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

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 30<sup>TH</sup> AUGUST, 2004. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.03PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham..... Presiding Member  
KR Murphy  
AW Wigg  
JA Scott  
WJ Kirkpatrick  
THJ Hoyer  
JC Star

**OFFICERS:** Mr D Price ..... Chief Executive Officer  
Mr G Dougall..... Director Corporate Services  
Ms J Abbiss ..... Director Sustainable Development  
Mr M Beaverstock ..... Director Asset Services  
Mrs S Langmair..... Minute Secretary

**APOLOGIES:** Crs AJ Simpson ..... Leave of Absence  
IJ Richards..... Leave of Absence  
JE Price

**GALLERY: 4**

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice

Ross Lay, 33 Westcott Road, Serpentine

Q2 In the letter dated 20.4.04 an extract from councils Town Planning Scheme No 2 clearly states “in the rural zone only two dwelling units per lot for lots having an area greater than four hectares and less than fifty hectares” (My Lay’s property is 36 hectares). The letter states “however the shire is required to ensure that if the land is sold that a future purchaser is not under the misapprehension that the property can have two houses permanently located on the lot” – can someone please explain this to me?

Q3 If a second residence is definitely not allowed and the shire requires a legal agreement with a caveat to ensure the demolition of that residence, could I please have a dated copy of the by-laws which suggest these are the requirements.

A The Chief Executive Officer and the Director Sustainable Development met with Mr Lay on 3<sup>rd</sup> August 2004 to address these questions.

### **3. PUBLIC STATEMENT TIME:**

Public statement time commenced at 7.04pm

Chairman of the Bendigo Bank Working Group.

Announced that the Byford and Districts Community Bank reached their share target of \$525,000 on the morning 27<sup>th</sup> August 2004, therefore the bank is able to proceed and the building of the premises they will occupy has commenced this week. Thanked Council for assistance in their contribution towards the bank and support via media releases and promotion of the community bank. Public response has been very positive.

Dale Oakley, Serpentine

As a resident of Serpentine and speaking on behalf of the community forum, I would like to put to the Shire that a footpath and cycle way is developed along Hall Road and over the railway crossing in Leslie Street and a pedestrian crossing on the railway crossing on Karnup Road.

This path has been requested by the residents for four years and is long overdue. This path is necessary due to the fact that there are 80 residents developed in Serpentine Green alone, there are 57 school age and under living in this estate. We are unable to push prams or let our children walk to the school or shops. We want to let our children ride their bikes to school, even if we ride with them, its still too dangerous as the traffic at school time is very heavy on this road. The speed limit is 90 km per hour which is far too fast in such a built up area, there has been two serious accidents on this road, one very recently. There are no signs on any of the school bus stops or signs to say children are crossing. We have seen speed limits reduced and new paths in other parts of the shire. This issue needs to be addressed and something done now, we don't want to wait for a fatality.

The Director Asset Services advised that the footpath program will be presented at the September Asset Services Committee meeting and Council officers have advised Main Roads WA that they support a further reduction in the speed limit.

Cr Wigg asked that Mrs Oakley's statement and the response be referred to the Serpentine community forum.

Public statement time concluded at 7.08pm

### **4. PETITIONS & DEPUTATIONS:**

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

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

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

#### 7.1 Ordinary Council Meeting – 26<sup>th</sup> July, 2004

#### **COUNCIL DECISION**

**Moved Cr Wigg seconded Cr Hoyer  
That the minutes of the Ordinary Council Meeting held on 26<sup>th</sup> July, 2004 be confirmed.  
CARRIED 7/0**

**REPORTS OF COMMITTEES:**

|  |   |   |
|--|---|---|
| C013/08/04 REVIEW OF COUNCILLOR REPRESENTATION (A0162) |   |   |
| Proponent:   | Council   | In Brief<br><br>To recommend to the Local Government Advisory Board to amalgamate the West and Central wards into the Central/West ward and rename the North ward the "Byford" ward and the South ward the "Southern" ward. |
| Officer:   | G R Dougall – Director Corporate Services   |   |
| Signatures Author:                                     |   |   |
| Senior Officer:  |   |   |
| Date of Report   | 12/08/04  |   |
| Previously   | C005/07/04, C013/08/04  |   |
| Disclosure of Interest                                 | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995 |   |
| <b>Delegation</b>                                      | <b>Council</b>  |   |

**Background**

**This report is supplementary to the item that was considered by the Corporate Services Committee on 9<sup>th</sup> August, 2004.**

In July Council commenced its public consultation process for a review of the district ward boundaries. Four scenarios have been presented to the community to encourage debate. Two advertisements were placed in the Weekend Examiner Newspaper and an insert was also included in the 2004 rates notice envelope.

Council agreed to commence the review to develop options for improvement of representation in the west ward, which is currently under-represented when compared to the district average and other wards. Council last reviewed the wards in 2000 and are not required to review wards again prior to the 2007 elections, however, it was considered appropriate to review the option of moving the boundaries to improve the representation at this time given elections are due in May 2005.

The Local Government Advisory Board has notified local governments that the preferred date for recommending any change is July, however they have suggested if recommendations are received by the end of August they will attempt to consider them in time to implement any changes by the 2005 ordinary elections. The main issue here being the need to put in place the process for modifying boundaries for the Electoral Commission.

The current councillor representation is provided in the following table:

| WARD         | NO OF COUNCILLORS | ELECTORS    | ELECTORS PER COUNCILLOR | % DEVIATION RATIO |
|--------------|-------------------|-------------|-------------------------|-------------------|
| North        | 4                 | 2951        | 738                     | -9%               |
| Central      | 3                 | 2173        | 724                     | -9%               |
| South        | 2                 | 1630        | 815                     | 0.06%             |
| West         | 1                 | 1368        | 1368                    | 68%               |
| <b>TOTAL</b> | <b>10</b>         | <b>8122</b> | <b>812</b>              |                   |

The options put forward for the public consultation process were:

1. No wards
2. Move a councillor from North or Central Wards to West Ward
3. Remove west ward and create three wards, North, Central, South
4. Two wards, North and South.

### **Sustainability Statement**

**Social Diversity:** The ward boundary review should provide an opportunity for the community to associate with itself and its belonging to the district. The review should consider the diversity of this community in considering any proposals or submissions.

### **Statutory Environment:**

Clause 6 of Schedule 2.2 of the Local Government Act 1995 provides that local governments with wards undertake a reviews of the ward boundaries and the number of offices of councillor in each ward from time to time not more than eight years apart. It has been four years since the last review. Once the review is undertaken a Council may propose changes to be made to the Local Government Advisory Board by absolute majority.

Clause 5 of Schedule 2.2 of the Local Government Act 1995 provides for local governments to undertake a review whether or not it has been requested to do so.

### **Policy/Work Procedure Implications:**

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

### **Financial Implications:**

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

### **Strategic Implications:**

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

#### **1. People and Community**

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

##### Strategies:

4. Foster a strong sense of community, place and belonging.

*Objective 3: High level of social commitment*

##### Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

#### **4. Governance**

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

##### Strategies

1. Improve coordination between Shire, community and other partners.

*Objective 3: Compliance to necessary legislation*

##### Strategies:

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

**Community Consultation:**

Required: Yes

| Affected Property                      | Summary of Submission  | Support / Object   | Officer's Comment  | Action (Condition/ Support/ Dismiss) |
|--|--|--|--|--------------------------------------|
| A252213                                | Support of the option to move a councillor from the North ward to the West ward.   | Support option 2   | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.  | Not supported                        |
| Oakford/ Oldbury Community Association | Support the option to move councillor from North ward to West ward.  | Support option 2   | As above   | Not supported                        |
| A170401                                | Supports a review of boundaries. Proposes consideration of moving councillor from central ward to west ward. Review should take into consideration local democracy, politics, land and development themes and future population densities around Byford, Cardup, Darling Downs, Byford and Mundijong Structure Plans.  | Support new option to move councillor from central to west ward. | This proposal has been included in this report. It is a workable proposal with some boundary adjustment to the north, west and central wards. Other options are preferred before this option.  | Not supported.                       |
| A185402                                | Supports proposition for removal of ward boundaries. Reasons for this support are that members should be making decisions based on overall benefits, less pressure for members on local issues, requirement of members to be involved in all major issues, removes requirement to balance elector numbers in each ward, would allow greater participation of electors voting in elections and would give all ratepayers equal opportunity to vote for members. | Support no wards.  | This proposition does ease the need to balance electors in the future with oncoming expansion in the northern areas that already have the higher density of electors and population. Councillors are required to base decision making on whole district benefits under the current Local Government Act. This is similar to the one vote one value philosophy in state government. No wards could allow the more densely populated areas to determine councillor mix, a ward structure does ensure a | Not supported                        |



|         |  |   |   |  |
|---------|--|---|---|--|
|         |  |   | balance across the district.  |  |
| A25302  | Supports removal of west ward to leave three ward structure. Seems reasonable to join north and west wards together as this is similar to the current diversities within the central and south wards (scarp to the flats). | Supports three ward structure                       | This option has been included in this report. This option, with some boundary adjustments, does provide a very even balance of representation across the district. Other options are preferred before this option.  | Not supported.   |
| A252323 | Supports option of moving councillor from north ward to west ward  | Supports option 2                                   | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.   | Not supported.   |
| A254700 | Supports moving councillor from North ward to west ward. Does not believe the removal of councillor from north ward would overload the three remaining positions.  | Supports moving councillor from north to west ward. | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed. The indicative numbers suggest that Darling Downs would need to be removed from north ward if the elector representation is to fit the Advisory Board requirements. | Not supported.   |
| A25209  | Supports moving boundary of west ward further south to railway line and adding extra councillor to the west ward.  |   | The inclusion of residents further south of the current west ward boundary has been considered by Council. It will include some 241 residents to the current electors. This change further over-represents the central ward but not to the point where a councillor can be removed from that ward.  | Not supported as this cannot be done, not even by including part of the Cardup area now in the north ward or the south eastern part of the north ward. |

|         |   |  |  |   |
|---------|---|--|--|---|
| A330405 | Supports moving councillor from north ward to west ward, and moving the west ward boundary south to the railway line.   |  | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed. The inclusion of residents further south of the current west ward boundary has been considered by Council. It will include some 241 residents to the current electors. This change further over-represents the central ward but not to the point where a councillor can be removed from that ward. | Not supported as it does not provide a satisfactory outcome on representation as required by the Local Government advisory board. |
| A330318 | Supports moving councillor from north ward to west ward. Believes the community indicators program highlights that local issues to Oakford are not shared by the wider community. | Supports councillor moving from north ward to west ward. | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.  | Not supported.  |
| A112300 | Supports moving councillor from north ward to west ward. West ward is in danger of being isolated by intense urban and rural living.  | Supports moving councillor from north ward to west ward. | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.  | Not supported.  |
| A217300 | Support extending the west ward further south to the railway line and adding a councillor to the west ward.   |  | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed. The inclusion of residents further south of the current west ward boundary has been considered by Council. It will include some 241 residents to the current electors. This change   | Not supported.  |

|                |   |  |   |                |
|----------------|---|--|---|----------------|
|                |   |  | further over-represents the central ward but not to the point where a councillor can be removed from that ward.   |                |
| Unkown address | Recommends adding two councillor to 12 in total and making a separate ward for the Byford townsite.   |  | This would require significant adjustment to current boundaries. It has been considered that the next review will require significant review and will be able to better gauge the increase in future population.  | Not supported. |
| A254800        | Support Oakford/Oldbury Association comments  | Councillor from North ward to West ward                      | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.   | Not supported  |
| A255000        | Move Councillor from North ward to West ward  | As above   | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.   | Not supported  |
| A277419        | Supports moving Councillor from North ward to West ward. Does not support movement of Councillor from West ward.  | As above   | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed.   | Not supported  |
| A283000        | Proposes forward population figures based on previous fifteen months ATU licences. Moves Oldbury area into current West ward and the portion of Cardup currently in the North ward to the Central ward. | Supports Councillor being moved from North ward to West ward | The calculation used in this submission bases previous and future ATU approvals for the Cardup area being located in the current North ward. The portion of Cardup currently located in the North ward only includes the areas of Daisy, Bushlark, a portion of Soldiers and a portion of Cardup Siding Roads. The expanding area of Cardup where previous ATU's would have been approved is around the | Not supported  |

|         |  |   |  |             |
|---------|--|---|--|-------------|
|         |  |   | Hopkinson Road area which is located in the Central ward. When taking this into consideration the projected North and Central ward numbers fall outside the deviation guidelines required by the Local Government Advisory Board. The elector ratio provided by this change in the North ward also does not allow expansion of population over the next eight years. |             |
| A270100 | Supports moving Councillor from North ward to West ward as this will have the least impact on both wards and will not split the West ward. | Supports Councillor or being moved from North ward to West ward | This option has been explored at length. The numbers indicate that this could only occur if Darling Downs was added and some areas south of Thomas Road and west of Kargotich Road are removed   | Not support |

**Comment:**

Eighteen (18) submissions have been received to date. The majority support an additional councillor to the west ward and consideration of an extension of the west ward boundary south to the railway line. These changes have been thoroughly considered as part of the review assessment. ***Included as attachment "C013.08.04" (E04/4311) is the assessment report detailing the four (4) options originally advertised for public consultation and two (2) further options considered as part of the consultation process.*** The assessment of the west ward is that a second councillor will only work if the area of Darling Downs is included and areas south of Thomas Road and west of Kargotich Road are excluded. Otherwise the ratio of electors to councillors will not fit the guidelines required by the Local Government Advisory Board.

The figures used to calculate the ward representation includes the 2003 electoral roll with an assessment of new effluent treatment units to gauge an understanding of new premises in the district since that time. It is estimated that 304 new premises have been completed since the roll was finalised in March 2003. Each dwelling has been multiplied by a factor of 2 electors per dwelling to assist in this assessment. The figures that have been added to the 2003 electoral roll for each ward are:

|         |            |
|---------|------------|
| North   | 174        |
| West    | 136        |
| Central | 160        |
| South   | <u>138</u> |
| TOTAL   | <u>608</u> |

From the attached report it can be seen that there are several options that could be considered suitable to meet the distribution of wards until the next review. As indicated above the Local Government Act does require local governments to review their ward boundaries at least every eight years, Council last undertook a review in 2000. Whatever is

put in place today can be reviewed and modified in the future. The main aim has been to consider what factors may influence the community over the next eight years that could ensure that pressures do not occur before then, and will facilitate any future adjustments that may be required at that time.

The six options considered in this report all have positive aspects, they also have considerations that could be challenged. The main consideration should be the best fit that benefits the community and operations of the local government.

The assessment table provided below has been taken from attachment “**C013.08.04**” (**E04/4311**) and indicates the rating for each of the presented options:

- Option 1 - Move councillor from North ward to West ward
- Option 2 - Remove West ward and create three wards
- Option 3 - Amalgamate the four wards into two wards
- Option 4 - No wards
- Option 5 - Move councillor from Central ward to West ward
- Option 6 - Amalgamate West and Central wards

| <u>Option</u> | <b>Community of Interest</b> | <b>Physical &amp; Topographic features</b> | <b>Demographic Trends</b> | <b>Economic Factors</b> | <b>Ratio C:E</b> |
|---------------|------------------------------|--|---------------------------|-------------------------|------------------|
| 1             | No                           | Yes  | Yes                       | Yes                     | Yes              |
| 2             | No                           | Yes  | Yes                       | Yes                     | Yes              |
| 3             | No                           | No   | No                        | Yes                     | Yes              |
| 4             | No                           | Yes  | No                        | Yes                     | Yes              |
| 5             | Yes                          | Yes  | No                        | No                      | No               |
| 6             | Yes                          | Yes  | No                        | Yes                     | Yes              |

This indicates options 1, 2 and 6 would be the better options for Council to consider. Option 6 is most preferred due to the community of interest and topographic features being satisfied. Option 1 and 2 are considered not to be preferred by the community and therefore rated behind option 6.

