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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 HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 22<sup>nd</sup> OCTOBER, 2001 - COMMENCING AT 7.00PM.

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**1. ATTENDANCES & APOLOGIES**

**PRESENT:** Crs. J C Star ..... Presiding Member  
W J Kirkpatrick  
D L Needham  
A J Simpson  
K R Murphy  
D Buttfield .....(from 7.04pm)  
I J Richards  
J A Scott  
T H J Hoyer  
J E Price .....(from 7.03pm)

**APOLOGIES:**

**IN ATTENDANCE:** Mr D E Price ..... Chief Executive Officer  
Mr A Watson..... Director Sustainable Development  
Mr R Harris ..... Director Asset Services/  
Mr G Dougall ..... Director Corporate Services  
Mrs S E Langmair..... Minute Secretary

**GALLERY:** 4

**2. PUBLIC QUESTION TIME**

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS**

**5. ANNOUNCEMENTS BY PRESIDING MEMBER**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Ordinary Council Meeting – 24<sup>th</sup> September, 2001

**COUNCIL DECISION**

Moved Cr Murphy seconded Cr Richards  
The minutes of the Ordinary Council Meeting held on 24<sup>th</sup> September, 2001 be confirmed.  
CARRIED 8/0

6.2 Special Council Meeting – 8<sup>th</sup> October, 2001

**COUNCIL DECISION**

Moved Cr Murphy seconded Cr Richards  
The minutes of the Special Council Meeting held on 8<sup>th</sup> October, 2001 be confirmed.  
CARRIED 8/0

Cr Price entered the meeting at 7.03pm  
Cr Buttfield entered the meeting at 7.04pm

## 7. REPORTS OF COMMITTEES & OFFICERS

### 7.1 Corporate Services Committee Meeting – 8<sup>th</sup> October, 2001

#### **COUNCIL DECISION**

Moved Cr Richards seconded Cr Simpson  
The minutes of the Corporate Services Committee Meeting held on 8<sup>th</sup> October, 2001  
be received.  
CARRIED 10/0

C037/10/01	REVIEW OF CONDUCT OF INQUIRIES UNDER PART 8 OF THE LOCAL GOVERNMENT ACT 1995. (A0091)		
Proponent	Western Australian Municipal Association		
Officer	D.E Price – Chief Executive Officer	Date of Report	27/09/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

#### **Preamble**

Provide for Councillors' information the "Review of Conduct of Inquiries under Part 8 of the Local Government Act 1995" (The Review).

#### **Background**

The high number of publicised inquiries conducted into the activities of local governments in Western Australia has caused widespread concern among local governments about the conduct of such inquiries, the rights and protection afforded to staff and elected members who appear before an inquiry and the resulting impact on staff and elected members. The Western Australian Municipal Association (WAMA) and the Local Government Managers Australia (LGMA) jointly funded a Review into the legislative framework and conduct of inquiries under Part 8 of the Local Government Act. The Review was to make recommendations concerning legislative and administrative change where appropriate.

The scope of the Review included analysis of Part 8 of the Local Government Act, a Review of inquiry terms of reference and related findings and interviews with senior local government officers, elected members, legal practitioners, investigative officers and senior officers from the former Department of Local Government.

Recommendations stemming from the Review include:

1. *Part 8 Division 1 "Authorised Person" inquiry provisions should be removed from the Local Government Act and an additional provision inserted for assessments/investigations.*
2. *Legislative protection against defamation should be provided for inquiry reports prepared under Part 8 of the Local Government Act.*
3. *A provision should be added to make it mandatory for Councils to establish an internal review process for allegations, complaints and decisions and a generic process should be developed for adoption by Councils.*
4. *A provision should be added that allows for the suspension, dismissal and disqualification of individual elected members.*
5. *A minimum legislated code of conduct should be established.*

6. *A provision should be added to facilitate the establishment of a tribunal that would have the power to recommend the suspension or dismissal of elected members for misconduct under a Council's code of conduct.*
7. *Breaches of financial interest provisions should be referred to a Magistrate's Court.*
8. *Legislative protections should be provided to ensure confidentiality of allegations or complaints until they are proven to be valid.*
9. *The Department of Local Government should focus more effort on performing preliminary assessments rather than "authorised person" inquiries.*
10. *Inquiry reports should focus on identifying improvements to local government processes rather than making adverse findings against individuals.*

Adoption of the above mentioned recommendations would result in the following complaints handling process:

- a) Allegations or complaints received by the Department of Local Government would be referred to the Council concerned or the Department would perform an assessment/investigation.
- b) Before allegations or complaints are considered the complainant would be required to keep the allegation confidential.
- c) An allegation referred to a Council and not dealt with in a satisfactory manner may result in the Department of Local Government investigating the matter.
- d) A departmental assessment/investigation may result in:
  - No action
  - Referral to other authorities
  - Prosecution through the Magistrate's Court
  - Referral to a tribunal
- e) A successful prosecution may result in:
  - A fine
  - Suspension of an elected members
  - Dismissal and/or disqualification of an elected member
- f) A tribunal would comprise the following three members:
  - An elected member
  - A retired senior local government officer
  - A legal practitioner
- g) A tribunal may recommend suspension or dismissal of the Council or some other action.
- h) Failure to act on tribunal recommendations may result on the dismissal of the Council.

### **Comments**

***A copy of the Review is included with the attachments and marked C037/10/01*** for the information of the Council.

There can be little argument over the fact that the current process for inquiries under Part 8 of the *Local Government Act* is unsatisfactory. The implications for elected members and staff involved in an inquiry are significant and it is unjust to continue with a process that impinges on the basic rights of those involved and provides limited protection to participants affected by an inquiry process.

There has been a high level of consultation undertaken in the Review, this coupled with the wide range of stakeholders interviewed and the commonalities in views expressed adds significant weight to the consideration to the recommended legislative and administrative changes.

The recommendations contained within the Review will go some way to introducing a more effective and equitable inquiry system that reflects the best interests of elected members and

staff involved in inquiries, the State Government, Local Governments through Western Australia and the wider community.

Council may wish to provide comments on the Review of Conduct of Inquiries Under Part 8 of the Local Government Act 1995 to Western Australia Municipal Association.

<b><u>Statutory Environment:</u></b>	Local Government Act 1995
<b><u>Policy Implications:</u></b>	No Policy implications are known at this time.
<b><u>Financial Implications:</u></b>	No financial implications are known at this time.
<b><u>Strategic Implications:</u></b>	No Strategic Implications are known.
<b><u>Community Consultation:</u></b>	Not applicable
<b><u>Voting Requirements:</u></b>	Normal

### **Officer Recommended Resolution**

1. Council notes the Review of Conduct of Inquiries Under Part 8 of the Local Government Act 1995.

### **Committee Recommended Resolution**

1. Council notes the Review of Conduct of Inquiries Under Part 8 of the Local Government Act 1995.
2. Council will convene a working group to provide comments back to the October Ordinary Council Meeting.

### **CRC037 COUNCIL DECISION**

Moved Cr Simpson seconded Cr Richards

1. Council notes the Review of Conduct of Inquiries Under Part 8 of the Local Government Act 1995.
2. Council notes the Review of Conduct of Inquiries under Part 8 of the Local Government Act 1995.
3. Council supports the Recommendations detailed on page 24, 25 and 26 of the consultant's report with the following minor amendments as shown in bold Italics. These amendments are to be referred to the Western Australian Municipal Association for consideration to be included;

#### **Recommendation 6.5**

11. A minimum legislated code of conduct should be established, **insert - and that it includes reference to an "internal review process.** (as recommended at 6.3).

#### **Recommendation 6.7**

The Department would not determine if the Act had been breached and would only advise the elected member **-insert "or officer"** that there is evidence to suggest that a breach had occurred and that the matter would be referred to the Courts.

#### **Amendment to processes outlined on p26 of recommendation;**



The tribunal proposed be amended to reflect the following, as Council does not believe that a senior officer of Local Government should be involved in the decision of a Council/Councillors future;

f) ***A tribunal would comprise the following three members depending if the matter involved elected members or staff;***

**Elected Member/s**

- ***An elected member (from external council "a")***
- ***An elected member (from external Council "b")***
- ~~***A retired senior local government officer***~~
- ***A legal practitioner***

**Staff**

- ***An LGMA member***
- ***A retired senior local government officer***
- ***A legal practitioner***

g) An ***Elected member*** tribunal may recommend suspension or dismissal of the Council or ***Councillors*** or some other action.

***In the case of a CEO, a Staff tribunal may recommend to a Council the suspension or dismissal of the officer.***

***In the case of a officer/s (other than the CEO) a Staff tribunal may recommend to a CEO the suspension or dismissal of a officer/s.***

h) Failure to act on tribunal recommendations ***relating to a Council, Councillor or staff*** may result on the dismissal of the Council.

CARRIED 10/0

C041/10/01 RATING CATEGORY FOR PURPOSE BUILT CHILD CARE CENTRES (A0128)			
Proponent	Department of Local Government		
Officer	G.R. Dougall - Director Corporate Services	Date of Report	02/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	Council		

**Preamble**

To review the differential rate applied to the two Purpose built Child Care Centres in accordance with section 6.33 of the Local Government Act 1995.

**Background**

The owners of the Byford Child Care Centre at 27 Clifton Street, Byford wrote to Council in August asking that the Shire consider rating them based on Commercial as opposed to Residential as per their zoning as the valuation of their property is of a commercial status. Since then they have also written to the Department of Local Government who have now requested Council to consider whether or not the Child Care Centre be rated as per the predominant use of the property instead of by its zoning.

## **Comments**

Council currently differential rates under section 6.33 of the Local Government Act 1995 according to zoning and predominant use of the land. Council has initiated the rating of properties according to the predominant use by way of Spot Rating some properties as Commercial where they are zoned Rural.

The Child Care Centres located at 27 Clifton Street, Byford and 10 Larsen Road, Byford were built for use as child care facilities and are located in residential areas. As a result they have been rated using the residential differential rate in the dollar, despite having a commercial gross rental value of \$26,000 per year. This has resulted in each property being rated \$2,100 this year.

The commercial rate in the dollar is half the residential rate, most residential properties in Byford would have a gross rental value between \$4,000 and \$8,000 per year. It can be argued from this that the valuation provided on these properties are commercial and therefore the rate applied should be commercial. Council's differential rating structure does allow these properties to be modified to commercial rate category, it will result in approximately \$900 each property to be refunded. Section 6.39 of the Local Government Act 1995 provides that Council may back rate for five plus one year, this would give Council discretion to back rate an adjustment to commercial for five years. This would result in Council refunding approximately \$1,800 in total to the two property owners.

**Statutory Environment:** Section 6.33 (1) Local Government Act 1995

**Policy Implications:** No policy implications.

**Financial Implications:** Approximately \$1,800 will need to be refunded to the property owners.

**Strategic Implications:** No strategic implications

**Community Consultation:** No community consultation required

**Voting Requirements:** ABSOLUTE MAJORITY

### **CRC041 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Needham  
Rating category for properties located at 27 Clifton Street, Byford and 10 Larsen Road, Byford be changed to commercial and this change take effect from 1 July 2001.  
CARRIED 10/0 **ABSOLUTE MAJORITY**

7.2 Asset Services Meeting– 8<sup>th</sup> October, 2001

**COUNCIL DECISION**

Moved Cr Simpson seconded Cr Scott  
The minutes of the Asset Services Committee Meeting held on 8<sup>th</sup> October, 2001 be received.  
CARRIED 10/0

Cr Kirkpatrick left the meeting at 7.08pm.

AS035/10/01 APPLICATION FOR LONG VEHICLE USE ON LOCAL ROADS (A0512-03)			
Proponent	Brambles Western Australia Tanker Branch, Mr Greg Browne		
Officer	Simon Kenworthy-Groen Design Engineer	Date of Report	27.09.01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest	Cr Kirkpatrick – employee of Brambles		
Delegation	<b>Council</b>		

**Preamble**

An application to use an over mass and long permit vehicle combination on Shire local roads is to be considered.

**Background**

Application has been made by Mr Greg Browne of Brambles WA Tanker Division to use a 98 tonne pocket road train vehicle on Shanley Road to access the public weigh bridge operated by Mundijong Hardware and Rural Supplies located near the corner of Shanley Road and South Western Highway.

In his application Mr Browne has written:

“ ...

*We have bulk haulage vehicles which move along the South Western Highway and therefore through the Serpentine-Jarrahdale Shire.*

*These vehicles operate under special concessional loading permits, issued by the Main Roads of Western Australia and allow a gross loading of 23.5 tonnes per axle group (comprising of three axles). The overall combination has a gross loading of 98.00 tonnes. We attach a diagram of the pocket road-train.*

*It is preferable to be able to check weigh the combination en route – with weighing facilities now being available on the South Western Highway at the Jarrahdale turn-off. The actual facility having a Shanley Road address.*

*As we are concessionally loaded, permission must be obtained from the relevant Shire for access to Shire roads. It is understood that the deviation from the South Western Highway is of minimal distance only.*

*The local weighing facility has sufficient weighing capacity and an adequate area in which the combination can safely operate.*

...”

Whilst responsibility for the granting of consent to use a permit vehicle on a local road rests with Main Roads Western Australia, it is the present practice of Main Roads to liaise with the

relevant Council prior to considering an application to use a road which has not previously been endorsed for use by the same type of vehicle.

### **Comments**

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

Shanley Road is in poor condition, narrow and the intersection with South Western Highway may not be large enough to allow for the proposed Road Train to safely turn into and exit from.

In considering the proposal it is necessary to be conscious of Main Roads' policy which provides that if Council grants consent for this application the roads involved will be assessed for suitability for that class of vehicle (long vehicle combinations) and other applications can be granted without reference to Council.

**Statutory Environment:** Road Traffic Act  
Vehicle Standards Regulations

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

**Financial Implications:** Applicant to contribute fully to required improvements, and potential increased road maintenance costs.

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

**Community Consultation:** Not required.

**Voting Requirements:** Normal

### **CRAS035 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Richards

That the applicant obtains approval from Main Roads WA stating that the permit vehicle can turn safely into and from Shanley Road.

1. Subject to the Main Roads' approval, Council approve the oversize vehicle subject to the following requirements to be undertaken and funded by the applicant;
  - (a) The first 15 m of Shanley Road from the South Western Highway is overlaid with 30mm dense graded asphalt.
  - (b) The two crossovers from Shanley Road to Mundijong Hardware and Rural Supplies are improved to cater for the swept path of the proposed road train vehicle and sealed.
  - (c) The full width of Shanley Road adjacent the two crossover are overlaid with 30 mm of dense graded asphalt.

CARRIED 9/0

Cr Kirkpatrick returned to the meeting at 7.10pm.

AS036/10/01 EMERGENCY SERVICES LEVY (A0905)			
Proponent	Fire and Emergency Services Authority of WA		
Officer	G R Dougall – Director Corporate Services	Date of Report	01/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	Council		

### **Preamble**

Provide comment to the Western Australian Municipal Association (WAMA) on the proposed Emergency Services Levy (ESL) by Fire and Emergency Services Authority of WA (FESA).

### **Background**

In May 2001 the Fire and Emergency Services Officer and Director Corporate Services attended a briefing by Fire & Emergency Services Authority regarding the development of a draft paper proposing a new funding system for the provision of emergency services through Fire & Emergency Services Authority.

This system provides for the abolition of the urban levy raised through the insurance industry, imposed on the metropolitan area and regional centres, and the introduction of an Emergency Services Levy on all property rates throughout the State.

