverse impacts on the brook due to the quarry operations.

Conditions 31 – 33 (Inc.) – Habitat protection

- Weed spraying is carried out every year.
- 50 metre buffer zone along Manjedal Brook will be surveyed and marked.
- Slope failure was an unforeseeable event that had to be rectified by extensive earthworks and rock wall construction in the summer of 02/03.
- Temporary silt traps installed until stockpile is consolidated and revegetation takes place.

Officer response:

Fencing or some other form of demarcation (eg survey pegs) has not been erected around the buffer zone. This matter will need to be investigated by the Department of Environment (DoE).

Onsite it was observed that vegetation within the 50 metre buffer area to the Mandejal Brook was being disturbed, as stockpile and sediment runoff had smothered the vegetation. This matter will need to be investigated by the DoE.

The applicants advise that the meeting with staff was timely and provided both parties with an opportunity to voice their concerns in relation to issues in a constructive and positive way. It was felt that both sides were committed to improving the communications and level of co-operation between our respective organisations and considerable progress has been made in this regard.

Comments

At the time of the previous inspection, 17 conditions had not been fully complied with. The owners were given 30 days to meet with staff and prepare a report addressing all the outstanding conditions and what actions will be taken to address each condition. This report was to specify timeframes to meet the conditions.

The owners met with staff on 21 October 2003 and submitted a report as required by Council. This meeting was very productive, however, it is considered that there are still a significant number of major outstanding licence conditions relating to this property. There are two options that can be considered by Council:

- Option 1 Grant an extractive industry licence to the landowner for a further six months;
or
Option 2 Refuse to grant an extractive industry licence to the landowner.

If Option 1 were supported, staff would implement an immediate process of regular inspections of the property to ensure compliance with the licence conditions. Legal action would be considered if the licence conditions were not complied with.

If Option 2 were supported, all operations at the property would be required to cease by 31 December 2003. If the landowner continued to operate the extractive industry on the land after this date, Council should commence legal action against the landowner for breaching the provisions of the Extractive Industries Local Law.

Extractive Industries Local Law

Extracts from the Local 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-
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. A report has been submitted outlining:

- works and excavation programme;
- rehabilitation and decommissioning programme; and
- status of conditions of current 2003 licence.

Environment

There are a number of significant environmental related issues occurring on the property.

Emergency Management

The quarry pit is required to be setback 20 metres from the property boundaries as per the Local Law. This allows for emergency vehicle access, management and installation of firebreaks.

Conclusion

It is recommended that the extractive industry licence be granted for a six month period from 1 January 2004 to 30 June 2004.

Sustainability Statement

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

The area to be extracted has generally been cleared of vegetation. There are significant environmental concerns relating to the extractive industry operations on this land.

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

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 operation of machinery.

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

The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

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

The proposal will be economically productive in a way that incorporates the external costs. However, the extraction of granite has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the subject land, which cannot be priced as a monetary value.

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

The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment.

Does the proposal/issue disadvantage any social groups?

The proposal will not directly disadvantage any specific social groups.

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

If a new extractive industry licence is granted, the operation has the potential to create employment for residents in the Shire.

Statutory Environment:

Local Government Act 1995.
Extractive Industries Local Law
Town Planning and Development Act.

<u>Policy Implications:</u>	Landscape Protection Policy Area.
<u>Financial Implications:</u>	Extractive Industry Licence annual fee.
<u>Strategic Implications:</u>	This proposal relates to Strategy 2.1 of Key Result Areas – Environment in Council's Strategic Plan, which is: <i>"Implement known best practice sustainable natural resource management".</i>
<u>Community Consultation:</u>	Not applicable.
<u>Voting Requirements:</u>	Normal

Officer Recommended Resolution

That the extractive industry licence for crushed and screened granite extraction at Lot 344 South Western Highway, Whitby be issued for a six month period expiring on 30 June 2004, subject to the following conditions:

PLANNING

1. Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the licence and operation of site by 30 June 2004. This report is to include, but not be limited to the following:
 - a) a plan of the quarry operation scaled to 1:250, depicting:
 - cadastral boundaries, contour lines, access roads, drains, sediment traps, water features, and development exclusion zones such as Manjedal Brook;
 - the extent and height of existing stockpiles;
 - the extent of the quarry site suspected to be infected by Phytophthora;
 - b) a plan of the quarry operation scaled to 1:250, depicting:
 - cadastral boundaries, contour lines, access roads, drains, sediment traps, water features, and development exclusion zones such as Manjedal Brook;
 - the extent of each stage of excavation works undertaken since 1999;
 - the extent of each stage of rehabilitation works undertaken since 1999;
 - c) a plan of the quarry works scaled to 1:250, depicting:
 - cadastral boundaries, contour lines, access roads, drains, sediment traps, water features, and development exclusion zones such as Manjedal Brook;
 - the extent of excavation and rehabilitation works as at 30 June 2004;
 - the extent of excavation and rehabilitation works proposed to be established between 1 January 2004 and 30 June 2004;
 - the extent and height of any stockpiles proposed to be established between 1 January 2004 and 30 June 2004;
 - d) an excavation report detailing:
 - include the amount of clay and blue-metal extracted and the amount of clay and blue-metal transported off-site;
 - the estimated extent and depth of excavation works proposed to be undertaken between 1 January 2004 and 30 June 2004;
 - the estimated volume and tonnage of material proposed to be excavated between 1 January 2004 and 30 June 2004;
 - e) a rehabilitation report detailing:

- the extent, species list and current stem density of each stage of rehabilitation works undertaken during each licensed period since 1999;
 - the extent, species list and seeding/planting density of rehabilitation works to be undertaken between 1 January 2004 and 30 June 2004;
 - f) a weed control report detailing:
 - the extent, species list, density and control methods and eradication success rate for weed species present within each rehabilitation stage;
 - the extent and species of weeds present in 2003;
 - targets, timing, and weed control methods proposed be undertaken between 1 January 2004 and 30 June 2004;
 - g) amount of granite extracted and the amount of shale transported off-site between 1 January 2004 and 30 June 2004;
 - h) works completed throughout the licence period;
 - i) landscaping and revegetation works undertaken;
 - j) specific details as to site performance in respect to conditions attached to the licence;
 - k) outline of proposed works and activities for the coming year;
 - l) the location and depth of the proposed excavation of the land;
 - m) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land;
 - n) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land.
2. An Environmental Management System (EMS) is to be designed and submitted to Council for approval by 1 March 2004. The EMS document shall address the following matters:
- Identify potential environmental risks associated with past, present and future mining and rehabilitation operations;
 - Set management targets in accordance with State and local government legislation and policies;
 - Describe management strategies to be used to both maintain environmental outcomes within management targets and rectify any breaches of management targets; and
 - Design and commit to a reporting framework.
- The EMS is thereafter to be implemented in its entirety (refer Advice Note 15).
3. A staging plan and report indicating the location, extent and timing of mining and rehabilitation works and the extent of infrastructure shall be submitted by 1 March 2004 and approved by the satisfaction of the Director Sustainable Development. All development on-site shall be in accordance with the approved staging plan and report, unless written approval for a variation to the approved plan is granted by the Council.
4. Payment to Council of an annual renewal licence fee, which is based on the volume of extraction, is to be made by the 31st December 2004.
5. The proponent shall ensure that the quarry pit area, material stockpiles and/or crushing/screening infrastructure are not visible from the South Western Highway or the coastal plain, with exception of the sealed access road;
6. Haulage roads (existing and proposed) are not to be exposed to the view from the South Western Highway.
7. Council to be notified via facsimile 24 hours prior to each blasting carried out on the site.
8. The applicant is to give the Shire of Serpentine-Jarrahdale at least 10 days advance noticed in writing of the intention to cart material from the subject site.
9. The applicant is to cause signs 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.

10. Access road from South Western Highway to be maintained by the proponent.
11. The proponent shall prepare by 30 March 2004 to the satisfaction of the Director Sustainable Development, a plan to stabilise and revegetate using local native species the overburden stockpiled up-slope and downslope of the rock wall constructed adjacent to Manjedal Brook in November/December 2002. The plan shall detail as a minimum, the extent, methods, species list, seeding/planting density and timing of works. The plan shall be implemented prior to 30 June 2004.
12. The proponent shall submit plans for approval by 30 March 2004 to construct an impermeable trafficable fuelling/fuel unloading pad, adjacent to the existing bunded fuel storage tank, to provide protection against hydrocarbon spills entering the soil or groundwater. The pad shall be constructed prior to 30 June 2004.
13. All chemical and hydrocarbon storage drums shall be kept within a compound, designed to contain leaks or spills, and to prevent contamination of soil or water.
14. The proponent shall not quarry within, or south of Manjedal Brook.
15. The proponent shall reduce the height of the clay overburden stockpile to the south west of the main quarry site to a maximum height of 228 metres above sea level by 30 June 2004. The proponent shall submit to Council a site plan prepared by a licensed surveyor to demonstrate that this condition has been complied with.
16. The proponent shall maintain a 20 metre wide vegetated buffer along the western boundary of Location 344.
17. The proponent shall ensure that the clay overburden stockpile to the south west of the main quarry site is revegetated once the stockpile is no longer used.

AIR QUALITY

18. The proponent shall take all reasonable and practicable measures to prevent visible dust emissions passing outside the boundary of Location 344.
19. The proponent shall ensure the main access road from South Western Highway to Lot 344 is sealed and maintained so as not to produce dust emissions.
20. The proponent shall ensure that dust generated from the crushing and screening plants will be suppressed using water sprays, or enclosed where practicable.
21. The proponent shall ensure that stockpiles and unsealed roads are sprayed with water when necessary to suppress dust.
22. The proponent shall ensure the stripping of overburden and topsoil is conducted when soil moisture content is sufficiently high to prevent dust emissions.

WATER QUALITY

23. The proponent shall ensure that all water generated on the site will pass through a sediment settlement dam, prior to discharge to the Manjedal Brook.
24. Site run off water shall be stored in the settlement dams for use in dust suppression as far as is practicable.
25. The proponent shall ensure that silt traps are maintained to ensure all site run-off is directed through the sediment settling ponds. Fines deposited in the silt traps and sediment dams shall be utilized within the rehabilitation program wherever possible.
26. The proponent shall ensure that environmentally hazardous chemicals including but not limited to, fuel, oil, or other hydrocarbons do not contaminate soil or water resources; and where the total volume of a substance stored on the premises exceeds 250 litres, that substance shall be stored within a low permeability compound(s) designed to contain not less than 110% of the volume of the largest storage vessel or interconnected system, and at least 25% of the total volume of all substances stored in the compound. Collected matter shall be disposed of by export off-site to an approved disposal facility, or an alternative method approved by the Director Sustainable Development.
27. The proponent 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.

28. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
29. A Council approved water testing laboratory be employed by the owner of Lot 344 South Western Highway so that water samples must be taken twice a year. The test site to be downstream of the extractive industry and silt traps on the Manjedal Brook and in Lot 344 and to be approved by Council. Water testing to be carried out on the eastern boundary and western boundary of lot 344. Tests should be taken twice a year, once in winter, July to September and in once in summer, January to March. Tests to be taken within five hours after a rainstorm in excess of 25 mm per hour. The tests shall record percentage of clay and silt content and salt content. The test results to be forwarded to the owner and a copy to Council within 24 hours of the results becoming available;
30. If the water testing results demonstrate that the downstream results vary by more than 10% from the upstream results, the proponent shall provide a written report to Council within 24 hours of the those results having been forwarded to Council, identifying the suspected cause of the variation, and providing evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence.
31. No interruptions or obstructions to the flow of Manjedal Brook are to occur as a result of extractive works;

WASTE DISPOSAL

32. 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.

HABITAT PROTECTION

33. The proponent shall control declared weeds throughout the site (including Paterson's Curse and Cottonbush), to the satisfaction of the Director Sustainable Development.
34. The proponent shall maintain a vegetated buffer zone extending at least 50 metres either side of the Manjedal Brook. This buffer zone shall be defined by fencing or other suitable means to the satisfaction of the Director Sustainable Development.
35. The proponent shall ensure no vegetation is disturbed and stockpiled materials do not encroach into the Manjedal Brook within the Manjedal Brook buffer zone described in License Condition No. 31.

NOISE AND VIBRATION

36. The proponent shall conduct a complete operational noise survey of site and prepare an action plan to reduce noise levels including crusher noise and safety warning devices on vehicles (whilst still complying with Occupational Health and Safety Regulations) to acceptable limits as prescribed by the Environmental Protection (Noise) Regulations 1997 by 30 June 2004 to Council's satisfaction.

Advice Notes:

1. The applicant is advised that under the Ministerial Statement 318 they are required to have efficient noise suppression devices on all equipment and plant used at the site.
2. The proponent is advised that the development, operation and rehabilitation of the quarry should generally accord with the document "Environmental Management of Quarries", published by the Department of Minerals and Energy in 1994;
3. The proponent is reminded to operate in compliance with Mines Act 1978, Mining Regulations 1981, Council's Extractive Industry Local Law and the Mines Safety and Inspection Act 1974;
4. The proponent is advised that Council Officers will carry out site compliance inspections every six months to check compliance with the extractive industry license and any other approvals granted for the site;

5. The proponent is reminded that all avenues for use and reuse of any cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging;
6. The proponent is reminded to operate in compliance with WA Planning Commission Approval to Commence Development issued 1 December 1999 (ref 29-849-1);
7. The proponent is reminded to operate in compliance with conditions imposed by the Minister for Local Government as per correspondence dated 20 August 1993;
8. The proponent is reminded to operate in compliance with the conditions and commitments of Ministerial Statement No. 318 issued 26 July 1993.
9. The proponent is reminded to operate in compliance with any Operating License issued by the Department of Environmental Protection under Pt V of the Environmental Protection Act 1986.
10. The proponent is reminded that operational and blast noise must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
11. It is noted that stockpiling of material is occurring without approval and Council will be advising the WA Planning Commission of this and recommending that they take appropriate action.
12. With regard to conditions 11 the applicant is encouraged to explore the use of geotextiles and/or hydro mulch. However, Council will not accept the use of invasive grass species or plantings likely to compromise the ecological integrity of the Manjedal Brook zone.
13. Councillors have received several complaints from the community regarding noise emanating from the crusher.
14. All rehabilitation planting must be of local native species. The applicant is encouraged to seek advice from the Shire of Serpentine Jarrahdale Landcare Centre.
15. Relative to Condition 2 above, the EMS shall address the following issues:
 - Noise;
 - Dust;
 - Potential light pollution;
 - The transportation, storage and use and disposal of flammable liquids and other dangerous goods;
 - Visuals amenity;
 - Water management, including storm water management, surface and ground water pollution and water use for mining operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;
 - Fauna management including habitat protection and control of feral animals;
 - Levels of knowledge and understanding of staff and other operators on site;
 - Waste management; and
 - Green house gas emissions.