The table below demonstrates the final ratio's of each proposal **in order of best deviation**:

| <b>OPTION</b>                        | <b>WARD</b>      | <b>NO OF COUNCILLORS</b> | <b>ELECTORS</b> | <b>ELECTORS PER COUNCILLOR</b> | <b>% DEVIATION RATIO</b> |
|--------------------------------------|------------------|--------------------------|-----------------|--------------------------------|--------------------------|
| <b>6.</b> Three wards                | North            | 4                        | 2951            | 738                            | -9%                      |
|                                      | Central/<br>West | 4                        | 3541            | 885                            | 9%                       |
|                                      | South            | 2                        | 1630            | 815                            | 0%                       |
| <b>2.</b> Three wards                | Northern         | 5                        | 4116            | 823                            | 1%                       |
|                                      | Central          | 3                        | 2376            | 792                            | -2.5%                    |
|                                      | Southern         | 2                        | 1630            | 815                            | 0%                       |
| <b>1.</b> Move Cr from North to West | Northern         | 2                        | 1261            | 830                            | 2%                       |
|                                      | Byford Town      | 3                        | 2328            | 776                            | -4.5%                    |
|                                      | Central          | 3                        | 2503            | 834                            | 3%                       |

|                                 |          |    |      |     |       |
|---------------------------------|----------|----|------|-----|-------|
|                                 | Southern | 2  | 1630 | 815 | 0%    |
|                                 |          |    |      |     |       |
| 5. Move Cr from Central to West | North    | 4  | 3074 | 768 | -5.5% |
|                                 | Central  | 2  | 1809 | 904 | 11%   |
|                                 | South    | 2  | 1630 | 815 | 0%    |
|                                 | West     | 2  | 1609 | 804 | 0%    |
|                                 |          |    |      |     |       |
| 3. Two wards                    | Northern | 5  | 4116 | 823 | 1%    |
|                                 | Southern | 5  | 4006 | 801 | -1%   |
|                                 |          |    |      |     |       |
| 4. No wards                     | Nil      | 10 | 8122 | 812 |       |
|                                 |          |    |      |     |       |

If the option to amalgamate the central and west wards is adopted there would be no requirement to change the membership structure of the proposed ward. The current West ward councillor is due for retirement in 2005 and one of the three central ward councillors is due for retirement in 2005, this would provide an even split of the four councillors in the ward being due for retirement every second election.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**C013/08/04 Officer Recommended Resolution:**

Moved Cr Kirkpatrick seconded Cr Hoyer (proforma)

In accordance with schedule 2.2 (9) of the Local Government Act 1995, it is recommended to the Local Government Advisory Board that:

1. An order be made under section 2.2 (1) of the Local Government Act 1995 to amalgamate the existing west and central wards into one central/west ward and keep the current north and south ward boundaries (Option 6 of this report).
2. An order be made under section 2.3 of the Local Government Act 1995 to name the proposed amalgamated ward the "Central/West" ward and the North ward renamed "Byford ward" and the South ward the "Southern ward".
3. An order be made under section 2.18 of the Local Government Act 1995 to designate the following number of offices of councillor for each ward: Byford (4), Central/West (4) and Southern (2).

LOST 5/2 (not an absolute majority)

During debate Cr Murphy foreshadowed that he would move a motion to consider Oakford/Oldbury ward as an identity if the original motion is lost.

**Foreshadowed Motion**

Moved Cr Murphy seconded Cr Hoyer (proforma)

An order be made under section 2.2 (1) of the Local Government Act 1995 to adjust the boundaries of the wards as follows:

1. Move the southern boundary of the west ward in a southerly direction to the Alcoa railway line. The boundaries of the North ward and the Central wards be adjusted so as to shift the locality of Cardup from the North ward into the Central ward.
2. An order be made under section 2.3 of the Local Government Act 1995 to name the west ward "Oakford/Oldbury" ward, the north ward "Byford ward" the Central ward "Mundijong/Jarrahdale" ward and the South ward the "Serpentine/Keysbrook" ward.
3. An order be made under section 2.18 of the Local Government Act 1995 to designate the following number of offices of councillor for each ward: Byford (3), Mundijong/Jarrahdale (3), Serpentine/Keysbrook (2) Oakford/Oldbury (2).

LOST 1/6

Moved Cr Star seconded Cr Wigg that the meeting be adjourned at 7.34pm to further discuss the ward boundary issue.

CARRIED 7/0

Members of the public left the Council Chambers at this juncture.

The Presiding Member re-instated the meeting at 7.59pm.

During debate Cr Scott foreshadowed that she would move a motion to consider moving a councillor currently representing the North ward and due to retire in 2005, to a new proposed North ward if the item under debate was lost.

### **Foreshadowed Motion**

Moved Cr Scott seconded Cr Star (proforma)

In accordance with schedule 2.2 (9) of the Local Government Act 1995, it is recommended to the Local Government Advisory Board that:

1. An order be made under section 2.2 (1) of the Local Government Act 1995 to move a councillor currently representing the North ward, due to retire in 2005, to a new proposed North West ward (inclusive of the current west ward Councillor position) as per option 1 of this report.
2. An order be made under section 2.3 of the Local Government Act 1995 to name the proposed ward the "North/West" ward and the North ward renamed "Byford Townsite ward" and the Central and South ward the "South ward".
3. An order be made under section 2.18 of the Local Government Act 1995 to designate the following number of offices of councillor for each ward: North West (2), Byford Townsite (3), Central (3) and South (2).

LOST 2/5

| C014/08/04 FEES AND CHARGES ADDITION – EMERGENCY SERVICES CHARGES (A1239) |  |  |
|---|--|--|
| Proponent:  | Local Government Act 1995  | In Brief<br><br>To approve the Emergency Services subdivision and development contributions and emergency services charges for 2004/2005 |
| Officer:  | G.R. Dougall – Director Corporate Services   |  |
| Signatures Author:  |  |  |
| Senior Officer:   |  |  |
| Date of Report  | 04/08/04   |  |
| Previously  | C006/07/04   |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995. |  |
| <b>Delegation</b>   | <b>Council</b>   |  |

### **Background**

With the adoption of the 2004/2005 budget Council adopted the fees and charges for the year. The fees and charges for the emergency services area were omitted in error and these are now presented for consideration.

### **Statutory Environment:**

Section 6.16 (3) (a) of the Local Government Act 1995 allows local governments to impose fees and charges during the financial year.

Section 6.19 requires local governments to local public notice of its intention to impose a fee or charge, if adopted after the budget, and advise of the fee or charge and intended date of commencement.

### **Policy/Work Procedure**

#### **Implications:**

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

### **Financial Implications:**

These charges have been applied in the past by Council and assist in the provision of equipment and facilities within the district.

### **Strategic Implications:**

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

6. Ensure a safe and secure community.

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

##### Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

*Objective 3: High level of social commitment*

##### Strategies:

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



#### **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

*Objective 3: Compliance to necessary legislation*

Strategies:

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

#### **Community Consultation:**

Required: No. However Council is required to advertise the fees and a commencement date.

#### **Comment:**

As mentioned above these charges have been applied in previous years and were omitted from the current schedule of fees and charges in error. The table provided below indicate the fees being proposed:

**Subdivision & Development Contributions**

Per lot Contributions to Emergency Services Equipment & Infrastructure

This does not negate or replace the developer/subdividers requirements to install facilities and infrastructure as required by rezoning or subdivision conditions.

These funds are to be held by council & be allocated to facilities, equipment and infrastructure of the volunteer emergency services that service the area and are not to be a part of council general revenue.

| <b>Land Size</b>                              | <b>\$ Minimum Contribution</b> |
|---|--------------------------------|
| Up to 1,000m <sup>2</sup>                     | \$ 100 per lot                 |
| 1,001m <sup>2</sup> to 2,000m <sup>2</sup>    | \$ 200 per lot                 |
| 2,001m <sup>2</sup> to 3,000m <sup>2</sup>    | \$ 300 per lot                 |
| 3,001m <sup>2</sup> to 9,990m <sup>2</sup>    | \$ 400 per lot                 |
| 9,991m <sup>2</sup> to 19,900m <sup>2</sup>   | \$ 600 per lot                 |
| 19,901m <sup>2</sup> to 39,999m <sup>2</sup>  | \$ 800 per lot                 |
| 40,000m <sup>2</sup> to 399,999m <sup>2</sup> | \$ 900 per lot                 |
| 400,000m <sup>2</sup> plus                    | \$1,000 per lot                |

**EMERGENCY SERVICES CHARGES**

In Accordance with the Bush Fires Act, Fire Brigades Act & FESA Act, the following fees and charges shall apply to emergency services vehicles and equipment, responses & charges to be applied for reimbursement of expenses to deal with an incident.

| <b>Vehicle – Equipment Type</b>         | <b>\$ Minimum Charge</b>                              |
|---|---|
| Deliberate False alarm                  | \$ 250.00 + vehicle & equipment costs & infringements |
| Direct Brigade Alarm false alarm        | \$ 250.00   |
| Call out to illegal burn                | \$ 250.00 + vehicle & equipment costs                 |
| Reconnaissance Vehicles                 | \$ 50 per hr or part there of                         |
| Light tanker equivalent                 | \$ 75 per hr or part there of                         |
| 1.4 Equivalent                          | \$ 110 per hr or part there of                        |
| 2.4 Equivalent                          | \$ 240 per hr or part there of                        |
| 3.4 Equivalent                          | \$ 290 per hr or part there of                        |
| Bulk Water Tanker Equivalent            | \$ 240 per hr or part there of                        |
| Specialist Equipment Vehicle Equivalent | \$ 500 per hr or part there of                        |
| Pumper Vehicles Equivalent              | \$ 500 per hr or part there of                        |
| Incident Control Vehicle Equivalent     | \$ 500 per hr or part there of                        |
| Air support equipment                   | At cost plus 5% administration fee                    |
| Earth moving and general equipment      | At cost plus 5% administration fee                    |
| Any other equipment, personnel or items | At cost plus 5% administration fee                    |

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**C014/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Star seconded Cr Wigg

Council adopt the following fees and charges to commence on 30 September 2004;

**Subdivision & Development Contributions**

Per lot Contributions to Emergency Services Equipment & Infrastructure

This does not negate or replace the developer/subdividers requirements to install facilities and infrastructure as required by rezoning or subdivision conditions.

These funds are to be held by council & be allocated to facilities, equipment and infrastructure of the volunteer emergency services that service the area and are not to be a part of council general revenue.

| Land Size                                     | \$ Minimum Contribution |
|---|-------------------------|
| Up to 1,000m <sup>2</sup>                     | \$ 100 per lot          |
| 1,001m <sup>2</sup> to 2,000m <sup>2</sup>    | \$ 200 per lot          |
| 2,001m <sup>2</sup> to 3,000m <sup>2</sup>    | \$ 300 per lot          |
| 3,001m <sup>2</sup> to 9,990m <sup>2</sup>    | \$ 400 per lot          |
| 9,991m <sup>2</sup> to 19,900m <sup>2</sup>   | \$ 600 per lot          |
| 19,901m <sup>2</sup> to 39,999m <sup>2</sup>  | \$ 800 per lot          |
| 40,000m <sup>2</sup> to 399,999m <sup>2</sup> | \$ 900 per lot          |
| 400,000m <sup>2</sup> plus                    | \$1,000 per lot         |

**EMERGENCY SERVICES CHARGES**

In Accordance with the Bush Fires Act, Fire Brigades Act & FESA Act, the following fees and charges shall apply to emergency services vehicles and equipment, responses & charges to be applied for reimbursement of expenses to deal with an incident.

| Vehicle – Equipment Type                | \$ Minimum Charge                                     |
|---|---|
| Deliberate False alarm                  | \$ 250.00 + vehicle & equipment costs & infringements |
| Direct Brigade Alarm false alarm        | \$ 250.00   |
| Call out to illegal burn                | \$ 250.00 + vehicle & equipment costs                 |
| EQUIPMENT                               | COSTS   |
| Reconnaissance Vehicles                 | \$ 50 per hr or part there of                         |
| Light tanker equivalent                 | \$ 75 per hr or part there of                         |
| 1.4 Equivalent                          | \$ 110 per hr or part there of                        |
| 2.4 Equivalent                          | \$ 240 per hr or part there of                        |
| 3.4 Equivalent                          | \$ 290 per hr or part there of                        |
| Bulk Water Tanker Equivalent            | \$ 240 per hr or part there of                        |
| Specialist Equipment Vehicle Equivalent | \$ 500 per hr or part there of                        |
| Pumper Vehicles Equivalent              | \$ 500 per hr or part there of                        |
| Incident Control Vehicle Equivalent     | \$ 500 per hr or part there of                        |
| Air support equipment                   | At cost plus 5% administration fee                    |
| Earth moving and general equipment      | At cost plus 5% administration fee                    |
| Any other equipment, personnel or items | At cost plus 5% administration fee                    |

**CARRIED 7/0 ABSOLUTE MAJORITY**

|   |  |  |
|---|--|--|
| C015/08/04 SERPENTINE SPORTS RESERVE PAVILION AND DOCTORS ACCOMMODATION (RS0180/06/A0829) |  |  |
| Proponent:  | Chief Executive Officer  | In Brief<br><br>Council is requested to agree to the progressing of a draft lease arrangement for use of suitable rooms in the Serpentine Sports Reserve Pavilion being constructed at the Serpentine Sports Reserve ground with the Canning Division of General Practice to accommodate a doctor. |
| Officer:  | David Price-Chief Executive Officer  |  |
| Signatures Author:  |  |  |
| Senior Officer:   |  |  |
| Date of Report  | 03 August 2004   |  |
| Previously  |  |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>   | <b>Council</b>   |  |

### **Background**

The new community facility under construction at the Serpentine Sports Reserve has been designed to accommodate a small multi purpose medical room. Recently Council has been able to attract some federal and state funding assistance to equip the medical room to a standard which would enable a general practitioner to provide a limited service to the local community.

The situation that Council needs to now resolve is who is best placed to ensure that the facility is used, maintained and equipped to meet the expectations of the community. It is an area which Council has no prior experience and something which needs to be undertaken both professionally and responsibly.

### **Sustainability Statement**

**Resource Implications:** The resources required to oversee the facility and the deliver the services would be undertaken by the Canning Division of General Practice under this proposal.

**Use of Local, renewable or recycled Resources:** Local resources have been used in the design and construction of the new facility.

**Economic Viability:** This will be monitored by the Canning Division of General Practice

**Economic Benefits:** This will be monitored by the Canning Division of General Practice

**Social – Quality of Life:** It anticipated that the provision of a medical service in the southern part of the shire will improve the social quality of life for residents.

**Social and Environmental Responsibility:** The new community facility will address a number of social and environmental responsibilities.

**Social Diversity:** It anticipated that the provision of a medical service in the southern part of the shire will take into account any social diversity.