This would, basically, result in every property in Western Australia being charged a levy, similar to our Fire Levy Service Charge. It would be raised by way of a rate in the dollar charge with local government rates and forwarded to Fire & Emergency Services Authority. Local government properties would also have an Emergency Services Levy imposed with the Valuer Generals Office being requested to provide values on all local government properties.

The discussion paper makes comment on the distribution of burden of the current funding system through the insurance industry. It provides that unimproved properties do not pay this levy as they do not insure, many rental properties do not undertake contents insurance (although the property itself would be insured) and many large or non Australian organizations may insure overseas, thus depriving the ability to spread the burden evenly across all.

The discussion paper also provides that the local government itself currently contributes to the levy through its own insurance premium and via the requirement to contribute 12.5% of the cost of providing and operating career fire stations in their districts. The paper indicates savings to local government, as it will no longer be required to contribute to these items.

Funding will be maintained at the current total expenditure for Fire and State Emergency Services and local government levels of expenditure will be maintained for the volunteer service. Fire & Emergency Services Authority are proposing six service levies to be placed on property throughout the state dependent on the level of service they have considered that is provided to these properties. The Emergency Services Levy will have maximum and minimum amounts within each category. These service levels are dependant on whether a career emergency service or a volunteer service or no service is provided. A map of the state has been divided into boundaries to indicate the anticipated level of service.

After attending this meeting and having some concerns as to the impact on costs this proposal would place on our Council the Chief Executive Officer and Director Corporate Services arranged meetings with Western Australian Municipal Association and Fire & Emergency Services Authority. The Western Australian Municipal Association agreed to further research the proposal and claimed Fire & Emergency Services Authority had not

informed them of the briefings being held. During Local Government Week the Country Shire Councils Association adopted a motion opposing the introduction of the Emergency Services Levy and requesting Western Australian Municipal Association to lobby the State Government on behalf of local government. Western Australian Municipal Association has met with Fire & Emergency Services Authority and have requested local government to consider the proposal and forward comment back by November 2001.

The meeting with Fire & Emergency Services Authority was successful in expressing the Shire of Serpentine-Jarrahdale situation; however there has been no commitment from Fire & Emergency Services Authority to resolve our issues.

***A copy of the discussion paper is with attachments marked AS036/10/01***

### **Comments**

At this briefing a number of issues were raised by the Director Corporate Services and Fire and Emergency Services Officer. In brief these are:

1. *Has there been consultation with non-metropolitan local governments that do not currently contribute through their insurance premium?*

The Shire of Augusta-Margaret River was included in the consultation process.

2. *How will funding be distributed to local government?*

Funding will be based on the current level of expenditure of each local government.

3. *Who will have control over expenditure in this area and who will be responsible for cost overruns?*

The local government will be responsible for both.

4. *Can funding levels be modified?*

If it is in accordance with the funding program.

5. *Does the Fire & Emergency Services Authority understand that while metropolitan local governments may be provided with savings, local governments providing volunteer services will be disadvantaged?*

The Fire & Emergency Services Authority considers local government will not be disadvantaged as funding levels will be maintained and a 12% commission will be provided for collecting the levy.

6. *Can the Fire & Emergency Services Authority provide an indication of the amount each local government will be required to contribute on their properties?*

The Valuer General has been requested to provide values.

7. *How will the funding be distributed?*

Funds will be forwarded to the local government by monthly installments.

8. *Will there be an advertising program to educate the community of these changes?*

Yes.

The Fire & Emergency Services Authority provided that there has been consultation with local government, many of these (with the exception of Augusta-Margaret River) were metropolitan Councils that would receive the benefit of no longer contributing the 12.5% to the Fire & Emergency Services Authority for the career fire stations located in their districts and no longer contributing through insurance premiums. It was also provided that as local government would be collecting a 12% commission on the Emergency Services Levy they collected in their district any cost would be offset by this revenue.

Any cost overruns would need to be financed by the local government. Funding would be provided based on the current level of expenditure for each local government but only for expenditure approved by Fire & Emergency Services Authority. When questioned as to

whether the funding would include the cost allocation system established by Council in 2000, Fire & Emergency Services Authority were hesitant to commit expressing they would only contribute to costs that would not have been incurred without the service. Our present allocation system provides the leasing of office space, paying of electricity, office cleaning and wages for other staff such as creditors and payroll. Whilst acknowledging Council had justified the allocation of these costs, Fire & Emergency Services Authority consider that the payroll officer etc would already need to be employed if Council did not control Volunteer Brigades and therefore could not justify supporting these allocations with funding.

It is understood through media reports last week that this proposal is now being placed before Parliament for introduction from 1 July 2002. Whilst it is appreciated that this proposal does have merit in attempting to improve the equity in the way this service is funded, there will be costs to local governments that provide their own volunteer service, especially for Councils raising a fire levy to pay for the service. It is also acknowledged that there may be benefits to the State Government providing this service. Further consultation should be undertaken to ensure all parties are aware of the exact cost to their organization and aware of the funding levels that will be provided to their service. Further review should also be made of the levy boundaries as some local governments (including Serpentine-Jarrahdale) have two levies within their district for what appears to be the same level of service.

**Statutory Environment:** No statutory environment.

**Policy Implications:** No policy implications.

**Financial Implications:** This is difficult to ascertain until funding levels are known and the requirement to pay for Council property is known.

**Strategic Implications:** No strategic implications.

**Community Consultation:** No community consultation required.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Western Australian Municipal Association be advised that the Shire of Serpentine-Jarrahdale does not support the introduction of an Emergency Services Levy from 1 July 2002. Council does not believe that full and proper consultation has been undertaken with all local government and does not believe the full cost effects of this change have been considered. Whilst Council does agree with equity in funding these services, it would prefer to see more consultation and be fully aware of the costs and benefits to this district before commencement.

### **CRAS036 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Price

1. Western Australian Municipal Association be advised that the Shire of Serpentine-Jarrahdale does not support the introduction of an Emergency Services Levy from 1 July 2002. Council does not believe that full and proper consultation has been undertaken with all local government and does not believe the full cost effects of this change have been considered. Whilst Council does agree with equity in funding these services, it would prefer to see more consultation and be fully aware of the costs and benefits to this district before commencement.
2. Councils similar to Serpentine-Jarrahdale be consulted to form a joint position to present to Western Australian Municipal Association on this matter.

.CARRIED 10/0

7.3 Community & Recreation Development Meeting – 8<sup>th</sup> October, 2001

**COUNCIL DECISION**

Moved Cr Murphy seconded Cr Price

The minutes of the Community & Recreation Development Committee Meeting held on 8<sup>th</sup> October, 2001 be received.

CARRIED 10/0

CRD18/10/01 PROPOSED CLOSURE OF JARRAHDAL SKATE PARK & RELOCATION OF EQUIPMENT TO MUNDIJONG (RS0129-03)			
Proponent	Director Sustainable Development		
Officer	Andrew Watson - Director Sustainable Development	Date of Report	28.09.01
Signatures	Author:	Senior Officer:	
Previously	CRD29/03/01, P025/08/00, CRD04/07/00		
Disclosure of Interest			
Delegation	<b>Council</b>		

**Preamble**

The purpose of this report is to consider closing the Jarrahdale Skate Park and relocating the equipment.

**Background**

Following a trial in January/February 2001 of skate equipment from Byford, Council at its meeting of 26<sup>th</sup> March 2001 resolved:

*CRCRD29 Council Decision/Committee Recommended Resolution*

*Moved Cr Kirkpatrick seconded Cr Price*

- 1 *That a semi mobile modular skate park (similar to Byford) be constructed on the lower (eastern) two Jarrahdale tennis courts within the current 2000/2001 budget allocation.*
- 2 *That this facility include a maze at the entrance and signage indicating usage times (including 8.30am start at week-ends, car parking codes of conduct, etc and including the words "Abuse of the rules can lead to removal of this facility").*
- 3 *That the Jarrahdale Skate Park Committee be encouraged to:*
  - (a) *Fundraise to install a water bubbler, shade cloth as a visual divider between the tennis and skate park and any other improvements.*
  - (b) *Continue to monitor the usage of the skate park facility (including car parking) in order to fulfil the funding guidelines and keep Council informed on usage levels and behaviour management in line with the agreed codes of conduct.*
  - (c) *Draft a code of conduct for use at the skate park facility.*
- 4 *No parking signs be installed on the north side of Wanliss Street adjacent to the tennis courts.*
- 5 *That Council reserves the right to relocate or curtail the activities of the skate park at any time in the future.*

CARRIED 9/0



## **Comments**

In terms of its use by local youth and children and involvement of the community in planning and inception, it must be said that the Jarrahdale Skate Park project was one of the most successful projects on Council's 1999/2000 program. From the time of its commissioning, however, the skate park equipment at Jarrahdale has been problematic. Given the proximity of the equipment to nearby residences, management of noise was always going to be difficult. Unfortunately, it has proved more difficult than the earlier trial of equipment indicated.

Following early complaints about noise from adjoining residents, Council commissioned Australian Acoustical Services to carry out a preliminary assessment of the noise impacts of the skate park. The report puts forward three options as follows:

- Significantly reduce noise levels from the park. This was proposed by means of a sequential program of treating external surfaces of the skating equipment with a damping compound, treating internal surfaces of equipment with 100mm of polyurethane, and construction of a noise attenuating wall along Wanliss Street. The total cost of this program was approximately \$33,500 and no guarantee was made that having spent this money, the equipment would comply with the requirements of the Noise Regulations.
- Relocate the park.
- Close the park altogether.

In recognition of the benefits to the community of maintaining the skate park equipment in Jarrahdale on its current site, Council officers have sought to minimise the impact of the park on surrounding residents by meeting stakeholders, disconnecting the tennis court lights and commissioning a noise assessment. The worst examples of poor behaviour relating to the park's operating appear to be related to persons not residing in Jarrahdale. Such behaviour includes removing bollards and driving onto the skate park at night, switching on the tennis court lights and playing music. Numerous submissions from adjoining residents, however, suggest consistent breach of the code of conduct by numerous users of the facility.

A meeting of key stakeholders was scheduled for 23<sup>rd</sup> August 2001, including local users. From the meeting a proposal was circulated to the Jarrahdale Skate Park Committee and three complainants providing for:

- Wanliss Street access to the skate park to be closed;
- New access from the north side of the tennis courts;
- Hours of operation be restricted to 3 to 5pm Monday to Friday and 10.30 to 12.30 and 2.30 to 4.30pm Saturday and Sunday;
- Tennis court lights permanently disabled
- Jarrahdale Skate Park Committee would be responsible for opening and closing the skate park.

This proposal was circulated to the Skate Park Committee and adjoining complainants for comment.

While some aspects of the proposal were suitable to the Skate Park Committee, restricting hours of operation and responsibility for opening and closing the park were not.

The proposal was unacceptable to the three complainants. ***Copies of all four submissions are with the attachments marked CRD18/10/01.***

Most significant, however, are the results of noise tests carried out by the Manager of Assessments using calibrated sound level equipment complying with current legislation. The Manager of Assessments has provided the following comments in relation to noise:

When the measurements were taken on the morning of Saturday 28<sup>th</sup> July 2001, the Park was occupied by approximately seven young boys. There were mainly bikes with a few scooters and one skateboard being used. The children were asked to assist in the measurements so the effect of various combinations of equipment could be measured.

The results of the analysis of those measurements are provided in Table 3.

Table 1 - Indicates the difference between the assigned and measured levels  
All noise – equipment and social

	<b>3 Scooters 1 Skateboard 3 Bikes</b>	<b>5 Bikes</b>	<b>1 Skateboard</b>	<b>2 Scooters</b>	<b>2 Scooters 1 Skateboard 2 Bikes</b>
<b>Weekday Lamax</b>	2	Complies	complies	complies	5
<b>Weekday LA1</b>	9	7	8	7	11
<b>Weekday LA10</b>	13	11	13	14	14
<b>Weekend Lamax</b>	2	Complies	complies	complies	5
<b>Weekend LA1</b>	14	12	13	12	16
<b>Weekend LA10</b>	18	16	18	19	19
<b>Evening Lamax</b>	12	10	9	9	15
<b>Evening LA1</b>	14	12	13	12	16
<b>Evening LA10</b>	18	16	18	19	19
<b>Night Lamax</b>	12	10	9	9	15
<b>Night LA1</b>	19	17	18	17	21
<b>Night LA10</b>	23	21	23	24	24

Table 2 - Assigned levels calculated for the nearest residence

<b>Assigned Levels</b>	<b>LAMax (Dba)</b>	<b>LA1 (dBA)</b>	<b>LA10 (dBA)</b>
<b>Weekday</b>	65	55	45
<b>Weekend</b>	65	50	40
<b>Evening</b>	55	50	40
<b>Night</b>	55	45	35

Table 3 - Indicates the difference between the assigned and measured levels  
Representative noise – equipment only

	<b>3 Scooters 1 Skateboard 3 Bikes</b>	<b>5 Bikes</b>	<b>1 Skateboard</b>	<b>2 Scooters</b>	<b>2 Scooters 1 Skateboard 2 Bikes</b>
<b>Weekday Lamax</b>	complies	Complies	complies	complies	5
<b>Weekday LA1</b>	8	5	8	7	12
<b>Weekday LA10</b>	13	11	17	15	14
<b>Weekend Lamax</b>	complies	Complies	complies	complies	5
<b>Weekend LA1</b>	13	10	13	12	17
<b>Weekend LA10</b>	18	16	22	20	19
<b>Evening Lamax</b>	9	5	8	7	15
<b>Evening LA1</b>	13	10	13	12	17
<b>Evening LA10</b>	18	16	22	20	19
<b>Night Lamax</b>	9	5	8	7	15
<b>Night LA1</b>	18	15	18	17	22
<b>Night LA10</b>	23	21	27	25	24

*The lowest levels of exceedance are generated by the use of bikes on the skate ramps with the LAMax complying, the LA1 exceeded by 5-7dBA and the LA10 by 11dBA during the weekday. The greatest noise impact occurs from the use of the facility at night and for a mixed group of users is generally in the order of 24dBA over the nighttime level which corresponds to 10pm to 7am.*

### **Further consultation**

General discussions were also held with an acoustic engineer with prior experience in assessing skate park proposals. The engineer provided the information at no charge and was not aware of the specifics relating to the issue.

The engineer advised that impact noise from skaters hitting the ramps is difficult to remove. Filling the ramps will reduce the ramp noise but will have little effect on impact noise, especially when young adults are using the facility to its extremes.

It was advised that impact noise is best represented by the LAMax and at 10-20m is usually between 65 to 70 dBA, to which an additional 10dBA needs to be added for impulsiveness. At 100m the LAMax is more likely to be between 55-57 dBA. With 10dBA added, levels would still comply with daytime limits, however, access to the park would need to be restricted after 7pm.

### **With regard to the options that had been suggested the acoustic engineer also advised that**

- *some damping products have been known to lift off surfaces that are exposed to heat and sun*
- *alternative low cost filling for the ramps could include concrete or sand*
- *coolroom panelling provides a low cost sound barrier but would require a concrete plinth and engineered supports*

Tables 1 and 3 indicate that the skate park operates in significant breach of the Noise Regulations. Its continued operation puts Council at risk of a Pollution Abatement Notice from the Department of Environmental Protection. In this respect, Council has recently been contacted by the Department of Environmental Protection who are in receipt of a noise complaint from one of the adjoining residents.

Skate park equipment was only located on the tennis courts at Wanliss Street on the understanding that if its ongoing use was unsatisfactory, it would be removed. Unfortunately, circumstances have arisen whereby the equipment simply cannot be maintained in its current location.