The legislative and policy framework referred to include but not be limited to:

- All other conditions of approval;
- Requirements of the Department of Industry and Resources;
- Environmental Protection Authority Environmental Code of Practice for Extractive Industries;
- Department of Environment Water Quality Protection Note - Extractive Industries;
- Serpentine Jarrahdale Town Planning Scheme No. 2; and
- Shire of Serpentine-Jarrahdale Extractive Industries Local law 1999;
- Shire Information Note PS03 – Landscaping and Revegetation.

The following target statements are to be incorporated into the EMS:

- No visible dust is to cross the property boundary;
- Mining operations are to be completely screened from the whole length of the South Western Highway;
- The amount and quality of water leaving the property is to remain unaffected by any of the operations on the property.

- Revegetation is to be with locally occurring native plant species with a minimum survival of 500 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare three years after planting and a diversity of at least 60% of the diversity measured at an agreed natural community reference site.

AMENDMENT

That the following amendments (shown in italics) be made:

Advice Notes

13. *Councillors have received several complaints from the community members who reside a considerable distance from the quarry regarding noise emanating from the crusher and this is a matter that Council would require to be addressed before a subsequent renewal would be considered.*
15. Relative to Condition 2 above, the EMS shall address the following issues:
 - Noise;
 - Dust;
 - Potential light pollution;
 - The transportation, storage and use and disposal of flammable liquids and other dangerous goods;
 - Visuals amenity;
 - Water management, including storm water management, surface and ground water pollution and water use for mining operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;
 - Fauna management including habitat protection and control of feral animals;
 - Levels of knowledge and understanding of staff and other operators on site;
 - Waste management; and
 - Estimation of Green house gas emissions.*

The legislative and policy framework referred to include but not be limited to:

- All other conditions of approval;
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 - Revegetation is to be with locally occurring native plant species with a minimum survival of 500 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare three years after planting and a diversity of at least 60% of the diversity measured at an agreed natural community reference site.
16. *Monitoring points for visibility from the coastal plain would be Thomas Road, Kargotich Road, Wright Road and Mundijong Road.*
 17. *Information on Greenhouse Gas Emissions can be obtained from the Cleaner Production Unit at Curtin University.*

CRP053 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Hoyer

That the extractive industry licence for crushed and screened granite extraction at Lot 344 South Western Highway, Whitby be issued for a six month period expiring on 30 June 2004, subject to the following conditions:

PLANNING

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 - the extent of the quarry site suspected to be infected by Phytophthora;
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 - the extent of each stage of excavation works undertaken since 1999;
 - the extent of each stage of rehabilitation works undertaken since 1999;
 - c) a plan of the quarry works scaled to 1:250, depicting:
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 - d) an excavation report detailing:
 - include the amount of clay and blue-metal extracted and the amount of clay and blue-metal transported off-site;
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 - the estimated volume and tonnage of material proposed to be excavated between 1 January 2004 and 30 June 2004;
 - e) a rehabilitation report detailing:
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- k) outline of proposed works and activities for the coming year;
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The EMS is thereafter to be implemented in its entirety (refer Advice Note 15).

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7. Council to be notified via facsimile 24 hours prior to each blasting carried out on the site.
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AIR QUALITY

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22. The proponent shall ensure the stripping of overburden and topsoil is conducted when soil moisture content is sufficiently high to prevent dust emissions.

WATER QUALITY

23. The proponent shall ensure that all water generated on the site will pass through a sediment settlement dam, prior to discharge to the Manjedal Brook.
24. Site run off water shall be stored in the settlement dams for use in dust suppression as far as is practicable.
25. The proponent shall ensure that silt traps are maintained to ensure all site run-off is directed through the sediment settling ponds. Fines deposited in the silt traps and sediment dams shall be utilized within the rehabilitation program wherever possible.
26. The proponent shall ensure that environmentally hazardous chemicals including but not limited to, fuel, oil, or other hydrocarbons do not contaminate soil or water resources; and where the total volume of a substance stored on the premises exceeds 250 litres, that substance shall be stored within a low permeability compound(s) designed to contain not less than 110% of the volume of the largest storage vessel or interconnected system, and at least 25% of the total volume of all substances stored in the compound. Collected matter shall be disposed of by export off-site to an approved disposal facility, or an alternative method approved by the Director Sustainable Development.
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28. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

29. A Council approved water testing laboratory be employed by the owner of Lot 344 South Western Highway so that water samples must be taken twice a year. The test site to be downstream of the extractive industry and silt traps on the Manjedal Brook and in Lot 344 and to be approved by Council. Water testing to be carried out on the eastern boundary and western boundary of lot 344. Tests should be taken twice a year, once in winter, July to September and in once in summer, January to March. Tests to be taken within five hours after a rainstorm in excess of 25 mm per hour. The tests shall record percentage of clay and silt content and salt content. The test results to be forwarded to the owner and a copy to Council within 24 hours of the results becoming available;
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31. No interruptions or obstructions to the flow of Manjedal Brook are to occur as a result of extractive works;

WASTE DISPOSAL

32. 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.

HABITAT PROTECTION

33. The proponent shall control declared weeds throughout the site (including Paterson's Curse and Cottonbush), to the satisfaction of the Director Sustainable Development.
34. The proponent shall maintain a vegetated buffer zone extending at least 50 metres either side of the Manjedal Brook. This buffer zone shall be defined by fencing or other suitable means to the satisfaction of the Director Sustainable Development.
35. The proponent shall ensure no vegetation is disturbed and stockpiled materials do not encroach into the Manjedal Brook within the Manjedal Brook buffer zone described in License Condition No. 31.

NOISE AND VIBRATION

36. The proponent shall conduct a complete operational noise survey of site and prepare an action plan to reduce noise levels including crusher noise and safety warning devices on vehicles (whilst still complying with Occupational Health and Safety Regulations) to acceptable limits as prescribed by the Environmental Protection (Noise) Regulations 1997 by 30 June 2004 to Council's satisfaction.

Advice Notes:

1. The applicant is advised that under the Ministerial Statement 318 they are required to have efficient noise suppression devices on all equipment and plant used at the site.
2. The proponent is advised that the development, operation and rehabilitation of the quarry should generally accord with the document "Environmental Management of Quarries", published by the Department of Minerals and Energy in 1994;
3. The proponent is reminded to operate in compliance with Mines Act 1978, Mining Regulations 1981, Council's Extractive Industry Local Law and the Mines Safety and Inspection Act 1974;

4. The proponent is advised that Council Officers will carry out site compliance inspections every six months to check compliance with the extractive industry license and any other approvals granted for the site;
5. The proponent is reminded that all avenues for use and reuse of any cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging;
6. The proponent is reminded to operate in compliance with WA Planning Commission Approval to Commence Development issued 1 December 1999 (ref 29-849-1);
7. The proponent is reminded to operate in compliance with conditions imposed by the Minister for Local Government as per correspondence dated 20 August 1993;
8. The proponent is reminded to operate in compliance with the conditions and commitments of Ministerial Statement No. 318 issued 26 July 1993.
9. The proponent is reminded to operate in compliance with any Operating License issued by the Department of Environmental Protection under Pt V of the Environmental Protection Act 1986.
10. The proponent is reminded that operational and blast noise must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
11. It is noted that stockpiling of material is occurring without approval and Council will be advising the WA Planning Commission of this and recommending that they take appropriate action.
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13. Councillors have received several complaints from the community members who reside a considerable distance from the quarry regarding noise emanating from the crusher and this is a matter that Council would require to be addressed before a subsequent renewal would be considered.
14. All rehabilitation planting must be of local native species. The applicant is encouraged to seek advice from the Shire of Serpentine Jarrahdale Landcare Centre.
15. Relative to Condition 2 above, the EMS shall address the following issues:
 - Noise;
 - Dust;
 - Potential light pollution;
 - The transportation, storage and use and disposal of flammable liquids and other dangerous goods;
 - Visuals amenity;
 - Water management, including storm water management, surface and ground water pollution and water use for mining operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;
 - Fauna management including habitat protection and control of feral animals;
 - Levels of knowledge and understanding of staff and other operators on site;
 - Waste management; and
 - Estimation of Green house gas emissions.

The legislative and policy framework referred to include but not be limited to:

- All other conditions of approval;
- Requirements of the Department of Industry and Resources;
- Environmental Protection Authority Environmental Code of Practice for Extractive Industries;

- Department of Environment Water Quality Protection Note - Extractive Industries;
- Serpentine Jarrahdale Town Planning Scheme No. 2; and
- Shire of Serpentine-Jarrahdale Extractive Industries Local law 1999;
- Shire Information Note PS03 – Landscaping and Revegetation.

The following target statements are to be incorporated into the EMS:

- No visible dust is to cross the property boundary;
- Mining operations are to be completely screened from the whole length of the South Western Highway;
- The amount and quality of water leaving the property is to remain unaffected by any of the operations on the property.
- Revegetation is to be with locally occurring native plant species with a minimum survival of 500 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare three years after planting and a diversity of at least 60% of the diversity measured at an agreed natural community reference site.

16. Monitoring points for visibility from the coastal plain would be Thomas Road, Kargotich Road, Wright Road and Mundijong Road.

17. Information on Greenhouse Gas Emissions can be obtained from the Cleaner Production Unit at Curtin University.

CARRIED 8/1

Committee Note: The Officer's advice notes were amended as follows: Advice Note 13 to refer to the noise impacts on residents some distance from the crusher and a requirement that this be addressed prior to any renewal being issued, adding estimation of green house gas emissions to advice note 15 and adding advice notes 16 and 17.

P056/12/03 21 LOT SUBDIVISION OF PORTION OF LOT 9001 GOSSAGE ROAD CORNER HOPKINSON ROAD, CARDUP (S123261)		
Proponent	Brown McAllister Surveyors on behalf of Erujin Pty Ltd	In Brief Report on subdivision application for Lot 9001 Gossage Road, corner Hopkinson Road, Cardup (formerly Lot 239) for the purpose of providing a recommendation for approval to the WAPC. 21 lots of approximately 2 hectares each in area.
Officer	Meredith Kenny – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	1 December 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Date of Receipt: 9 October 2003
 Lot Area: 71 hectares
 L.A Zoning: Rural Living A
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living
 Rural Strategy Overlay: Nil
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 24 October 2003

Background

This application is for the final stage of the *Coolibah Estate* subdivision on the corner of Gossage and Hopkinson Roads. This stage comprises 21 lots of approximately 2 hectares each in area. The property was formerly known as Lot 239 Gossage Road but the land

required for the Tonkin Highway reservation on the eastern side of the lot was subdivided off earlier this year.

A copy of the subdivision plan is with attachments marked [p056.1-12-03.tif](#)

Comments

Road Alignments

Bournbrook Avenue, which services an earlier stage of the subdivision will be extended as part of this stage. Originally, Bournbrook Avenue was to extend through to Hopkinson Road to provide a through road from Gossage Road to Hopkinson. However, this road will now not be able to connect directly though to Hopkinson Road because of the future Tonkin Highway alignment. Accordingly, a new subdivisional road will connect Bournbrook Avenue to Cavanagh Road (new road in subdivision of Lot 238 to the north). Cavanagh Road (currently under construction) will have a direct connection to the future southern terminus of Hopkinson Road.

Building Envelopes

Building envelopes for Lots 321-324 and 327-329 should be located such that the greatest possible separation from the future Tonkin Highway is achieved. The area of land between the rear of the building envelopes and the rear of each lot should be set aside for dense revegetation to provide both a visual and noise buffer for residences to these roads.

Acid Sulfate Soils

The entire subject site has been identified, in mapping prepared by the Western Australian Planning Commission, as having a low-to moderate risk of Potential Acid Sulfate Soils.

Acid sulfate soils are the common name given to naturally occurring soil and sediment containing iron sulfides. Acid sulfate soils occur throughout Australia, but have only recently come to prominence in land use planning as a result of the detrimental environmental consequences that can arise from disturbing them. In Western Australia the issue came to prominence through environmental problems which occurred in a subdivision in the City of Stirling in 2001. The disturbance of soils within that subdivision as a result of the earthworks carried out triggered a chemical reaction that caused soil and groundwater acidity and arsenic contamination of groundwater.

Release of acid and metals as a result of the disturbance of acid sulfate soils can cause significant harm to the environment and infrastructure. The principal environmental, social and economic impacts of acid sulfate soils have been documented as follows:

- Wetlands degradation.
- Localised reduction in habitat and biodiversity.
- Deterioration of surface and groundwater quality.
- Loss of groundwater for irrigation.
- Increased health risks associated with arsenic and heavy metals contamination in surface and groundwater, and acid dust.
- Risk of long-term infrastructure damage through corrosion of sub-surface pipes and foundations by acid water.
- Invasion by acid tolerant waterplants and dominance of acid tolerant plankton species causing loss of biodiversity.

The presence of acid sulfate soils is, therefore, a planning issue that should be taken into account in planning decision-making.

The Western Australian Planning Commission (WAPC) is developing a policy response to this issue. In the meantime, the WAPC have released a Planning Bulletin which explains the

issue and which contains interim Planning Guidelines addressing the relevant considerations to be taken into account in planning decision making.

Accordingly, the subdivision has been assessed taking into account this issue and appropriate conditions have been applied including conditions relating to a memorial being placed on the title of the new lots advising purchasers of this potential hazard, and the need for soil testing prior to any soil disturbance.

Sustainability Statement

Environmental

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

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

Economic

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

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

Social

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

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

Policy Implications: Rural Strategy – complies with intent and objectives of the Rural Living Policy Area.

Financial Implications: Expenditure: Future maintenance of drainage and road infrastructure; street lighting power costs.

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.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

3. Economic

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 3: *Compliance to necessary legislation*

Strategies:

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

Community Consultation: Not required.