**Statutory Environment:** Local Government Act 1995 and 2004/2005 Fees and Charges

**Policy/Work Procedure Implications:** Not applicable

**Financial Implications:**

2004/2005 Fees and Charges - Council currently has not yet set hire fees for the new facility, however, fees have been adopted in the 2004/2005 budget for the hire of the facility it is replacing (Ivan Elliot Pavilion). These fees are based on a casual day use rate (before 6pm) – meeting room \$10.00/hr and hall \$20/hr. It is proposed that Council agree to waive these fees in return for the services of the Canning Division of General Practice to undertake the management of the sessional general practice service to Serpentine.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

2. Develop good services for health and well being.
3. Retain seniors and youth within the community.

*Objective 3: High level of social commitment*

Strategies:

2. Build key community partnerships.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Required: No.

**Comment:**

The proposal from the Canning Division of General Practice is an opportunity for Council to engage a professional service provider in the medical industry to establish a doctor in Serpentine at the Serpentine Sports Reserve Pavilion via a partnership agreement:

The Chief Executive Officer (CEO) has been working with the Canning Division of General Practice regarding a proposal from them to provide a “sessional general practice service” at Serpentine. ***A copy of what has been proposed by the Canning Division of General Practice is attached at C015/08/04 for Council’s information.***

Council currently has not yet set hire fees for the new facility, however, fees have been adopted in the 2004/2005 budget for the hire of the facility it is replacing (Ivan Elliot Pavilion), which provide an indicative indication of possible fees for the new facility. These fees are based on a casual day use rate (before 6pm) – meeting room \$10.00/hr and hall \$20.00/hr.

It is proposed that Council agree to waive the meeting room rate of \$10.00/hr to the Canning Division of General Practice (subject to annual review) for the use of the medical/meeting room and the \$20.00/hr hall hire cost (this room would only be used as the waiting room for the doctors) It should be noted however that both rooms would have to be booked at the same time by the Canning Division of General Practice for this option to be effective.

This arrangement would be on the understanding that the other stakeholders in the new facility agreed to the arrangement and that the Canning Division of General Practice undertook the advanced booking of the rooms required and also permitted to on hire the medical room to a nominated provider for an agreed cost which would enable them to recover all costs associated with the provision the services outlined above.

To accommodate this arrangement Council will need to ensure that the conditions of use are also reflected and agreed in any arrangements negotiated with the other main users of the new facility.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**C015/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Star**

**Council agrees to the following with regard to the provision of a sessional general practice service operating from Serpentine Sports Reserve Pavilion, Serpentine;**

- 1. Accept the proposal as outlined by the Canning Division of General Practice to establish a general practice medical service in Serpentine as described in attachment “C015/08/04”:**
- 2. Permit the Canning Division of General Practice (subject to annual review) to access the medical room (meeting room) and waive the fee for the use of the meeting room and hall. Note: (a) - both rooms would have to be booked at the same time by the Canning Division of General Practice for this option to be effective. (b) - The waiving of the fees and charges will remain in place until 30 June 2005 and be then subject to review by both the Council and the Canning Division of General Practice as per Council’s annual review of fees and charges and amended only as agreed each year thereafter.**
- 3. The Shire President and Chief Executive Officer are authorized to sign an agreement between Council and Canning Division of General Practice for the use of part of the Serpentine Sports Reserve Pavilion subject to agreement of all parties involved in the Serpentine Sports Reserve Pavilion, Serpentine and it reflecting the general intent of the above for a sessional general practice service.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

Committee Note: The Community representative as described in the membership of the selection panel to be provided by the Canning Division will be a Councillor nominated by Council.

| C020/08/04 INFORMATION REPORT |  |  |
|-------------------------------|--|--|
| Proponent:                    | Director Corporate Services  | In Brief<br><br>To receive the information report to 3 August 2004 |
| Owner:                        | Not Applicable   |  |
| Officer:                      | Various  |  |
| Signatures Author:            |  |  |
| Senior Officer:               |  |  |
| Date of Report                |  |  |
| Previously                    |  |  |
| Disclosure of Interest        | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>             | <b>Council</b>   |  |

C020.1/08/04 LOCAL GOVERNMENT ACT AMENDMENT UPDATE - MINISTER FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT (A0091)

The Minister has forwarded an update of where some of the amendments to the Local Government Act 1995 are at. Attached is his letter regarding this issue.

C020.2/08/04 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2004 (A0435)

***A copy of the National General Assembly of Local Government Program and Registration for this years conference "Seize the Moment - Communities - Vision - Opportunity" is included with the attachments and marked C020.2/08/04.*** Early bird registration and fees will need to be made on or before 20th September, 2004.

Council has included \$6,000 in the 2004/05 budget for Eastern States Conferences and delegations, however under Policy CSP25 where conferences attended by Councillors involves interstate travel, and is not identified specifically in the budget, the Council will need to approve attendance at such conferences.

C020.3/08/04 QUARTERLY REPORT – CORPORATE SERVICES (A0898)

***A copy of the Quarterly Report is included with the attachments marked C20.3/08/04.***

Council is provided with the quarterly report from the Director of Corporate Services to the Chief Executive Officer for April to June 2004 inclusive period.

C020.4/08/04 RESPONSE TO A DRAFT OF THE STATE LIBRARY STRATEGIC PLAN (A1244)

A copy of the draft of the State Library Strategic Plan 2004 -2008 has been received with an invitation to feedback.

The document has been produced in line with the Department of Premier and Cabinet's document "Better Planning: Better Services" available for viewing at [www.dpc.wa.gov.au](http://www.dpc.wa.gov.au).

The initial invitation to respond gave a very short turn around time but was extended to allow greater feedback. Since then Principal Librarian attended a meeting of Chief Metropolitan Librarians. Our concerns fall well into line with those of other councils. Along with individual councils there will also be a response from WALGA and WALGA.

The covering letter indicates that there has been extensive consultation in production of the strategic plan. The involvement of public librarians has been limited to a presentation to members of Future Directions Planning Committee, Metropolitan Chief Librarian's Groups and Country Librarian's Group.

The document was disappointing in that it is not extensive. The goals are quite broad statements without an indication of an achievable outcome. There are no action plans listed in the document that may have indicated how strategies would be achieved. It is hoped that some future action plans will be forthcoming after the feedback.

We have been invited to comment as a "stakeholder" to the document. Public libraries and Local Government should be considered as partners in the provision of Public library services though out the state.

Initiatives listed only cover the 2004-2005 period even though the document is headed 2004 - 2008. Most of the initiatives relate to services carried out at the State Library building. Very little acknowledgement has been made of the services provided for public libraries through the State Library of Western Australia and gives little direction of the service for the future.

Specifically, the issue in regards to funding of library resources should be given more focus. The comment to "Implement the Framework Agreement " is concerning as this is still in negotiation stage between Local Government and the State Government and has been for a few years now.

Principal Librarian will respond to the Acting State Librarian in line with comments of this information report and encourage more participation with public library staff in progressing the document.

C020.5/08/04 INTEREST ON INVESTMENTS (A0073)

| Bank                               | Maturity Date   | Purpose                      | Terms | Balance               | Anticipated Interest |
|------------------------------------|---|------------------------------|-------|-----------------------|----------------------|
| <b>Reserve Funds</b>               |   |                              |       |                       |                      |
| Challenge                          | 24/08/04  | Tourism Reserve              | 5.31% | \$19,987.48           | \$177.37             |
| Challenge                          | 24/08/04  | Gravel Pit Reserves          | 5.31% | \$31,147.52           | \$276.41             |
| Challenge                          | 24/08/04  | Leave Reserve                | 5.31% | \$106,114.71          | \$941.69             |
| Challenge                          | 24/08/04  | Waste Management Reserve     | 5.31% | \$19,164.49           | \$170.07             |
| Challenge                          | 24/08/04  | Renewable Energy Reserve     | 5.31% | \$17,772.02           | \$157.71             |
| Challenge                          | 24/08/04  | Community Facilities Reserve | 5.31% | \$310,688.18          | \$2,757.12           |
| Challenge                          | 24/08/04  | Investment Reserve           | 5.31% | \$171,395.60          | \$1,521.01           |
| Challenge                          | 24/08/04  | Plant Replacement Reserve    | 5.31% | \$394,916.31          | \$3,504.58           |
| Challenge                          | 24/08/04  | Admin Building Reserve       | 5.31% | \$116,636.00          | \$1,035.06           |
| Challenge                          | 24/08/04  | Emergency Reserve            | 5.31% | \$17,125.00           | \$151.97             |
| Challenge                          | 24/08/04  | Road Reseals Reserve         | 5.31% | \$47,945.00           | \$425.48             |
| Telstra Shares                     | Telstra Shares as at 30 July 2004 at 4.00pm at \$4.92                 |                              | 5.07% | \$14,760.00           |                      |
| Bendigo Bank                       | Byford & Districts Community Development Services Ltd shares @ \$1.00 |                              |       | \$10,000.00           |                      |
|                                    |   |                              |       | <b>\$1,277,652.31</b> | <b>\$11,118.48</b>   |
| <b>Special Purpose Investments</b> |   |                              |       |                       |                      |
| Challenge                          | 04/08/04  | Byford Youth Forum           | 5.42% | \$5,176.01            | \$70.71              |
| Challenge                          | 29/09/04  | Darling Downs Capital        | 5.34% | \$105,967.61          | \$1,426.29           |
| <b>TOTAL INVESTMENTS</b>           |   |                              |       | <b>\$111,143.62</b>   | <b>\$1,497.01</b>    |
| <b>MUNICIPAL INVESTMENTS</b>       |   |                              |       |                       |                      |
| BankWest                           | 02/08/04  |                              | 5.35% | \$259,929.78          | \$1,177.85           |



|                          |          |       |                       |                    |
|--------------------------|----------|-------|-----------------------|--------------------|
| BankWest                 | 16/08/04 | 5.35% | \$259,101.90          | \$1,249.85         |
| <b>TOTAL</b>             |          |       | <b>\$519,031.68</b>   | <b>\$2,427.70</b>  |
| <b>TOTAL INVESTMENTS</b> |          |       |                       |                    |
|                          |          |       | <b>\$1,907,827.61</b> | <b>\$15,043.18</b> |

**FUNDS INVESTED FROM ACCOUNTS**

|                 |                              |
|-----------------|------------------------------|
| Municipal       | \$519,031.68                 |
| Reserve         | \$1,277,652.31               |
| Special Purpose | \$111,143.62                 |
|                 | <u><b>\$1,907,827.61</b></u> |

**INTEREST EARNED**

|                        |                          |
|------------------------|--------------------------|
| Interest for July 2004 | \$4,844.50               |
| Previous interest      | \$0.00                   |
|                        | <u><b>\$4,844.50</b></u> |

**BANKS RESERVES INVESTED WITH**

|   |        |                              |
|---|--------|------------------------------|
| BankWest  | 27.21% | \$519,031.68                 |
| Challenge Bank                                  | 71.50% | \$1,364,035.93               |
| Telstra Shares                                  | 0.77%  | \$10,000.00                  |
| Byford & Districts Community Development Shares | 0.52%  | \$14,760.00                  |
|   |        | <u><b>\$1,907,827.61</b></u> |

**Background**

Nil

**Sustainability Statement** No Sustainability Statement

**Statutory Environment:** No Statutory Requirement

**Policy/Work Procedure Implications:** No Policy Implications

**Financial Implications:** No Financial Implications

**Strategic Implications:** No Strategic Implications

**Community Consultation:** No

**Comment:**

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

1. The information report to 3 August 2004 be received.

**Committee/Officer Recommended Resolution:**

1. The information report to 3 August 2004 be received.
2. That the committee approves up to 2 councillors attending the National General Assembly of which Cr Star is one representative.

Committee Note: The Information Report was changed to provide opportunity for Councillor Star and another Councillor, if considered appropriate, to attend the National General Assembly.

**C020/08/04 COUNCIL DECISION/**

**Moved Cr Wigg seconded Cr Kirkpatrick**

- 1. The information report to 3 August 2004 be received.**
- 2. That the committee approves up to two (2) councillors to attend the National General Assembly. Cr Star and Cr Hoyer are the nominated representatives.**

**CARRIED 7/0**

Council Note: The Committee/Officer Recommended Resolution was changed to include Cr Hoyer as the nominee for the second position.

| AS006/08/04 LIGHT VEHICLE REPLACEMENT/CARBON OFFSET PROGRAM<br>(A1103/24 ) |  |   |
|--|--|---|
| Proponent:   | Director Asset Services  | In Brief  |
| Officer:   | M Beaverstock<br>Director Asset Services   |   |
| Signatures Author:   |  | Council is requested to approve the purchase of 6 cylinder, dual fuel commercial vehicles where 4 cylinder, dual fuel vehicles are not financially viable to operate.   |
| Senior Officer:  |  |   |
| Date of Report   | 26 July 2004   | Council is also requested to approve a change to the Vehicle policy which permits employees to annually contribute \$200 to the Community Verge Planting Program as a carbon sequestration initiative in lieu of operating vehicles on LPG. |
| Previously   | AS001/07/04<br>12 July 2004  |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Council</b>   |   |

**Background**

Officers have been considering a sustainable way in which to manage the vehicle fleet in a financially viable manner while still achieving the objectives and commitments of the Cities for Climate Protection Programme, specifically *“Actively support operation of an internal Green fleet program within the shire, or other carbon sequestration programs”*.

This has been particularly difficult with our commercial vehicle fleet as engine power limitations have made operation on LPG difficult under loaded conditions and the vehicles have experienced poor resale value. The current vehicles are not meeting the desired environmental and financial outcomes sought.

Currently Council operates 5 commercial vehicles as dual fuelled. Quotations have recently been sourced for the replacement of 4 of these vehicles and it has been noted that the resale value of the current vehicles are approximately \$1,600 less per vehicle than the petrol equivalent (*source: Pickles Auction*) which, when added to the initial cost of gas conversion of \$2,000, results in further depreciation of \$3,600 in comparison to the petrol equivalent. This depreciation is offset partially by operating cost savings due to the lower cost LPG fuel of \$1,300 however the “whole of life” cost to own each vehicle remains higher than petrol models.

Motor industry representatives were contacted in regard to determining why the vehicles were performing poorly financially. The primary reason given was that the vehicles were small capacity, 4 cylinder engines which perform poorly on gas and as such have low demand. It was noted that 6 cylinder gas vehicles return better resale prices due to engine performance reductions not being as noticeable on these engine types. Discussions with Operations employees indicates that, when the vehicles are loaded or being used in hills

areas, drivers will switch the vehicles to petrol operation so engine performance will not impact on their work.

The primary functions of the shires commercial vehicles are to carry equipment and personnel. The vehicles are dual cab utilities with sufficient room for the driver and up to 4 passengers. This specification has been adopted as there are efficiency gains when works are being undertaken where heavy plant is stored on site overnight and a single vehicle is used to transfer crews to and from the worksite rather than multiple vehicles. Similarly this arrangement is efficient for maintenance activities where equipment can be carried solely in the vehicle or towed – a dual cab utility allows the whole crew to travel to and from the worksite in a single vehicle.

The following options have been examined in relation to the future procurement of Operations vehicles:

#### **A. Replace existing vehicles with 6 cylinder, LPG fuelled vehicles**

The primary advantage of this option is financial in that better resale values will likely be achieved as there is a market demand for 6 cylinder LPG commercial vehicles. Due to the specification requiring the vehicle to be dual cab (for the reasons mentioned above), and suitability of engines for conversion to LPG operation, there is a limited range of vehicles available for which this option could be applicable.

Review of fuel efficiency figures published by the Australian Greenhouse Office indicates that there is only a marginal increase in fuel usage when operating 6 cylinder vehicles, primarily due to testing of efficiency of commercial vehicles being undertaken under loaded conditions. As the efficiency of an engine operating on LPG is related to the energy produced from the detonation of the fuel it can be assumed that, under loaded conditions, 4 cylinder and 6 cylinder vehicles will have similar efficiency and emission levels.