It is understood that early site selection for the skate park canvassed the possibility of locating the equipment at the Jarrahdale Primary School. Given that it is (at the time of writing) school holidays, follow up of this option has not been possible.

Should the school option not be feasible, or unlikely to meet noise restrictions, given the lack of other suitable sites at Jarrahdale, the equipment could be relocated to the Mundijong Oval tennis courts or the Linear Park. In this respect the Principal Activities Plan makes provision for a skate park to be constructed at Mundijong in 2003/2004. Following completion of the Heritage Park master plan, and subject to identification of a suitable site, the 2003/2004 skate park could be installed at Jarrahdale.

**Statutory Environment:** The skate park is operating in breach of the Noise Regulations.

**Policy Implications:** Nil

**Financial Implications:** Cost of relocating equipment is unbudgeted  
The Design Engineer advises a new hard surface at the Mundijong Linear Park would cost approximately \$21,000. This is unbudgeted.

**Strategic Implications:** 1.1 Establish a strategy for community facilities  
1.2 Plan and develop towns  
1.5 Strengthen community groups

**Community Consultation:** Undertaken in line with Council policy prior to the installation of the equipment.

Meeting of key stakeholders scheduled for 23<sup>rd</sup> August 2001 but poorly attended.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

That Jarrahdale Primary School be investigated as a site for the skate park equipment currently located on the Wanliss Street tennis courts.

### **CRCRD18 Committee Recommended Resolution**

that the Jarrahdale Hall car park be investigated as an alternative site.

### **COUNCIL DECISION**

Moved Cr Price seconded Cr Needham that the Jarrahdale Hall car park be included in alternative sites to be further investigated in an effort to retain a skatepark in Jarrahdale.  
CARRIED 10/0

Note: A copy of a statement from a representative of the Jarrahdale Skatepark Committee in support of the skatepark was circulated to Councillors for their consideration prior to the Council decision.

7.4 Strategic Management Committee Meeting – 15<sup>th</sup> October, 2001

**COUNCIL DECISION**

Moved Cr Simpson seconded Cr Scott  
The minutes of the Strategic Management Committee Meeting held on 15<sup>th</sup> October, 2001 be received.  
CARRIED 10/0

SM027/10/01 PROPOSED SHIRE SPORT, LEISURE AND RECREATION CENTRE, BYFORD (A0900-02)			
Proponent	Chief Executive Officer		
Officer	David Price - Chief Executive Officer	Date of Report	28/9/01
Signatures	Author: Senior Officer:		
Previously	P228/04/99; P252/04/99; P276/06/99; R02/09/99, SM007/11/00, CRD35/04/0, CRD52/06/01, CRD01/07/01, SM016/08/01		
Disclosure of Interest			

**Preamble**

Council is requested to adopt the final concept plan for the Shire Recreation Facility in Byford to enable the Community Sport and Recreation Funding application prepared by the YMCA on behalf of the Shire of Serpentine Jarrahdale to be submitted by 31 October 2001.

**Background**

To ensure proper Council and community consultation to occur in developing the concept plan and funding application given the timelines all concerned have to work within. Part of Councils decision at the June 2001 Ordinary Meeting of Council was to accept the YMCA offer to:

*Commence work immediately on the preparation of the Shires CSRFF (Community Sport Recreation Facility Funding) application so that the 31 October deadline set by the funding body is met. This is conditional upon Council only being charged for the works undertaken between the appointment of the YMCA and the adoption of the 2001-2002 budget, should funding for this project not be included in it, otherwise the quoted lump sum fee of \$21,850 (plus GST) is agreed and to apply.*

Council agreed to the following at the August 2001 Ordinary Meeting of Council;

- 1. Council endorses that the draft Concept Plan and elevation as presented over the period 24 August – 27 August be made available for public consultation, taking into account point 4 of Council Decision CRD35/04/01.*
- 2. Council authorises Woodhead International to complete the associated elevations and 3 dimensional sketches, which are associated with the endorsed concept plan and elevation, so that these may also be made available for public consultation.*

**Comments**

*The decision Council made in August 2001 required point 4 of Council Decision CRD35/04/01 to be taken into account.*

*“Following a public consultation process, comments are to be referred back to Council for consideration with a report presented to Council seeking approval of the final concept design”.*

Councillors participated in a workshop on the proposed facility by the YMCA on the 24 September 2001. The workshop followed considerable public consultation undertaken by the YMCA.

The consultation by the YMCA involved the following;

- Survey sent to every ratepayer in the Shire
- Displays at each of the four major towns.
- A public meeting at Byford.
- Focus workshops with key potential user groups.

A number of Councillors attended a workshop with the YMCA on Monday 24 September to get feedback on the community workshops held by the YMCA and to have input into the concept planning process.

The YMCA raised a number of points, which they felt needed to be considered before the final recommendations were made to Council.

A detailed summary of the results of the community consultation process and recommendations made by the YMCA are with the attachments marked SM027.1/10/01.

The main issue that was raised a several workshops during the community consultation period was the need to provide that some type of “wet” area in “stage 1”. Generally the people attending the workshops acknowledged the additional cost of ‘Stage 2” (wet component) could not be afforded at this time, however, strong comment was made to try and at least build the Hydrotherapy component in stage 1.

Councillors at the workshop on the 24 September requested that this report provide a number of options to meet the cost of the hydrotherapy pool for Council consideration.

***The option of a Hydrotherapy pool has been costed out by a professional quantity surveyor since this meeting with Councillors and it is estimated to cost an additional \$950,000.***

A copy of a facsimile relating to this from the YMCA dated 27 September 2001 is with the attachments marked SM027.2/10/01.

**Stage 1 Dry Area Only** (which the current concept plan reflects) as per the YMCA Operational Feasibility Report received in April 2001.

Estimated Capital Cost - \$4,000,000  
Council Loan for Capital Cost - \$2,000,000/15 years @ 5%  
Grants/Other - \$2,000,000  
Estimated Annual Repayments included in \$190,000  
Estimated Repayments in 2001-2005 PAP – \$150,000 (Based on PAP est of \$3.5 Mil)

Annual Estimated Net Operating Cost (100% effective) - \$25,000 (**SM027.3/10/01**)  
Annual Estimated Management Cost - \$25,000

**Stage 1 with Hydrotherapy Pool**–(est total cost \$4,950,000)

**Option 1a.** (Council funds additional \$950,000 via loan)

Additional Estimated Capital Cost - \$950,000  
Council Loan for Capital Cost - \$950,000/15 years @ 5%  
Estimated Additional Annual Repayments, NOT included in 2001-2005 PAP – \$91,500/yr

Estimated Additional Net Operating Cost (100% effective) – Nil (**SM027.4/10/01**)  
Estimated Additional Management Cost - Nil

### Stage 1 with Hydrotherapy Pool

**Option 1b.** (Community funds additional \$950,000 loan/5yrs via charge)

Estimated Capital Cost - \$950,000  
Council Loan for Capital Cost - \$950,000/5 years @ 5%  
Estimated Annual Repayments NOT included in 2001-2005 PAP – \$220,000/yr  
Estimated Levy (4600 properties) over 5 years = \$48/yr per property.

### Stage 1 with Hydrotherapy Pool

**Option 1c.** (Community funds additional \$500,000 loan/5yrs via charge and Council loans additional \$500,000/15yrs)

#### **Council**

Estimated Capital Cost - \$500,000  
Council Loan for Capital Cost - \$500,000/15 years @ 5%  
Estimated Annual Repayments NOT included in 2001-2005 PAP – \$48,000

#### **Community**

Estimated Capital Cost - \$500,000  
Council loan for Capital Cost (Community Cont) - \$500,000/5yrs @ 5%  
Estimated Annual Repayments NOT included in 2001-2005 PAP – \$114,250  
Estimated Levy (4600 properties) over 5 years = \$25/yr per property (5yrs x \$25 = \$125).

### For Consideration

Council has made no provision in their forward financial planning (PAP 2001-2005) for the additional Capital cost of the hydrotherapy pool, however, it is reasonable to assume that there is high community feeling toward getting some type of “wet” area in this new community facility. This is not new and has been shown to be a high priority in previous surveys undertaken on a future shire recreation facility.

The advantages and disadvantages of a hydrotherapy pool in stage 1 need to be considered.

### Advantages

- The hydrotherapy is a programmable area that does not need constant supervision. When the pool is used the staff member running the program is also the supervisor/lifeguard. As their cost should always be covered by the activity supervision of this pool could be seen as no cost to the Centre as it really a program cost.
- It is an area that should make a surplus as it can be used for a multitude of activities that traditionally people are prepared to pay for including aqua aerobics, swim lessons and rehabilitation.
- The closest indoor pool that can cater for these activities are in Gosnells or Rockingham.
- The hydrotherapy pool featured highly in the results of the public consultation as to what people wanted especially the seniors.
- It is an added feature to the Centre.
- Should increase use of facility.
- Operating costs are estimated to be recovered.
- Can be accommodated within stage 1.

### Disadvantages

- Additional \$950,000 capital cost, not included in Council's PAP.
- Hydrotherapy pool will be placed in a different location to the original plan for stage 2.
- The inclusion of a Hydrotherapy Pool will require additional earthworks to the existing BMX facility to accommodate it.

Council will be in a position to know if their CSRFF grant application (due on 31/10/01) has been successful by early 2002. (CSRFF is based on a 1/3 grant and 2/3 Council contribution ratio). This will determine if the facility can financially proceed in the 2002-2003 financial year.

### Stage 1 (dry) facility only

The YMCA are currently preparing Council's CSRFF application for approximately \$1,300,000, based on the current estimated cost of \$4,000,000 for the Stage 1 (dry) facility only. It should be noted that the estimated capital cost of \$4,000,000 was prepared based on the basis of the recommendations made in the YMCA Feasibility Report adopted by Council (CRCRD35) in April 2001. This estimate did not include the additional features shown in the concept plan of "water cooling" towers and was for a slightly smaller facility. The YMCA has been requested to have a quantity surveyor "firm up" costing for the original facility, and to show additional costs separately for any features not included in the original feasibility report.

Assuming the CSRFF grant for the full \$1.3,000,000 is successful and Council's loan of \$2,000,000 included in the 2001-2005 PAP is included in the 2002-2003 budget the required amount of \$4,000,000 will be reduced to a shortfall of \$700,000.

Council has made a grant application (\$300,000) for this facility through the Commonwealth Dairy Regional Assistance Program. No advice on the success of the current application had been received at the time of writing, however if this is successful, then remaining required funds would reduce to \$400,000. Council has previously recognised that funding from other sources, including the community would be required to enable the facility to be built.

Should Council support the inclusion of the Hydrotherapy pool, then the total estimated cost of the facility increases to \$4,950,000, which would allow the CSRFF application to be increased by \$350,000 to approximately \$1,650,000, hence bridging the current funding shortfall of \$400,000, but requires either Council, the community or both to fund the additional \$950,000 cost of a Hydrotherapy Pool.

### Stage 1 (dry and hydrotherapy pool)

The YMCA could prepare Council's CSRFF application for approximately \$1,650,000, based on the current estimated cost of \$4,950,000 for the Stage 1 inclusive of both dry and hydrotherapy facility.

This leaves a shortfall of required funds of \$3,300,000.

Council has included in the 2001-2005 PAP a loan of \$2,000,000 in 2002-2003, which reduces the required shortfall to \$1,300,000 assuming that the \$950,000. Council has previously recognised that funding from other sources, including the community would be required to enable the facility to be built.

Council has also made a grant application (\$300,000) for this facility through the Commonwealth Dairy Regional Assistance Program. No advice on the success of the current application had been received at the time of writing, however if this is successful,



then the required funds would reduce to \$1,000,000, reflecting very closely the estimated cost of \$950,000 for the Hydrotherapy to be included into stage 1.

### Option A

Council could loan further monies for this facility, provided the community was prepared to meet the cost.

Question 7 in the survey which was sent to each rateable property owner in the shire asked a question about if Council could not raise \$1,000,000 toward the facility would they be prepared to pay a levy for up to five (5) years to fund the shortfall. Below is a breakdown of the 852 responses, representing a better than 20% useable response to this question.

<b>Q7</b>	<b>Number</b>	<b>Percent</b>
Not prepared to pay a special levy	448	53%
Below \$50	288	34%
\$51 - \$65	67	8%
\$66 - \$80	17	2%
\$81 - \$100	26	3%
Over \$100	6	1%
<b>Total</b>	<b>852</b>	<b>100.00%</b>

53% indicated that they were not prepared to pay a special levy, however, 47% indicated that they would pay a levy at least below \$50.00.

These results show that the community is divided on the question of “would be prepared to make some contribution to the cost of this new facility”. The community was not specifically asked about the inclusion of a Hydrotherapy pool in the survey as it was based on Council’s endorsement of the proposed stage 1, which is dry area only. The Hydrotherapy pool was raised at the workshops. However, as mentioned earlier in this report, previous surveys and the YMCA report presented to Council in April 2001 identified very strong support for some type of wet area in any future Recreation facility.

The inclusion of a Hydrotherapy pool into stage 1, could be considered by Council on the basis that the additional \$950,000 capital cost required to fund the Hydrotherapy pool is met by the community;

### Community - \$950,000 (Option 1b)

\$950,000 - introduce in 2002-2003 a charge across the Shire for each rateable property (approx 4600) for a period of five years, commencing 2002-2003 – est \$48/yr.

### Option B.

Council chooses not to proceed with the inclusion of a hydrotherapy pool in stage “1” due to the significant additional cost.

### Concept Plan

Council are requested to adopt the final concept plan for the Shire Recreation Facility to be constructed at Briggs Park, Byford and to endorse the application for Community Sport and Recreation Funding prepared by the YMCA on behalf of the Shire of Serpentine Jarrahdale.

**Statutory Environment:** CSRFF Funding Guidelines, and Local Government Act.

**Policy Implications:**

Council has delegated authority to the Chief executive Officer (CS-10) to commence seeking grant funding within the parameters defined in the adopted 2001-2005 Principal activities Plan to assist in the capital and operational costs associated with the proposed Shire Recreation Facility.

**Financial Implications:**

This grant application is for State Government Financial Assistance.

The Council has indicated the financial implications for this facility in the 2001-2005 Principal Activities Plan.

**Strategic Implications:**

Council has projected the commencement of the Byford Recreation Facility in the 2000-2004 Financial Plan of Principal Activities for 2001/2002. This is reflected also in the draft 2001-2005 Principal Activities Plan that has been out for public comment.

The 2001-2005 Strategic Plan “Key Result Area” 1 – People and Community

Strategy 1.1 “Establish a strategy for community facilities and needs as population milestones are met”

**Community Consultation:**

Community survey, various displays of proposed facility, meetings with key community groups and Council or the reference group has been undertaken taking into account Councils community Consultation framework.

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

Council agrees to the following;

- A. To adopt the final concept plan, reflecting stage “1” (dry only, no hydrotherapy pool due to the significant additional capital cost) and stage “2” (wet) for the Shire Recreation Facility to be constructed at Briggs Park, Byford, subject to the following recommendations;
1. Not to install a separate commercial grade kitchen;
  2. Include a reheat facility in the function room;
  3. Ensure cafeteria has the facilities to provide for catering;
  4. Keep BMX track in same position and cut back the soil in the northern bank and construct a retaining wall and landscape the bank with a safety fence around the top;
  5. Do not increase the number of car bays beyond what is proposed;
  6. Plan for an overflow car parking area to cater for the times when extra parking is required;
  7. Move the disabled toilet from between the function room male and female toilets to the green room;
  8. Move the cricket practice wickets to another part of the oval;
  9. Do not construct any additional outdoor sports courts at Briggs Park;
  10. Consider the use of energy efficient products at the design and development stage to determine the pay back period; and
  11. Consider the splitting of the male and female toilets at the design and development stage.
  12. The design will be required to ensure that the entrance to the facility minimises the effects of strong easterly winds within the Centre.