Voting Requirements: Normal

Officer Recommended Resolution

That the Western Australian Planning Commission be advised that the Council supports the approval of the subdivision of Lot 9001 Gossage Road corner Hopkinson Road Cardup subject to the following conditions being imposed:

1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.
2. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.
3. The intersections depicted on the subdivision plan dated 23 *September 2003* being designed and constructed to the satisfaction of the Western Australian Planning Commission.
4. The new subdivisional road in the northern portion of the subdivision to be connected to the new subdivisional road (Cavanagh Road) on Lot 238 to the north to the satisfaction of the Western Australian Planning Commission.
5. The applicant executing an agreement with the Local Government for the construction of multiple use trails/cycleways (and ancillary facilities such as bridges, underpasses, overpasses, median crossings, etc) to the satisfaction of the Western Australian Planning Commission.

6. Provision of a 0.1 metre wide pedestrian access-way between the rear of the lots and the Tonkin Highway reservation in order to restrict vehicular through traffic to the satisfaction of the Western Australian Planning Commission.
7. A restrictive covenant to be placed on the Certificates of Title of Lots 321-324 and 327-329 advising of restrictions on road access, in accordance with section 129BA of the Transfer of Land Act 1893 to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. The restrictive covenant to state as follows:

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

8. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
9. The subdivider shall prepare a vegetation management plan for the subdivision to the satisfaction of the local authority. The vegetation management plan shall:
 - (a) include vegetation management on private land and reserves.
 - (b) include the following:
 - i) weed management and rehabilitation;
 - ii) the protection of existing mature trees and remnant vegetation and the planting of new locally native trees and shrubs with particular emphasis to be placed on the provision of a vegetated buffer in the rear portions of lots 321-324 and 327-329, which will abut the Tonkin Highway reservation and re-vegetation along the natural drainage line in the southern part of the subdivision;
 - iii) The management plan shall identify dead trees on the property to be removed by the subdivider.
 - (c) The subdivider lodging a bond or bank guarantee with the Local Authority to ensure the survival of remnant vegetation and revegetation after subdivisional works within two years or two summers after subdivision clearance to the satisfaction of the Local Authority.
11. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
12. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
13. Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.
14. Any required water sensitive drainage features being designed, constructed and landscaped in accordance with water sensitive design principles to maximise detention time, and minimise the discharge of nutrients to the satisfaction of the Western Australian Planning Commission.
15. The subdivider to fund the ongoing monitoring and maintenance of any required water sensitive drainage features, to be determined by, and upon the terms and conditions acceptable to, the Western Australian Planning Commission.
16. The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.
17. Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.

18. Where a well or bore is located within the subdividable area, the applicant shall either:-
 - (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR
 - (b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.
19. The applicant is to provide geotechnical certification that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
20. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
21. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
22. The subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on ground works. Those easements and reserves required by Council or the Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide the ongoing maintenance of the drainage system components.
23. Street lighting being provided within all new subdivisional roads to the satisfaction of the Western Australian Planning Commission. All lighting to be standard Western Power fixtures. Any decorative fixtures are to be specifically approved by Council.
24. Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
25. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
26. Uniform fencing to be provided along the boundary of any lots abutting any reserves as well as the rear boundaries of all the proposed lots abutting the Tonkin Highway road reservation and to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission. Uniform fencing to consist of open style post and rail or post and three strand wire fencing only.
27. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
28. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
29. The carrying on of the subdivision must not cause a dust nuisance to neighbours during construction. The subdivider is required to submit an Air Quality Management Plan in accordance with the Local Government's Guidelines for the Preparation of

- Dust Management Plans. This Plan is to be approved by the Local Government's Environmental Health Services prior to the commencement of earthworks and complied with for the duration of the construction works.
30. Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.
 31. Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan to the Local Government identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna to the satisfaction of the Western Australian Planning Commission.
 32. The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.
 33. No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission
 34. The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining the proposed future development of the land in accordance with the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development.
 35. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:
"The subdivider making satisfactory arrangements with the Western Australian Planning Commission to ensure that prospective purchasers of the lots created backing onto the adjoining regional road reserves will be advised of the potential for noise and amenity impacts associated with the future development of the reservations for regional transport facilities."
 36. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:
"Parts of this lot have been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue".
 37. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.

ADVICE TO APPLICANT

- A1. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.

- A2. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
- A3. The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.
- A4. The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.
- A5. Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.
- A6. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.
- A7. The Local Government advises that it will not permit the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.

ADVICE TO WESTERN AUSTRALIAN PLANNING COMMISSION

- A8. The Western Australian Planning Commission is reminded of the need to consult where appropriate with relevant authorities and apply conditions relating to the following matters:
 - Padmount sites - Western Power
 - Underground Power - Western Power
 - Aboriginal Sites - Dept of Aboriginal Affairs
 - Regional Road Reservations - Main Roads WA

Accepting that the above list is not finite.

Cr Richards returned to the meeting at 7.40pm

CRP056 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Murphy seconded Cr Hoyer

That the Western Australian Planning Commission be advised that the Council supports the approval of the subdivision of Lot 9001 Gossage Road corner Hopkinson Road Cardup subject to the following conditions being imposed:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.
- 2. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.

3. The intersections depicted on the subdivision plan dated 23 September 2003 being designed and constructed to the satisfaction of the Western Australian Planning Commission.
4. The new subdivisional road in the northern portion of the subdivision to be connected to the new subdivisional road (Cavanagh Road) on Lot 238 to the north to the satisfaction of the Western Australian Planning Commission.
5. Multiple Use Trails to be constructed by the subdivider in accordance with the Shire of Serpentine-Jarrahdale Trails Master Plan and where such trails are not contained within other reserves, the land is ceded to the Crown free of cost;
6. Provision of a 0.1 metre wide pedestrian access-way between the rear of the lots and the Tonkin Highway reservation in order to restrict vehicular through traffic to the satisfaction of the Western Australian Planning Commission.
7. A restrictive covenant to be placed on the Certificates of Title of Lots 321-324 and 327-329 advising of restrictions on road access, in accordance with section 129BA of the Transfer of Land Act 1893 to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. The restrictive covenant to state as follows:

"All vehicular access to and from this lot must be obtained at all times from the new subdivisional road depicted on the plan. Vehicular access and egress is not permitted from the Tonkin Highway reservation at any time."
8. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
9. The subdivider shall prepare a vegetation management plan for the subdivision to the satisfaction of the local authority. The vegetation management plan shall:
 - (a) include vegetation management on private land and reserves.
 - (b) include the following:
 - i) weed management and rehabilitation;
 - ii) the protection of existing mature trees and remnant vegetation and the planting of new locally native trees and shrubs with particular emphasis to be placed on the provision of a vegetated buffer in the rear portions of lots 321-324 and 327-329, which will abut the Tonkin Highway reservation and revegetation along the natural drainage line in the southern part of the subdivision;
 - iii) The management plan shall identify dead trees on the property to be removed by the subdivider.
 - iv) Revegetation plan is to include provision for revegetation of 25% of each lot created in accordance with Council's guidelines for drainage and nutrient management
 - (c) The subdivider lodging a bond or bank guarantee with the Local Authority to ensure the survival of remnant vegetation and revegetation after subdivisional works within two years or two summers after subdivision clearance to the satisfaction of the Local Authority.
11. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
12. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
13. Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.

14. Any required water sensitive drainage features being designed, constructed and landscaped in accordance with water sensitive design principles to maximise detention time, and minimise the discharge of nutrients to the satisfaction of the Western Australian Planning Commission.
15. The subdivider to fund the ongoing monitoring and maintenance of any required water sensitive drainage features, to be determined by, and upon the terms and conditions acceptable to, the Western Australian Planning Commission.
16. The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.
17. Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.
18. Where a well or bore is located within the subdividable area, the applicant shall either:-
 - (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR
 - (b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.
19. The applicant is to provide geotechnical certification that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
20. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
21. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
22. The subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on ground works. Those easements and reserves required by Council or the Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide the ongoing maintenance of the drainage system components.
23. Street lighting being provided in accordance with Council policy AP9-Street Lighting to the satisfaction of the Western Australian Planning Commission condition. All lighting to be standard Western Power fixtures. Any decorative fixtures are to be specifically approved by Council.
24. Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
25. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.

26. Uniform fencing to be provided along the boundary of any lots abutting any reserves as well as the rear boundaries of all the proposed lots abutting the Tonkin Highway road reservation and to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission. Uniform fencing to consist of open style post and rail or post and three strand wire fencing only.
27. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
28. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
29. The carrying on of the subdivision must not cause a dust nuisance to neighbours during construction. The subdivider is required to submit an Air Quality Management Plan in accordance with the Local Government's Guidelines for the Preparation of Dust Management Plans. This Plan is to be approved by the Local Government's Environmental Health Services prior to the commencement of earthworks and complied with for the duration of the construction works.
30. Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.
31. Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan to the Local Government identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna to the satisfaction of the Western Australian Planning Commission.
32. The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.
33. No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission
34. The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining the proposed future development of the land in accordance with the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development.
35. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

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

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

"Parts of this lot have been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue".

37. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.
38. Applicant to prepare a booklet to be distributed to the prospective purchasers of new lots, which shall provide information in regard to Council's Special Provisions related to the subject land, the need for groundwater licencing in the area and the requirement for Council approval for the clearing of native vegetation and keeping of horses. The booklet shall also include details of sustainable housing design and materials;

ADVICE TO APPLICANT

- A1. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.
- A2. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
- A3. The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.
- A4. The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.
- A5. Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.
- A6. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.
- A7. The Local Government advises that it will not permit the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.

ADVICE TO WESTERN AUSTRALIAN PLANNING COMMISSION

- A8. The Western Australian Planning Commission is reminded of the need to consult where appropriate with relevant authorities and apply conditions relating to the following matters:
Padmount sites - Western Power

**Underground Power - Western Power
Aboriginal Sites - Dept of Aboriginal Affairs
Regional Road Reservations - Main Roads WA**

**Accepting that the above list is not finite.
CARRIED 10/0**

Committee Note: The Officer Recommended Resolution was changed to reflect Council's vision for subdivision with regard to multiple use trails and environmental repair.

P057/12/03 FOUR LOT SUBDIVISION OF LOTS 2 AND PART 10 ELLIOT ROAD, KEYSBROOK (S122719)		
Proponent	U & Y Nagel	In Brief Report on subdivision application for lots 2 and part 10 Elliot Road, Keysbrook for the purpose of providing a recommendation for approval subject to conditions to the WAPC on the application. 4 lots of approximately 40 hectares each in area.
Officer	Meredith Kenny – Senior Planner	
Signatures – Author:		
Senior Officer:		
Date of Report	3 December 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

Date of Receipt: 29 July 2003
Lot Area: 162.24 hectares
L.A Zoning: Rural
MRS Zoning: Rural
Rural Strategy Policy Area: Rural
Rural Strategy Overlay: N/A
Municipal Inventory: N/A
Townscape/Heritage Precinct: N/A
Bush Forever: Yes
Date of Inspection: 14 October 2003

Background

An aquaculture business and a restaurant currently operate from the subject properties. These are to be retained on one of the proposed lots. The land includes a bush forever site with both wetland and banksia woodland communities. It also includes an EPP lake and resource enhanced and multiple use wetlands. The area is therefore of regional if not State significance.

A copy of the Subdivision Plan is with attachments marked [p057.1-12-03.tif](#)

Comments

The proposal has been assessed by the Shire's Environmental Officer, in conjunction with an Environmental Officer from the Department of Planning and Infrastructure.

The Environmental Officer's comments are with the attachments marked [p057.2-12-03.doc](#)

The Environmental Officer's comments conclude that approval of the proposed subdivision is supported because an effort is being made to place boundaries around, not through, the areas of high conservation value. A number of conditions have been recommended by the Shire's Environmental Officer with regard to the preservation of the Bush Forever area, the EPP wetland and the conservation category wetland.

Each of the new lots will be approximately 40 hectares in area, which is consistent with the minimum lot size recommended under the Shire's Rural Strategy. Modifications to the proposed boundaries of the new lots will probably need to occur in order to ensure the least impact on the existing vegetation and wetlands. As such some of the lots may end up being slightly less than 40 hectares in area. The Rural Strategy supports lot sizes less than 40 hectares where the aim is to enable preservation, enhancement and repair of significant environmental features. Accordingly, it is recommended that the West Australian Planning Commission be advised that the Council supports the application subject to conditions.

Acid Sulfate Soils

Approximately one-third of the subject site has been identified, in mapping prepared by the Western Australian Planning Commission, as having a high risk of Actual Acid Sulfate Soils. The remainder of the site is identified as having a low-to moderate risk of Potential Acid Sulfate Soils.

Acid sulfate soils are the common name given to naturally occurring soil and sediment containing iron sulfides. Acid sulfate soils occur throughout Australia, but have only recently come to prominence in land use planning as a result of the detrimental environmental consequences that can arise from disturbing them. In Western Australia the issue came to prominence through environmental problems which occurred in a subdivision in the City of Stirling in 2001. The disturbance of soils within that subdivision as a result of the earthworks carried out triggered a chemical reaction that caused soil and groundwater acidity and arsenic contamination of groundwater.

Release of acid and metals as a result of the disturbance of acid sulfate soils can cause significant harm to the environment and infrastructure. The principal environmental, social and economic impacts of acid sulfate soils have been documented as follows:

- Wetlands degradation.
- Localised reduction in habitat and biodiversity.
- Deterioration of surface and groundwater quality.
- Loss of groundwater for irrigation.
- Increased health risks associated with arsenic and heavy metals contamination in surface and groundwater, and acid dust.
- Risk of long-term infrastructure damage through corrosion of sub-surface pipes and foundations by acid water.
- Invasion by acid tolerant waterplants and dominance of acid tolerant plankton species causing loss of biodiversity.

The presence of acid sulfate soils is, therefore, a planning issue that should be taken into account in planning decision-making.

The Western Australian Planning Commission (WAPC) is developing a policy response to this issue. In the meantime, the WAPC have released a Planning Bulletin which explains the issue and which contains interim Planning Guidelines addressing the relevant considerations to be taken into account in planning decision making.

Accordingly, the subdivision has been assessed taking into account this issue and appropriate conditions have been applied including conditions relating to a memorial being placed on the title of the new lots advising purchasers of this potential hazard, the need for soil testing prior to any soil disturbance and the requirement for building envelopes.