Vehicle prices have been sought and, for the vehicles which meet the passenger specification requirements, the equivalent 6 cylinder vehicle would cost in the order of \$6,000 more to purchase. This initial cost increase, based on similar operating costs as the 4 cylinder LPG engine and better resale value, would be recovered over 2 vehicle replacements (120,000km).

At present 4 commercial vehicles are due for replacement which, if the 6 cylinder option was chosen, would result in an additional capital outlay of approximately \$24,000 more than anticipated. This cost would be expected to be recovered however in 3 to 4 years, subject to market demand and other influences.

#### **B. Swap LPG kit from existing to new vehicles at replacement**

This option was discussed with a number of metropolitan gas conversion companies to determine if a cost saving could be achieved by retaining the LPG equipment when a vehicle is replaced, eliminating the capital cost of buying the equipment for each new vehicle and thus reducing the whole of life cost. The manufacture and fitting of LPG equipment is tightly regulated due to the involvement of a highly flammable fuel and the use of pressure vessels. A system could be swapped from one vehicle to another however it has been found to not be cost effective.

When the system is removed the gas tank would have to be pressure tested prior to fitment on the new vehicle. Unless the vehicle is identical (i.e. no change to the model involving chassis or engine) a number of new components would have to be fitted and work would be required on the old vehicle including fitment of standard petrol components. The manufacturers warranty on the gas system would also be void if swapped from one vehicle to another.

The estimated cost for removal from the old vehicle is \$1,700 and fitment to the new vehicle, inclusive of testing of pressure components is \$2,200 for an identical vehicle and \$2,600 for a different model. The total cost of this option would range from \$3,900 to \$4,300 which is in excess of the \$3,600 loss currently experienced.

It is not recommended that this option be pursued.

### **C. Purchase and operate 4 cylinder petrol commercial vehicles**

This option would result in lower initial purchase cost and better resale value than dual fuel, however these savings would be offset by higher running costs due to petrol operation. As noted in Option A, under loaded conditions a 4 cylinder engine has similar fuel efficiency to a 6 cylinder engine in the same vehicle. It is therefore recommended that this option not be pursued for commercial vehicles as higher quantities of emissions would be produced by the vehicles and operating costs would increase.

### **D. Purchase and operate 4 cylinder diesel commercial vehicles**

A potential reduction in operating cost may be achievable by operating diesel engines as they are more efficient than petrol. The combustion of diesel fuel results in approximately 2.7kg of carbon being produced, higher than petrol which produces 2.3kg. The efficiency saving of diesel engines results in similar emission levels to petrol engines although operating costs are reduced.

The depreciation of diesel fuelled vehicles is comparable to petrol however cost in the order of \$8,000 more than the 4 cylinder petrol model. This additional cost would take approximately 8 vehicle changeovers to fully recover. As there is no financial advantage, and emission levels are comparable to petrol operation, this option is not recommended.

A review of passenger vehicles has also been undertaken to determine the future replacement of these vehicles which addresses financial, environmental and social factors. Passenger vehicles are provided primarily for operational requirements but also form part of salary packages for staff. In some instances employment contracts state a vehicle type to be provided.

As part of Councils overall commitment to *Actively support operation of an internal Green fleet program within the shire, or other carbon sequestration programs* it is proposed that current and future employees who enjoy some form of private use of a Council owned vehicle will be encouraged to assist in the reduction of greenhouse gases or undertake actions to offset gas produced through the operation of their vehicles. This would involve the encouragement to operate LPG on larger vehicles where an employment contract provides for this vehicle type or alternatively the employee can elect to pay for carbon sequestration initiatives such as tree planting and operate the vehicle on petrol, or agree to accept a smaller 4 cylinder vehicle of equivalent level specification.

### **Sustainability Statement**

***Effect on Environment:*** When purchasing vehicles officers give consideration to the level of emissions produced and the use of low carbon fuels and high efficiency engines.

***Resource Implications:*** The of new vehicles takes into consideration the environmental and financial impacts of fleet operation, targeted at balancing advantages and impacts on the environment and ownership costs.

***Use of Local, renewable or recycled Resources:*** The operation of our fleet is a proactive way in which Council can demonstrate its commitment to actively supporting operation of an internal Green fleet program within the shire, or other carbon sequestration programs.

**Economic Viability:** The ability to procure vehicles which meet the criteria of low emission production while remaining financially viable to own and operate is limited by both manufacturer specifications and market demand.

**Economic Benefits:** Operation of a low cost vehicle fleet has economic benefits to the shire however this needs to be balanced with sustainable outcomes.

**Social – Quality of Life:** The proposal demonstrates a commitment by Council to minimize the environmental impact of its operations. On ground works have the potential to improve the general standard of reserves and open space in regard to biodiversity and appearance. The proposal also reduces the cost to the community for the operation of the fleet while achieving environmental benefits.

**Social and Environmental Responsibility:** The proposal is designed to be socially and environmentally responsible through demonstrating the ongoing commitment of Council and staff to environmental improvement.

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

**Statutory Environment:** Not applicable.

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

**Financial Implications:** An annual contribution of \$200 is proposed to be encouraged by applicable employees who elect to operate 6 or 8 cylinder vehicles on petrol rather than LPG. This amount would be payable by the employee personally through salary sacrifice.

The 2004/05 budget currently shows approved expenditure of \$22,181 for the purchase of each new commercial vehicle. To allow these vehicles to be upgraded to 6 cylinder, dual fuel vehicles the expenditure will need to be increased to \$28,000 per vehicle. Funds for the replacement of these vehicles are sourced from the Plant Replacement Reserve account. Currently there are 4 vehicles due for replacement which would result in additional expenditure of \$24,000 from this Reserve.

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

**2. Environment**

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.

### **3. Economic**

Objective 3: Effective management of Shire growth

#### Strategies:

1. Enhance economic futures for Shire communities.

### **4. Governance**

*Objective 1: An effective continuous improvement program*

#### Strategies:

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

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

#### Strategies

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

### **Community Consultation:**

Required: No

### **Comment:**

Analysis of options for the future procurement of commercial vehicles, taking into account operational, environmental and financial implications, indicates that 6 cylinder dual fuel vehicles best meet these criteria. The cost of the initial changeover to the larger engine vehicle would be recovered over two future replacements through better resale value and reduced operating costs on LPG.

It is recommended that employees operating passenger vehicles, where engine configuration stated in employment contracts is 6 or 8 cylinder, are provided the option of operating on LPG or contributing an annual amount of \$200 (salary sacrifice) towards the verge planting program and operating the vehicle on petrol. This amount would allow the purchase of sufficient trees to offset the carbon produced by the vehicle, providing a greater environmental benefit than a reduction in carbon emissions achievable through LPG operation alone.

Officers are also investigating carbon sequestration methods which may be suitable for application in the operation of heavy plant and equipment.

On acquisition of this equipment, heavy weighting is given to engine efficiency and emissions produced when recommending selection.

### **Voting Requirements:**

**ABSOLUTE MAJORITY**

**AS06/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Hoyer seconded Cr Kirkpatrick

1. Council agrees to the following consideration being given in the future replacement of light vehicles and that Policy AP20 Vehicles be amended as attached at [AS006/08/04](#) to include 1(b) and 1(c) of this resolution:
  - (a) Where not financially viable to operate 4 cylinder, dual fuel commercial vehicles the purchase of 6 cylinder, dual fuel commercial vehicles is approved.
  - (b) Where employment contracts state the provision of 6 or 8 cylinder vehicles, the employee may elect to salary sacrifice an annual amount of \$200, to be provided to the Community Verge Planting Program, in lieu of operating on LPG fuel.
  - (c) Where employment contracts state the provision of 6 or 8 cylinder vehicles, the employee may elect to be provided with a 4 cylinder petrol vehicle of equivalent specification in lieu of LPG or the annual contribution of \$200 to the Community Verge Planting Program.
2. Council authorizes expenditure of an additional \$6,000 per vehicle above the amount shown in the 2004/05 budget from the Plant Replacement Reserve for the purchase of 6 cylinder, dual fuel commercial vehicles.

**CARRIED 7/0 ABSOLUTE MAJORITY**

| AS008/08/04 LAND REQUIREMENTS FOR MUNDIJONG ROAD AND TONKIN HIGHWAY (RS0116) |  |  |
|--|--|--|
| Proponent:   | Department for Planning and Infrastructure   | In Brief<br><br>To dedicate sections of Reserve 23793 as Shire Road Reserve and future Tonkin Highway Extension. |
| Owner:   | Government   |  |
| Officer:   | Jenni Andrews<br>Reserves Officer  |  |
| Signatures Author:   |  |  |
| Senior Officer:  |  |  |
| Date of Report   | 29 <sup>th</sup> July 2004   |  |
| Previously   |  |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| Delegation   | <b>Council</b>   |  |

**Background**

Reserve 23793 was the subject of an unresolved amendment to the Metropolitan Region Scheme. Amendment 991/33 to the Metropolitan Region Scheme is now effective and land requirements are finalized. The land required is a strip of Mundijong Road for the future Tonkin Highway and future realignment for Mundijong road including entry truncations for Kargotich Road and Lightbody Road.

Tonkin Highway Extension is proposed as 6 lanes from Mills Road west to Mundijong Road and 4 lanes from Mundijong Road to South West Highway.

***A copy of the land requirements are on the enclosed drawings is with attachments marked [AS008.1/08/04](#).***

***A copy of current Metropolitan Region Scheme Map 38 is with Attachments marked [AS008.2/08/04](#).***

Reserve 23793 is an unvested reserve for the purpose of “Government Requirements”. The reserve is part of Bush Forever site (#360).

The reserve contains regionally significant Threatened Ecological Communities (TEC) including Critically Endangered floristic community types 3a, 3c *Eucalyptus calophylla – Kingia australis woodlands on heavy soils, Eucalyptus calophylla - Xanthorrhoea priessii woodlands and shrublands*, and Vulnerable floristic community types 8, 9 *Herbrich shrublands in clay pans, Dense Shrubland on clay flats*. Council has indicated its support for the proposed vesting of reserve 23793 to the care, control and management of the Conservation Commission of Western Australia as an A class reserve for the purpose of “Conservation of Flora and Fauna”.

The Tonkin Highway road reservation was modified to an area of 0.5 ha to 0.2 ha and moved slightly north to minimize impact of the vegetation. The vegetation impacted is proposed to be “ 3a *Corymbia calophylla – Kingia australis woodlands* “on heavy soil, which is Critically Endangered Rather than “ 8 Herb rich shrubland in clay pans” which is endangered. Reasons for this were that TEC 8 is in better condition, contains Declared Rare Flora (DRF) and could be more heavily impacted due to the wetness of the site.

~~Whilst carrying out site inspections of the proposed new alignment a new population of DRF *Tetraria australiensis* was located and signs of Quenda diggings were noticed.~~

The EPA have assessed the realignment of Mundijong Road between Lightbody Road and the Kwinana Freeway in amendment 991/33 in regards to vegetation communities and Declared Rare Flora and Priority Flora. It was concluded as having no significant remnant vegetation impacted by the road construction. However *Hakea marginata* and *petrophile seminuda* occur on this corner and do not appear to be present on the rest of reserve 23793.

No significant flora has been identified on the Kargotich Road intersection.

### **Sustainability Statement**

***Effect on Environment:*** Part of the Mundijong Road realignment will affect a small amount of vegetation, these areas do not include Declared Rare or Priority Flora.

Removal of vegetation on the Tonkin Highway Extension crossing will impact vegetation of Floristic Community type *Corymbia calophylla – Kingia australis*, DRF *Tetraria australiensis* and Quenda habitat.

***Resource Implications:*** The Metropolitan Region Scheme sets a broad pattern of land use for the whole of the Perth Metropolitan Scheme reflecting regional planning and development needs. A lengthy planning and consultation period has chosen a path to minimize environmental damage to Mundijong Road Flora Reserve.

***Use of Local, renewable or recycled Resources:*** Improved road costs may be realized through improved road network of Mundijong road realignment.

***Economic Viability:*** There will be no cost incurred to Council in dedicating these portion of Reserve 23793 as Road Reserve. The proposal will prevent future costs of liaison with CALM to obtain parts of an Class A reserve in the event of road improvements to Lightbody and Kargotich Road in the future.

***Economic Benefits:*** Reserve 23793 is the gateway to the Shire of Serpentine Jarrahdale and Mundijong from the west and is part of a Flora Road circuit. The diversion of Mundijong Road will contribute to its preservation of and provide aesthetically pleasing welcome to the Shire for residents and tourists.



The Tonkin Highway Extension will address the future transport needs of urban development in the towns of Byford and Mundijong by providing a bypass. The diversion of large vehicles from town centers has potential to encourage pedestrian access, and greater use of local business.

**Social – Quality of Life** The Tonkin Highway will alleviate pressure off South Western Highway providing a safer route for local traffic and pedestrians. The portions dedicated as road reserve at truncations of Kargotich and Lightbody Road will in future provide safer, more visible entry points to Mundijong Road.

**Social and Environmental Responsibility:** The Tonkin Highway route chosen addressed issues of road design, safety issues and the need to protect regionally significant vegetation.

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

**Statutory Environment:**

Land Administration Act 1997 Section 56  
Wildlife Conservation Act 1950  
Environment Protection and Biodiversity Conservation Act 1999

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

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

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies

6. Ensure a safe and secure community.

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

Strategies:

5. Protect built and natural heritage for economic and cultural benefits.

**2. Environment**

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

Strategies:

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

**3. Economic**

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

Strategies:

1. Improved freight, private and public transport networks.

*Objective 3: Effective management of Shire growth*

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Required: No

**Comment:**

Amendment 991/33 of the Metropolitan Region Scheme has been effective since January 2001 and land requirements for Mundijong Road are finalized.

The future management of this Reserve 23793 has been subject to ongoing negotiations between the Shire and Department of Conservation and Land Management for several years. Council has indicated its support for the proposed vesting of reserve 23793 to the care, control and management of the Conservation Commission of Western Australia as an A class reserve for the purpose of "Conservation of Flora and Fauna".

It would be beneficial to Council that portions of Reserve 23793 are dedicated as road reserve for Mundijong Road realignment before the Reserve is vested as an A Class nature reserve. The liaison with CALM to obtain parts of A Class reserve wouldn't be necessary in event of road improvements. The diversion of Mundijong Road south of Duckpond Reserve will reduce degradation of environmental values.

The Tonkin Highway Extension may be seen as a necessity for the development of future networks and benefits to the Shire. The environmental significance of Reserve 23793 should be considered as a negative impact on regionally significant Threatened Ecological Communities contained within Reserve 23793.

**Voting Requirements:** Normal

Cr Hoyer left the Council Chambers at 8.51pm returned at 8.54pm.

**Committee/Officer Recommended Resolution:**

Moved Cr Kirkpatrick seconded Cr Scott

1. Council dedicate portions of Reserve 23793 as road reserve for Mundijong Road realignment.
2. Reserve 23793 for purpose of Tonkin Highway Extension is reviewed to find best fit design to minimize environmental damage given the currently proposed reservation alignment will impact on Critically Endangered Flora.

LOST 0/7

AMENDMENT

Moved Cr Wigg seconded Cr Star that the words "dedicate" be deleted after Council in part 1 and the words "agree to the dedication of those marked" be inserted. The words "as described in attachments marked AS008.1/08/04 (with the exception of Plan No's 1.3281 and 1.3286/1) provided on" be inserted after the word "portions". The words "to the Conservation Commission of Western Australia (with the exception of the portion for the purpose of the Tonkin Highway Extension)" be inserted before "as road reserve for Mundijong Road realignment". Part 2 of the original recommendation be deleted.