- B. The application to the Department of Sport and Recreation by Shire of Serpentine Jarrahdale for Community Sport and Recreation Funding prepared by the YMCA on behalf of the Shire of Serpentine Jarrahdale is endorsed and is to be submitted reflecting funding for stage “1” (dry) only.

**CRSM027 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that Council agrees to the following:

- A. To adopt the final concept plan, reflecting stage “1” (dry only, no hydrotherapy pool due to the significant additional capital cost), stage “2” (hydrotherapy pool) and stage “3” (lap and leisure pool) for the Shire Recreation Facility to be constructed at Briggs Park, Byford, subject to the following recommendations;
1. Not to install a separate commercial grade kitchen;
  2. Include a reheat facility in the function room;
  3. Ensure cafeteria has the facilities to provide for catering;
  4. Keep BMX track in same position and cut back the soil in the northern bank and construct a retaining wall and landscape the bank with a safety fence around the top;
  5. Do not increase the number of car bays beyond what is proposed;
  6. Plan for an overflow car parking area to cater for the times when extra parking is required;
  7. Move the disabled toilet from between the function room male and female toilets to the green room;
  8. Move the cricket practice wickets to another part of the oval;
  9. Do not construct any additional outdoor sports courts at Briggs Park;
  10. Consider the use of energy efficient products at the design and development stage to determine the pay back period; and
  11. Consider the splitting of the male and female toilets at the design and development stage.
  12. The design will be required to ensure that the entrance to the facility minimises the effects of strong easterly winds within the Centre.
- B. The application to the Department of Sport and Recreation by Shire of Serpentine Jarrahdale for Community Sport and Recreation Funding prepared by the YMCA on behalf of the Shire of Serpentine Jarrahdale is endorsed and is to be submitted reflecting funding for stage “1” (dry) only.

CARRIED 9/1

SM023/10/01 WASTE SERVICES STRATEGY (A0663)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Robert Harris Director Asset Services	Date of Report	25/9/01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			

### **Preamble**

Preliminary options for the delivery of waste services at the expiry of the current waste collection contract are discussed and community consultation on recommended options is proposed as a prelude to further Council consideration.

### **Background**

Council's current waste collection contract expires at 30 June 2002. Tenders and appointment of a successful tenderer to conduct the service and any enhanced waste service intended to be introduced by Council are to be invited to enable a contract commencement on 1 July 2002.

The program to meet the timeline is;

Consultation and future waste services scope .....	end November 2001
Contract tender documentation and tenders invited .....	mid January 2002
Tender close and assessment .....	mid March 2002
Contractor appointment .....	mid March 2002
Contractor preparation, community consultation, bins .....	end June 2002
Contract commencement .....	start July 2002

To assist in the development and implementation of a forward waste management strategy suitable for the Serpentine-Jarrahdale community Council's Asset Services Committee Presiding Member, Cr J. Kirkpatrick and Director Asset Services, Mr R. Harris undertook a study tour of contemporary best practice waste management in Victoria and South Australian in August 2001.

***A copy of the report on the waste study tour is with the attachments marked SM023.1/10/01.***

From information obtained through the study tour combined with information on the requirements to suit the Serpentine-Jarrahdale demography, Western Australian waste industry and espoused community aspirations, a number of recommendations relevant to future waste services for the district were made. The major recommendations are as set out below:-

- consideration be given to extending the roadside waste collection service to all households in the Shire,
- consideration be given to introducing a roadside recyclables collection service,
- a single contract with a term of approximately eight years be invited covering waste collection including litter bin clearing and recyclables collection and disposal to an approved recyclables processing facility.
- options be included in the contract for biannual roadside green waste and hard waste collections and supply of mobile garbage bins,
- commercial bulk waste bin services provided by Council be discontinued, and
- subject to the provision of roadside waste, recyclables, green waste and hard waste collections to all households the Watkins Road waste transfer station be closed to the public.

Based on the above two alternative proposals have been developed as the basis of community consultation and further Council consideration. A decision on retaining the existing level of service as option as below or an adaptation of one of these options will be sought following the consultation and evaluation of comments.

**Option A**

- Existing weekly waste collection service district retained and extended when urban development occurs.
- Roadside fortnightly recycling service provided.
- Watkins Road transfer open to public 2 days weekly.

**Option B**

- Existing weekly waste collection service district extended to all rural households in the Shire.
- Roadside fortnightly recycling service provided.
- Biannual roadside green waste and hard waste collections provided.
- Watkins Road transfer station closed to public.

Preliminary cost estimates to provide Options A and B have been prepared as below:-

Shire of Serpentine Jarrahdale			
<b>PRELIMINARY WASTE SERVICE COST ESTIMATES</b>			
<b>EXPENDITURE</b>	<b>CURRENT</b>	<b>OPTION A</b>	<b>OPTION B</b>
Salaries & on costs	28	28	28
Domestic Refuse Collection	274	195	263
Commercial Refuse Collection	18	0	0
Waste Disposal	17	17	17
Recycling Collection	0	115	155
Recyclables Disposal	20	25	32
Street & Reserve Litter Bin Clearing	12	12	12
Transfer Station(s) Operation	170	155	0
Household Green Waste Collection/Mulch	0	0	55
Household Hard Waste Collection	0	0	42
Rubbish Tip Rehabilitation	10	5	0
Replacement / Additional Rubbish Bins	12	12	12
Replacement / Additional Street Bins	4	8	8
Waste Bin Purchase Loan	0	41	55
Litter Cleanup	5	5	5
Waste Strategy Preparation	6	0	0
Administration, Other	7	10	10
Depreciation ( not bins)	21	21	21
<b>Total</b>	<b>604</b>	<b>649</b>	<b>715</b>
<b>INCOME</b>			
Domestic Collection Charges	564	564	692
Commercial Collection Charges	18	0	0
Transfer Station Charges	6	6	0
Recyclables Grant	1	12	15
Other	0	0	0
<b>Total</b>	<b>589</b>	<b>582</b>	<b>707</b>
<b>Nett Profit(+ ) / Loss(-)</b>	<b>-15</b>	<b>-67</b>	<b>-8</b>
	\$173 exist	\$21 increase required	\$2 increase required

Note: Current and Option A approximately 3 300 serviced properties, Option B approximately 4 000 serviced properties.

The preliminary cost estimates indicate Option A would require an increase in the current annual garbage charge (\$173) of approximately \$20. Option B is preliminarily estimated to be able to be provided at approximately the current charge.

### **Comments**

The upcoming expiry of the current waste collection contract provides Council with an opportunity to review and modify its current waste services, and include any changes desired into a new services delivery contract. Waste service enhancements not incorporated into the new contract tenders will not afford the same cost competitiveness if sought at a later time. Similarly, any service contracted at this stage will bind the Council for the contract term. Accordingly, decisions on the type and extent of waste services to be provided under the new contract will have a substantial impact on community service and costs for a lengthy period. Decisions made need to not only reflect contemporary preferences and aspirations of the community, but must attempt to predict future expectations and trends to accommodate them, such that the waste service will still be appropriate at the end period of the contract.

To assist in assessing community preferences and aspirations it is proposed that community consultation be undertaken on the main issues and options, and that a Councillor and officer workshop be convened when community consultation results have been received to further consider the most appropriate future waste service to be provided to the community. It is intended the community consultation be based on a newsletter to all residents setting out the issues and inviting responses.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** Report recommendations include a review of waste service district and waste services provided.

**Financial Implications** Outcome will require financial provisions in Principal Activities Plan and forward budgets.

**Strategic Plan Implications:** Accords with People and Community objectives and strategies of quality of life and providing community facilities and needs.

Accords with Environmental objectives and strategies of encouraging best practice environmental management and making it a foundation of Council business.

**Community Consultation:** Preliminary community contact has indicated a desire for enhanced waste services, resulting in the current review.

Community input on enhanced service options to be canvassed by information leaflet seeking responses for Council consideration.

**Voting Requirement:** Normal.

### **Officer Recommended Resolution**

1. The report on the waste study tour of Victoria and South Australia by the Asset Services Committee Presiding Member and Director of Asset Services be received and noted.
2. The community be consulted on waste service enhancement options under consideration by Council.
3. A workshop of Councillors and officers be convened to develop a preferred waste services proposal when community consultation responses are received.

**CRSM023 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Murphy seconded Cr Simpon that

1. The report on the waste study tour of Victoria and South Australia by the Asset Services Committee Presiding Member and Director of Asset Services be received and noted.
2. A workshop of Councillors and officers be convened to develop a preferred waste services proposal.
3. The community be consulted on waste service enhancement options under consideration by Council.

CARRIED 9/1

SM024/10/01 REGIONAL WASTE SERVICE TENDERS (A1012)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Robert Harris Director Asset Services	Date of Report	24/9/01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			

**Preamble**

A recommendation is made that the Shire of Serpentine-Jarrahdale join with the Shire of Murray and Shire of Waroona in inviting joint and concurrent tenders for the delivery of waste services to the three local government districts.

**Background**

Workshops of Councillors and Officers from Councils in the Peel region were recently held to identify and develop preliminary business cases for regional resource sharing initiatives and opportunities. Waste services in both the short and longer term was the most significant area of Council activity identified at the technical services' workshop held on 12 September 2001 as having substantial opportunity for service enhancement and cost saving benefits if managed on a regional basis.

Whilst the case for longer term regional waste management activities requires further comprehensive investigation (eg regional waste processing/disposal facility), an immediate window of opportunity was identified for a joint contract between the Shires of Serpentine-Jarrahdale, Murray and Waroona to be prepared, tendered and accepted with potential cost savings through having a significantly larger service contract with resultant logistic, resource utilization and purchasing power advantages. This opportunity is now available as the existing Shire of Serpentine-Jarrahdale contract expires at the end of June 2002, and the existing Shire of Murray and Shire of Waroona contracts expire in September 2002.

Individually each Council contracts service approximately 4 000 (Serpentine-Jarrahdale), 4 500 (Murray) and 1 500 (Waroona) households which collectively offers approximately 10 000 services as a single contract. The larger contract would be expected to increase Contractor interest in the work in comparison to three relatively small individual contracts. Contractor efficiencies could be gained in areas such as optimizing collection vehicle utilization, establishment of depot(s), contract administration and collection route development disregarding Council boundaries.

The City of Mandurah has in the recent past formed a contractual alliance with Cleanaway waste contractors to deliver waste services to the Mandurah district. The alliance has provision for extension of its services, which would enable the alliance and Cleanaway to be

two of the potential tenderers for the proposed joint contract between Serpentine-Jarrahdale, Murray and Waroona. To facilitate a greater regional opportunity in the future, it is proposed the joint contract be invited for the period to the expiry of the existing Mandurah – Cleanaway alliance (2009). Tenders in the future could then potentially be called on a wider basis, potentially including Mandurah.

### **Comments**

It is envisaged that tenders for a joint contract would be called based on schedules for the delivery of the specific services sought by the three Councils both separately and collectively. This would identify schedule or rates tender prices to deliver services to each of the Councils separately as individual contracts and as a single combined contract. Inviting tenders on this basis would enable evaluation on the basis of the best interest of individual participating Councils. If found advantageous the joint contract could be desegregated and awarded to separate service providers, or if one Council resolved not to proceed to accept a tender the remaining Councils would remain able to proceed. Tenders called in this form will ensure each Council is not bound until a decision subsequent to evaluation of tenders received demonstrates benefits will result. The contract would provide for the differing service specifications and differing service commencement dates of the Councils.

To proceed with the preparation and tendering of a joint waste services contract tender document the approval of the three Councils is now being sought. Time is critical in proceeding to meet the Shire of Serpentine-Jarrahdale requirement that tenders be invited in early January 2002 to enable a contract service commencement date of 1 July 2002. It is proposed that a Councillor and Officer from each of the three Councils form a working group to co-ordinate the process, and that Council's Asset Services Committee Member, Cr J. Kirpatrick and Director Asset Services, Mr R. Harris represent the Council. To ensure the contractual adequacy and timeliness of the preparation of the tender documents it is proposed that a consultant with specialist skills and knowledge of waste services be retained to develop and prepare the contract documentation incorporating the specific service requirements of the three Councils. The cost of retaining a suitably competent consultant is estimated at \$10,000 - \$15,000 and it is proposed the cost be shared on a 50% equally distributed, 50% proportionally distributed based on serviced properties basis. Council's contribution would be approximately \$3,500 to \$5,500 to be borne within existing budget provisions. A consultant's brief is being prepared and quotations and an appointment would be made in accordance with the Council's purchasing policy.

Officers of the three Councils have also canvassed the prospect of the three Councils preparing a joint in-house tender bid to provide the contract services. This proposal has merit as the combined contract is potentially beyond the capacity of individual in-house resources, but within their joint capacity. An in-house joint tender bid would assist in achieving competitive external tenders, and would be a valuable exercise for Council staff involved in preparing the waste tender. In addition to potentially providing the best value tender, it would give an insight into waste management issues, customer service contract delivery, promote service benchmarking, and encourage other joint activities and resource sharing with the other Councils. If an in-house tender is prepared and submitted it is important officers' responsible for the evaluation of offers received not include any officer involved in preparing the in-house tender. It is envisaged an in-house tender bid team would need external assistance in developing a tender to provide advice on issues such as plant selection and capital and operating costs, urban and rural bin emptying cycle times, route development, sourcing of Mobile Garbage Bins (MGB's) etc. The in-principle support of the three Councils to the preparation of a joint in-house tender bid for the proposed contract is sought.

The preparing and calling of joint waste services contract tenders, and the development of a joint in-house tender offer for the contract, by the Shire's of Serpentine-Jarrahdale, Murray and Waroona offers opportunity for significant benefits to be delivered to the three Councils.



**Policy Implications:** Accords with Council objective of strengthening relationships with Peel district local governments, and with objectives of cost effective service delivery models.

**Financial Implications:** 2001/02 costs for development of contract documents included in current budget.

Appointment of Contractor has implications for forward budgetary provisions, and may require further budgetary provisions or borrowings in current financial year for purchase of additional mobile garbage bins, and purchase of waste collection vehicles if in-house tender accepted.

**Strategic Plan Implications:** Accords with People and Community objectives and strategy of providing community facilities and needs.  
Accords with Environmental objectives and strategy of best practice environmental management.  
Accords with Economic Development objectives and strategy of developing an enterprise culture.

**Community Consultation:** Consultation proposed in establishing scope of waste services provided to the community.  
Tenders for waste services contract to be publicly invited in accordance with policy and Local Government Act requirements.

**Voting Requirement** Normal

### **Officer Recommended Resolution**

1. Council supports and agrees to the preparation and inviting of contract tenders for waste services to the Shire of Serpentine-Jarrahdale jointly with the Shire of Murray and Shire of Waroona as a combined contract and as concurrent separate contracts.
2. Council nominates Asset Services Committee Member, Cr J. Kirkpatrick, and Director Asset Services, Mr R. Harris, as its representatives to co-ordinate the process.
3. Council agrees to contribute with the Shire of Murray and Shire of Waroona to the appointment of a consultant to assist in the preparation of joint waste service contract tender documents from within existing budget provisions.
4. Council supports in-principle the preparation of a joint in-house tender offer by the three Councils for the joint waste services contract.