A copy of the Acid Sulfate Soil Risk Map is with attachments marked [p057.3-12-03.tif](#)

Sustainability Statement

The subdivision will be environmentally and economically viable in a way that incorporates its external costs through enabling the protection, rehabilitation and enhancement of biodiversity (flora and fauna) and, minimising site disturbance and land and waterway pollution,

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

Policy Implications: Rural Strategy – complies with the intent and objectives of the Rural Policy Area.

Financial Implications: Nil

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.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

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.

Community Consultation: Not required.

Voting Requirements: Normal

Officer Recommended Resolution

The Western Australian Planning Commission be advised that the Council supports approval of the subdivision of Lot 2 and Pt Lot 10 Elliot Road, Keysbrook into four lots subject to the following conditions:

1. The final boundaries of the new lots are to be determined by survey in order to provide the least disturbance of existing vegetation and wetlands.
2. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

“Parts of this lot have been identified as having a high risk of Actual Acid Sulfate Soils at a depth of less than 3 metres below the existing ground level. There should be no soil disturbance in those areas of the lot identified as having a high risk of actual Acid Sulfate Soils. The remainder of the site has been identified as having a

low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue and to identify the location of the high risk areas of the lot

Any development of the lot will require Planning Approval to be obtained from the Shire of Serpentine-Jarrahdale. All development applications for the lot will be referred to the Department of Environment for assessment prior to determination of the application by the Shire of Serpentine-Jarrahdale."

3. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.
4. An environmental management plan being developed and implemented for lots 1, 2 and 3 to the satisfaction of Council. This must include vegetation management: identification of areas of value, weed control and revegetation; fire management and strategies to manage other threatening processes identified in the planning process.
5. No development other than fencing shall be permitted outside the area defined as the "building envelope" on the Diagram of Survey.
6. The planting of non indigenous vegetation and removal of any vegetation including the understorey, from any area outside of the identified building envelope shall be prohibited, unless written approval is obtained from Council.
7. The keeping of dogs shall be prohibited except where the building envelope is appropriately fenced to contain the dog(s).
8. The keeping of cats is prohibited except within a confined cat run.
9. No activity is to be undertaken that will alter the natural flow or quality of surface or ground waters.
10. No activities are to be undertaken that damage the bushland and wetland values within the Bush Forever site, the EPP lake or conservation category wetlands.
11. No stock are to be kept without the written approval of Council and approval will be granted only if the keeping of stock can be done in a manner that is sustainable and will not damage vegetation or water quality
12. Weed control and revegetation works be undertaken by the subdivider in accordance with the environmental management plan.
13. Vegetation within the Bush Forever boundary is to be rehabilitated to reinstate the locally native bushland (Lot 1).
14. Vegetation within the resource enhanced wetland area is to be rehabilitated to reinstate the locally native bushland and wetland communities (Lot 2).
15. The EPP lakes and vegetated multiple use wetland areas are to be buffered with additional native vegetation where appropriate (Lot 3 only).
16. Delineation of lot boundaries within the areas of the lot classified as "Bush Forever" or "Conservation Category Wetland and associated buffer area shall not comprise fencing, however, pegs and/or cairns or other similar measures are acceptable. Boundary fencing to be designed to allow for the passage of wildlife.
17. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems. Driveways and/or to accommodate the approved uses.
18. A deed and caveat being placed over areas of conservation value within the subdivision with respect to conditions 4 to 17 above.
19. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.

20. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.
21. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
22. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
23. Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.
24. The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.
25. Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.
26. Where a well or bore is located within the subdividable area, the applicant shall either:-
 - (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR
 - (b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.
27. The location of any existing on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.
28. The applicant is to provide geotechnical certification that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
29. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
30. Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
31. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
32. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to

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

33. Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.
34. The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.

ADVICE TO APPLICANT

- A1. New landowners will be eligible to apply for conservation zoning.
- A2. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.
- A3. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
- A4. The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.
- A5. Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.
- A6. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.
- A7. The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.

ADVICE TO WAPC

With regard to Condition 1. above, the location of the boundaries of the new lots to achieve the least disturbance to existing vegetation and wetlands may result in some of lots being slightly below 40 hectares in area. The Council advises that lot areas less than 40 hectares are supported in order to achieve the best environmental outcome. This is consistent with the provisions of the Shire of Serpentine Jarrahdale's Rural Strategy.

CRP057 Committee Recommended Resolution

That item P057/12/03 be deferred to the December Ordinary Council Meeting in order that some issues may be clarified with the Director Sustainable Development.

Committee Note: The Officer Recommended Resolution was changed to defer the item to the December Ordinary Council Meeting.

Moved Cr Price seconded Cr Simpson to suspend Standing Orders 9.5 and 9.6
CARRIED 10/0

Officer Recommended Resolution

Moved Cr Wigg seconded Cr Murphy

The Western Australian Planning Commission be advised that the Council supports approval of the subdivision of Lot 2 and Pt Lot 10 Elliot Road, Keysbrook into four lots subject to the following conditions:

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

"Parts of this lot have been identified as having a high risk of Actual Acid Sulfate Soils at a depth of less than 3 metres below the existing ground level. There should be no soil disturbance in those areas of the lot identified as having a high risk of actual Acid Sulfate Soils. The remainder of the site has been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue and to identify the location of the high risk areas of the lot

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10. No activities are to be undertaken that damage the bushland and wetland values within the Bush Forever site, the EPP lake or conservation category wetlands.
11. No stock are to be kept without the written approval of Council and approval will be granted only if the keeping of stock can be done in a manner that is sustainable and will not damage vegetation or water quality
12. Weed control and revegetation works be undertaken by the subdivider in accordance with the environmental management plan.
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14. Vegetation within the resource enhanced wetland area is to be rehabilitated to reinstate the locally native bushland and wetland communities (Lot 2).
15. The EPP lakes and vegetated multiple use wetland areas are to be buffered with additional native vegetation where appropriate (Lot 3 only).
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ADVICE TO APPLICANT

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ADVICE TO WAPC

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LOST 0/10

Substantive Motion

Moved Cr Wigg seconded Cr Kirkpatrick

The Western Australian Planning Commission be advised that the Council supports approval of the subdivision of Lot 2 and Pt Lot 10 Elliot Road, Keysbrook into four lots subject to the following conditions:

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"Parts of this lot have been identified as having a high risk of Actual Acid Sulfate Soils at a depth of less than 3 metres below the existing ground level. There should be no soil disturbance in those areas of the lot identified as having a high risk of actual Acid Sulfate Soils. The remainder of the site has been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue and to identify the location of the high risk areas of the lot

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5. No development other than fencing shall be permitted outside the area defined as the "building envelope" on the Diagram of Survey except with prior planning approval.
6. The planting of non indigenous vegetation and removal of any vegetation including the understorey, from any area outside of the identified building envelope shall be prohibited, unless written approval is obtained from Council.
7. The keeping of cats is prohibited except within a confined cat run.
8. No activity is to be undertaken that will alter the natural flow or quality of surface or ground waters.
9. No activities are to be undertaken that damage the bushland and wetland values within the Bush Forever site, the EPP lake or conservation category wetlands.
10. No stock are to be kept without the prior planning approval of Council and approval will be granted only if the keeping of stock can be done in a manner that is sustainable and will not damage vegetation or water quality

11. Weed control and revegetation works be undertaken by the subdivider in accordance with the environmental management plan.
12. Vegetation within the Bush Forever boundary is to be rehabilitated to reinstate the locally native bushland (Lot 1) within the general area as depicted in the attached plan A (P057.4/12/03)
13. Vegetation within the resource enhanced wetland area is to be rehabilitated to reinstate the locally native bushland and wetland communities (Lot 2) within the general area as depicted in attached plan A (P057.4/12/03)
14. The EPP lakes and vegetated multiple use wetland areas are to be buffered with additional native vegetation where appropriate (Lot 3 only) within the general area as depicted in the attached plan A (P057.4/12/03)
15. Delineation of lot boundaries within the areas of the lot classified as "Bush Forever" or "Conservation Category Wetland and associated buffer area shall not comprise fencing, however, pegs and/or cairns or other similar measures are acceptable. Boundary fencing to be designed to allow for the passage of wildlife.
16. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems. Driveways and/or to accommodate the approved uses.
17. A deed and caveat being placed over areas of conservation value within the subdivision with respect to conditions 4 to 17 above.
18. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
19. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
20. Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.
21. The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.
22. Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.
23. Where a well or bore is located within the subdividable area, the applicant shall either:-
 - (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR
 - (b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.
24. The location of any existing on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.
25. The applicant is to provide geotechnical certification that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land

- is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
26. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
 27. Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
 28. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
 29. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
 30. Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.
 31. The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.

ADVICE TO APPLICANT

- A1. The landowner is encouraged to discuss with Council the rezoning the land to a Conservation Zone and that Council will support an amendment to the town Planning Scheme
- A2. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.
- A3. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
- A4. The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.
- A5. Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.
- A6. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.
- A7. The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.
- A8. With regard to Condition 13,14 and 15 it is Council's expectation that this rehabilitation will occur over at least a five year period and would form part of the environmental management plan.

ADVICE TO WAPC

With regard to Condition 1. above, the location of the boundaries of the new lots to achieve the least disturbance to existing vegetation and wetlands may result in some of lots being slightly below 40 hectares in area. The Council advises that lot areas less than 40 hectares are supported in order to achieve the best environmental outcome. This is consistent with the provisions of the Shire of Serpentine Jarrahdale's Rural Strategy.
LOST 5/5

COUNCIL DECISION

Cr Star seconded Cr Murphy

The Western Australian Planning Commission be advised that the Council supports approval of the subdivision of Lot 2 and Pt Lot 10 Elliot Road, Keysbrook into four lots subject to the following conditions:

1. The final boundaries of the new lots are to be determined by survey in order to provide the least disturbance of existing vegetation and wetlands.
2. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

"Parts of this lot have been identified as having a high risk of Actual Acid Sulfate Soils at a depth of less than 3 metres below the existing ground level. There should be no soil disturbance in those areas of the lot identified as having a high risk of actual Acid Sulfate Soils. The remainder of the site has been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue and to identify the location of the high risk areas of the lot

Any development of the lot will require Planning Approval to be obtained from the Shire of Serpentine-Jarrahdale. All development applications for the lot will be referred to the Department of Environment for assessment prior to determination of the application by the Shire of Serpentine-Jarrahdale."

3. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.
4. An environmental management plan being developed and implemented for lots 1, 2 and 3 to the satisfaction of Council. This must include vegetation management: identification of areas of value, weed control and revegetation; fire management and strategies to manage other threatening processes identified in the planning process.
5. No development other than fencing shall be permitted outside the area defined as the "building envelope" on the Diagram of Survey except with prior planning approval.
6. The planting of non indigenous vegetation and removal of any vegetation including the understorey, from any area outside of the identified building envelope shall be prohibited, unless written approval is obtained from Council.
7. Dogs will only be kept within the building envelope or grazing area with the appropriate fencing to contain the dogs.
8. The keeping of cats is prohibited except within a confined cat run.

9. No activity is to be undertaken that will alter the natural flow or quality of surface or ground waters.
10. No activities are to be undertaken that damage the bushland and wetland values within the Bush Forever site, the EPP lake or conservation category wetlands.
11. No stock are to be kept without the prior planning approval of Council and approval will be granted only if the keeping of stock can be done in a manner that is sustainable and will not damage vegetation or water quality
12. Weed control and revegetation works be undertaken by the subdivider in accordance with the environmental management plan.
13. Vegetation within the Bush Forever boundary is to be rehabilitated to reinstate the locally native bushland (Lot 1) within the general area as depicted in the attached plan A (P057.4/12/03)
14. Vegetation within the resource enhanced wetland area is to be rehabilitated to reinstate the locally native bushland and wetland communities (Lot 2) within the general area as depicted in attached plan A (P057.4/12.03)
15. The EPP lakes and vegetated multiple use wetland areas are to be buffered with additional native vegetation where appropriate (Lot 3 only) within the general area as depicted in the attached plan A (P057.4/12/03)
16. Delineation of lot boundaries within the areas of the lot classified as “Bush Forever” or “Conservation Category Wetland and associated buffer area shall not comprise fencing, however, pegs and/or cairns or other similar measures are acceptable. Boundary fencing to be designed to allow for the passage of wildlife.
17. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems. Driveways and/or to accommodate the approved uses.
18. A deed and caveat being placed over areas of conservation value within the subdivision with respect to conditions 4 to 17 above.
19. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
20. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
21. Drainage easements as may be required by the Local Government to cover those portions of drainage infrastructure to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.
22. The subdivider providing the Local Government with a plan showing the exact location of any bore and/or well within the area the subject of the application to the satisfaction of the Western Australian Planning Commission.
23. Potential land owners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.
24. Where a well or bore is located within the subdividable area, the applicant shall either:-
 - (a) fill the bore or well under the supervision of a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" and a certificate being provided by that engineer stating that the shaft has been suitably filled and stabilised to allow construction on or near the location to the satisfaction of the Western Australian Planning Commission; OR

(b) provide a certificate from a "practicing structural engineer (as defined under part A2.2 of the Building Code of Australia)" stating the closest setback a building may be sited from the bore or well to the satisfaction of the Western Australian Planning Commission.

25. The location of any existing on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.
26. The applicant is to provide geotechnical certification that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
27. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
28. Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
29. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
30. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
31. Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features, and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.
32. The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.

ADVICE TO APPLICANT

- A1. The landowner is encouraged to discuss with Council the rezoning the land to a Conservation Zone and that Council will support an amendment to the town Planning Scheme
- A2. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.
- A3. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
- A4. The subdivider will be required to comply with the obligations under section 28A of the Town Planning and Development Act, as and when required to do so by the Local Government.
- A5. Where it is proposed to clear more than 1 ha of land the Commission of Soil Conservation must be given 90 days notification prior to the commencement of any on-site works pursuant to Regulation 4 Soil and Conservation Regulations 1992 to the satisfaction of the Western Australian Planning Commission.