After the debate the presiding person then put the amendment which was

CARRIED 6/1

**A008/08/04 COUNCIL DECISION**

**Council agree to the dedication of those marked portions as described in attachments marked AS008.1/08/04 (with the exception of Plan No's 1.3281 and 1.3286/1) provided on Reserve 23793 to the Conservation Commission of Western Australia (with the exception of the portion for the purpose of the Tonkin Highway Extension) as road reserve for Mundijong Road realignment.**

Council note: The Committee/Officer Recommended Resolution was changed to ensure the portions of the reserve be dedicated to the Conservation Commission of WA which will be impacted by the Tonkin Highway.

| CRD02/08/04 COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP AGREEMENT (A0101) |   |   |
|---|---|---|
| Proponent:  | Cr THJ Hoyer  | In Brief<br><br>Council is asked to enter into a Community Safety and Crime Prevention Partnership Agreement with the Office of Crime Prevention and allow the Shire President to sign the agreement. |
| Owner:  | N/A   |   |
| Officer:  | Carole McKee - Community Development Officer  |   |
| Signatures Author:  |   |   |
| Senior Officer:   |   |   |
| Date of Report  | 29.07.04  |   |
| Previously  | CRD34/06/04; CRD23/04/04  |   |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest |   |
| <b>Delegation</b>   | <b>Council</b>  |   |

**Background**

The previous Council Decision is as follows:

**CRD34/06/04 COUNCIL DECISION/Officer Recommended Resolution:**

*Moved Cr Price seconded Cr Murphy Council agrees to:*

- 1 *Enter into a Community Safety and Crime Prevention Partnership Agreement with the Office of Premier and Cabinet through the Office of Crime Prevention and allow the Shire President to sign the agreement.*
- 2 *Nominate Councillor Hoyer as Chairperson of the Safer Communities WA Serpentine Jarrahdale Crime Prevention Group.*

CARRIED 8/0

***The Community Safety and Crime Prevention Partnership Agreement that has been ratified by the Office of Crime Prevention, and the draft agreement presented to Council in June 2004 (showing tracked changes by Office of Crime Prevention) is with the attachments marked CRD02/08/04.***

**Sustainability Statement**

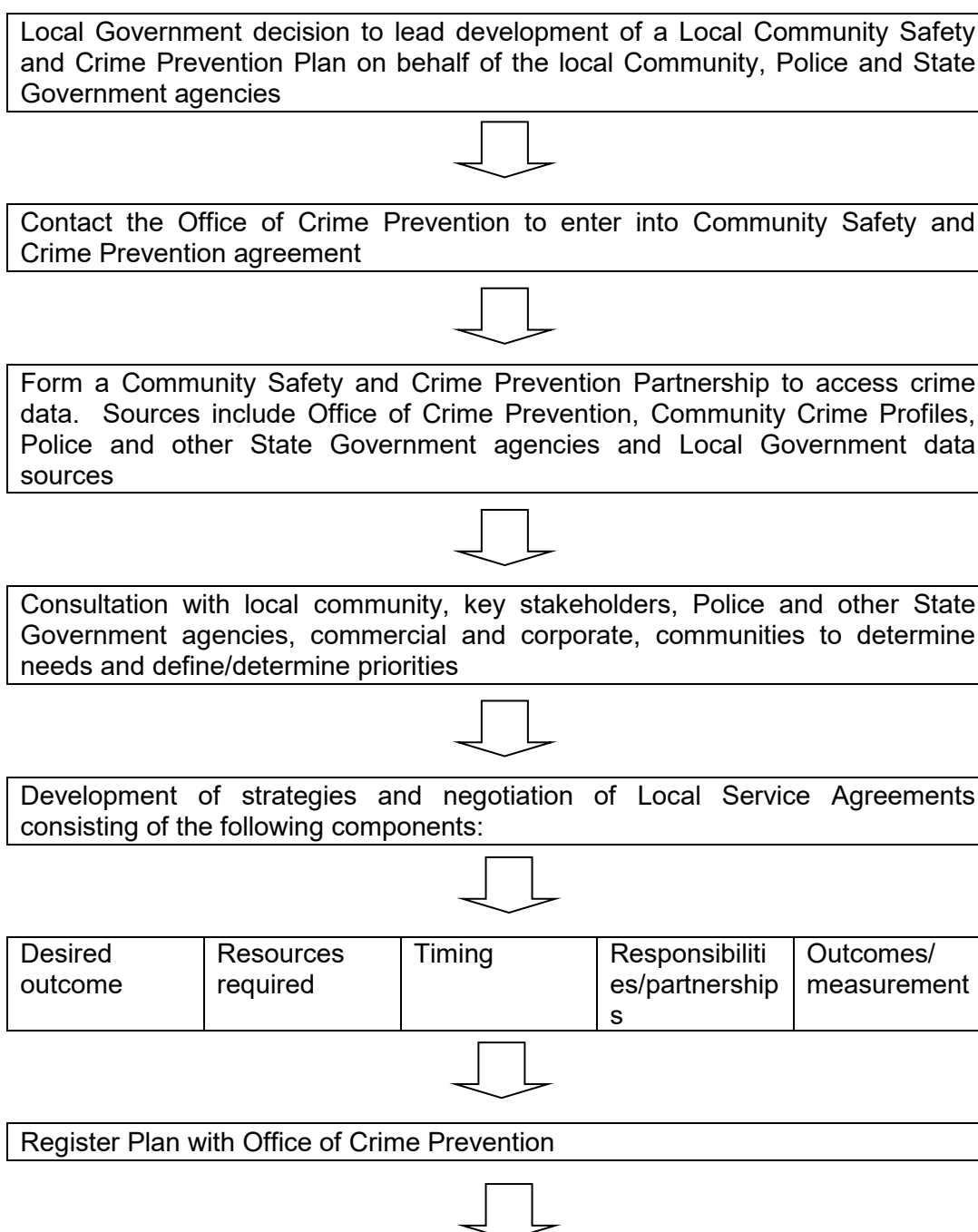
***Economic Viability:***

Staff Resources:

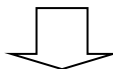
The draft partnership agreement states that the successful implementation of this program will be achieved through utilizing the limited resources of Council to greatest effect by empowering the community and encouraging participation from agencies, community champions and existing representative groups. The Community Development Officer's interpretation of the following model is that it aims to have minimum impact on Council Officer time. The initial \$10,000 funding provided by the Department of Premier & Cabinet will be used to develop the community safety crime prevention plan. The committee would initiate and drive the process. Officer time would be required to auspice the funding, to process the acquittal and to provide information on Council initiatives with safety outcomes.

The mechanism for monitoring officer involvement can be through monthly evaluations reported as notes to the Crime Prevention Committee's minutes through the appropriate committee information report. The partnership allows for an exit clause at any time if the project is not viable. Any unspent funds would have to be returned.

Process of Developing a Local Community Safety and Crime Prevention Plan:



Local Government houses and coordinates the implementation of the Plan



Assess/evaluate the Plan

#### How Will The New Model Work?

- 1 Office of Crime Prevention invites Local Governments to facilitate local Safer Communities and Crime Prevention Partnership.
- 2 Memorandum of Understanding signed between Office of Crime Prevention and Local Government.  
  
Funding  
Planning Manual  
Local Crime Profiles  
Advice and support for the planning process
- 3 Local Government convenes local partnership comprising agency and community stakeholders.
- 4 Partnership develops plan and submits to Office of Crime Prevention for registration.
- 5 Partnership determines appropriate mechanism to monitor, review, evaluate and report on progress of the local plan.
- 6 Local Government provides a support role for the partnership and manages funds.
- 7 Local Government provides a link between the local community and the Office of Crime Prevention.
- 8 Office of Crime Prevention provides advice and support as requested.

#### Ongoing Costs/Funding:

Participation will trigger an immediate external funding stream of \$10,000.00 for start-up purposes.

Up to \$40,000 potential future funding is available for the implementation stage. This includes an incentive grant of up to \$20,000 as a one-off payment over the period of the approved plan to assist the community address a priority issue identified as part of the plan.

Further funding can be applied for through a number of funding programs as tabled in Community Safety and Crime Prevention Partnership Fund 2003/04 attached to CRD23/04/04. This will allow external funding to be better channelled through to groups for implementation and provides priority status for initiatives covered in the plan.

This has the potential to reduce future costs to Council through reduction in crime and associated costs.

**Economic Benefits:** The proposal may have economic benefits through crime prevention strategies that benefit local businesses and possibly reduced insurance premiums. This could lead to increases in land value, business retention and investment. A local person may be employed by the committee as the administrative officer.

**Social – Quality of Life:** Production of a Crime Prevention Plan has the potential to improve quality of life by focusing on the promotion of social interaction and healthy activities and by reducing community fears and apprehensions.

**Social and Environmental Responsibility:** The proposal will promote the capacity and self reliance of our communities and build the resilience and security of our citizens. Fostering partnerships and enabling full participation will be the hall marks of its implementation. Cr Hoyer has already tentatively engaged the following groups: Neighbourhood/Rural Watch; Police; LEMAC; Jarrahdale and Byford Forums.

The Safer Community WA Serpentine Jarrahdale Crime Prevention (SCWA SJ CP) Group and the Shire will engage with both government agencies and the community in the development, implementation and review of the Safer Community & Crime Prevention Plan.

The Minister for Community Safety, as a partner in this strategic alliance, agrees to facilitate the implementation by relevant Government agencies of the strategies contained in the plan and to reasonably provide resources to assist this implementation. This includes the provision of access to funding programs and support for a multi-agency approach.

**Social Diversity:** The proposal aims to assist all social groups through crime prevention, providing for diversity in our community. Social groups include: youth, seniors, indigenous, ethnic minorities, disabled, families.

**Statutory Environment:** None

**Policy/Work Procedure Implications:**

The Crime Prevention Strategy may affect a number of policies depending on the outcomes such as the new engineering standards for sub divisions; Crime Prevention Through Environmental Management (CPTM) and Crime Prevention Through Environmental Design (CPTED).

**Financial Implications:**

There are no initial financial implications to Council related to this application/issue. Funding is provided externally by the State Government, for the development and administration of the committee and further external funding for project work initiated by the committee.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

#### **4. Governance**

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

Strategy:

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

#### **Community Consultation:**

Required: Not at this stage

The Serpentine Jarrahdale community has been surveyed on a number of occasions to determine the issues of importance for residents.

#### **Comment:**

The Office of Crime Prevention has amended the draft agreement slightly, but the intent has not been altered.

The changes it has made reflect the fact that it is still the primary responsibility of Serpentine Jarrahdale Shire to house, implement and co-ordinate this plan. It is then up to Council to determine by which means we do this, ie through the Safer Community WA Serpentine Jarrahdale Crime Prevention Group. To point 1 in the Local Government Responsibilities they have added:

- i) To form the Safer Community WA Serpentine Jarrahdale Crime Prevention Group (SC WA SJ CPG)

**Voting Requirements:** Normal

#### **Officer Recommended Resolution**

Council endorses the attached Community Safety and Crime Prevention Partnership Agreement with the Office of Premier and Cabinet through the Office of Crime Prevention under the following conditions:

- 1 The terms of the agreement be delivered through a Safer WA Serpentine Jarrahdale Crime Prevention Group.
- 2 This community group be initiated and chaired by a Councillor.
- 3 State Government funding of an initial \$10,000 for the crime prevention plan, followed by a further \$40,000 for crime prevention initiatives be provided.

#### **CRD02/08/04 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Hoyer seconded Cr Kirkpatrick**

**Council endorses the attached Community Safety and Crime Prevention Partnership Agreement with the Office of Premier and Cabinet through the Office of Crime Prevention under the following conditions:**

- 1 The terms of the agreement be delivered through a Safer Community WA Serpentine Jarrahdale Crime Prevention Group.**
- 2 This community group be initiated and chaired by a Councillor.**
- 3 State Government funding of an initial \$10,000 for the crime prevention plan, followed by a further \$40,000 for crime prevention initiatives be provided.**

**CARRIED 7/0**

Committee Note: In the agreement in parts 3(iv), 5(i) and 6 Serpentine Jarrahdale Shire (iii) has been changed for the sake of consistency to use Group rather than Committee.

The word "Community" has been added to Resolution 1 between Safer and WA for consistency.





|   |  |   |
|---|--|---|
| P014/08/04 TWO PROPOSED GROUPED DWELLINGS - LOT 111 (NO. 33) BEENYUP ROAD, BYFORD (P05245/02) - <b>ITEM WITHDRAWN AT THE REQUEST OF THE APPLICANT PRIOR TO THE ORDINARY COUNCIL MEETING</b> |  |   |
| Proponent:  | J Bosma  | <b>In Brief</b><br><br>To construct two adjoining grouped dwellings facing towards Beenyup Road. It is recommended that the application be refused. |
| Owner:  | J Bosma  |   |
| Officer:  | Brad Gleeson - Manager Planning and Regulatory Services  |   |
| Signatures Author:  |  |   |
| Senior Officer:   |  |   |
| Date of Report  | 11 August 2004   |   |
| Previously  | Not applicable   |   |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>   | <b>Council</b>   |   |

Council Note: Item P014/08/04 was not considered as the applicant (J Bosma) requested in writing that the matter not be dealt with at this time.

|  |  |  |
|--|--|--|
| E002/08/04 DRAFT SERPENTINE SPORTS RESERVE MANAGEMENT PLAN (RS0180/10) |  |  |
| Proponent:   | Serpentine Jarrahdale Shire  | <b>In Brief</b><br><br>Serpentine Sports Reserve is Shire managed land with both high recreational and conservation values. To ensure the protection and sustainable use of these values, a reserve management plan has been drafted in consultation with the Serpentine Sports Reserve Management Committee.<br><br>This agenda item seeks Council endorsement to commence the preparation of an implementation plan that outlines the resourcing of the management plan. |
| Owner:   | Serpentine Jarrahdale Shire  |  |
| Officer:   | Dr Sue Osborne - Environmental Officer   |  |
| Signatures Author:   |  |  |
| Senior Officer:  |  |  |
| Date of Report   | 30 July 2004   |  |
| Previously   |  |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>  | <b>Council</b>   |  |

Lot Area: Lot 778 Karnup Road (46ha), Lot 870 Karnup Road (21ha)  
L.A Zoning: Public Open Space  
MRS Zoning: Regional Open Space  
Bush Forever: Includes Site 375

### **Background**

Serpentine Sports Reserve consists of two land parcels both of which are zoned for Parks and Recreation in the Town Planning Scheme and the Metropolitan Regional Scheme. The two land parcels are located on either side of Karnup Road in Serpentine and cover a total of 67 hectares.

The reserve includes a golf course, equine arenas for both pony club activities and for the playing of polocrosse, and it is the site of the new recreation pavilion which is currently being built. The reserve also includes regionally significant bushland (Bush Forever) that contains listed plant and animal species.

The Bush Forever project implementation guidelines for bushland areas in local government or Crown Reserves includes the following management strategy:

(Preparing) management plans for local reserves to protect bushland and ensure that any proposed development (in accordance with the reserve's existing purpose) is compatible with Bush Forever conservation objectives and achieves a reasonable outcome.

Council endorsed a Planning and Management Framework for Shire Reserves in May 2003. This framework sets out the process for developing reserve management plans and the structure of management plans. It also paves the way for the establishment of a community based Reserves Advisory Group (RAG) which would provide advice in relation to the contents of draft plans and would periodically audit the implementation of endorsed plans.