### **CRSM024 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson that

1. Council supports and agrees to the preparation and inviting of contract tenders for waste services to the Shire of Serpentine-Jarrahdale jointly with the Peel Councils as a combined contract and as concurrent separate contracts.
2. Council nominates Asset Services Committee Member, Cr J. Kirkpatrick, and Director Asset Services, Mr R. Harris, as its representatives to co-ordinate the process.
3. Council agrees to contribute with the Peel Councils to the appointment of a consultant to assist in the preparation of joint waste service contract tender documents from within existing budget provisions.
4. Council supports in-principle the preparation of a joint in-house tender offer by the Councils for the joint waste services contract.

**CARRIED 9/1**

SM025/10/01 DRAFT PEEL DEVELOPMENT COMMISSION REPORT “PEEL AWAY THE MASK” (A0109-02)			
Proponent	Peel Development Commission		
Officer	David Price – Chief Executive Officer	Date of Report	3/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			

### **Preamble**

Provide any feedback to Peel Development Commission on the DRAFT report by 31 October 2001.

### **Background**

The Peel development Commission, through information gathered from the Peel Strategic Information System (SISTEM), identified that the social sector appeared to be under-resourced to meet the demands of the growing population in the peel Region.

The Commission was able to source funding from the Foundation for Regional and Rural Renewal and Alcoa World Wide Alumina Australia to undertake a social sector study. With the assistance of many local organisations and individuals research was undertaken into the social condition of the Region. The findings of the research indicate that there are growing reasons for concern about the well being of a surprisingly high proportion of the Peel population.

### **Comments**

The Peel Development Commission has provided a DRAFT report to this Council initially to allow for local practitioners and organisations to review and comment on the information contained therein.

The Peel Development Commission has sought Council Co-Operation to ensure that any reproduction or use of the information contained within the report is minimal at present. A final report will be released in due course.

Therefore Councillors are provided with a copy of the report under “**CONFIDENTIAL COVER**” at this stage for review and comment. Comments are requested to be provided at the Strategic Management Committee so that they can be referred to Council and then to the Peel Development Commission before the 31 October 2001.

**Statutory Environment:** Not applicable

**Policy Implications:** Not applicable

**Financial Implications:** No applicable

**Strategic Implications:** Council’s Strategic Plan Key Result Areas “People and Community” and “Economic Development” need to be considered when reading this report.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRSM025 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson that Council notes the DRAFT report “Peel Away The Mask” prepared by the Peel Development Commission.  
CARRIED 9/1

SM026/10/01 JARRAHDALÉ HERITAGE PARK PARTNERSHIP AGREEMENT (P00509-03)			
Proponent	Director Sustainable Development		
Officer	Andrew Watson – Director Sustainable Development	Date of Report	3/10/01
Signatures	Author: Senior Officer:		
Previously	A165/05/00; C016/07/00		
Disclosure of Interest			

**Preamble**

Adopt a partnership agreement and a Land Management Committee between the Shire and the National Trust of Australia for the responsibility to manage Jarrahdale (Bunnings) land as a viable publicly owned heritage place.

**Background**

At its meeting of 22<sup>nd</sup> May 2000 Council considered a report on a Partnership Agreement with the National Trust for management of the Jarrahdale Heritage Park. Council resolved:

*“Moved Cr Price seconded Cr Kirkpatrick that*

1. *Council agrees to enter into a “Partnership Agreement” with the National Trust of Australia for the management of the Jarrahdale (Bunnings) land and associated places owned by the National trust of Australia as presented in the draft letter provided by the National Trust of Australia.*
2. *Council agrees to establish a “Jarrahdale Heritage Park Management Committee” in accordance with the draft “Terms of Reference” provided by the National Trust of Australia” and agrees to nominate the following representatives onto the inaugural committee.*
  - *Cr Star and Cr Price are appointed as Council’s representatives to act on the Jarrahdale Heritage Park Management Committee.*
  - *The CEO is also appointed to act as a Council representative on the Jarrahdale Heritage Park Management Committee*
  - *Cr Kirkpatrick is nominated as deputy from the Shire of Serpentine-Jarrahdale to act on the Jarrahdale Heritage Park Management Committee in the absence of an appointed member.*
3. *That the National Trust be advised that Council would prefer that the partnership agreement and the management committee be known as the Jarrahdale Heritage Park Management Committee.*
4. *Council also requests the National Trust to allow that the Peel Development Commission is offered the opportunity to provide a representative on to the Committee.*

*CARRIED 10/0”*

Following subsequent redrafting of the agreement, Council at its meeting of 31<sup>st</sup> July 2000 resolved:-

*“Moved Cr Rankin seconded Cr Kirkpatrick that:*

*Council delegates authority to the Shire President and Chief Executive Officer to accept the currently proposed, and any future amendments to the Partnership Agreement and/or the*

*Land Management Agreement provided that the Council representatives on the Jarrahdale Heritage Park Management Committee unanimously agree with any amendment proposed.*

*If an amendment is not unanimously supported by the Council representatives then the matter must be referred to Council for a decision.*

*CARRIED 8/0”*

Due to limitations imparted by the Local Government Act 1995 the partnership agreement has never been executed.

### **Comments**

Following the receipt of legal advice by the National Trust in relation to the original Partnership Agreement a new management framework for the Jarrahdale Heritage Park is proposed. The basis of the new management arrangements involves the National Trust leasing its land to Council for a two-year period for a peppercorn rent (\$1.00 per annum). A new partnership agreement establishing the management regime for the Heritage Park is then, simply a framework for management of the place by the lessee and lessor. The Jarrahdale Heritage Park Management Committee will effectively continue to operate as it has for the past eighteen months or so. If the partnership agreement is terminated in less than two years then the lease automatically terminates.

The draft lease agreement makes Council responsible for:

- Supervising any sub lease of the Place
- Supervising any employee o the Place
- Maintaining and caring for any gardens or landscaping within a Place, including, but not limited to reticulation or fertilisation
- All repairs costing five hundred dollars (\$500) or less except which shall be undertaken under the supervision of the Conservation Architect
- Supervising and collecting revenue
- Supervising and paying expenses
- Keeping the Place free from dirt and rubbish and to store and keep all trade waste, trash and garbage in the proper receptacles
- Taking all reasonable precautions to keep the Place free of rodents, vermin, insects, pests, birds and animals; and
- Keeping the place adequately secured at all time.

The draft lease specifically precludes Council using (or sub-leasing) the Mill Managers Cottage for any purpose other than "the conservation, promotion and maintenance of the place". This will necessitate, unless the National Trust has carried out eviction, Council terminating the current occupancy of the Mill Managers Cottage. In this respect, if non-residential use is maintained as a condition of the National Trust in any executed agreement, Council should require the National Trust to carry out its own termination of any lease arrangements currently in place for the Mill Managers Cottage.

The draft lease prohibits the use of the land for any "noxious, noisome or offensive act, trade, business, occupation or calling or any act, matter or thing whatsoever which shall cause nuisance or disturbance to the Lessor or occupier of any building in the neighbourhood". This provision should be borne in mind in respect of the sawmill currently operating on the subject land.

The draft lease prohibits Council lodging an absolute caveat over the land to protect its interest in the land

The draft documentation has been referred to McLeod's for advice. The Chief Executive Officer then wrote to the National Trust to amend the draft documentation in accordance with

the terms of such advice. Of the matters sought to be altered, the National Trust has not effected two.

Firstly, the draft lease precludes Council lodging a subject to claim caveat. McLeod's recommended that this clause be deleted, as Council would wish to protect its interest. This matter must be effected prior to the documents being executed. Secondly, there is the matter of residential use of the Mill Managers Cottage. The National Trust has declined to alter this clause. This is not seen as problematic so long as the National Trust agrees to be responsible for the current tenant.

It is intended that alterations to the Partnership Agreement be dealt with in accordance with the Council delegation granted on 31 July 2000. The matter of the lease, however, is referred to Council for consideration.

***A copy of the draft Partnership Agreement and draft lease for the National Trusts land at Jarrahdale within the Heritage Park is with the attachments marked SM026.1/10/01.***

**Statutory Environment:**

Local Government Act 1995

Draft partnership Agreement to be executed.

Draft lease to be executed.

**Policy Implications:**

No Policy Implications

**Financial Implications:**

The establishment of a "Partnership Agreement" with the National Trust will potentially enable additional Local Government Grant funding.

**Strategic Implications:**

The development of the Jarrahdale Heritage Park is in line with Council's Strategic Plan

**Community Consultation:**

Not applicable

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

1. Council notes the draft Partnership Agreement with the National Trust for management of the Jarrahdale Heritage Park.
2. Council enters into a two year lease of the National Trust land at Jarrahdale referred to in the schedule to the draft lease agreement.
3. The Chief Executive Officer and Shire President be authorised to execute lease documents in accordance with Councils resolution above.

**CRSM026 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson that this item be deferred to the November Strategic Management Committee meeting.  
CARRIED 9/1

SM028/10/01 INFORMATION REPORT			
Proponent	Chief Executive Officer		
Officer	David Price – Chief Executive Officer	Date of Report	2/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			

SM028.1/10/01 PEEL ECONOMIC DEVELOPMENT UNIT WORKING GROUP MEETING – 13<sup>TH</sup> SEPTEMBER, 2001 (A0839-04)

***The minutes of the Peel Economic Development Unit Working Group meeting held on 13<sup>th</sup> September 2001 are with the attachments marked SM028.1/10/01.***

SM028.2/10/01 PEEL DEVELOPMENT COMMISSION BOARD – LOCAL GOVERNMENT VACANCIES (A0109-02)

***Correspondence dated 10 September 2001 from the Peel Development Commission is with the attachments marked SM028.2/10/01*** acknowledging Council's agreement to support the nomination of the Shire of Murray representative for submission by WAMA to the Minister to fill the vacancy on the Peel Development Commission Board.

SM028.3/10/01 WAMA ASSOCIATION EXECUTIVE MEETING MINUTES – JULY-AUGUST 2001 (A0163-03)

The Minutes of the Country Urban Councils' Association General Meeting held on 5<sup>th</sup> August 2001, Local Government Association Executive Committee Minutes held on 3<sup>rd</sup> August, 2001, Country Shire Councils' Association Minutes held on 8<sup>th</sup> August, 2001, and the WAMA Executive Meeting held 8<sup>th</sup> August, 2001 are located in the Councillors Library for viewing.

SM028.4/10/01 ARMADALE HEALTH SERVICE – COMMUNITY OPEN DAY 27<sup>TH</sup> OCTOBER, 2001 (A0633)

***A letter of invitation to the Armadale Health Service Community Open Day on 27<sup>th</sup> October, 2001 from 10.00am – 2.00pm is with the attachments marked SM028.4/10/01.***

SM028.5/10/01 LOCAL GOVERNMENT WEEK MINUTES 2001 ANNUAL GENERAL MEETING OF THE CUCA, LGA & CSCA (A0027)

The 2001 Annual General Meeting minutes of the CUCA, LGA and CSCA held 5-7 August 2001 at Burswood Resort Convention Centre are located in the Councillors Library.

SM028.6/10/01 OFFICE OF CRIME PREVENTION ESTABLISHED (A0108)

***Correspondence received on 3 October 2001 from the Office of the Premier is with the attachments marked SM028.6/10/01*** advising of the establishment of an Office of Crime Prevention effective from 1<sup>st</sup> October 2001 as part of the Government commitment to preventing and reducing crime in Western Australia.

SM028.7/10/01 JARRAHDALÉ HERITAGE PARK MANAGEMENT COMMITTEE MEETING MINUTES – 26<sup>TH</sup> SEPTEMBER, 2001 (P00509-03)

***The minutes of the Jarrahdale Heritage Park Management Committee meeting held on 26<sup>th</sup> September 2001 are with the attachments marked SM028.7/10/01.***

SM028.8/10/01 PROTEST RALLY AGAINST “ONE VOTE ONE VALUE”, THE BUDGET FOR HEALTH AND LAND TAX (A0108)

The Hon Frank Hough JP MLC, Member for Agricultural Region, Legislative Council has advised of a protest rally against “one vote, one value”, the budget for Health and Land tax to be held on 7<sup>th</sup> November 2001.

A copy of the correspondence dated 3 October 2001 is with the attachments marked SM028.8/10/01.

**CRSM028 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson that the Information Report to 5 October 2001 be received.

CARRIED 9/1

7.5 Planning Development & Environment Meeting - 15<sup>th</sup> October, 2001

**COUNCIL DECISION**

Moved Cr Simpson seconded Cr Buttfield  
The minutes of the Planning Development & Environment Meeting held on 15<sup>th</sup> October, 2001 be received.  
CARRIED 10/0

Cr Scott left the meeting at 7.46pm

P045/10/01 PROPOSED REZONING FROM RURAL TO RURAL LIVING A – LOT 216 NETTLETON ROAD, BYFORD (P01560)			
Proponent	Dykstra and Associates		
Officer	David Lodwick – Senior Planner	Date of Report	30/8/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest	Cr Scott – neighbour of property		
<b>Delegation</b>	<b>Council</b>		

Owner: Lockhart Holdings  
Applicant: Dykstra and Associates  
Lot Area: 13.4614ha  
L.A. Zoning: Rural  
MRS Zoning: Rural  
Rural Strategy Policy Area: Rural Living A  
Rural Strategy Overlay: Landscape Protection Policy Area  
Bush Forever: Nil  
Date of Inspection: 21 May 2001

**Preamble**

Council to consider an application to rezone the subject land to Rural Living A. It is recommended that Council initiate an amendment to Town Planning Scheme No.2 subject to modifications to the proposal.

**Background**

Submitted report from applicant provides the following information:

### Geology and Geomorphology

The subject land lies on the lower slopes of the Darling Scarp. It rises from 82m at its lowest point in the south west of the area, to 105m near the eastern edge of the site. From there the lot descends down to a height of 90m at the creekline before rising rapidly to a height of over 115m to the north. Various swales/gullies are located on site, which vary the topography of the land.

Most of the land on the north side of Beenyup Brook is of pleistocene origin, generally of a colluvial and gravelly nature. The land on the south side of Beenyup Brook is of archaean origin generally of a coarser more granite nature.

### Soils

The site can be divided into two distinct areas by soil classification. The land to the north of Beenyup Brook is predominantly characterised by a granite based soil, primarily an even grained granite of granodiorite and adamate composition.

To the south of Beenyup Brook the soil is predominantly gravelly clayey sand, comprised of decomposed bedrock, gravel rock fragments, angular quartz/feldspar sand and clay minerals of colluvial origin.

### Hydrology

The subject land drains to the west. Beenyup Brook, a seasonal watercourse, dissects the property into two distinct areas running from east to west eventually flowing into a drainage system.

### Vegetation

The land has been largely cleared for grazing, however there exists some remnant vegetation on site mainly following the course of the seasonal Beenyup Brook. In addition, pockets of vegetation exist to the north of the property and also around the existing dwelling on site and along the road frontage.

This vegetation consists of predominantly eucalypts with some shrubs and groundcover around the creekline, and these are to be retained where possible by sensitive road design and location of building envelopes. The understorey vegetation has been predominantly eliminated by grazing.

The applicant considers that the environment created by the presence of streams, mature vegetation, and the Darling Ranges, ensures a high level of landscape amenity for the proposed land use. This amenity is to be enhanced by the strategic planting of local species.

### Landscaping

The applicant advises that the individual lots are to be landscaped with appropriate native species in accordance with an agreed landscape plan that is to be submitted and approved by Council prior to works commencing. The general areas of planting are indicated on the Subdivision Guide Plan and would be further detailed through the landscape plan.