- A6. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.**
- A7. The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.**
- A8. With regard to Condition 13,14 and 15 it is Council's expectation that this rehabilitation will occur over at least a five year period and would form part of the environmental management plan.**

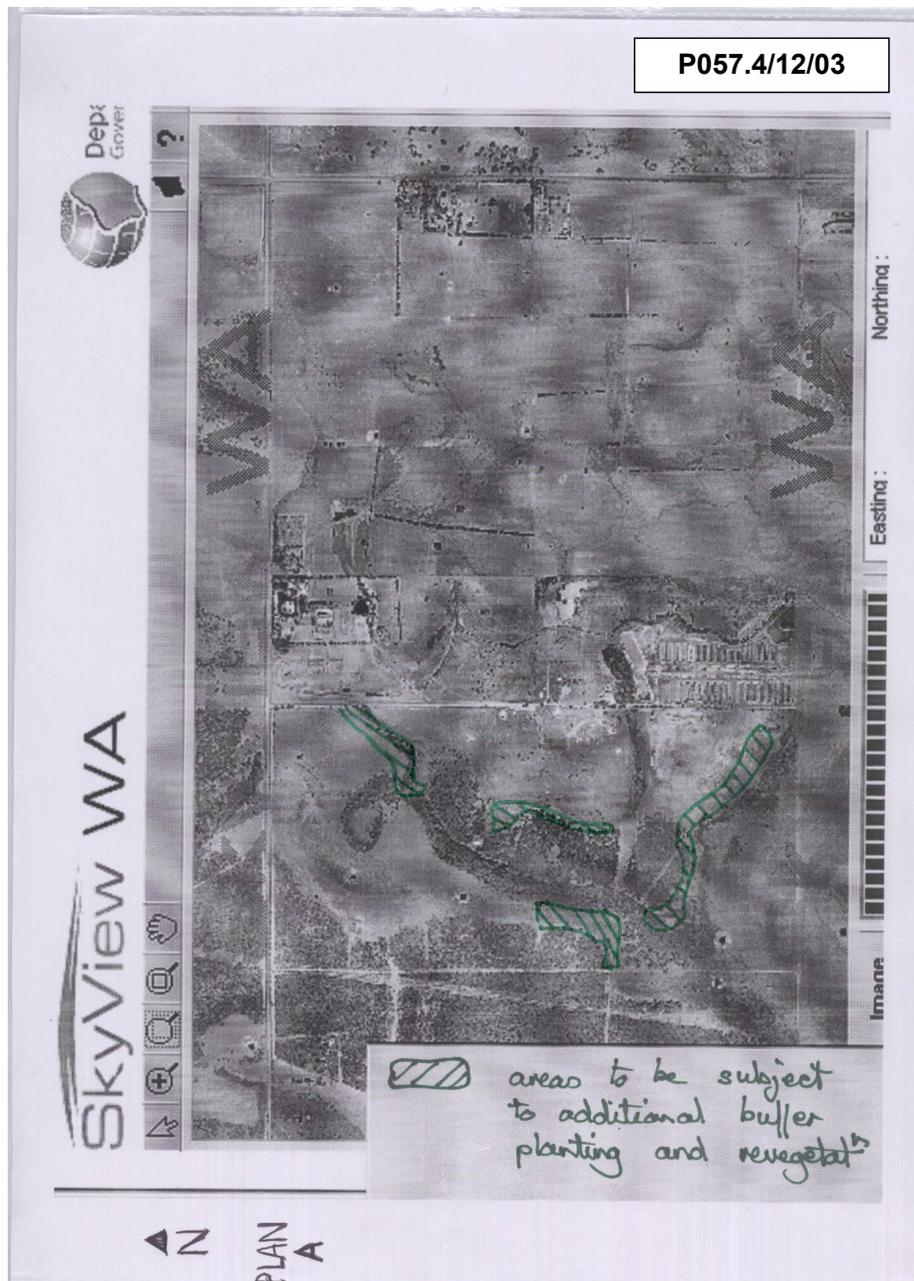
ADVICE TO WAPC

With regard to Condition 1. above, the location of the boundaries of the new lots to achieve the least disturbance to existing vegetation and wetlands may result in some of lots being slightly below 40 hectares in area. The Council advises that lot areas less than 40 hectares are supported in order to achieve the best environmental outcome. This is consistent with the provisions of the Shire of Serpentine Jarrahdale's Rural Strategy.

CARRIED 7/3

Cr Richards and Cr Wigg requested that their names be recorded as voting against this motion.

Council Note: The Officers Recommendation was altered to improve environmental outcomes and provide greater clarification for the applicant in relation to the conditions. This is evidenced in the defining of revegetation areas for conditions 13, 14, and 15. The removal of conditions 20 and 21 and the modification of conditions 5, 7 and 11 and modification of advice note 1 and the addition of advice note 8.



Moved Cr Simpson seconded Cr Kirkpatrick that Standing Orders 9.5 and 9.6 be reinstated.
CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

CRD15/12/03 SJ MENTAL HEALTH AND WELL BEING COMMITTEE (A0628)		
Proponent	Councillor Hoyer	In Brief Council is requested to nominate a Council delegate to participate in the SJ Mental Health and Well Being Committee and to provide assistance with a mail out for the proposed February 2004 mental health breakfast forum
Officer	Carole McKee Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

In July 2003 the Principal of Serpentine Primary School wrote to the Serpentine Community Forum to invite a representative to join a planning group which was forming in response to concerns related to deaths caused by road accidents and suicides in the Serpentine area.

The SJ Mental Health & Wellbeing Committee has since formed through alliances with stakeholders sharing the same focus, and with access to resources.

The Rotary Club of Byford & Districts, in partnership with the S-J Anglican Parish, and the Serpentine Primary School are planning to host a public awareness and education forum to discuss mental health in February 2004.

In response to the formation of this group, the Community Development team have become involved by facilitating discussions between Rotary and the Peel Community Development Group Regional Coordinator, and through the Youth Liaison Officer's involvement, by invitation, as a stakeholder in the process.

The Australian Rotary Health Research Fund, (ARHRF) has for the past 20 years been committed to raising funds for research into a range of community health concerns. In the past they have allocated research grants for Sudden Infant Death Syndrome, Environmental Health Problems of the Aged, Adolescent Health, Family Health and Ross River Fever.

Their current area of research is into mental health, particularly depression.

The February forum is focused on community leaders who play a critical role in maintaining and promoting the wellbeing and health of their members and is the first stage of an ongoing community awareness program. It is scheduled for the 21st of February, 2004 and will be held at Tumbulgum Farm, commencing at 7.30am. It is expected to attract 250 people.

It will begin with a light breakfast and general fellowship followed by short addresses by keynote speakers who will discuss the emerging phenomenon of mental illness. The speakers will be followed by an open forum discussion where attendees can ask the panel questions.

A copy of the letter to Serpentine Community Forum representative Bob Leighton, correspondence to the Shire inviting the participation of the Youth Liaison Officer, and the subsequent request for assistance with the proposed Mental Health & Wellbeing Forum are attached.

Comments

Issues of concern related to mental health and wellbeing are highlighted in the Peel Region's "Peel Away the Mask".

The SJ Mental Health & Wellbeing Committee, through its partners and connected programs have taken the initiative to start raising awareness and addressing issues in Serpentine Jarrahdale.

The Youth Liaison Officer's involvement is effective, both from a community development capacity building perspective, as well as being in line with the Youth Liaison Officer's work program outcomes through the Sustainable Development Business Plan and SLA for 2003/04.

It is recommended that Council nominates a delegate so that Council can be formally represented on this issue. Through his current involvement as a Rotary member Cr Hoyer would be the Officer recommended nominee.

The Committee have requested administrative assistance with the mail out of invitations to community leaders for the February forum. This could be provided with the assistance of the Community Development Team & Administration Support Trainee.

Sustainability Statement

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

The project neither enhances nor damages the built or natural environment

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

The proposal is for a projects that engages the community in addressing a social issue in their local communities and will not require the wastage of natural resources.

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

The projects will use local produce and the local community where possible.

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

The projects aims to be funded through contributions from the partners involved in the process.

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

The aim of the project is to engage and build the capacity of the local communities. The project aims to engage the broad community through community leaders.

Does the proposal/issue disadvantage any social groups?

No the proposal does not disadvantage any groups. It is a community capacity building and partnerships project.

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

The project does not directly provide employment as it is a community based volunteer project. The outcomes of the project should have a positive effect on the long term employment prospects of residents living with mental health issues.

Statutory Environment: Nil

- Policy Implications:** Nil
- Financial Implications:** Council is requested to provide administration resources to assist with the mail out for the initial forum scheduled to take place in February 2004.
- Strategic Implications:** Key Sustainability Result Areas
1 People and Community
Objective 1: Good quality of life for all residents
Strategies:
4 Respect diversity within the community
6 Ensure a safe and secure community
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategies:
4 Foster a strong sense of community, place and belonging
Objective 3: High level of social commitment
Strategies:
1 Encourage social commitment and self-determination by the SJ community
2 Build key community partnerships
4 Governance
Objective 1: An effective continuous improvement program
Strategy:
5 Harness community resources to build social capital within the Shire
Objective 2: Formation of Active Partnerships to progress key programs and projects
Strategies:
1 Improve coordination between Shire, community and other partners
3 Develop specific partnerships to effectively use and leverage additional resources
- Community Consultation:** This project has been initiated by the community. The proposed February forum will continue their community consultation process.
- Voting Requirements:** Normal

Cr Richards left the meeting at 8.24pm and returned at 8.28pm

CRCRD15 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Price

1. That Council nominates Cr Tom Hoyer as Council's delegate on the SJ Mental Health and Wellbeing Committee, and
2. That Council provides administrative assistance to the SJ Mental Health and Wellbeing Committee for the mail out inviting community leaders to attend the proposed February 2004 Mental Health & Wellbeing Forum.

CARRIED 10/0

Council Note: The Chief Executive Officer advised Council that the request from Cr Hoyer was made on the basis of Council's providing "one off" administrative support to an external community group and not a committee or group directly associated with Council.

9. CHIEF EXECUTIVE OFFICER'S REPORT

SM024/12/03 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	17 th December, 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –STATE COUNCIL MINUTES 1 OCTOBER 2003 (A1164)

The summary minutes of the WALGA State Council Meeting held on 1 October, 2003 are in the attachments marked [SM024.1.12.03.doc](#)

PEEL ECONOMIC DEVELOPMENT COMMISSION (PEDU) EXECUTIVE MEETING MINUTES – NOVEMBER 2003 (A0839)

The Minutes of the Peel Economic Development Commission Executive Meeting held on 13th November, 2003 are in the attachments marked [SM024.2.12.03.doc](#)

COMMON SEAL REGISTER REPORT – NOVEMBER, 2003 (A1128)

The Common Seal Register Report for the month of November 2003 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [SM024.3.12.03.doc](#)

HIGH SCHOOL WORKING GROUP MEETING MINUTES 12TH NOVEMBER, 2003 (A1118)

The minutes of the High School Working Group meeting held on 12th November, 2003 are in the attachments marked [SM024.4.12.03.doc](#)

PEEL DEVELOPMENT COMMISSION – PEEL PRIORITIES 2004-2005 (A0109-02)

The final version of the Peel Priorities 2004-2005 as approved by the Peel Development Commission Board and presented at the Cabinet Standing Committee on Regional Policy on 6th November, 2003 are in the attachments marked [SM024.5.12.03.tif](#)

PEEL ECONOMIC DEVELOPMENT UNIT MEETING MINUTES – OCTOBER, 2003 (A0839-06)

The Minutes of the Peel Economic Development Unit Working Group meeting held on 2nd October, 2003 are in the attachments marked [SM024.6.12.03.doc](#)

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MINUTES – 27TH NOVEMBER, 2003 (A1164)

The minutes of the Peel Zone meeting held on 27th November 2003 are in the attachments marked [SM024.7.12.03.doc](#)

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN ZONE MINUTES – 26TH NOVEMBER, 2003 (a1164)

The minutes of the South East Metropolitan Zone meeting held on 26th November 2003 are in the attachments marked [SM024.8.12.03.doc](#)

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MINUTES & CHIEF EXECUTIVE OFFICER REPORT TO COUNCIL – DECEMBER 2003 (A1164)

The summary report for the State Council meeting held on 3 December, 2003 and the Chief Executive Officers Report to State Council are in the attachments marked [SM024.9A.12.03.pdf](#) & [SM024.9B.12.03.doc](#)

CRSM024 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Price seconded Cr Wigg

**That the Information Report to 17th December 2003 be received.
CARRIED 10/0**

10. URGENT BUSINESS:

Cr Kirkpatrick raised that he wanted to move a motion requesting the Chief Executive Officer investigate the financial implications of the relocation of the Anglican church in Jarrahdale

COUNCIL DECISION

Moved Cr Star seconded Cr Price

**That item relating to the relocation of the Anglican church in Jarrahdale be dealt with as an item of new business of an urgent nature
CARRIED 10/0**

AS042/12/03 RELOCATION OF THE ANGLICAN CHURCH IN JARRAHDAL (P05576/02)		
Proponent	Council	In Brief
Officer	Cr Kirkpatrick	
Signatures - Author:		<i>Request to the CEO to investigate the financial implications to relocate the Anglican Church in Jarrahdale to a suitable site within the general area of the Jarrahdale Heritage Park</i>
Senior Officer:		
Date of Report	22.12.03	
Previously		
Disclosure of Interest		
Delegation	Council	

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Star

**Request the Chief Executive Officer to investigate the financial implications in consultation with the Jarrahdale Heritage Park Management Committee to relocate the Anglican church in Jarrahdale to a suitable site within the general area of the Jarrahdale Heritage Park.
CARRIED 10/0**

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business the meeting closed at 8.40pm.pm

I certify that these minutes were confirmed at the
ordinary council meeting held on 27th January, 2004

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

13.1 Corporate Services

C038/12/03 RECORD KEEPING POLICY REVIEW (A1121)	
Proponent	Director Corporate Services
Officer	Jane Larke
Signatures - Author:	In Brief Review of Record Keeping Policy CSP31 in accordance with new advice from the State Records Commission regarding Elected Members records.
Senior Officer:	
Date of Report	
Previously	
Disclosure of Interest	
Delegation	Committee - In accordance with Resolution SM054/05/03

CRC038 COMMITTEE DECISION/Officer Recommended Resolution

Council adopts the proposed changes to the Record Keeping Policy in accordance with new advice from the State Records Commission that revises Elected Members responsibilities for creating and capturing records that are not directly relevant to the decision making process of Council and Committees of Council as follows:

CSP31 RECORD KEEPING POLICY
 Responsibility: Director Corporate Services

Original Date Adopted – C127/06/0309.06.03 – Corporate Services Committee
Last Review – SM057.2/06/03 23.06.03 – Ordinary Council Meeting

The purpose of the Shire’s Recordkeeping Policy is to define the principles that underpin the Shire’s records keeping function and the roles and responsibilities of those individuals who manage or perform recordkeeping processes on behalf of the Shire. This policy establishes a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

Scope

This policy applies to all Council records created or received by a Shire employee, contractor or Elected Member, or an organisation performing outsourced services on behalf of the Shire of Serpentine-Jarrahdale, regardless of their physical format, storage location or date of creation.