The Serpentine Sports Reserve Management Committee (SSRMC) was established prior to the commencement of the current reserve planning process. It includes members of the major recreational groups (horse and pony, golf and polocrosse) which use the reserve and members of a bushcare group which has been working to preserve the bushland values. At the beginning of this planning process, an agreement was reached between SSRMC members and Shire staff, that in the case of Serpentine Sports Reserve, the SSRMC and not the RAG would fulfill the role of providing advice in relation to the development of a draft management plan.

In 1999, prior to the commencement of the current planning process, a draft management plan for Serpentine Sports Reserve had been prepared by an external consultant. However, this draft plan was rejected by many SSRMC members and was not progressed any further. At the time, SSRMC members considered the proposed management strategies in this first draft to be unacceptable, but in addition, this first plan lacked a statement of values for the reserve and it did not set auditable targets.

Under the endorsed Planning and Management Framework for Shire Reserves, management plans must include:

- \* a statement of reserve values;
- \* a review of threats to, and pressures on, those values;
- \* auditable, outcome-based management targets; and
- \* management strategies to be implemented in order to reach or maintain management targets;
- \* an audit table;
- \* an estimate of resources required to implement the plan.

The current planning process for Serpentine Sports Reserve commenced in June 2003 following both:

- \* endorsement of the Planning and Management Framework for Shire Reserves; and,
- \* receipt of Commonwealth funds to prepare a management plan for both this and Brickwood reserve.

Facilitated workshops were convened in June and August 2003 and in February, May and June 2004. In addition, written correspondence relating to plan drafts were received from SSRMC members.

***Workshop comments and extracts from correspondence have been tabulated and responded to in attachment E002.1/08/04.***

The following issues have been identified as being the most contentious:

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| <b>Issue</b>   | <b>Comments</b>  | <b>Draft plan contents</b>   |
|--|--|--|
| <p>It is estimated that more than twice the water licence allocation is currently being used on the reserve.</p>                                   | <p>The Department of Environment has indicated that they will not permit an increase in the allocation of water from the aquifer currently in use. There therefore needs to be either a cut back on consumption and/or tap into a deeper aquifer.</p>  | <p>The draft plan addresses this important issue by setting a target of reconciling consumption with licence allocations by 2008 which is one year prior to the expiry of the licence.<br/>Management strategies to achieve this target include the installation of bore meters, preparing an inventory of water consumption and implementing best management practices in relation to water use and reuse.</p>  |
| <p>A cross country horse riding trail runs through two Threatened Ecological Communities with patchy dieback disease in the Bush Forever site.</p> | <p>This issue has been contentious with members finding it difficult to resolve the competing recreational and conservation values to everyone's satisfaction.<br/><br/>There also appears to have been a misunderstanding regarding the conservation values of different sections of the bushland area. Significant emphasis has been placed on an area of banksia woodland, but it was perhaps not previously well understood by members of the SSRMC that the marri woodland is also a Threatened Ecological Community.</p> | <p>The draft plan sets a target of no further degradation of the bushland area. It includes the recommendation that usage of the cross country trail and indicators of impacts be monitored and that the trail be maintained where it is unless either the trail starts to widen or weeds start to encroach from the trail into the bushland. This management option does not address the inevitable spread of dieback.<br/><br/>The draft plan also puts forward a requirement for the cross country trail to be narrowed to the minimum safe width through the marri woodland.</p> |
| <p>Members of the equine groups camp on the reserve during events.</p>   | <p>Camping provides affordable accommodation for event participants.<br/>The numbers of showers and toilets at the new pavilion were calculated based on the likely numbers of campers and day users.<br/>Camping currently takes place contrary to health and other statutory requirements.<br/>The polocrosse club uses an area within the marri woodland Threatened Ecological Community.</p>   | <p>The draft plan puts forward the requirement that all camping be undertaken with Shire approval and that any conditions on such approvals are to be complied with.<br/>The draft plan also sets the target that from the beginning of 2009, all camping is to be compliant with health and other regulations.<br/>In relation to camping in the marri woodland, the plan recommends that this area be used for essential overflow camping only and that all camping and use of these stock yards cease from 2009 to allow rehabilitation.</p>                                      |

The draft plan follows the required plan structure under the Planning and Management Framework for Shire Reserves. It includes comprehensive statements of values and reviews

of threats and pressures. It also includes a table of auditable management targets and strategies.

***A copy of the draft Serpentine Sports Reserve Management Plan is with attachments marked E002.2/08/04.***

At the July workshop with the SSMRC of the draft management plan it was resolved that the Shire would prepare a detailed implementation strategy which would encompass all the action strategies with resourcing allocations determined. This would allow both the shire and the groups to look at the proposed actions against cost and time implications and organise them into priorities.

***The minutes of the July workshop are with the attachments marked E002.3/08/04.***

### **Sustainability Statement**

#### ***Effect on Environment:***

##### **Biodiversity**

The draft management plan includes management targets and strategies to monitor and minimise impacts on environmental values within the reserve. Some impacts however, including the spread of dieback have not been addressed in a manner that will eliminate the spread of the disease. Dieback is spread by the transportation of infected soil. This can be carried by footwear, horses' hooves and vehicle tyres. During wet weather conditions, it is likely that infected soils will be transported along a pathway that passes through both infected and non-infected areas.

The reserve has suffered in recent years because the combination of use and lack of management has caused some degradation of the environmental values. The plan identifies not only how to maintain usage within sustainable limits but also identifies the need for additional active management.

##### **Energy Use/Greenhouse Gas Emissions**

The plan includes the following target:

*“Zero contribution to greenhouse gases from 2008.”*

The management strategies associated with this target are as follows:

*“Prepare an energy consumption and emissions audit of all operations and activities on SSR including methane production and carbon sinks.  
Establish vegetation as required to offset emissions.”*

##### **Water Quality - Stormwater & Waterways Management**

The draft plan includes several management targets which address the issues of water quality and water consumption:

*“Decrease water consumption by 15% of 1999/2000 levels by 2010/2011 as per Water Campaign target for Shire.*

*Surface waters leaving reserve to be of equal or improved water quality compared with surface waters entering reserve.*

*Total nutrients from fertilizers and animal wastes are to be applied to each of the equine grounds and the golf course at rates no greater than 250kg/ha/yr Nitrogen and 15kg/ha/yr Phosphorus.*

*Water draining into or through the conservation category wetland be free of pollution with levels no higher than 0.1 milligrams/litre of total phosphorus and 0.75milligrams/litre of total nitrogen.”*

There are also management strategies associated with these and other targets which effect the management of waterways including the establishment of a water quality monitoring program and the establishment of vegetative buffers between nutrient source hot spots such as horse pens and surface water features.

#### Air Quality

Proposed management of the reserve recommends that manure is either spread evenly over turfed areas or is removed for the reserve. Other gaseous emissions will be addressed and mitigated as part of the greenhouse gas target of zero emissions.

#### Heritage and Culture

The draft plan includes separate sections addressing the Indigenous values and the European cultural values of the reserve. The preparation of an interpretation plan is proposed and if resources permit, both the Indigenous and European values will be interpreted on site.

The plan includes the requirement for the SSRMC to liaise regularly with the RAG whose membership will include at least one member of the community who is well placed to put forward the views and perspectives of Indigenous people in ongoing management of the reserve.

**Resource Implications:** The draft plan gives consideration to land use, water and energy consumption and the protection of biodiversity values.

**Use of Local, renewable or recycled Resources:** The plans recognises the need to encourage local businesses to tap into events at the reserve and requires the SSRMC to liaise regularly with the RAG whose membership will include at least one member of the community who is well placed to put forward the views and perspectives of the local business community in ongoing management of the reserve.

**Economic Viability:** The economic investment in the reserve provides a place for the physical and spiritual well being of community members through active and passive recreation. The draft plan proposes a balanced and sustainable approach between the economic, social and environmental values of the reserve.

The protection of social, environmental and economic values within the reserve will require an ongoing investment from all stakeholders.

**Economic Benefits:** The draft plan proposes initiatives that improve communication between the SSRMC and the local business community in an attempt to ensure that local businesses benefit from events at the reserve.

**Social – Quality of Life:** The draft management plan provides a sound management framework for the protection of social values at the reserve. These include both active recreation and passive recreational pursuits. A detailed account of social values is provided in the body of the plan. The plan also provides for ongoing community involvement in reserve management.

**Social and Environmental Responsibility:** The draft plan includes a section on governance which sets out mechanisms for ongoing community involvement in reserve management.

**Social Diversity:** The plan does not disadvantage any social groups and it provides for diversity including youth, seniors, Indigenous, ethnic minorities, disabled and families in our community.

**Statutory Environment:**

There are no statutory requirements relating to the release of this draft document for a public submission period. However, the draft will be forwarded to relevant State and Commonwealth government agencies for review.

Statutory considerations relating to how the reserve is managed are addressed in the draft plan under the various sections. For example legislation relating to the management of water is addressed in the water section of the plan.

Following the draft plan's return to Council after the public submission period, there is a requirement for the plan to be forwarded to Western Australian Planning Commission for endorsement. This is both because the reserve is zoned as Regional Open Space under the Metropolitan Regional Scheme and because the reserve contains a Bush Forever site.

**Policy/Work Procedure Implications:**

The Shire Reserve Planning and Management Framework that was endorsed by Council in May 2003 (A0314) has been followed in the preparation of this document.

**Financial Implications:**

The draft plan will be made available to the community through low budget mechanisms including the Shire website, copies at the library, letters and newspaper articles. The cost of releasing the draft plan, after the implementation plan has been completed, for public submission will therefore be less than \$200. This will be allocated to ENV702.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.

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

Strategies:

1. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

**2. Environment**

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

Strategies:

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

3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies:

1. Improve coordination between Shire, community and other partners.

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

This agenda item is seeking Council approval for both staff and the SSMRC to develop a realistic implementation plan. Once that has occurred the implementation plan with the full management plan will be referred to SSMRC and Council for endorsement then advertised to the community as a public submission period for two months, in accordance with the reserves policy. During this two month period, key individuals, community groups, peak bodies and agencies will be made aware of the submission period and encouraged to review the document.

**Voting Requirements:**

Normal

**E002/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Hoyer**

1. Council notes the minutes of the Serpentine Sports Reserve Management Committee workshop of July 2004 and the draft Serpentine Sports Reserve Management Plan at attachment E002.2/08/04 & E002.3/08/04.
2. Council requests officers to prepare a draft implementation plan and consider resourcing implications for the associated actions based on short, medium and long term targets.
3. Council agrees to workshop the draft Implementation Plan with officers once prepared before referring it back to the Serpentine Sports Reserve Management Committee for consideration.
4. The final Management and Implementation Plan will then be referred back to the Serpentine Sports Reserve Management Committee firstly and then Council for approval to undertake the formal community consultation process in accordance with the reserves policy.

**CARRIED 7/0**

Council Note: Correction to part 1 of E002/08/04 recommended resolution - Council notes the minutes of the Serpentine Sports Reserve Management Committee “workshop” (not meeting) of “July” (not June) 2004...

|  |  |   |
|--|--|---|
| P009/08/04 DRAFT LOCAL PLANNING POLICY NO. 18 (LPP18) - CLEARANCE OF CONDITIONS OF SUBDIVISION (A1245) |  | <p><b>In Brief</b></p> <p>To adopt draft Local Planning Policy No.18, ‘<i>Clearance of Conditions of Subdivision</i>’, and to advertise the draft policy for public comment in accordance with Town Planning Scheme No.2.</p> |
| Proponent:   | Shire of Serpentine-Jarrahdale   |   |
| Owner:   | Not applicable   |   |
| Officer:   | Michael Daymond – Planning Officer   |   |
| Signatures Author:   |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 30 July 2004   |   |
| Previously   | Not applicable   |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Council</b>   |   |

**Background**

In March 2004, Council organised a study tour for selected staff to attend other Local Government Authorities to compare and contrast the operating systems of our organisations. During this visit, a policy regarding the process of clearing subdivision conditions was provided by the Shire of Capel as an initiative that could be implemented within the Shire of Serpentine-Jarrahdale. This policy has enabled the Shire of Capel to operate more efficiently and effectively.

The current process for a developer/landowner to obtain clearance to subdivision conditions in the Shire of Serpentine-Jarrahdale can be complicated, frustrating and time consuming. A subdivision clearance policy introduced into the Shire will help facilitate the efficient processing of requests for clearance of conditions of subdivisional approval.

***A copy of the draft subdivision clearance policy is with the attachments marked P009.1/08/04.***



## **Sustainability Statement**

**Effect on Environment:** The introduction of a Local Planning Policy (LPP18) will ensure that tighter subdivision requirements are placed on subdividers and land developers to comply with all conditions of subdivision approval. It is considered that the policy will enhance the built environment by enabling properties to be developed and sold, and titles issued within a much shorter timeframe.

**Resource Implications:** The proposed policy will result in decreased officer time spent dealing with requests for clearances and trying to ascertain whether actions have been taken by a subdivider to comply with the subdivision conditions.

**Use of Local, renewable or recycled Resources:** Not applicable

**Economic Viability and Benefits:** It is considered that tighter controls on developers to comply with subdivision conditions will result in better development and help promote the Serpentine Jarrahdale Shire as an attractive place to live.

**Social – Quality of Life, Social and Environmental Responsibility & Social Diversity:** The policy has the potential to improve the quality of life for existing/potential residents within the Shire. New subdivision lots are often sold before clearance has been issued from Council. If clearance can be issued more effectively then owners of land can start to develop their properties sooner.

Partnerships between the Council and the subdivider can be fostered through providing developers with a clear understanding of the standard of work that the Shire expects and the information that needs to be submitted in order to obtain clearance. This will also improve communication between the two parties.

**Statutory Environment:** Town Planning Scheme No.2

**Policy/Work Procedure Implications:** PS02 – Subdivision Clearance

**Financial Implications:** There are no Financial implications to Council related to this issue.

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

- 1. People and Community**  
*Objective 3: High level of social commitment*  
Strategies:
  2. Build key community partnerships.
- 2. Environment**  
*Objective 1: Protect and repair natural resources and processes throughout the Shire*  
Strategies:
  2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
- 3. Economic**  
*Objective 3: Effective management of Shire growth*  
Strategies:
  2. Represent the interests of the Shire in State and Regional planning processes.
- 4. Governance**  
*Objective 1: An effective continuous improvement program*  
Strategies:

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Community consultation will be required upon the adoption of the draft policy by Council.

**Comment:**

The draft LPP18 will facilitate the efficient processing of requests for clearance of conditions of subdivision approval. The draft policy statement will clarify the subdividers responsibility in seeking clearances to conditions of approval under the control of the Shire of Serpentine-Jarrahdale. This information will assist subdividers in obtaining a prompt response to requests for clearances.

The draft policy is divided into four sections with section 4.0, 'Policy Statement', providing the specific details of what will be required from the subdivider. Currently, Council does not have any specific process that the subdivider must abide by, therefore making the process of clearing conditions time consuming and frustrating for all parties concerned. A policy such as this will place the onus completely onto the subdivider to comply with all of the conditions of approval. This will consequently improve the clearance process and reduce officer time spent on the process.

Contained within the policy is a requirement for any subdivider to submit a completed Condition Clearance Submission Form with any request for clearance. This form sets out all of the action taken to comply with bonds or conditions of subdivision approval for which clearance is sought, thereby demonstrating to the Shire that all aspects of the subdivision are in order for a clearance to be granted.

Part IX of Council's Town Planning Scheme No.2 relates to the creation of Local Planning Policies. A Local Planning Policy shall become operative only after the following procedures have been completed:

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.
- b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.
- d) Where, in the opinion of the Council, the provisions of any Policy affects the interests of the WA Planning Commission, a copy of the policy shall be forwarded to the Commission.
- e) The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.
- f) Any amendment or addition to a Policy shall follow the procedures set out in a) to d) above.