Proposed revegetation will include “block planting” in the lower portions of each lot, planting adjacent to drainage areas, management of the creekline and Public Open Space buffer, and planting to screen building envelopes.



### Visual Attributes

The subject land is characterised by varying topography with hilly land to the north providing picturesque views towards the coast. The land descends rapidly to the creekline before gradually rising towards the road frontage to the south.

With the presence of existing trees along the road frontage, the creekline and hilly areas, and with the planting of trees on individual lots, the external exposure of the proposed subdivision will be very minimal according to the applicant. The discrete location and lot sizes allow for a rural landscape living environment.

### Servicing

Lot 216 currently enjoys frontage to constructed Nettleton Road. Road links into the subject land will be obtained via a loop road through the estate with two access points to Nettleton Road which are proposed to be regraded to Council's specifications.

### Electricity

Electricity and telecommunications are available to the subject land and water supply is currently available from the existing supply main located within the road reserve in proximity to the subject land.

### Drainage

The subject land drains into Beenyup Brook and then generally flows to the west of the site. Given the natural drainage capabilities of the land, stormwater management is to occur on site though the use of vegetated roadside table drains along the proposed loop road. In addition, nutrient stripping measures via detention basins with the capability to retain stormwater on site for three to seven days in a 1:10 year storm event of 72 hours duration, will be utilised. The applicant considers that these measures will not add to the drainage expectations of the Brook, but instead compliment it.

### Comments

#### Existing Land Use

The subject land is currently used as a property for light rural grazing. There exists a shed located adjacent to a residence on the south side of the creekline.

The surrounding land is used predominantly for rural and rural living purposes to the north-east and south west respectively.

The Darling Range Regional Park adjoins the property to the north.

#### Rural Strategy

The subject land is within the Rural Living A Policy Area which allows a minimum lot size of 0.4ha. The application complies with the Strategy. However, the subject also falls within the Landscape Protection Policy Overlay. In this regard, key 'Subdivision and Development Guidelines' as specified by the Rural Strategy are as follows:

In assessing the level of visual intrusion of the proposed development on the landscape the Council will have regard to:

- *The 'seen area' of the development from the coastal plain, major roads and tourist routes, and major recreation areas;*
- *The visual intrusiveness of the development within the 'seen area';*
- *The nature of the proposed development;*

- *The landscape values of the area, and;*
- *The community attitudes of the proposed development.*
- *Planning controls over key aspects of design and siting of subdivision and housing development will be introduced to minimise the impact on landscape values: eg. Building materials and colour, road layout, siting of sheds and outbuildings.*
- *Design and siting guidelines will be developed to further encourage the planning of subdivision and housing development to minimise the impact on landscape values.*

The following 'Policy Objectives' for the Landscape Protection Policy Overlay are applicable:

*"To maintain the integrity of landscapes in nominated landscape and townscape areas"*

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

### Proposed Subdivision Design

The consultant's submitted plan provides for 22 Rural Living lots of minimum size 4 000m<sup>2</sup>.

The proponent proposes a one way loop road (10m wide) on the north side of the brook with two crossovers onto Nettleton Road.

Two vehicle embayments are provided for adjacent to the laneway to allow for the passing of emergency services vehicles.

Should the proposal proceed, provision is made for a walk trail linkage through the southern side of the creek. The Development Control Unit (DCU) has previously advised the proponent that this would need to be constructed as a concrete DUP 2.2m wide from the second bridge through to the western edge as shown on the Guide Plan.

Access to the Darling Range Regional Park is to be achieved by the construction of a 3.0m emergency accessway from the 2<sup>nd</sup> bridge to the eastern boundary.

A 1.4ha public open space buffer to the brook is shown with three strategically placed drainage detention basins.

The Subdivision Guide Plan also identifies a minor strategic firebreak (unconstructed) located around the perimeter of the land on the northern side of the Brook. The applicant advises that this would also be provided for on the Fire Management Plan to be endorsed by Council.

***A copy of the consultant's subdivision plan is with the attachments marked P045.1/10/01.***

### Alternative Design Option (DCU)

The Development Control Unit has reservations with the submitted proposal and has indicated a preference for a maximum of three blocks on the northern side of the creek, although two is preferred. In this respect, the front blocks could be rezoned to Rural Living A and the rear blocks to Rural Living B.

A copy of the Development Control Unit Plan is with the attachments marked P045.2/10/01.

It was considered that building envelopes must be a minimum of 40 metres from the brook, and that blocks on the northern side of the brook are to have building envelopes on the flat section of the blocks.

DCU justification for these requirements is as follows:

- ❖ There is a need for the protection of the visual amenity of the Darling Scarp and 'seen area' with steep northern portion of the subject land. This is discussed in detail under Rural Strategy comments above. This is further justified through Council's Strategic Plan and Visions Statement (Our growth will attract people who value or rural character, diverse lifestyle, natural beauty and manage responsibly today for a better tomorrow);
- ❖ The Town Planning Scheme lists Landscape Protection in Appendix 5 referring to acceptable development within the Scarp Area. The application does not meet the intentions of Appendix 5 used by Council Officers when assessing development requirements within the Scarp, particularly in the matter of building control;
- ❖ To prevent erosion and degradation of a fragile environment;
- ❖ By only allowing two blocks on the northern side and having those blocks with building envelopes as far down the face of the scarp as possible Council will be preventing the building of houses along the ridge line and therefore retaining the amenity of the ridge line;
- ❖ There will be a reduction in the need for infrastructure and therefore the costs of placing infrastructure within the subdivision. With only two lots on the northern side of the creek being approved there is only a need for crossings of the creeks, not extended loop road or emergency vehicle embayments;
- ❖ There would be only a minimal need for clearing of existing vegetation;
- ❖ By increasing the lot size on the properties on the northern side of the creek a buffer between the subdivision and the Darling Range Regional Park will be provided

It should also be noted that the 4 000 square metre lot size provided for in the Rural Strategy for the Rural Living A Policy Area is a minimum lot size, not a maximum lot size. The characteristics of the site warrant lot sizes larger than the minimum.

<b><u>Statutory Environment:</u></b>	Town Planning and Development Act 1928
<b><u>Policy Implications:</u></b>	Rural Strategy
<b><u>Financial Implications:</u></b>	Nil
<b><u>Strategic Implications:</u></b>	Further proliferation of Rural Living A development adjacent/in proximity to the Byford Urban Cell in a landscape protection area.
<b><u>Community Consultation:</u></b>	Not applicable at this time.
<b><u>Voting Requirements:</u></b>	Normal

### **Officer Recommended Resolution**

Council pursuant to Section 7 of the Town Planning and Development Act 1928 resolves to initiate an amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 by rezoning Lot 216 Nettleton Road, Byford to Rural Living A and Rural Living B zone in accordance with application dated 7 May 2001 subject to satisfactory preparation of five copies of amending documents including special provisions subject to:

1. A revised plan being submitted which provides for not more than two blocks on the northern side of the brook (this portion of the subject land to be rezoned to Rural Living B). These building envelopes to be positioned on the flat section of the blocks;
2. Water sensitive detention features to be located at points A and C and construction of two riffle structures as shown on Figure 4;
3. All building envelopes must be a minimum of 40 metres from the brook;
4. A special provision to be included and approved by Council that the subdivider prepares a stormwater management plan to address mosquito control, erosion, nutrient and drainage issues during and post construction;

5. The subdivider shall prepare a foreshore management plan for the Beenyup Brook reserve within the lot including any constructed wetlands and proposed method of mosquito control and submit with application for subdivision. The Reserve shall be created for the multiple use of waterway protection, drainage, wildlife protection and passive complementary recreation. The Plan shall address vegetation management (including weed control), waterway restoration and infrastructure. This to be subject of an approved special provision;
6. Standard Council provisions for revegetation shall be included;
7. Strategic fire break to be installed to encapsulate the two northern blocks and link into the two cul-de-sac roads that would service the estate. These shall be incorporated into an approved fire management plan and reflected on the subdivisional guide plan. The fire management plan shall cover all aspects of fire prevention and mitigation for high fire risk areas

Discussion

The representative from Dykstra and Associates stated that he had discussions with Council officers regarding the item and its environmental aspects and he agreed with the officers recommendation except for the first point relating to the two lots in the northern corner.

Cr Star advised that it is not Council policy to grant building lots on the scarp and queried access to the lots in the Darling Range Regional Park.

**CRP045 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that

1. This item be deferred to the November Planning Development and Environment Committee meeting pending a site inspection.
2. A landscape plan accompany the application.

CARRIED 9/0

Cr Scott returned to the meeting at 7.49pm

P042/10/01 REQUEST TO HELP CONSERVE BALDWIN COTTAGE (P01395)			
Proponent	Serpentine Historical Society Inc		
Officer	Jocelyn Cockbain – Special Projects & Policy Officer	Date of Report	4/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Preamble**

Council has received a request from the Serpentine Historical Society Inc to fund a proposed subdivision application to subdivide Baldwin Cottage off from its existing property and assist with helping to save Baldwin Cottage.

**Background**

Council has received correspondence from the Serpentine Historical Society Inc. stating the following:

*“I write to ask you to make a submission to Council on our behalf concerning Council’s help in conserving Baldwin’s Cottage. Baldwin’s Cottage is one of the oldest buildings in this area and is an important part of our history. Richard Baldwin built the cottage between 1871 and 1875.*

*We ask Council to consider the importance of this site within the strategic plan for the Serpentine Settlement Historic Precinct. We are currently engaged in research with Main Roads, the National Trust and the Heritage Council of WA with a view to listing the building as part of the site and increase its rating and conservation value.*

*The current situation is that we are pursuing a free lease agreement with the present owner, Mrs. Roma Paravicini. The owner has indicated that an important condition of the free lease is that we pursue subdividing the quarter acre of land surrounding the cottage from the rest of the forty acre block. Mrs Paravicini has expressed her wish to sell the land to us at market value, approximately \$21,000 in today's market, when we can afford to buy it. She has no interest in the historic cottage.*

*We ask Council to fund the initial cost of this subdivision application, approximately \$390, as a measure of goodwill. Once we have lodged the application, we will then be able to secure the lease document which will give us tenure and enable us to launch a Save Baldwin Cottage Appeal.*

*We also ask Council to consider helping to fund this appeal by donating a percentage of the sale of each copy of the new history book to the Appeal. May we suggest 25%?"*

## **Comments**

### Heritage Value

There is no question that the Baldwin Cottage is a building of significant heritage value in the Shire. The building is listed in Appendix 13 of Town Planning Scheme No.2 and is listed in the Shire of Serpentine-Jarrahdale Municipal Heritage Inventory. The Municipal Heritage Inventory places a 1B – Conservation Essential category on the building which means that the place may meet the criteria for inclusion in the State Register of Heritage Places (ie. of state or national value) because of its association with a group of places which together form a heritage precinct.

### Subdivision Potential

The property is zoned Rural under Council's Town Planning Scheme. This zone allows for a 40ha minimum with regards to subdivision and therefore Council may not support the subdivision application.

The draft Agricultural and Rural Land Use Planning Policy No.11 does however have the following provisions:

*The Commission may approve the subdivision of land to facilitate the conservation of a heritage building or place where:*

- *The building, object or place is listed in the State Register of Heritage Places or on the Heritage List in the local government scheme;*
- *The subdivision is supported by the local government;*
- *the local government and landowners enter into a legal agreement, binding on successive owners in Title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and*
- *the allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of external uses.*

It could be argued that the draft Agricultural and Rural Land Use Planning Policy is a seriously entertained document and therefore it would be reasonable for an applicant to present the subdivision of Baldwin Cottage as falling within the above criteria.

A subdivision application may trigger action by Main Roads WA to consider purchasing the property for the realignment of South Western Highway as discussed below.

### **South Western Highway Alignment**

The Shire's Town Planning Scheme maps indicate that the cottage maybe within the primary regional road alignment. The Metropolitan Region Scheme also indicates that the building maybe within the 'Other Regional Road' alignment.

Verbal advice from Main Roads has been obtained and they indicate that nothing has been included in the 2001/2002 budget for the upgrading/re-alignment of this section of South Western Highway. They also advised that Main Roads would investigate and obtain land that was incorporated in the alignment some two years in advance.

A number of considerations are given to such things as heritage value when Main Roads considers obtaining land and the potential requirement of demolition of buildings when alignments are finalised.

Potentially the building may be required to be demolished and further clarification is required from Main Roads on this subject.

### **Provision of Funding**

As indicated in the letter from the Serpentine Historical Society, the Society has requested that Council consider helping to fund the *Save Baldwin Cottage Appeal* by donating a percentage of the sale of each copy of the new history book of the Shire, "Harnessing the Voices", to the appeal. The Society has suggested 25%.

Council has resolved to charge \$22.00 for the book, with \$4.00 being given to charity organisations for those books sold by community groups. This potentially allows for the Serpentine Historical Society to sell the History book and raise \$4.00 per book to put towards the *Save Baldwin Cottage Appeal*.

Acquisition by Council of Baldwin Cottage is not contemplated in Council's adopted Principle Activities Plan.

This report should not be considered as necessarily supporting any subdivision application which may be lodged. Such application will be assessed on its merits at the time of referral to Council by the WA Planning Commission.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended) Shire of Serpentine-Jarrahdale Town Planning Scheme No.2

**Policy Implications:** Nil

**Financial Implications:** Fees for the lodgement of a subdivision application are \$330.00

**Strategic Implications:** Opportunity to preserve a cottage within the Shire of significant historical value.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRP042 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy that

1. Council, subject to the Serpentine Historical Society Inc. providing evidence of first option to purchase Baldwin Cottage if in the event a subdivision application is approved, pays the subdivision application fee for the subdivision of Lot 156 South Western Highway to excise Baldwin Cottage from the super block on behalf of the Serpentine Historical Society Inc. from PPP525 – Planning Projects.
2. Subject to approval of a subdivision application referred to in part 1 above, \$4.00 from any copies of “Harnessing the Voices” sold at the agreed price of \$22.00 including GST, by the Serpentine Historical Society Inc. go towards the Save the Baldwin Cottage Appeal.

CARRIED 10/0

P043/10/01 PROSECUTION FOR BREACH OF TOWN PLANNING SCHEME NO. 2 – LOT 5 CUMMING ROAD, OAKFORD (P00786)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Jocelyn Cockbain – Special Projects & Policy Officer	Date of Report	4/10/01
Signatures	Author:	Senior Officer:	
Previously	P110/03/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

Owner: K Kilicoglu  
 Applicant: N/A  
 Lot Area: 4.0644ha  
 L.A. Zoning: Rural  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: N/A  
 Bush Forever: N/A  
 Date of Inspection: 31/8/01

**Preamble**

Council to authorise prosecution of Kerime Kilicoglu of 120 Cumming Road, Oakford for breach of subclause 5.1.1 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 for the clearing of land without the approval of Council.

**Background**

At its meeting on the 19<sup>th</sup> March 2001 Council considered a report on the unauthorised clearing of Lot 5 Cumming Road, Oakford, and Council resolved the following:

- “A. *With respect to the unauthorised clearing on Lot 5 Cumming Road, Oakford Council resolves to advise the subject landowner as follows:*
1. *No further clearing except the removal of pin trees along the front boundary of Lot 5 Cumming Road is to be carried out on the property without planning approval.*
  2. *The western boundary between Lot 5 Cumming Road and Lot 76 Newbold Road is to be replanted at a rate of 100 stems per hectare with local plant species by 31 August 2001. Revegetation is to be carried out as follows, there is to be a minimum of three rows with a minimum of 3 metres between each plant and a maximum of 3 metres between each row with boundary setbacks of 6 metres.*

- B. *Failure to comply with the above directive will result in Council contemplating legal proceedings against Kerime Kilicoglu of 120 Cumming Road, Oakford for breach of subclause 5.1.1 of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No.2 for clearing of land without the approval of Council."*

Following this resolution Council Officers wrote to the property owner setting out the requirements of the revegetation for the site.