Custodianship of Records

The Shire recognises its records as the local government owned asset and will ensure that they are managed as such. Ownership and proprietary interest of records created or collected during the course of business (including those from outsourced bodies or contractors) are vested in the Shire of Serpentine-Jarrahdale.

Roles & Responsibilities

- **Elected Members:** Records will be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council through the creation and retention of records of meetings of Council and Committees of Council. All significant Elected Member records that come through the Shire’s administration will be captured into the Shire Record Keeping System.

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~~➤ Elected Members are responsible for ensuring that any records they create, collect and retain relating to their role as an Elected Member are to be provided to the Shire's Information Services for keeping in a manner commensurate with legislation and the Shire's policies and procedures for recordkeeping. Party political and personal records of Elected Members are exempt.~~

- **Chief Executive Officer:** The Chief Executive Officer is to ensure that an organisational system for the capture and management of records is maintained that is compliant with legislative requirements and best practice standards. This duty may be delegated to the Manager Information Services.
- **Directors:** Directors are to ensure recordkeeping policy and procedures are known and adhered to by staff in their area of responsibility.
- **All Staff:** Staff (including contractors) are responsible for creating, collecting and retaining records relating to the business activities they perform. They are to identify significant and ephemeral records (with no continuing value to the organisation), ensure significant records are captured into the Recordkeeping System and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for recordkeeping.

Creation of Records

~~Elected Members,~~ Staff and contractors are to ensure appropriate and accurate records are created in the relevant format, of the Shire's business decisions and transactions to ensure compliance with all legislative, business, administrative, financial, evidential and historical requirements.

Capture & Control of Records

Records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata (data about the record), into the local government record keeping and business systems, that are managed in accordance with sound record keeping principles.

Security & Protection of Records (to be Maintained by Information Services)

Records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

Access to Records

Access to the Shire's records by

- 1) Staff and contractors - will be in accordance with designated access and security classifications.
- 2) The general public will be in accordance with the Freedom of Information Act 1992, the Local Government Act 1995.
- 3) Elected Members will be via the Chief Executive Officer in accordance with the Local Government Act 1995 and Shire Policy

Appraisal, Retention & Disposal of Records

Records kept by the Shire will be disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of WA.

CARRIED 5/0

Note: The Chief Executive Officer be requested to pass on the Shire's congratulations to Western Australia Local Government Association on this achievement.

C040/12/03 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent	Director Corporate Services	In Brief
Officer	S. O'Meagher – Finance Officer	To confirm the creditor payments made during November
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRC040 COMMITTEE DECISION/Officer Recommended Resolution

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of November, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 5/0

C041/12/03 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent	Director Corporate Services	In Brief
Officer	Ray Pryce – Senior Finance Officer	To receive the statement of debtors over \$1,000 as at 30 November 2003
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRC041 COMMITTEE DECISION/Officer Recommended Resolution

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 30 November 2003.
CARRIED 5/0

C042/12/03 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	In Brief
Officer	Ray Pryce – Senior Finance Officer	To receive the sundry debtor balances as at 30 November 2003
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRC042 COMMITTEE DECISION/Officer Recommended Resolution

Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 November 2003.
CARRIED 5/0

C043/12/03 RATE DEBTORS REPORT (A0917)		
Proponent	Director Corporate Services	In Brief
Officer	V Delbridge – Finance Officer - Rates	To receive the rates report as at 30 November 2003
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRC043 COMMITTEE DECISION/Officer Recommended Resolution

Council receive and note the report the Rate Debtors accounts as at 30 November 2003.
CARRIED 5/0

C044/12/03 INFORMATION REPORT		
Proponent	Director Corporate Services	In Brief
Officer	Various	To receive the information report to 3 December 2003
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRC044 COMMITTEE DECISION/Officer Recommended Resolution

The information report to 30 November 2003 be received.
CARRIED 5/0

C039/12/03 PROPOSED CHANGE TO LIBRARY OPERATING HOURS AT THE ALCOA MUNDIJONG LIBRARY (RS0118)		
Proponent	Principal Librarian	In Brief
Officer	Lisa Keys – Principal Librarian	Proposal to trial a change to operating hours at the Alcoa Mundijong Public Library between January and April 2004.
Signatures - Author:		
Senior Officer:		
Date of Report	1/12/03	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRC039 COMMITTEE DECISION/Officer Recommended Resolution

The Alcoa Mundijong Public Library opening hours be adjusted for a trial period between January and April 2004 with a report to be provided back to the May 2004 Corporate Services Committee meeting as to future recommendations.
CARRIED 5/0

13.2 Asset Services

AS036/12/03 THOMAS ROAD RECLASSIFICATION (R0200)		
Proponent	Director Asset Services	In Brief <i>Council to request Main Roads Western Australia to undertake a reclassification review of Thomas Road in regard to the change in function following the extension of the Tonkin Highway in 2006.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	26 November 2003	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS036 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council request Main Roads Western Australia to undertake a reclassification review of Thomas Road in regard to the change in function of the road which will occur following the extension of the Tonkin Highway in 2006.
CARRIED 5/0**

AS039/12/03 PURCHASE OF MULTI USAGE BUCKET (4 IN 1 BUCKET) FOR FOUR WHEEL DRIVE TRACTOR (A1103/02/11)		
Proponent	Shire of Serpentine Jarrahdale	In Brief <i>Council is requested to approve the purchase of a new multi usage (4 in 1) bucket for the four wheel drive tractor as replacement, and trade in of existing normal bucket</i>
Officer	Bryce Coelho, Manager Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	27 th November 2003	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS039 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council approves an allowance of \$3,000 for the purchase of a multi-purpose (4 in 1) bucket to be fitted to tractor (SJ33) from Account RPP926.
CARRIED 5/0**

Note: The Operations Team is to be congratulated for their initiative.

AS040/12/03 INVITATION TO NOMINATE COUNCIL REPRESENTATIVE FOR WAROONA ZONE CONTROL AUTHORITY – AGRICULTURE PROTECTION BOARD (A0007)		
Proponent	Agriculture Protection Board	In Brief <i>Council has been invited by the Agriculture Protection Board to nominate a suitable representative for the Waroona Zone Control Authority. It is recommended that Council nominate a Councillor to represent the Serpentine-Jarrahdale Shire on this committee.</i>
Officer	Brett Dunn – Reserves Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with Resolution SM054/05/03	

CRAS040 COMMITTEE DECISION:

That Council nominates Cr Needham as a prospective representative to the Waroona Zone Control with Cr Wigg as the deputy.
CARRIED 5/0

AS041/12/03 INFORMATION REPORT		
Proponent	Director Asset Services	In Brief <i>To receive the information report to the 30 November 2003</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS041 COMMITTEE DECISION/Officer Recommended Resolution

That the Director of Asset Services' Report to the 30 November 2003 be received.
CARRIED 5/0

13.3 Building Services

B10/12/03 INFORMATION REPORT		
Proponent	N/A	In Brief Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	8.12.03	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM054/05/03	

COMMITTEE DECISION/Officer Recommended Resolution

Council accepts the November 2003 Information Report.
CARRIED 5/0

13.4 Health Services

H07/12/03 INFORMATION REPORT		
Proponent	N/A	In Brief
Officer	David Richards – Senior Environmental Health Officer	Information report
Signatures - Author:		
Senior Officer:		
Date of Report	8.12.03	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM054/05/03	

COMMITTEE DECISION/Officer Recommended Resolution

**Council accepts the information report for November 2003.
 CARRIED 5/0**

13.5 Planning Development & Environment

P044/12/03 BYFORD DETAILED AREA PLAN PROGRESS REPORT (A1142)		
Proponent	Shire of Serpentine Jarrahdale	In Brief
Officer	Brad Gleeson – Manager Planning and Regulatory Services	To provide an update on the progress of the Byford Detailed Area Plan by Statewest Surveying and Planning.
Signatures - Author:		
Senior Officer:		
Date of Report	28 November 2003	
Previously	P283/06/03	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP044 Committee Decision/Officer Recommended Resolution

**That the Byford Detailed Area Plan Progress Report be noted.
 CARRIED 5/0**

P047/12/03 SERVICE LEVEL ACCORD (A0580)		
Proponent	Chief Executive Officer	In Brief Adopt Service Level Accord for Economic and Tourism Development Officer.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	9 December 2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP047 Committee Decision/Officer Recommended Resolution

1. Council endorses the framework and principles of the Service Level Accords for the Economic and Tourism Development Officer and the Service Level Accord be adopted for the provision of service/s as amended for the 2003/2004 financial year.
2. The service level accords remain the intellectual property of the Shire and that any use of the accords will require authorisation by the Chief Executive Officer.
3. Council acknowledges the following priority projects to 30.06.2004 for the Economic and Tourism Development Officer

Economic Development

- Co-ordinate the development of industrial estates in Byford
- Co-ordinate the development of an enterprise park
- Encourage business migration to the Serpentine Jarrahdale Shire
- Assist existing businesses to expand in the Serpentine Jarrahdale Shire
- Encourage new businesses to establish in the Serpentine Jarrahdale Shire
- Progress the development of the Jarrahdale Tourist Railway
- Progress the development of the Jarrahdale Heritage Timber Mill
- Assist the expansion of the equine industry

Promotion and Marketing

- Establish and maintain the business data base in Serpentine Jarrahdale
- Assist in developing a calendar of social events
- Assist in the branding and signage of Serpentine Jarrahdale
- Ensure the wider promotion of Serpentine Jarrahdale to attract residents, visitors and businesses

Grants

- Seek grants where appropriate in the interests of implementing the above priorities.

CARRIED 5/0

P049/12/03 LICENCE RENEWAL – EXTRACTIVE INDUSTRY – LOCATION 22 KILN ROAD, CARDUP (P00133/01)		
Proponent	Bristle Limited	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for clay extraction at Location 22 Kiln Road, Cardup for the period up to 31 December 2004. It is recommended that the Extractive Industry licence be granted.
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	4 December 2003	
Previously	P018/09/03, P092/02/02	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

Officer Recommended Resolution

- A. Council grants an extractive industry licence for clay extraction at Location 22 Kiln Road, Cardup for a twelve-month period expiring on 31 December 2004 subject to payment of the annual extractive industry licence fee and compliance with the Extractives Industries Local Law (Part 4.3 - Renewal of Licence).
- B. Subject to (A) above being completed to the satisfaction of the Director Sustainable Development, the extractive industry licence be issued for clay extraction at Location 22 Kiln Road, Cardup for a 12 month period expiring 31 December 2004 subject to the following conditions:
1. An eradication program for cottonbush and all declared weeds is continued in 2004. The applicant to submit details of the eradication program to Council by 30 November 2004. Details to include, contractor details, weed species to be targeted and the date the eradication program is to be carried out.
 2. Payment to Council of an annual renewal licence fee, which is based on the volume of extraction, is to be made by the 31 December 2004.
 3. No works are to be exposed to the view from the South Western Highway.
 4. All practicable measures are to be taken to contain stormwater within Pt Loc 22 Kiln Road. A stormwater management plan certified by an independent engineer is to be submitted to the satisfaction of the Director Asset Services by 30 November 2004.
 5. Council to be notified via facsimile 24 hours prior to each blasting carried out on the site.
 6. Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the licence and operation of site by 1 November each year. This report is to include, but not be limited to the following:
 - a) amount of clay extracted and the amount of clay transported off-site;
 - b) works completed throughout the licence period;
 - c) landscaping and revegetation works undertaken;
 - d) operation specifications;
 - e) specific details as to site performance in respect to conditions attached to the licence;
 - f) outline of proposed works and activities for the coming year;
 - g) the location and depth of the proposed excavation of the land;
 - h) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land;

- i) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land.
7. A 20 metre setback to be maintained from the boundaries of Pt Loc 22 in accordance with Council's Extractive Industry Local Law;
8. A Staging Plan indicating the future works to be undertaken on the subject land is to be submitted to Council by the 30 November 2004. The Staging Plan shall demonstrate a progression of works, which will aim to minimise visual impact of the works from the coastal plain. The Staging Plan shall be shown in five (5) year stages. The Staging Plan shall be developed in conjunction with the Revegetation Plan. Revegetation works will occur in stages in conjunction with the excavation activities.
9. A Revegetation Plan is to be lodged with Council by 30 June 2004 for approval. The Revegetation Plan shall include the planting of at least four (4) rows of local native mixed trees and shrubs to screen the pit at a density to the satisfaction of the Director Sustainable Development. This work is to be completed by 30 September 2004.
10. Screening of the haulage road is to be carried out at a rate of 4 rows of mixed local native trees and shrubs to the satisfaction of the Director Sustainable Development.
11. Densities of all plantings are to be at 1000 stems per hectare.
12. All revegetation work is to be carried out in accordance with Council's Info Note PS03 – Landscaping and Revegetation.
13. The applicant is to submit a rehabilitation plan to Council for approval with the 2004 annual report on site performance.

Advice Notes:

1. The development, operation and rehabilitation of the quarry to be in accordance with the document "Environmental Management of Quarries" published by the Department of Minerals and Energy, 1994.
2. Compliance with Mines Act 1978, Mining Regulations 1981, Council's Extractive Industry Local Law and the Mines Safety and Inspection Act 1974;
3. The proponent complying with all the environmental conditions imposed by the Environmental Protection Authority pursuant to the provisions of the Environmental Protection Act 1986 (Licence No.3803, File No. L44/67).
4. Compliance with Approval to Commence Development granted by the WA Planning Commission issued on the 22 March 2000 (Reference No.29-848-1).
5. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site;
6. All avenues for use and reuse of any cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging. Relative to this advice note, all rehabilitation planting must be of local species.
7. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times;
8. A further licence renewal application for the subject land must be submitted to Council by the 1 November 2004 in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and would be subject to full compliance with the above conditions.