It is recommended that the draft LPP18 be adopted by Council for the purpose of public comment prior to final adoption.

**Voting Requirements:** Normal

**P009/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Star seconded Cr Wigg

1. Council adopt draft Local Planning Policy (LPP18) 'Clearance of Conditions of Subdivision' as attached at P009.1/08/04 for public comment for a period of 21 days in accordance with Part IX of Council's Town Planning Scheme No.2.
2. The draft Local Planning Policy (LPP 18 – Clearance of Conditions of Subdivision) be advertised for public comment for a period of 21 days including advertising twice in a local newspaper circulating in the Shire.
3. Upon completion of the advertising period a report be presented back to Council on any submissions received in relation to the draft Policy.

**CARRIED 7/0**

|   |  |   |
|---|--|---|
| P010/08/04 PROPOSED ANCILLARY ACCOMMODATION ON LOT 57 (28) POLLARD CROSS WEST, CARDUP (P02026/02) |  | <b>In Brief</b><br><br>Application for Ancillary Accommodation which exceeds the maximum floor area under Building Policy 1 "Ancillary Accommodation and Rural Workers Dwellings". Policy limits floor area to 60m <sup>2</sup> (unless otherwise approved by Council). Floor area of 100m <sup>2</sup> proposed. It is recommended that the application be approved. |
| Proponent:  | T J Hume   |   |
| Owner:  | M & N Hume   |   |
| Officer:  | Meredith Kenny - Senior Planner  |   |
| Signatures Author:  |  |   |
| Senior Officer:   |  |   |
| Date of Report  | 4 August 2004  |   |
| Previously  | Nil  |   |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>   | <b>Council</b>   |   |

Date of Receipt: 30 June 2004  
 Advertised: Yes  
 Submissions: Nil  
 Lot Area: 2.1 hectares  
 L.A Zoning: Special Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Special Rural  
 Rural Strategy Overlay: Nil  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: No  
 Date of Inspection: 29 July 2004

**Background**

The subject site currently contains a Single House with a floor area of approximately 220 square metres in area and associated outbuildings. The applicants wish to construct independent accommodation on site for one of their children, who is in his early twenties and has an intellectual disability. The applicant's advise that they would like their son to be able

to live independently whilst being in close proximity to them so that they are able to provide support when needed. They advise that they hope that this assisted independent living arrangement will enable their son to eventually live entirely independently as they themselves may become less able to care for him as they age.

The proposed dwelling will be located entirely within the existing building envelope on Lot 57 and will be setback 18 metres from the existing dwelling. The dwelling will have weathertex wall cladding painted cream, with colorbond roofing in pale eucalypt colour and will have verandahs with bush pole posts (treated pine) on three sides.

The internal floor area of the dwelling will be 100 square metres and will comprise a combined kitchen, living, meals area, a bedroom, a separate study/studio room for hobbies and computer use, a bathroom and a laundry.

***A copy of the plans submitted with the application is with the attachments marked P010.1/08/04.***

### **Sustainability Statement**

***Effect on Environment:*** The new dwelling will be located entirely within the existing building envelope and construction will not require the removal of any vegetation outside of the building envelope.

***Resource Implications:*** As the dwelling will be located within the existing building envelope clearing of vegetated land will be minimised.

***Use of Local, renewable or recycled Resources:*** The materials used to construct the dwelling are extremely low-maintenance (weathertex wall cladding and colorbond roof) and minimise the use of natural resources.

***Economic Viability:*** The dwelling will be economically viable in that it will enable the applicants to provide assistance for their son whilst enabling him to live independently.

***Economic Benefits:*** The provision of independent accommodation on the parent's property will mean that the potential economic costs of providing assisted care for their son will not have to be provided by the community.

***Social – Quality of Life:*** The independent living accommodation will improve the quality of life for both the intended occupant and his family.

***Social Diversity:*** The proposed dwelling will enable the occupant to remain within the community as alternative assisted accommodation is not available within the Shire.

### **Statutory Environment:**

Town Planning Scheme No. 2

As the dwelling is larger than the maximum floor area specified in Council Policy BP1 the variation was required to be advertised to neighbours prior to the application being determined.

### **Policy/Work Procedure Implications:**

Building Policy 1 “Ancillary Accommodation and Rural Workers Dwellings”.

### **Financial Implications:**

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

### **Strategic Implications:**

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

3. Retain seniors and youth within the community.
4. Respect diversity within the community.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Required: Yes

Support/Object: Nil

**Comment:**

Building Policy BP1 "Ancillary Accommodation and Rural Workers Dwellings" contains the following provisions relating to Ancillary Accommodation:

1. Minimum floor area 40 square metres.
2. Maximum floor area 60 square metres (or otherwise approved by Council).
3. Exterior finish to be constructed in same or similar materials to the main dwelling.
4. Main dwelling must be constructed prior to the ancillary accommodation.
5. Ancillary Accommodation to be either under the same roof line as the main dwelling or located within 10 metres of the main dwelling and linked by a covered walkway.
6. On lots larger than 4 000 square metres the ancillary accommodation may have a separate effluent disposal system.

With regard to the current proposal, areas of compliance/non-compliance with the above provisions are discussed below:

*Minimum Floor Area*

Complies.

*Maximum Floor Area*

The proposed dwelling exceeds the maximum floor area provided by the policy by 40 square metres. In support of the requested variation the following comments are made:

1. The ancillary accommodation is less than half the size of the existing dwelling thereby maintaining the predominance of the existing dwelling as the main dwelling;
2. The ancillary accommodation will be located behind the existing dwelling thereby minimising the visual appearance of two dwellings;
3. Under the Residential Design Codes a Dependent Person's dwelling may have a floor area of 100 square metres as of right.

*Exterior Finish*

The existing dwelling is constructed of similar materials (weathertex cladding and colourbond roofing) as the proposed ancillary accommodation.

*Main Dwelling to be constructed prior to ancillary accommodation*

The main dwelling already exists on the lot.

*Ancillary Accommodation to be under roofline of main dwelling be located within 10 metres of the main dwelling and linked by a covered walkway*

The ancillary accommodation is proposed to be located 18 metres from the existing dwelling and be totally detached from the main dwelling. As can be seen from the site plan an 18 metre separation does not mean that the ancillary accommodation will be isolated from the main dwelling. The ancillary accommodation will be far enough away from the main dwelling

as to provide acoustic and visual privacy for the occupants of both dwellings, yet close enough to the main dwelling that the occupier of the ancillary accommodation could call for assistance from the occupiers of the main dwelling at any time.

In addition, even though the separation distance exceeds the 10 metres set by the policy, the ancillary accommodation is still able to be located entirely within the building envelope.

The separation distance proposed will also enable the retention of existing vegetation, garden and outdoor entertainment areas within the building envelope.

#### *Effluent Disposal System*

The applicants have submitted an application to connect the ancillary accommodation to the existing effluent disposal system. As the ancillary accommodation exceeds 60 square metres in area the application to do this has been forwarded to the Department of Health for determination.

It is recommended that the application be approved subject to the conditions normally applied to applications for ancillary accommodation including:

1. Occupation of the dwelling restricted to relatives;
2. A notification being placed on certificate of title for the land regarding the occupation restrictions applicable to the ancillary accommodation; and
3. Those standard conditions normally applied to new buildings.

**Voting Requirements:** Normal

#### **P010/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Scott**

**The application for the construction of Ancillary Accommodation on Lot 57 (28) Pollard Cross West, Cardup be approved subject to the following conditions:**

1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
2. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Department of Land Administration and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. All costs associated with the fulfillment of this condition shall be met by the landowner.
3. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
4. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development. Applications for effluent disposal apparatus are required to be submitted to the Council's Health Services and will then be forwarded on to the Department of Health.
5. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
7. No direct discharge of stormwater into watercourses or drainage lines.
8. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
9. No trees are to be removed unless the prior written approval of the Shire is obtained.

**10. Only materials identified in the schedule of colours, materials and finishes attached to and forming part of this approval, are to be used in the construction of the ancillary accommodation unless the prior written approval of the Shire is obtained.**

**Advice Note:**

- 1. Council recommends that the applicant consider reorientating/mirror imaging the dwelling to permit the living rooms to face north and take advantage of good solar orientation.**

**CARRIED 7/0**

|  |  |   |
|--|--|---|
| P011/08/04 FINAL APPROVAL TO AMENDMENT 134 – PT LOT 7 THOMAS ROAD, BYFORD FROM URBAN DEVELOPMENT TO RURAL LIVING A (P04367/01) |  | <b>In Brief</b><br><br>To grant final approval to Amendment No. 134 to Town Planning Scheme No. 2. The subject land will be rezoned from “Urban Development” to “Rural Living A”. |
| Proponent:   | Gray and Lewis   |   |
| Owner:   | P Gangemi  |   |
| Officer:   | Brad Gleeson - Manager Planning and Regulatory Services  |   |
| Signatures Author:   |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 2 August 2004  |   |
| Previously   | P036/11/03   |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Council</b>   |   |

Owner: P Gangemi  
 Owner’s Address: Banksia Tourist Village Caravan Park, Hazelmere 6055  
 Applicant: Gray and Lewis  
 Applicant’s Address: Suite 5, 2 Hardey Street, South Perth 6151  
 Date of Receipt: 16 May 2003  
 Advertised: 19 April - 7 June 2004  
 Submissions: 4 submission  
 Lot Area: 4 Ha  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Date of Inspection: 2 September 2003

**Background**

Council at its meeting held 24 November 2003 resolved to initiate an amendment to Town Planning Scheme No. 2 (TPS 2) to rezone the subject land from “Urban Development” to “Rural Living A”. The amendment was advertised for a 42 day period ending on 7 June 2004.

***A copy of the plans is with attachments marked P011.1/08/04.***

**Sustainability Statement**

***Effect on Environment:***

It is considered that there will not be any significant environmental issues associated with the rezoning application.

***Resource Implications:***

Scheme water and reticulated sewerage will be provided to these lots.

***Use of Local, renewable or recycled Resources:***

Not applicable.

***Economic Viability and Economic Benefits:***

The subdivider will be required to provide services to the property such as sewer, water, power, drainage and road construction.

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

It is considered that the proposal will not disadvantage any social groups.

**Statutory Environment:**

Town Planning and Development Act  
Town Planning Regulations  
TPS 2

**Policy/Work Procedure Implications:**

LPP 4 - Revegetation

**Financial Implications:**

There are no Financial implications to Council related to this application.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

1. Provide recreational opportunities.

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.

**2. Environment**

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
6. Value, protect and develop biodiversity.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

3. Integrate and balance town and rural planning to maximise economic potential.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:



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

**Community Consultation:**

Required: Yes

Support/Object: 4 submissions received in support of the amendment.

| <b>Affected Property</b> | <b>Summary of Submission</b>   | <b>Support</b> | <b>Officer's Comment</b>   | <b>Action (Condition/ Support/ Dismiss)</b>   |
|--------------------------|--|----------------|--|---|
|                          | <p>Environmental Protection Authority</p> <p>Scheme not assessed</p>   | Support        | Noted  | Support   |
|                          | <p>Department of Environment (DoE)</p> <p>No objection to the scheme amendment subject to the following:</p> <p>A stormwater management strategy should be prepared and implemented to the satisfaction of the DoE and the Shire. The strategy should clearly aim to maximise the retention of stormwater onsite.</p> <p>The following advice is provided:</p> <p>The proposal is located within an area that has been recognised as posing a "moderate to low" acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulphate soils (eg dewatering, excavation etc) associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> <p>The property is located within the Serpentine Groundwater Area where there are issues</p> | Support        | <p>A clause is included in the scheme provisions requiring the preparation of a Drainage Concept Plan to the satisfaction of the Shire. The clause can be modified to include approval of the Department of Environment.</p> <p>Clauses can be included in the scheme provisions relating to the acid sulphate soils and groundwater extraction.</p> | Support. Conditional upon one clause being modified and two new clauses being included in the scheme amendment. |

| Affected Property | Summary of Submission  | Support | Officer's Comment | Action (Condition/Support/Dismiss) |
|-------------------|--|---------|-------------------|------------------------------------|
|                   | of water quality and availability. A groundwater licence will be required before any abstraction can commence and will contain a number of conditions.                       |         |                   |                                    |
|                   | Water Corporation<br><br>Reticulated water supply is available for the development of this area at the developers cost. The area is remote from reticulated sewerage scheme. | Support | Noted             | Support                            |
|                   | Western Power<br><br>No objections.  | Support | Noted             | Support                            |

**Comment:**

A number of issues raised during the public consultation process by the Department of Environment will be incorporated into the scheme provisions.

**Conclusion:**

It is recommended that Amendment No. 134 be granted final approval.

**Voting Requirements:**                      Normal

**P011/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick seconded Cr Star**

**A. The applicant be required to modify the scheme amendment documentation to include the following scheme provisions:**

8. Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan approved by the Shire and Department of Environment, provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
18. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulphate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.

- 19. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within the Serpentine Groundwater Area and a groundwater licence will be required before any abstraction can commence.**
- B. The applicant engaging a suitably qualified engineer to certify that the land does not contain any unsuitable landfill and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of Council.**
- C. Subject to A and B above, Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolve to recommend to the WAPC and the Minister for Planning and Infrastructure that Amendment No. 134 to Town Planning Scheme No. 2 to rezone Part Lot 7 Thomas Road, Byford, from Urban Development to Rural Living A, be granted final approval and include the following Special Provisions and any other deemed appropriate by Council:**
- 1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council.**
    - Use classes permitted (P)**
      - Single House**
      - Public Recreation**
      - Public Utility**
    - Discretionary Uses (AA)**
      - Ancillary Accommodation**
      - Home Occupation**
      - Stables**

**All other uses are prohibited.**

**In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.**
  - 2. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.**
  - 3. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated water to all lots within the subdivision.**
  - 4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.**
  - 5. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.**
  - 6. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.**

- 7. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Fire and Emergency Services Authority.**
- 8. Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan approved by the Shire and Department of Environment, provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.**
- 9. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.**
- 10. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.**
- 11. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.**
- 12. The Subdivision Guide Plan referred to in Clause 11 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.**
- 13. Multiple use trail shall be constructed to the satisfaction of the local authority by the subdivider in accordance with the Subdivision Guide Plan.**
- 14. Direct vehicle access is to be restricted in accordance with the endorsed Subdivision Guide Plan with the exception of horse float access via the unmade road reserve to the rear of the lots.**
- 15. Effective buffer between stables on 4 000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be not less than 100 metres (including road reserve) to the southern boundaries of the Urban Development to the north.**
- 16. The proposed multiple use trail at the rear of 4 000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be retained as an unmade road reserve and may be utilised for access by horse floats to the lots.**
- 17. The drainage system is to be designed to maximise infiltration of roof and hard surfaces runoff as close to source as possible. Piped networks, where installed, are to be kept as small as practicable and incorporate gross pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into Public Open Space or Multiple Use Corridors.**
- 18. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid**

- 19. sulphate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.**
- 19. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within the Serpentine Groundwater Area and a groundwater licence will be required before any abstraction can commence.**

**CARRIED 7/0**

|  |  |  |
|--|--|--|
| P012/08/04 INITIATION OF SCHEME AMENDMENT NO. 138 - LOT 15 (NO. 59)<br>KEENAN STREET, DARLING DOWNS FROM 'RURAL' TO 'RURAL LIVING A' (P05501/01) |  | <b>In Brief</b><br><br>Request for Council to initiate a scheme amendment to rezone the subject lot from 'Rural' to 'Rural Living A' under the provisions of Town Planning Scheme No. 2. Rezoning is required to allow the subdivision of the land into 9 lots between 2 and 2.8 hectares. It is recommended that the rezoning be initiated. |
| Proponent:   | Dykstra and Associates   |  |
| Owner:   | W & K Keily  |  |
| Officer:   | Brad Gleeson - Manager<br>Planning and Regulatory<br>Services  |  |
| Signatures Author:   |  |  |
| Senior Officer:  |  |  |
| Date of Report   | 5 July 2004  |  |
| Previously   | Concept Forum Briefing Note –<br>17 May 2004   |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>  | <b>Council</b>   |  |

Owner: W & K Kiely  
 Owner's Address: 59 Keenan Street, Darling Downs  
 Applicant: Dykstra and Associates  
 Applicant's Address: 6/2454 Albany Highway, Kelmscott WA 6111  
 Date of Receipt: 26 November 2003  
 Advertised: Not applicable at this stage  
 Submissions: N/A  
 Lot Area: 21.87 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural Living B  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: Yes  
 Date of Inspection: 8 March 2004

### **Background**

In February 2002, the applicant submitted a request to the Shire to rezone the subject land from Rural to Rural Living A. The proposal has been the subject of numerous discussions between the applicant and Shire officers in relation to the proposed subdivision guide plan and various issues affecting the land.