Council officers inspected the site on the 31/7/01 to find that no works had been carried out. On the 1 August 2001 Councils Planning Officer wrote to the owner of the property requesting a status report of the works carried out or to be carried out on the site. No reply was given.

On the 23 August 2001 Council's Planning Officer and Environmental Officer inspected the site again and met with the owner of the property. At this site meeting no works had been carried out and the owner of the property indicated that an outline of the works to be carried out on the site was to be submitted by the 31/8/01. To date this information has not been obtained.

Again on the 24 September 2001 Council officer wrote to the owner of the property requesting advice be provided on the action to be taken to revegetate the site. The owner was given seven days to advise Council. Once again this information has not been provided.

### **Comments**

As can be seen from the above information every opportunity has been given to the owner of the property to comply with the requirements set out by Council in March.

No attempt has been made to comply with the revegetation requirements of the site and therefore it is thought appropriate by the Strategic Planning Team to commence legal proceedings against Kerime Kilicoglu for breach of the Town Planning Scheme No.2 for clearing of the subject lot without approval of Council.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended) Shire of Serpentine-Jarrahdale Town Planning Scheme No.2

**Policy Implications:** Ensuring compliance with Council's Town Planning Scheme No.2

**Financial Implications:** Unbudgeted legal implications

**Strategic Implications:** Nil

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

### **Supplementary Information**

The owner of Lot 5 Cumming Road contacted Councils Special Projects and Policy Officer recently and advised that planting had occurred on the property. A site inspection carried out on 12 October 2001 revealed that no trees had been planted on the property.



**CRP043 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy that the unauthorised clearing of Lot 5 Cumming Road, Oakford be referred to Council's Solicitors for prosecution under section 10(4)(a) of the Town Planning and Development Act 1928 (as amended).  
Carried 10/0

E015/10/01 REGIONAL FOREST MANAGEMENT PLAN COUNCIL SUBMISSION (A0026)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	15/10/01
Signatures	Author:	Senior Officer:	
Previously	E008/11/00		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Preamble**

The Conservation Commission is seeking general public submissions before the release of its next Forest Management Plan for the south-west region.

A draft position has been put forward by Cr Star for consideration by Council. Given that the draft position is a significant change to Council's previous positions on the subject, it is recommended that further discussion and information is required prior to Council adopting the position (or a modification of it) formally.

It is recommended that a working group be formed to assess the draft position, and if possible, reach a Council position prior to the draft plan being submitted to the Minister for the Environment.

**Background**

The current Forest Management Plan for the south-west region expires on 31 December 2003. A new Regional Forest Management Plan is being prepared by the Conservation Commission for the State Government. Prior to the release of the draft plan, the public has been invited to submit general comments. Comments need to be submitted very soon (prior to 26 October) to be considered prior to the draft Plan going to the Minister for the Environment.

A formal two-month public submission period will then occur once the draft is released, followed by a separate consultation period with Local Government.

Council has previously expressed some concern over logging practices in Serpentine-Jarrahdale as a result of plans to log within the Serpentine Dam catchment. In November last year, as a result of these plans, Council resolved that:

- "1. Council accepts the CALM offer to conduct a field visit to the proposed site and regenerated logging sites to demonstrate the types of logging practices and some of their impacts on jarrah forest resources and ecosystems and that Council expresses its concern a the loss of any naturally grown vegetation within the Shire."

Council has also previously resolved not to use timber sourced from forests which are not managed sustainably, and encourages all builders in the Shire to do likewise.

Councillor Star has put forward a submission to the Conservation Commission and has requested that Council give consideration to endorsement of this position.

*A copy of the submission is with the attachments marked E015.1/10/01.*

The main points within the submission are:

1. The Jarrahdale area is one of the most heavily logged and disturbed in the south-west.
2. The jarrah forest in our shire today bares little resemblance to the forest at the time of European settlement.
3. Future logging should be restricted to areas mined for bauxite.
4. Council does not consider the current logging rotation cycle (30-40 years) and some logging methods (eg log to gaps) to meet sustainability principles.
5. Logging setbacks from streams should be increased.
6. Australian Forestry Standards should be used as an operational guideline as soon as possible.

### **Comments**

The attached submission is considered a substantial tightening of Council's previous position and policy on native forest logging. Its implication is that there would be a substantial reduction in timber available to be harvested, with a resultant economic and social impact. It is therefore important that Council give it careful consideration.

The Environmental Officer's comments on the statements included within the draft submission are as follows:

1. The Jarrahdale area is one of the most heavily logged and disturbed in the south-west;
2. The jarrah forest in our shire today bares little resemblance to the forest at the time of European settlement;

There should be little dispute in regard to these two statements. The forest areas closest to Perth (Mundaring, Armadale, Jarrahdale) were the first to be logged and have received most use from a growing urban population. Jarrahdale has also had the added pressure of bauxite mining over a 30-year period. Current forest management practices do not allow the trees to grow to the size seen by the first European settlers.

1. Future logging should be restricted to areas mined for bauxite

Alcoa has mined a substantial proportion of the forest within the Shire. To restrict all future logging to areas previously mined would significantly reduce the volume of timber that could be harvested from the forest. This would have impacts for the State Government who is trying to meet quotas for jarrah after stopping logging in all 'old-growth areas'. It will also have impacts at the local level in terms of a reduced volume of timber to feed local saw-mills.

The actual reduction in available volume has not been calculated, and would require the effort and expertise of officers of the Conservation Commission and Forest Products Commission.

2. Council does not consider the current logging rotation cycle (30-40 years) and some logging methods (eg log to gaps) to ) to meet sustainability principles

It is argued by the author that current logging practices reflect more a system of managing the forest for timber production than a system where the forest has many uses, some of which require no logging. The State Governments current position is that unless it is in a conservation reserve of some sort, it must be logged.

Jarrah trees grow very slowly, not reaching their potential size for 200-300 years. Jarrah often grows with marri. Forest management practices in the past have involved removing marris, and thinning out the forest of jarrah to reduce competition.

The types of logging methods varies depending on a number of factors such as the age and size distribution of the trees in the area, the jarrah quota etc. Some logging methods, such as 'cut to gaps', have an intensive impact on the forest. 'Cut to gaps' is where a pocket of 2 – 10 hectares of forest is cleared. It is argued by the author that this logging method may stretch the interpretation of 'sustainable forest management practices'. Where forest has significant recreational value or potential, the State Government should give serious consideration to prohibiting further logging. Principles of sustainability would support a no-logging position where there are strong recreational, aesthetic, or spiritual grounds.

3. Logging setbacks from streams should be increased

Further information on this is required prior to making comment on this position.

4. Australian Forestry Standards should be used as an operational guideline as soon as possible

Adoption of the Australian Forestry Standards by the Conservation Commission and Forest Productions Commission as soon as possible is supported. These standards will be made mandatory across Australia once finalised.

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Reducing logging levels from native forests (other than old-growth) will be a significant departure from past government policy and would require significant re-adjustment in the timber industry. Such re-adjustment is likely to require government assistance and the industry to 'do more with less'. The industry is already in a re-adjustment phase following an end to logging of old-growth forests.

In summary, whilst a strong position on logging in the Shire may have long-term merit, it would have a significant negative economic and social impact if not implemented over a reasonable period of time to give the industry and Government the opportunity to make the necessary changes. It is considered that further information-gathering and discussion needs to occur so that whatever position Council chooses to adopt, it can be reasonably supported and justified, and meets social, economic and environmental sustainability objectives.

Reducing available areas for logging will have a significant impact both locally and for the south-west region. The extent of this impact on local saw-milling and related enterprises in the shire is not known, although it is of serious concern.

To consider all of the above issues and other information, it is recommended that Council convene a working group to form Council's position on the matter and reach a formal position by 26 October 2001 if possible. If a formal Council position cannot be reached by this deadline then the matter can be referred back to Council for further consideration at a later date. It is noted that if Council it to take a strong stand on this matter, then it should be made at this stage, and not after the release of the draft Plan for public comment.

Contact has also been made with the Conservation Commission who are preparing the draft Plan. After learning that Council is considering a stronger position, they have offered to discuss Council's draft position in person as a matter of priority.

As an alternative resolution, Council may wish to flag its intention to the Conservation Commission now that it is considering its position and that a formal position will be developed over the next two months and provided as a submission to the draft Forest Management Plan when released.

**Statutory Environment:** The draft Forest Management Plan will be released in the next few months for a 2 month public comment period, and assessed by the Environmental Protection Authority.

**Policy Implications:** Council has no written policy on forest management practices apart from a position on use of timber from non-renewable sources for structural purposes. Council has previously resolved that it is concerned about *the* loss of any naturally grown vegetation within the Shire [CRE008 (OCM 27/11/00)].

Social and economic implications: potentially significant. Were Council submission to be implemented by State Government, then significant re-adjustment would be required by the timber industry.

**Financial Implications:** No direct cost to Council.

**Strategic Implications:** It is argued in the above report that some logging practices do not support the multiple use principle of forest management (Strategy 2.1). The position has direct impact on local timber and saw-milling enterprises.

**Community Consultation:** No consultation has occurred.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. Council convenes a working group to form Council's position on the matter and reach a formal position by 26 October 2001.
2. Council accept the invitation of the Conservation Commission to discuss Council's draft and that a meeting be convened as soon as possible.
3. If a formal Council position cannot be reached by this deadline then the matter can be referred back to Council for further consideration in November.

### **CRE015 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy that

1. Council endorses the presidents letter, and is willing to discuss this position further in the context of economic development.
2. Council convenes a working group at 12.00pm on Friday, 19 October 2001 to form Council's position on the matter and reach a formal position by 26 October 2001.
3. Council accept the invitation of the Conservation Commission to discuss Council's draft and that a meeting be convened as soon as possible.
4. If a formal Council position cannot be reached by this deadline then the matter can be referred back to Council for further consideration in November.

CARRIED 10/0

- 8. MOTION OF WHICH NOTICE HAS BEEN GIVEN**
- 9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:**
- 9.1 INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS**  
**9.2 COUNCILLORS QUESTIONS**
- 10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY**
- 10.1 Corporate Services – 8<sup>TH</sup> October, 2001

C038/10/01	COUNCIL MEETINGS AND SERVICES OVER CHRISTMAS & NEW YEAR PERIOD (A0023)		
Proponent	D.E. Price – Chief Executive Officer		
Officer	D.E. Price – Chief Executive Officer	Date of Report	27.09.2001
Signatures	Author:	Senior Officer:	
Previously	A64 (25.10.99), C071/10/00		
Disclosure of Interest			
Delegation	Committee – In accordance with Resolution SM049/05/01		

**CRC038 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Simpson:

Council agrees to the following arrangements over the month of December and January;

1. The meetings for December 2001 be advertised and conducted in accordance with the Local Government Act as follows:
  - 10.12.2001 Ordinary Council Meeting incorporating Corporate Services, Asset Services and Community & Recreation Development– commencing at 9:00am
  - 17.12.2001- Ordinary Council Meeting incorporating Strategic Management, Planning Development & Environment – commencing at 9.00am

Meetings of each Committee will revert to their normal times and cycle of the 2<sup>nd</sup> and 3<sup>rd</sup> Monday (14 and 21 January 2002) and Council will be held at the normal time on Tuesday (29 January 2002).
2. Byford Office will be closed over the Christmas week commencing 24 December 2001, and that it be reopened on the 2<sup>nd</sup> January 2002. This is to be advertised and the office well signed to indicate that the Mundijong Office is open for business to minimise inconvenience.
3. The Mundijong Office will be closed at noon on Christmas Eve (24.12.2001) and the Christmas and New Year Public holiday(s) only. Adequate staff as determined by the Chief Executive Officer will be present over the Christmas and New Year period to provide the full range of Council customer services.

CARRIED 5/0

C039/10/01 RATING PROVISIONS FOR CHARITABLE PURPOSES (A0121)			
Proponent	Western Australian Municipal Association		
Officer	G R Dougall – Director Corporate Services	Date of Report	28/09/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest	Cr Buttfield disclosed an impartiality interest in this matter as he is involved with the Baptist Care Aged Homes Inc.		
Delegation	<b>Committee– In accordance with Resolution SM049/05/01</b>		

**CRC039 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Needham:

The Western Australian Municipal Association be advised that the Shire of Serpentine-Jarrahdale supports the proposed course of action to establish, for the provision of charitable purposes, as follows;

- lobby the State Government to address the issue of the shift in responsibility that is occurring from Federal and State Governments to Local Government, advocating the principle that the level of government that creates a concessional right becomes responsible for funding that concession;
- develop specific criteria, in consultation with Local Governments, to measure the special needs requirements of applicants for charitable purpose. Criteria could include, profit and loss statements, funding base, purpose of organisation, details of service provided, benefits to the community etc, and

to request the inclusion of a requirement that the land be used exclusively as part of the criteria for approval.

CARRIED 5/0

C040/10/01 MARQUEE AND TENTS (A0103)			
Proponent	Council		
Officer	G.R. Dougall - Director Corporate Services	Date of Report	02/10/01
Signatures	Author:	Senior Officer:	
Previously	C107/12/00, C026/09/01		
Disclosure of Interest	Cr Buttfield declared an impartiality interest due to being a member of both the Serpentine Pony Club and also the Riding Pony Society of WA		
Delegation	Committee – In accordance with Resolution SM049/05/01		

**CRC040 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Simpson:

The marquee and tents be donated to the Serpentine Horse and Pony Club Inc of Serpentine who will be solely responsible for future maintenance, bookings and hiring out of the tents.

CARRIED 5/0

C042/10/01 TENDER C02/2001-2002 – COMPUTER INFRASTRUCTURE UPGRADE (A0990)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	G R Dougall – Director Corporate Services	Date of Report	02/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	Committee – In accordance with Resolution SM049/05/01		

**Officer Recommended Resolution**

Delegated authority be given to the Chief Executive Officer to accept either ComputerCorp or Ipex as the successful tenderer for tender C02/2001-2002 subject to budget compliance and confirmation of tender criteria.

**CRC042 COMMITTEE DECISION**

Moved Cr Richards seconded Cr Simpson:

Delegated authority be given to the Chief Executive Officer to accept tender C02/2001-2002 subject to budget compliance and confirmation of tender criteria.

CARRIED 5/0

Note: Companies names were deleted due to evaluations not yet finalised.

C043/10/01 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)			
Proponent	Director Corporate Services		
Officer	P. Igglesden – Customer Services Officer/Creditors Clerk	Date of Report	
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**CRC043 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy:

That Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the month of August, 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 4/0

C044/10/01 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)			
Proponent	Director Corporate Services		
Officer	J. Fletcher – Customer Services Officer/Cashier	Date of Report	
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**CRC044 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson:

That 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 September 2001.

CARRIED 5/0

C045/10/01 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)			
Proponent	Director Corporate Services		
Officer	J. Fletcher – Customer Services Officer/Cashier	Date of Report	
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**CRC045 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 September 2001.

CARRIED 5/0

C046/10/01 RATE DEBTORS REPORT (A0917)			
Proponent	Executive Manager Corporate Services		
Officer	N.J. Galbraith – Rates Officer	Date of Report	
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**CRC046 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy:

That Council receive and note the report the Rate Debtors accounts as at 30 September 2001.