CRP049 Committee Decision

- A. **Subject to payment of 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 Director Sustainable Development, the extractive industry licence be issued for clay extraction at Location 22 Kiln Road, Cardup for a 12 month period expiring 31 December 2004 subject to the following conditions:**

1. An eradication program for cottonbush and all declared weeds is continued in 2004. The applicant to submit details of the eradication program to Council by 30 November 2004. Details to include, contractor details, weed species to be targeted and the date the eradication program is to be carried out.
2. Payment to Council of an annual renewal licence fee, which is based on the volume of extraction, is to be made by the 31 December 2004.
3. No works are to be exposed to the view from the South Western Highway and the Coastal Plain.
4. All practicable measures are to be taken to contain stormwater within Pt Loc 22 Kiln Road. A stormwater management plan certified by an independent engineer is to be submitted to the satisfaction of the Director Asset Services by 30 November 2004.
5. Council to be notified via facsimile 24 hours prior to each blasting carried out on the site.
6. Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the licence and operation of site by 1 November each year. This report is to include, but not be limited to the following:
 - a) amount of clay extracted and the amount of clay transported off-site;
 - b) works completed throughout the licence period;
 - c) landscaping and revegetation works undertaken;
 - d) operation specifications;
 - e) specific details as to site performance in respect to conditions attached to the licence;
 - f) outline of proposed works and activities for the coming year;
 - g) the location and depth of the proposed excavation of the land;
 - h) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land;
 - i) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land.
7. A 20 metre setback to be maintained from the boundaries of Pt Loc 22 in accordance with Council's Extractive Industry Local Law;
8. A Staging Plan indicating the future works to be undertaken on the subject land is to be submitted to Council by the 30 November 2004. The Staging Plan shall demonstrate a progression of works, which will aim to minimise visual impact of the works from the coastal plain. The Staging Plan shall be shown in five (5) year stages. The Staging Plan shall be developed in conjunction with the Revegetation Plan. Revegetation works will occur in stages in conjunction with the excavation activities.
9. A Revegetation Plan is to be lodged with Council by 30 June 2004 for approval. The Revegetation Plan shall include the planting of at least four (4) rows of local native mixed trees and shrubs to screen the pit at a density to the satisfaction of the Director Sustainable Development. This work is to be completed by 30 September 2004.
10. Screening of the haulage road is to be carried out at a rate of 4 rows of mixed local native trees and shrubs to the satisfaction of the Director Sustainable Development.
11. Densities of all plantings are to be at 1000 stems per hectare.
12. All revegetation work is to be carried out in accordance with Council's Info Note PS03 – Landscaping and Revegetation.
13. The applicant is to submit a rehabilitation plan to Council for approval with the 2004 annual report on site performance.

Advice Notes:

1. The development, operation and rehabilitation of the quarry to be in accordance with the document “Environmental Management of Quarries” published by the Department of Minerals and Energy, 1994.
2. Compliance with Mines Act 1978, Mining Regulations 1981, Council’s Extractive Industry Local Law and the Mines Safety and Inspection Act 1974;
3. The proponent complying with all the environmental conditions imposed by the Environmental Protection Authority pursuant to the provisions of the Environmental Protection Act 1986 (Licence No.3803, File No. L44/67).
4. Compliance with Approval to Commence Development granted by the WA Planning Commission issued on the 22 March 2000 (Reference No.29-848-1).
5. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site;
6. All avenues for use and reuse of any cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging. Relative to this advice note, all rehabilitation planting must be of local species.
7. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times;
8. A further licence renewal application for the subject land must be submitted to Council by the 1 November 2004 in accordance with the Shire of Serpentine Jarrahdale’s Extractive Industry Local Law and would be subject to full compliance with the above conditions.
9. The monitoring points for visibility from the coastal plan are to be Thomas Road, Kargotich Road and Mundijong Road.

CARRIED 5/0

Committee Note: The Officer Recommended Resolution was changed to combine part A with the introductory section of part B, adding the coastal plain to condition 3 and adding advice note 9. The Presiding Officer determined that this did not significantly alter the Officer Recommended Resolution.

P050/12/03 LICENCE RENEWAL – EXTRACTIVE INDUSTRY – LOT 737 FIRNS ROAD, SERPENTINE (P01498/01)		
Proponent	Statewest Surveying and Planning	In Brief
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for clay extraction at Lot 737 Firns Road, Serpentine for the period up to 31 December 2004. It is recommended that the Extractive Industry licence be granted.
Senior Officer:		
Date of Report	4 December 2003	
Previously	P027/10/03, P180/11/02, P179/11/02, P171/10/02	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

Officer Recommended Resolution

- A. Council grant an extractive industry licence for clay extraction at Lot 737 Firns Road, Serpentine for a twelve-month period expiring on 31 December 2004 subject to payment of the annual extractive industry licence fee.
- B. Subject to (A) above being complied with to the satisfaction of the Director Sustainable Development, the extractive industry licence be issued subject to the following conditions:

1. Payment of an annual Extractive Industries Licence fee is to be made by 31 December 2004.
2. Any fuel stored on-site is to be located in a fenced hardstand area, surrounded by a perimeter bund of sufficient height to contain 110% of the volume of stored fuel in the event of a leak.
3. Applicant to lodge with Council an annual report of on-site performance in respect to conditions attached to the licence and operation of the site by 30 November 2004, such report to include, among other things, details of water quality monitoring carried out the preceding twelve months.
4. Cartage from the site to be limited from 6.00am to 6.00pm and is not to exceed 20 working days in total in any calendar year.
5. The applicant is to give the Shire of Serpentine-Jarrahdale at least 10 days advance notice in writing of the intention to cart clay from the subject site.
6. The applicant is to cause notice to be published in a newspaper circulating in the local area of the intended dates of clay cartage, the first such notice being published at least 10 days before commencement of carting.
7. The applicant is to give landowners along the cartage route (from Lot 737 Firns Road to South Western Highway only) notice in writing at least 10 days in advance of the intended dates of clay cartage.
8. The applicant is to cause signs 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.
9. The applicant is to cause Scarp Road and Kingsbury Drive between the site and the South Western Highway to be prepared and maintained during and at the conclusion of each haulage period to the satisfaction of the Director Asset Services.
10. Haulage vehicles shall be restricted to "as of right" combination vehicles up to a maximum length of 19 metres and a maximum gross vehicle mass of 42.5 tonnes.
11. The applicant is to cause the existing dam spillway to be modified to divert overflow from the dam through existing settlement ponds.
12. The applicant is to comply with the submitted and approved dieback management plan.
13. The applicant is to submit an altered rehabilitation plan by 30 March 2004 showing parkland revegetation of rehabilitated areas. All rehabilitation works on the approved rehabilitation plan are to be completed by 30 June 2004 to the satisfaction of the Director Sustainable Development.
14. The applicant is to seal a 30 metre section of Scarp Road where it intersects Kingsbury Drive to the satisfaction of the Director Asset Services.

Advice Notes:

1. Dust Control – Dust generation may become a problem from the access road and any clay stockpile. Should such a problem occur these areas should be kept damp or treated with a surface binding agent.
2. Clearing – This should take place on a progressive basis with the minimum area cleared at any one time that will allow efficient working of the pit. This will reduce the potential for dust generation from exposed areas, and wind erosion of the topsoil resource.
3. Rehabilitation – This should be carried out on a progressive basis, both to utilise the top soil as early as possible, so as not to allow the soil quality to degrade and to revegetate worked out areas as soon as possible to stabilise them against erosion.
4. Approval from Agriculture WA is required for the clearing of existing remnant vegetation 1.0 hectare or greater on the subject site.
5. Management and excavation of the site shall be in accordance with the "Environmental Management of Quarries" Department of Minerals and Energy 1994.
6. Compliance with the Water and Rivers Commission "Water Quality Protection Note Extractive Industries" February 1999 is required.

CRP050 Committee Recommended Resolution

A. Subject to payment of the annual extractive industry licence fee for 2004 being complied with to the satisfaction of the Director Sustainable Development, the extractive industry licence for a twelve month period expiring on 31 December 2004 be issued subject to the following conditions:

1. Payment of an annual Extractive Industries Licence fee for 2005 is to be made by 31 December 2004.
2. Any fuel stored on-site is to be located in a fenced hardstand area, surrounded by a perimeter bund of sufficient height to contain 110% of the volume of stored fuel in the event of a leak.
3. Applicant to lodge with Council an annual report of on-site performance in respect to conditions attached to the licence and operation of the site by 30 November 2004, such report to include, among other things, details of water quality monitoring carried out the preceding twelve months.
4. Cartage from the site to be limited from 6.00am to 6.00pm and is not to exceed 20 working days in total in any calendar year.
5. The applicant is to give the Shire of Serpentine-Jarrahdale at least 10 days advance noticed in writing of the intention to cart clay from the subject site.
6. The applicant is to cause notice to be published in a newspaper circulating in the local area of the intended dates of clay cartage, the first such noticed being published at least 10 days before commencement of carting.
7. The applicant is to give landowners along the cartage route (from Lot 737 Firns Road to South Western Highway only) notice in writing at least 10 days in advance of the intended dates of clay cartage.
8. The applicant is to cause signs 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.
9. The applicant is to cause Scarp Road and Kingsbury Drive between the site and the South Western Highway to be prepared and maintained during and at the conclusion of each haulage period to the satisfaction of the Director Asset Services.
10. Haulage vehicles shall be restricted to "as of right" combination vehicles up to a maximum length of 19 metres and a maximum gross vehicle mass of 42.5 tonnes.
11. The applicant is to cause the existing dam spillway to be modified to divert overflow from the dam through existing settlement ponds.
12. The applicant is to comply with the submitted and approved dieback management plan.
13. The applicant is to submit an altered rehabilitation plan by 30 March 2004 showing parkland revegetation of rehabilitated areas. All rehabilitation works on the approved rehabilitation plan are to be completed by 30 June 2004 to the satisfaction of the Director Sustainable Development.
14. The applicant is to seal a 30 metre section of Scarp Road where it intersects Kingsbury Drive to the satisfaction of the Director Asset Services.

Advice Notes:

1. Dust Control – Dust generation may become a problem from the access road and any clay stockpile. Should such a problem occur these areas should be kept damp or treated with a surface binding agent.

2. **Clearing** – This should take place on a progressive basis with the minimum area cleared at any one time that will allow efficient working of the pit. This will reduce the potential for dust generation from exposed areas, and wind erosion of the topsoil resource.
3. **Rehabilitation** – This should be carried out on a progressive basis, both to utilise the top soil as early as possible, so as not to allow the soil quality to degrade and to revegetate worked out areas as soon as possible to stabilise them against erosion.
4. **Approval from Agriculture WA** is required for the clearing of existing remnant vegetation 1.0 hectare or greater on the subject site.
5. **Management and excavation of the site** shall be in accordance with the “Environmental Management of Quarries” Department of Minerals and Energy 1994.
6. **Compliance with the Water and Rivers Commission “Water Quality Protection Note Extractive Industries” February 1999** is required.

CARRIED 5/0

Committee Note: The Officer Recommended Resolution was changed to combine part A with the introductory section of part B. The Presiding Officer determined that this did not significantly alter the Officer Recommended Resolution.

P051/12/03 LICENCE RENEWAL - EXTRACTIVE INDUSTRY - LOT 1304 COYLE ROAD, OLDBURY (P03215/01)		
Proponent	Vincent Nominees Pty. Ltd	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand extraction at Lot 1304 Coyle Road, Oldbury for the period up to 31 December 2004. It is recommended that the extractive industry licence be granted.
Officer	Brad Gleeson – Manager Planning & Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	8 December 2003	
Previously	P018/09/03	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM065/05/02	

CRP051 Committee Decision/Officer Recommended Resolution

That Council issues an Extractive Industry Licence for Sand Extraction at Lot 1304 Coyle Road, Oldbury for a period of 12 months ending 31 December 2004, subject to the following conditions:

1. The proponent shall pay to Council an annual renewal license fee based on Council’s schedule of fees and charges.
2. The proponent is to provide to Council a copy of the current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for the sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations prior to the issue of the Extractive Industry Licence;
3. The proponent is to implement the Management Plan incorporating the Revegetation and Rehabilitation Plan and approved Weed and Dieback Management Plan to the satisfaction of the Director Sustainable Development;
4. Prior to 1 November 2004, the proponent shall submit a Quarry Management Report and Plan for review by Council. The Plan shall demonstrate the extent of compliance or non-compliance with all conditions of this Extractive Industry License and as a minimum, include the following information:
 - a) a plan of the quarry operation scaled to 1:250, depicting:

- cadastral boundaries, contour lines, access roads, drains, sediment traps, water features, and development exclusion zones; the extent and height of existing stockpiles;
- b) a plan of the quarry operation scaled to 1:250, depicting:
 - cadastral boundaries, contour lines, access roads, drains, sediment traps, water features, and development exclusion zones; the extent of each stage of excavation works undertaken since 1999;
 - the extent of each stage of rehabilitation works undertaken since 1999;
- c) a plan of the quarry works scaled to 1:250, depicting:
 - cadastral boundaries, contour lines, access roads, drains, sediment traps, water features, and development exclusion zones; the extent of excavation and rehabilitation works as at 1 September 2004;
 - the extent of excavation and rehabilitation works proposed to be established between 1 January 2004 and 31 December 2004;
 - the extent and height of any stockpiles proposed to be established between 1 January 2004 and 31 December 2004;
- d) an excavation report detailing:
 - include the amount of sand extracted and the amount of sand transported off-site;
 - the estimated extent and depth of excavation works proposed to be undertaken between 1 January 2004 and 31 December 2004;
 - the estimated volume and tonnage of material proposed to be excavated between 1 January 2004 and 31 December 2004;
- e) a rehabilitation report detailing:
 - the extent, species list and current stem density of each stage of rehabilitation works undertaken during each licensed period since 1999;
 - the extent, species list and seeding/planting density of rehabilitation works to be undertaken between 1 January 2004 and 31 December 2004;
- f) a weed control report detailing:
 - the extent, species list, density and control methods and eradication success rate for weed species present within each rehabilitation stage;
 - the extent and species of weeds present in 2004;
 - targets, timing, and weed control methods proposed be undertaken between 1 January 2004 and 31 December 2004;

5. The proponent shall implement all conditions of this license and immediately rectify any examples of non-compliance, to the satisfaction and specification of the Director Sustainable Development.

AIR QUALITY

6. The proponent shall take all reasonable and practicable measures to prevent visible dust emissions passing outside the boundary of Lot 1304.
7. The proponent shall ensure no more than one hectare of land that would cause dust under dry and windy conditions, is exposed at any time;
8. The proponent shall ensure the main access to Coyle Road is managed so as not to produce dust emissions.
9. The proponent shall ensure the stripping of overburden and topsoil is conducted when soil moisture content is sufficiently high to prevent dust emissions; and stockpiles sited to prevent erosion or dust generation.

STORMWATER

10. All stormwater is to be retained on-site at all times.

CONTAINMENT

11. The proponent 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.
12. The on-site refueling of vehicles, or the storage of fuel and/or hydrocarbons, is not permitted without the written approval of the Director Sustainable Development.

WASTE DISPOSAL

13. Wastes shall be removed from the site on a weekly basis and shall not be buried or burnt on-site. The proponent shall ensure that materials suitable for recycling are recycled, and that any other wastes are disposed of at a suitably licensed waste disposal facility.

HABITAT PROTECTION

14. The proponent shall control declared and environmental weeds throughout the site, to the satisfaction of the Director Sustainable Development.
15. The proponent shall ensure no vegetation is disturbed and stockpiled materials do not encroach into the Banksia Road Nature Reserve and the Conservation Category Wetland.

Advice Notes:

1. Compliance with all conditions of planning approval as issued by the Shire of Serpentine – Jarrahdale and the Western Australian Planning Commission.
2. The proponent is advised that the development, operation and rehabilitation of the quarry should generally accord with the document “Environmental Management of Quarries”, published by the Department of Minerals and Energy in 1994;
3. The proponent is reminded to operate in compliance with Mines Act 1978, Mining Regulations 1981, Council’s Extractive Industry Local Law and the Mines Safety and Inspection Act 1974;
4. The proponent is advised that Council Officers will carry out site compliance inspections every six months to check compliance with the extractive industry license and any other approvals granted for the site;
5. The proponent is reminded that all avenues for use and reuse of any cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging;
6. The proponent is reminded to operate in compliance with any Operating License issued by the Department of Environmental Protection under Pt V of the Environmental Protection Act 1986.
7. The proponent is reminded that operational noise must comply with the Environmental Protection (Noise) Regulations 1997 at all times.

CARRIED 5/0

P052/12/03 LICENCE RENEWAL - EXTRACTIVE INDUSTRY - LOT 4 KING ROAD, OAKFORD (P00068/01)		
Proponent	Readymix	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand at Lot 4 King Road, Oakford for a one year period up 31 December 2004. It is recommended that the Extractive Industry Licence be granted.
Officer	Brad Gleeson – Manager Planning & Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	4 December 2003	
Previously	P018/09/03, P159/10/02, P126/08/02	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP052 Committee Decision/Officer Recommended Resolution

- A. The applicant is required to submit the annual licence fee in accordance with clause 3.2 of the Extractive Industries Local Law.
- B. Subject to A above being complied with to the satisfaction of the Director Sustainable Development, the extractive industry licence for a sand extraction at Lot 4 King Road, Oakford be issued for a one year period expiring on 31 December 2004, subject to the following conditions:
 - 1. Compliance with the Shire of Serpentine-Jarrahdale Extractive Industries Local Law and Town Planning Scheme No. 2.
 - 2. Submission of cross-section drawings of the excavation site depicting the excavation and rehabilitation areas within the various stages by 30 November 2004.
 - 3. The eastern portion of the pit is to be the first stage of works, as depicted on the approved plan, and rehabilitation carried out here first using the topsoil removed from the second stage.
 - 4. A rehabilitation plan is to be agreed to by the Shire prior to commencement of mining and rehabilitation activities.
 - a) A minimum of six (6) hectares of the Lot 4 to be revegetated to local native vegetation and fenced to prevent stock from damaging the rehabilitated areas.
 - b) The pasture areas include deep rooted perennial grasses with fenced clumps of native trees.
 - c) The plan is to include success criteria to guarantee abundance and diversity of species at one, two and three years after rehabilitation is completed.
 - d) Species diversity to exceed 20 species per 100m².
 - e) Rehabilitation screening along King Road is to be significantly established before commencing removal of the western face of the pit.
 - f) A buffer of native vegetation is maintained in situ around the northern and eastern boundaries and that this be reinstated where clearing has taken place.
 - g) Rehabilitation of the area east of the existing pit site marked on the approved plan as “Previously Rehabilitated”.
 - 5. A weed control program to be provided to Council for approval by 30 November 2004 and implemented to the satisfaction of Council.
 - 6. Applicant to lodge with Council an annual report on-site performance in respect to conditions attached to the licence and operation of the site by 30 November 2004.

7. **An Environmental Management System is to be designed and submitted to the Director Sustainable Development for approval by 1 March 2004. The Environmental Management System document is to address the following matters:**
 - Identify potential environmental risks associated with past, present and future mining and rehabilitation operations
 - Set management targets in accordance with State and local government legislation and policies
 - Describe management strategies to be used to both maintain environmental outcomes within management targets and rectify any breaches of management targets; and
 - Design and commit to a reporting framework

The Environmental Management System is thereafter to be implemented in its entirety (refer Advice Note 7)
8. **In consultation with the adjoining landowner the spur section between Lot 4 and Lot 422 King Road is to be removed to a height of two (2) metres above maximum anticipated groundwater level. A plan showing the existing and proposed land contours of the section are to be submitted to Council for approval before extraction from this section commences.**
9. **Payment to Council of an annual Extractive Industry Licence Renewal fee each calendar year in accordance with Council's Extractive Industry Local Law.**

Advice Notes:

1. **Relative to Condition 4 above, the rehabilitation plan is to include:**
 - a) current and final contours;
 - b) the stages of excavation and rehabilitation with approximate dates;
 - c) the locations of rehabilitated native vegetation and pasture;
 - d) preparatory and ongoing weeds management;
 - e) how any face is to be made safe and batters sloped;
 - f) the method by which top soil is to be replaced and revegetated;
 - g) the numbers and types of trees, shrubs and groundcover plants to be planted and other landscaping features to be developed;
 - h) how rehabilitated areas are to be maintained; and
 - i) the program for the removal of buildings, plant, waste and final site clean up.
2. **Management and excavation of the site shall be in accordance with the "Environmental Management of Quarries" Department of Minerals and Energy 1994.**
3. **Compliance with the Water and Rivers Commission "Water Quality Protection Note Extractive Industries" February 1999.**
4. **Any necessary licences/approvals in relation to the extractive industry to be obtained from the Department of Environment.**
5. **Approval from the Department of Agriculture is required for the clearing of any existing vegetation one hectare or greater on the subject site.**
6. **Dust generation may become a problem from the access road and any sand stockpiles within the site. Should such a problem occur these areas should be kept damp or treated with a surface binding agent.**
7. **Relative to Condition 7 above, the environmental risks addressed are to include:**
 - Noise;
 - Dust;
 - Potential light pollution;
 - The transportation, storage and use of flammable liquids and other dangerous goods;
 - Visual amenity;

- Water management, including storm water management, surface and ground water pollution and water use for mining operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;
 - Fauna management including habitat protection and control of feral animals;
 - Levels of knowledge and understanding of staff and other operators on site;
 - Waste management; and
 - Green house gas emissions.
- The legislative and policy framework referred to include but not be limited to:
- All other conditions of approval;
 - Requirements of the Department of Industry and Resources;
 - Environmental Protection Authority Environmental Code of Practice for Extractive Industries;
 - Department of Environment Water Quality Protection Note - Extractive Industries;
 - Serpentine Jarrahdale Town Planning Scheme No. 2;
 - Shire of Serpentine-Jarrahdale Extractive Industries Local Law 1999;
 - Shire Information Note PS03 – Landscaping and Revegetation;
- The following target statements are to be incorporated into the EMS:
- No visible dust is to cross the property boundary;
 - The amount and quality of water leaving the property is to remain unaffected by any of the operations on the property.

CARRIED 5/0

P054/12/03 LICENCE RENEWAL - EXTRACTIVE INDUSTRY- LOT 422 KING ROAD, OAKFORD (P00659/01)	
Proponent	Cook Industrial Minerals Pty Ltd
Officer	Brad Gleeson – Manager Planning & Regulatory Services
Signatures - Author:	
Senior Officer:	
Date of Report	4 December 2003
Previously	P018/09/03
Disclosure of Interest	
Delegation	Committee - In accordance with Resolution SM054/05/03
<p>In Brief</p> <p>To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand at Lot 422 King Road, Oakford for a one year period up 31 December 2004.</p> <p>It is recommended that the Extractive Industry Licence be granted.</p>	

CRP054 Committee Decision/Officer Recommended Resolution

That the extractive industry licence for a sand extraction at Lot 422 King Road, Oakford be issued for a one year period expiring on 31 December 2004, subject to the following conditions:

1. Revegetation works for 2004 are to include the infill and replacement of plants previously lost. This includes the area surrounding the wetland on the lot and all additional areas indicated in the updated Rehabilitation Plan by Lindsay Stephens dated 15 November 2002 and Annual Report dated 30 November 2003.
2. The perimeter trees on the west and south sides of the lot are to be maintained.
3. The reinstatement of the pit is to be in accordance with Council's Extractive Industry Local Law.

4. Minimum ground level of the pit is to be 21m Australian Height Datum over all sections of the pit except the area covered by the weighbridge and washing plant. The entire pit floor is to be raised to 21m Australian Height Datum upon completion of extraction of sand from the pit and is to be included as part of the site reinstatement works.
5. Any fuel stored on-site will be located in a fenced hardstand area, surrounded by a perimeter bund of sufficient height to contain the total volume of stored fuel in the event of a leak.
6. Applicant to lodge with Council an annual report on site performance in respect to conditions attached to the licence and operation of site by 30 November 2004. This annual report must provide but not be limited to figures on the volumes of sand extracted and predicted sand extraction in 2004.
7. In consultation with the adjoining landowner the spur section between Lot 4 and Lot 422 King Road is to be removed to a height of 2 metres above maximum anticipated groundwater level. A plan showing the existing and proposed land contours of this section is to be submitted to Council for approval before extraction from this section commences.
8. No further building rubble or inert material is to be placed on the site without Council's approval.
9. Payment to Council of an annual Extractive Industry Licence Fee.

Advice Notes:

1. The development operation and rehabilitation of the quarry to be in accordance with the document "Environmental Management of Quarries" published by the Department of Minerals and Energy, 1994.
2. Compliance with the Mines Act 1978 Mining Regulations 1981, Council's Extractive Industry Local Law and the Mines Safety and Inspection Act 1974 must be carried out at all times.
3. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
4. Dust generation may become a problem from the access road and any sand stockpiles within the site. Should such a problem occur these areas should be kept damp or treated with a surface binding agent.
5. Rehabilitation bond will be retained by Council in accordance with the Extractive Industries Local Law.

CARRIED 5/0

P055/12/03 PROPOSED PUBLIC AMUSEMENT (AUSTRALIANA TOURIST FACILITY) ON LOT 8 (160) BLAIR ROAD, OAKFORD (P04313/02)		In Brief Approval is recommended, subject to conditions, for the proposed Public Amusement (Australiana Tourist Facility).
Proponent:	R & K Lee	
Owner:	As Above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	4 December 2003	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRP055 Committee Decision/Officer Recommended Resolution

That the application for approval to commence development of a Public Amusement (Australiana Tourist Activity Centre) on Lot 8 Blair Road, Oakford be approved subject to the following conditions:

1. The use shall only operate on a group booking basis and shall not cater for individual or walk-in trade.
2. A maximum of 50 patrons per group booking and not more than one group permitted on the premises at any one time.
3. Not more than two groups to attend the site on any day.
4. All patrons to be transported to the site by bus or coach and not by personal motor vehicles.
5. Hours of operation to be restricted to 9.00am to 5pm Monday to Friday except for pre-christmas period (1 to 24 December) when use may operate from 9.00am to 9.00pm Monday to Saturday and New Year's Eve when use may operate until 1.00am.
6. At all times the level of noise generated by the use (measured at the boundaries of the lot) shall not exceed the maximum decibels for a Rural area as prescribed under the Environmental Protection (Noise) Regulations 1997.
7. Operation of sound systems and any noise generating activities to be carried out in accordance with the recommendations of the Acoustic Consultants report (AAS – Australian Acoustical Services) dated November 2003 and the subsequent addendum to that report.
8. Floodlights shall not be illuminated after 9.00pm in the pre Christmas period (1 to 24 December) except New Years Eve until 1.00am with all illumination being confined at all times to the limits of the property to Council's satisfaction.
9. No amplified sound systems or music systems to operate after 5pm, except the pre Christmas period (1 to 24 December) until 9 pm and New Year's Eve until 1pm or unless with the prior written approval of the Council for an occasional event.
10. Rubbish storage area to be provided and screened from public view.
11. A commercial level rubbish removal service for the use is to be arranged by the proponent to the satisfaction of the Director Sustainable Development.
12. Sealed vehicle crossovers must be installed between the property boundary and the bitumen surface of Blair Road.
13. Vehicle accessways and parking areas shall be paved with a suitable material such as limestone, gravel or concrete.
14. Provision to be made within the property for the safe, easy passage of pedestrians (particularly those using mobility devices such as walking frames, walking sticks and wheel chairs) between the parking area and all facilities

- associated with the public amusement. All pathways must be hardpaved with a smooth level surface and lit after dark.
15. Only one sign (double-sided) with a maximum face of 1 square metre and non-illuminated except for a directed spotlight is permitted to be displayed on the property. The sign must be confined entirely within the boundaries of the lot and shall not encroach on the adjacent verge.
 16. The keeping and management of livestock, birds and other animals on the property shall be in accordance with the stocking rates determined by the Department of Agriculture and the provisions of the Shire of Serpentine-Jarrahdale's Health Local Law.
 17. The land shall not be used for the purpose approved until the Council has issued a Certificate of Classification for that use as well as Public Building and Food Premises approvals.
 18. This is a Planning Approval only and does not obviate the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council.
 19. This Planning Approval does not obviate the responsibility of the applicant/owner to comply with any other requirements of Town Planning Scheme No. 2.
 20. An addendum to the AAS – Australian Acoustical Services report is to be provided to Council within eight weeks of commencement of the use and must contain any operating parameters or measures required to ensure compliance with the Environmental Protection (Noise) Regulations 1997.

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. Detailed plans and specifications of all internal fixtures, fittings and finishes, must be provided and be approved by the Council's Health Services.

CARRIED 5/0

P058/12/03 INFORMATION REPORT		
Proponent	Director Sustainable Development	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	1 December 2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP058 Committee Decision/Officer Recommended Resolution

That the Information Report to 10 December 2003 be received.
CARRIED 5/0