CARRIED 5/0



C047/10/01 CHANGE OF START TIME FOR OCTOBER PLANNING, DEVELOPMENT & ENVIRONMENT COMMITTEE (A0023-02)			
Proponent	Chief Executive Officer		
Officer	D.E Price - Chief Executive Officer	Date of Report	04/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**CRC047 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson:

- To enable interested Councillors and staff to participate in the Western Australia Municipal Association “Whole of Organisation” Best Practice evaluation Council agree to advertise and commence the Planning, Development and Environment Committee in October at the earlier time of 10:30am.
- Council agrees to send up to 10 representatives (table) comprising the following combination if possible to the 2001 WAMA Best Practice Awards Evening to be held on the 9 November;
  - Three (3) Councillors, to be nominated by the Shire President and
  - Seven (7) Staff to be nominated by the Chief Executive Officer

CARRIED 5/0

C048/10/01 INFORMATION REPORT			
Proponent	Director Corporate Services		
Officer	G.R. Dougall – Director Corporate Services	Date of Report	Various
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**CRC048 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Simpson:

That the information report be received.

CARRIED 5/0

10.2 Asset Services – 8<sup>th</sup> October, 2001

AS034/10/01 REPLACEMENT OF COMMUNITY BUS (A0536-02)			
Proponent	Director Asset Services		
Officer	Robert Harris Director Asset Services	Date of Report	26.09.01
Signatures	Author:	Senior Officer	
Previously			
Disclosure of Interest			
Delegation	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS034 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Scott the tender submitted by Young Toyota for the supply of a 22 seat Toyota Coaster community bus for \$87,952.00 including GST and trade-in on Council's existing community bus SJ4060 for \$10,500.00 be accepted, and the Chief Executive Officer is authorized to enter into a lease agreement for the acquisition.

CARRIED 5/0

<b>AS037/10/01 INFORMATION REPORT</b>			
Proponent	Director Asset Services		
Officer	Various	Date of Report	Various
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS037 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Murphy that the information report to the 30 September, 2001 be received .

CARRIED 5/0

10.3 Community & Recreation Development – 8<sup>th</sup> October, 2001

<b>CRD16/10/01 WA BAPTIST HOSPITAL &amp; HOMES TRUST INC (RS0096)</b>			
Proponent	Council		
Officer	D Henderson – Relief Community Development Officer	Date of Report	24.09.01
Signatures	Author: Senior Officer:		
Previously	CRD09/08/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**CRD16 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Needham that Mrs Margaret Cornel and Mr Ken Ridge be thanked for their attendance at this meeting.

CARRIED 5/0

<b>CRD17/10/01 SOUTH EAST REGIONAL SPORT &amp; RECREATION FACILITIES STRATEGY PLAN (A0818)</b>			
Proponent	South East Regional Recreation Advisory Group		
Officer	D Henderson – Relief Community Development Officer	Date of Report	24.09.01
Signatures	Author: Senior Officer:		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**CRD17 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Needham that Council notes the information provided on the different recreation plans in order to facilitate developments in the Serpentine-Jarrahdale Shire.

CARRIED 5/0

CRD19/10/01 INFORMATION REPORT			
Proponent	N/A		
Officer	D Henderson – Relief Community Development Officer	Date of Report	27.10.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
Delegation	<b>Committee – in accordance with resolution SM049/05/01</b>		

**CRD19 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Price that Council accepts the September 2001 information report.

CARRIED 5/0

10.4 Building Services – 15<sup>th</sup> October, 2001

B08/10/01 PROPOSED OAKFORD COMMUNITY CENTRE (RS0158)			
Proponent	Council		
Officer	W Chant - Principal Building Surveyor	Date of Report	04.10.01
Signatures	Author:	Senior Officer:	
Previously	B33/06/01, P123/03/01, CRD26/02/01		
Disclosure of Interest	Cr Murphy (not financial)		
Delegation	<b>Committee – in accordance with resolution SM049/05/01</b>		

**B08 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Hoyer

- 1 Council approves the expenditure of funds contained in Account BOR902 for the continued construction of the Oakford Community Centre on the basis of the Oakford Community Association identifying in-kind community contributions totalling \$25,792.
- 2 The Oakford Oldbury Association continues to negotiate community contributions so that the project may be completed with no over budget expenditure.

CARRIED 5/0

B09/10/01 INFORMATION REPORT			
Proponent	N/A		
Officer	S Searle – Assessments Support Officer	Date of Report	05.10.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
Delegation	<b>Committee – in accordance with resolution SM049/05/01</b>		

**B09 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star seconded Cr Hoyer that Council accepts the September 2001 Information Report.

CARRIED 5/0

10.5 Health Services – 15<sup>th</sup> October, 2001

H06/10/01 INFORMATION REPORT			
Proponent	N/A		
Officer	J Abbiss – Manager Assessments	Date of Report	05.10.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
Delegation	<b>Committee – in accordance with resolution SM049/05/01</b>		

**H06 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star seconded Cr Murphy that Council accepts the September 2001 Information Report.

CARRIED 5/0

10.6 Planning Development & Environment – 15<sup>th</sup> October, 2001

E010/10/01 AGRICULTURAL PROTECTION BOARD REPRESENTATIVE NOMINATION FOR ZONE 6 REGION (A0096)			
Proponent	Shire of Murray		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	4/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**E010 Committee Decision**

Moved Cr Star, seconded Cr Hoyer that Council provides written support for the nomination of Shire of Murray Councillor Bessant to represent the Harvey Region on the Agricultural Protection Board.

CARRIED 5/0

E011/10/01 COUNCIL ENDORSEMENT OF TORONTO DECLARATION (A0236)			
Proponent	International Council for Local Environmental Initiatives		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	5/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**E011 Committee Decision/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Needham that Council endorses the Toronto Declaration and informs the City of Melbourne and the International Council for Local Environmental Initiatives, but acknowledges that its own CCP Targets are less than the 50% targets set at Toronto.

CARRIED 5/0

E012/10/01 CONTROLLED GRAZING IN DRAINAGE RESERVES (A0239)			
Proponent	Dirk Brook Project Partnership Group		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	4/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

### **E012 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Star that

1. Council endorses the Best Management Practice for Controlled Grazing of Drains.
2. Council requests a meeting with the Water and Rivers Commission, the Office of Water Regulation and the Water Corporation to discuss licence agreements which include phased implementation of a fencing program on the gazetted drainage system, licensing of all landowners grazing stock in drainage reserves under the Best Management Practice and reporting on same.

CARRIED 5/0

E013/10/01 EARTH CHARTER (A0293-03)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	9/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

### **E013 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Star that

1. Council advertises its intention to endorse the Earth Charter to the Serpentine-Jarrahdale community in accordance with the Shire's Community Consultation Framework.
2. The Charter be returned to Council for formal endorsement following the consultation process.

CARRIED 5/0

E014/10/01 INFORMATION REPORT			
Proponent	Environmental Officer		
Officer	Andrew Del Marco - Environmental Officer	Date of Report	2/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

### **E014 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Hoyer that the Information Report to 5 October 2001 be received.

CARRIED 5/0

P040/10/01 ROAD NAMES - LOT 106 SELKIRK ROAD, SERPENTINE (S113099)			
Proponent	Dykstra & Associates		
Officer	Jocelyn Cockbain – Special Projects & Policy Officer	Date of Report	2/10/01
Signatures	Author:	Senior Officer:	
Previously	P013/08/01		
Disclosure of Interest			
<b>Delegation</b>	<b><u>Committee In Accordance With Resolution SM049/05/01</u></b>		

**P040 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Star that

1. Council approves the name Scarpview Drive as being suitable for the subdivision of Lot 106 Selkirk Road.
2. Council endorses the officers actions to forward the name 'Scarpview Drive' to the Geographical Names Committee for ratification.

CARRIED 5/0

P041/10/01 PROPOSED CHANGE OF USE – “SINGLE RESIDENTIAL” TO “CONSULTING ROOMS” LOT 102 (NO. 822) SOUTH WESTERN HIGHWAY, BYFORD (P01438)			
Proponent	Dykstra and Associates		
Officer	David Lodwick – Senior Planner	Date of Report	8/10/01
Signatures	Author:	Senior Officer:	
Previously	P141/05/01		
Disclosure of Interest			
<b>Delegation</b>	<b><u>Committee In Accordance With Resolution SM049/05/01</u></b>		

**P041 Committee Decision/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Murphy that Council vary development standards under Clause 5.2 of Town Planning Scheme No.2 and approve application proposing change of use from “Single Residential” to “Consulting Rooms” at Lot 102 (No.822) South Western Highway, Byford in accordance with application dated 7 September 2001 and associated plans subject to the following conditions:

1. A landscape plan to include planting of screening vegetation on front and side boundaries is to be submitted for Council approval within 60 days of Council development approval. All landscaping is to comply with Council’s Info Note PS03 – Landscaping and Revegetation on Developments Policy. Planting beds are to be at least 2 metres wide on front boundary and 1.2 metres on side boundaries;
2. Landscaping to be implemented in accordance with the plan approved by Council by July 2002 and from thereon suitably maintained to Council’s satisfaction;
3. Management of effluent disposal to requirements of the Health Department of Western Australia. Connection to reticulated sewerage is immediately required when the service is available to the subject land;
4. A minimum of 9 car parking bays to be permanently provided onsite, sealed and marked for staff and visitor parking use. Proposed car parking bays 2 and 3 to be deleted and replaced by landscaping strip under Condition 1 above;
5. All hardstanding areas (driveways, crossovers, vehicle manoeuvring space etc) shall be designed and constructed as a sealed pavement in accordance with AUSTRoads, Pavement Design or Main Roads WA Engineering Road Note No.9. Details of the Pavement Design shall be shown on the engineering drawings;
6. Stormwater shall be suitably compensated on site to ensure that discharge from the site is compensated to a maximum of 5.0L/s per gross hectare. Details of compensation structures shall be shown on the engineering drawings. Alternatively, the developer may pay a drainage headworks charge to the Council of \$2.26 per

- metre square of the gross development area to provide stormwater drainage compensation in the Byford drainage district (The total fee has been calculated at \$2766.24);
7. Two copies of engineering drawings showing the development car park and drainage management in accordance with the “Local Government Guidelines for Subdivisional Development”, Institute of Municipal Engineering Australia WA Division Inc, October 1998, shall be provided to the Director of Asset Services for approval prior to issue of certificate of classification;
  8. Floor plans and elevations of existing building and alterations (to scale) to be submitted for approval of Principal Building Surveyor prior to issue of certificate of classification;
  9. Provision of disabled access to the building and toilets in accordance with Part D and F of the Building Code of Australia;
  10. Signage details are to be submitted for approval and are to accord with Council’s Draft Local Planning Policy No.5 ‘Control of Advertisements’;
  11. Security systems shall be silent. If there is security lighting, it shall not be intrusive on adjoining neighbours;
  12. No retail use of the subject development.

Footnotes:

- a) Signage requires separate approval of Main Roads WA;
  - b) Applicant be advised that strict compliance with the Building Code of Australia does not obviate obligations to comply with the Disability Discrimination Act 1992
  - c) Compliance with Building Code of Australia for Class 5 Office Buildings is required
- CARRIED 5/0

P044/10/01 PROPOSED SUBDIVISION – LOT 1 ADAMS STREET, MUNDIJONG (S117398)			
Proponent	Dykstra and Associates		
Officer	David Lodwick – Senior Planner	Date of Report	27/9/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P044 Committee Decision/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Needham that Council recommends to the WA Planning Commission that the proposed subdivision of Lot 1 Adams Street, Mundijong be refused for the following reasons:

1. Subdivision of the land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Mundijong townsite.
2. The proposed subdivision would result in the creation of lots(s) in an area where onsite effluent disposal is not satisfactory in the long term and which is not serviced by reticulated sewerage. This would be contrary to the Government Sewerage Policy for the Perth Metropolitan Region.
3. The proposed subdivision would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.

CARRIED 5/0

P046/10/01 PROPOSED REVISED AMENDMENT 107 - REZONING LOTS 6 & 305 HARDEY ROAD, SERPENTINE TO RURAL LIVING A ZONE (A0859)			
Proponent	BSD Consultants		
Officer	David Lodwick – Senior Planner	Date of Report	3/10/01
Signatures	Author:	Senior Officer:	
Previously	P021/08/00		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P046 Committee Decision/Officer Recommended Resolution**

Moved Cr Needham, seconded Cr Price that

A. Subject to receipt of a suitable amended Subdivision Guide Plan (including five copies of suitably prepared amending documents), Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to initiate an amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 by:

1. Rezoning Lots 6 and 305 Hardey Road to Rural Living A zone in accordance with the existing scheme provisions under Amendment 68 to Town Planning Scheme No.2;
2. Description of land in Appendix 4A of the Scheme Text to be modified as appropriate to reflect the change;
3. Applicant to provide modified Scheme Maps accordingly

B. In respect of Lot 8, applicant is advised to lodge a submission to the Rural Strategy Review during the public advertising period yet to be commenced.

CARRIED 5/0

P047/10/01 RECONSIDERATION/CLARIFICATION OF BRIDLE PATH REQUIREMENT – REZONING OF LOT 4 RANDELL ROAD, MUNDIJONG FROM RURAL TO FARMLET (P00881)			
Proponent	Dykstra and Associates		
Officer	David Lodwick – Senior Planner	Date of Report	4/10/01
Signatures	Author:	Senior Officer:	
Previously	P155/06/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P047 Committee Decision/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Murphy that Condition 5 of Council’s 25 June 2001 resolution on the proposed rezoning of Lot 4 Randell Road, Mundijong requiring the subdivider to construct a bridle path within the Webb Road reserve fronting the subdivision is satisfied by the subdivider setting aside a 20 metre wide road reserve at the western end of the subject land, and this requirement be defined on the subdivision guide plan.

CARRIED 5/0



P048/10/01 INFORMATION REPORT			
Proponent	Director Sustainable Development		
Officer	Lisa Fletcher – Support Officer Sustainable Development	Date of Report	2/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest	Cr Hoyer (P048.9)		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P048 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Murphy that the Information Report to 8 October 2001 be received.

CARRIED 5/0

P049/10/01 PROPOSED SUBDIVISION – LOT 21 JARRAH ROAD, HOPELAND (S117483)			
Proponent	Williams and Partners Consulting Surveyors		
Officer	David Lodwick – Senior Planner	Date of Report	10/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**P049 Committee Decision/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Price that Council recommends to the Western Australian Planning Commission that the proposed subdivision of Lot 21 Jarrah Road, Hopeland be refused for the following reasons:

1. The proposal is contrary to the intent of Clause 5.9.6(a) of the Serpentine-Jarrahdale Town Planning Scheme No.2 and conflicts with the approved Subdivision Guide Plan for the Karnup Creek Farms Special Rural Estate which does not depict subdivision of the land into 4 lots as proposed.
2. Approval of this subdivision will set an undesirable precedent for further subdivision of similar sized lots in the Karnup Creek Farms Special Rural Estate contrary to the intent and objectives of the approved Subdivision Guide Plan.
3. Subdivision of this land would be contrary to the Rural Strategy for the Shire which does not recommend infill subdivision of existing Special Rural zones unless the overall planning considerations for the estate are adequately addressed and it is demonstrated the land has the capability to sustain closer subdivisional development.

CARRIED 5/0

**11. CLOSE**

The meeting closed at 7.51pm

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 26<sup>th</sup> November, 2001

.....  
Presiding Member

.....  
Date