One of the main issues identified during the assessment of the proposal was that portions of the land are located within the boundaries of Bush Forever and also contain conservation

category wetlands. The land is also traversed by Wungong Brook and the Birrega drain. The applicant was requested to seek advice and comments from the Department of Environmental Protection (DEP) in relation to these matters.

The DEP inspected the property with the applicant in September 2003. The DEP has provided written advice and comments on the preliminary subdivision guide plan (SGP) and issues affecting the land. The applicant has provided further information and justification for the proposed rezoning in a report submitted in November 2003. A modified subdivision guide plan (SGP) has also been prepared.

The Concept Forum was advised of this proposal on 17 May 2004 and the intention of staff to require the applicant to modify the SGP to address the following issues:

- a) Confirm the edge of the public open space adjacent to the Birrega drain to incorporate the main areas of remnant vegetation/trees and to ensure a minimum lot size of 2 hectares for the rear lots;
- b) Identify the land between Wungong Brook and Keenan Street as public open space;
- c) Extension of the cul-de-sac to connect to the eastern boundary of Lot 15 to allow for road connection of the future subdivision to the east of the subject lot; and
- d) Drainage issues affecting the southern portion of the lot being resolved to the satisfaction of the Director Asset Services.

A draft set of scheme amendment provisions was to be prepared including a provision stating that horses or cattle are not permitted on the lots south of the Birrega Drain and that only soft hooved animals will be permitted on these lots.

### **Sustainability Statement**

#### ***Effect on Environment:***

Rezoning of the property to Rural Living A will enable the preservation, rehabilitation and enhancement of the property, including areas identified in Bush Forever and conservation category wetlands. Remnant vegetation can be protected and additional revegetation can be undertaken on the property. This will assist in biodiversity and enable the protection of existing animal habitats and provision of additional habitats.

The preparation and implementation of a drainage management plan will enable the protection of existing watercourses on the property. This will assist in reducing the potential for nutrient input from the property directly into the watercourse.

The proposal will enable controls to be placed on land uses able to be carried out on the land, which will provide additional protection for groundwater and surface water.

#### ***Resource Implications:***

Scheme water is not available in the area and rainwater tanks will be required when lots are developed for residential purposes.

#### ***Economic Viability/ Benefits:***

The proposal will attempt to address its external costs through the preservation and enhancement of biodiversity (through revegetation, weed management) and reduction to land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of landuse controls).

## ***Social and Environmental Responsibility and Social Diversity***

The rezoning and subsequent subdivision of the subdivision will enable improved road access and strategic fire management of the property. The large lifestyle lots (2 hectares) will provide an alternative to the small and medium size residential lots in the local area.

**Statutory Environment:** Town Planning and Development Act  
Town Planning Regulations  
Town Planning Scheme No. 2  
Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the Town Planning and Development Act and the Town Planning Regulations. At this stage of the amendment it is the provisions relating to advertising and referral requirements for Scheme Amendments that must be adhered as per Section 7 of the Town Planning and Development Act 1928 (as amended) as is detailed below:

*“7. Preparation of schemes*

- (2) *Subject to subsection (2aa), a town planning scheme prepared or adopted, or an amendment to a town planning scheme prepared, by a local government shall --*
- (a) *After compliance with sections 7A1 and 7A2 in respect of that town planning scheme or amendment, be advertised for public inspection in accordance with the regulations; and*
- (b) *After advertisement under this subsection and compliance with sections 7A3 and 7A4 in respect of that town planning scheme or amendment, be submitted to the Minister for his approval.*

(2aa) *A local government shall, before submitting a town planning scheme or amendment to the Minister under subsection (2)(b), make reasonable endeavours to consult in respect of the town planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the town planning scheme or amendment.*

7A1. *Reference of proposed town planning schemes, and proposed amendments to town planning schemes, to Environmental Protection Authority.*

*When a local government resolves to prepare or adopt a town planning scheme, or to prepare an amendment to a town planning scheme, under section 7, the local government shall forthwith refer the proposed town planning scheme or amendment to the EPA by giving to the EPA --*

- (a) *written notice of that resolution; and*
- (b) *such written information about the town planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the town planning scheme or amendment”.*

## **Policy/Work Procedure**

**Implications:** LPP4 – Revegetation  
LPP 6 – Water Sensitive Design

**Financial Implications:** Nil.

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**2. Environment**  
*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

3. Integrate and balance town and rural planning to maximise economic potential.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

No community consultation has been carried out to date. However, if initiated, the scheme amendment will require advertising for a period of not less than 42 days.

**Comment:**

The following information is a summary of the scheme amendment report provided by the applicant in support of the proposal:

“Location

*The subject land is located approximately 29 kilometres south east of the Perth central area and approximately 3 kilometres north west of the Byford townsite.*

Site Description

***A copy of the cadastral plan and aerial photograph are with attachments marked P012.1/08/04.***

*The land is 21.87 hectares in area and is bounded by the Darling Downs rural living estate to the east and the Darling Downs special rural subdivisions to the west. The subject land has frontage to Keenan Street and Dalray Court. The subject land contains an existing dwelling and associated outbuildings. The property is being used for the stabling and grazing of horses.*

*Wungong Brook runs along the northern boundary of the property and the Birrega Drain runs along the southern portion of the property.*

*The site is generally flat and predominately characterised by soils of a sandy, clayey nature. This type of soil is primarily white grey to brown, fine to coarse-grained sand with clay to moderate plasticity below the surface.*

Vegetation

*The subject land has been predominately cleared for grazing. There is some remnant vegetation on site, which is located at the southern end of the site around the Birrega main*



*drain and on the northern property boundary along Wungong Brook. Trees mainly comprise of mature eucalypts and tuarts, however the understorey vegetation has been predominately eliminated by grazing.”*

### Planning Context

#### 1. Zoning

The subject land is zoned Rural in the Metropolitan Region Scheme and Town Planning Scheme No. 2 (TPS 2). The land to the west of the site is zoned “Special Rural” and the land to the east is zoned “Rural Living A”.

#### 2. Rural Strategy

The Rural Strategy is Council’s adopted strategic vision for the municipality and is used as a guide to its decision making process. The strategy has been endorsed by the Western Australian Planning Commission (WAPC) and the Shire. The subject land is currently allocated as a Rural Living B area.

The Rural Strategy report, recognised that the creation of Rural Living B lots represents an inefficient use of land resources. The strategy states that the development of the land as Rural Living A/B would create lots of a density consistent yet not in conflict with the surrounding lands. The WA Planning Commission supported this position.

However, upon finalisation of the Rural Strategy, the map was incorrectly shown as Rural Living B instead of Rural Living A/B. Although there is an anomaly with the Rural Strategy maps, the intent has always been to support a zoning change for the property to Rural Living A/B.

#### 3. Servicing

The subject land has frontage to two constructed roads – Keenan Street and Dalray Court. Water supply is 600 metres from the site and is not currently available. Electricity and telecommunications are available to the subject land. As there is no sewerage available to the area, on-site effluent disposal will be used.

#### 4. Rationale for the proposal

The proponent’s rationale for the rezoning is summarised below:

*“The recognition that under the current zoning and subdivision pattern it is very difficult to achieve a productive rural use for the land at the same time protect and manage the environmental values of the land (ie vegetation, visual landscape importance and Wungong Brook environs). Another key rationale that promotes this proposal is its ability to achieve a potentially transitional settlement pattern between the Rural Living A estate approved on land adjoining to the west, and the existing Darling Downs special rural area. Further, the proposal has an ability to achieve strategic links between the existing and approved developments.*

*The proposed subdivision guide plan depicts the manner in which the land is to be used and developed for rural living and landscape protection. The use of specific Scheme provisions over the land will detail the various land use and management controls. Both the subdivision guide plan and the specific controls reflect the environmental opportunities and constraints of the land and its unique landscape values. Provisions are to be placed into Council’s Town Planning Scheme through this amendment to ensure adequate controls are in place to protect the unique qualities of the land.”*

5. Landuse and development controls

TPS 2 states that the purpose and intent of the Rural Living A zone is to cater for rural residential development on a range of lot sizes between 4 000m<sup>2</sup> to one hectare in accordance with the objectives and guidelines of the Rural Strategy. The intent of the Rural Living B zone is to cater for rural-residential development and ancillary rural related uses on a range of lots between two and four hectares. In addition to the zoning provisions incorporated in TPS 2 (Clause 5.12) for the Rural Living A zone, specific zoning provisions and land uses permitted will be included in the Scheme as part of the rezoning proposal.

6. Subdivision Guide Plan

**A copy of the Guide Plan is with attachments marked P012.2/08/04.**

The applicant advises:

*This reflects the proposal to create a rural living estate for residents to enjoy, enhance and protect the environment on lots, where the proposed nine lots range in size between 2.0 and 2.8 hectares. An overlay subdivision design depicts additional and smaller rural living lots of approximately 4 000m<sup>2</sup>, which could be established as a result of reticulated water being brought to the subdivision.*

*The overall design achieves a high degree of permeability, legibility, robustness and regular shaped lots. A strategic accessway (perhaps to be utilized for horses) will link the Dalray Court cul-de-sac with the newly constructed road which will go through the estate. This new road will act as a strategic link between Keenan Street and the long cul-de-sac upon the adjoining property.*

The plan includes a public open space corridor along the Birrega drain.

7. Environmental matters and nutrient management

The subject lot is within the catchment of the Peel-Harvey estuary. On-site effluent disposal capabilities are low with conventional septic systems and it is proposed that alternative systems are required in this area. The Principal Environmental Health Officer advises that a hydrology report is required to be submitted to show existing contours and 1:10 year flood levels. Effluent disposal on this land is acceptable subject to a 500mm clearance from flood levels to the base of the disposal area.

The sand pads within the building envelopes will need to be set at least half a metre above the 1:100 year flood level.

A conservation category wetland is indicated on the wetland mapping for this property. The wetlands have been mapped along the edge of Wungong Brook and the fringing vegetation adjacent to the Birrega drain

8. Drainage

The applicant advises:

*“The Water and Rivers Commission states that the site is located outside the 100 year flood plain area. However, some water inundation occurs on the land as outlined in the report prepared by the applicant’s environmental consultant (Landform Research).*

*The Water Corporation indicates that the groundwater levels during the wet months is 0.75m to 1.0m below the surface in the lower south western corner of the site. Development of the property will carefully consider storm event flood levels along the main drain and Wungong Brook to ensure that proposed building envelopes are not subject to flooding.”*

A drainage management strategy has been prepared for the land. The design philosophy for drainage of the subject lot is to ensure that downstream discharges are limited to existing rural flows. This would include compensation and nutrient stripping prior to stormwater drainage being disposed of on-site. Roads will have table drains and collected by the detention basins to retain a 1:10 year event. The drainage management strategy complies with the Local Planning Policy (Water Sensitive Design) as it involves retention and treatment of water at source and use of best management practices in a treatment train approach.

Birrega drain crosses the southern portion of the property and has been constructed above ground level. This drain was formed by pushing surface soils from adjacent areas to form the drain. Due to sedimentation and lack of maintenance the drain now flows about 1 metre above the adjoining natural ground level. The applicant advises:

*“The potential for Birrega drain to overflow, site inspection and consultation with both the Department of Environment and the Water Corporation have confirmed that the diversion mechanism for this drain is controlled by a restrictor type valve and has a limited size pipe. This diversion mechanism is located along the Wungong Brook adjacent to the railway line quite some distance east of the subject land. The Water Corporation have confirmed that this part of the Birrega drain is regulated by the Water Corporation to ensure only a very limited amount of water actually flows into the drain at any time. The flow rate is regulated to satisfy riparian and individual owner needs only. The majority of the water flow in this location is actually required for the Wungong Brook, and hence only the minimum volume of water that is required is diverted into the Birrega drain.*

*If flooding occurs due to a storm event with the overtopping of Birrega drain, the water would spread broadly across a large area of low lying land on this property and the special rural lots to the west. The southern portion of the lot becomes waterlogged most winters to variable depths depending on rainfall and possibly with the overflowing of the drain.”*

#### 9. Environmental review

The applicant advises:

*“An officer from the Department of Environmental Protection has inspected the property with the applicant and landowner. The DEP has offered the following general comments on the proposal:*

- \* The public open space along the drain should not be shown as an arbitrary 30 metre corridor. Some areas will require alteration to incorporate remnant vegetation and clearly shown on the guide plan.*
- \* The northern spur of the wetland mapped as a conservation category wetland was heavily degraded with little remaining wetland vegetation. A 50 metre development buffer should be incorporated from the edge of the public open space that contains sections of conservation category wetlands. The conservation category classification has been retained for this land, as the wetland is part of a large system in the area.*
- \* A foreshore management plan will be required to be prepared and implemented for the Birrega drain. Stock proof fencing is required along the public open space.*
- \* Water Corporation should provide advice / recommendations in relation to the drain and watercourse as they are responsible for these watercourses.*
- \* Drainage basin within the wetland buffer is unacceptable. The basin should incorporate water sensitive design with regard to stormwater management. A drainage and nutrient management plan is required as a pre-requisite to development of the land.*
- \* Horses and other grazing livestock are excluded from all of the proposed lots south of the extension of Dalray Court.*
- \* Scheme provisions should incorporate these requirements.”*

Public open space (POS) is provided between Wungong Brook and Keenan Street. A 40 metre wide POS strip is provided along Birrega drain, which widens out to approximately 75 metres adjacent to the eastern boundary of the lot.

#### 10. Emergency services

In relation to winter events the subject land could be affected by flooding if the drain breaches its levy's. In relation to summer the subject land has a land locked portion to the south of the drain with no egress available via emergency accessways or strategic firebreaks.

The drainage reserve is subject to flooding and provides an uninterrupted path for fire to travel. The property is downstream from the Wungong Dam and should this dam breach, the subject land would be flooded.

Strategic fire access tracks are shown on the plan connecting Dalray Road to the new road in the subdivision off Keenan Street.

#### Recommended conditions:

- \* An emergency management plan to be developed and implemented prior to subdivision of the land.
- \* Section 70A notification on the title to advise prospective purchasers that the emergency management plan must be complied with.
- \* A two lane bridge be constructed to service the two lots to the south of the drain. The bridge must be fire and flood proof.
- \* A fire management plan to be prepared and included in the Scheme provisions.

#### 11. Revegetation

The individual lots will be landscaped with appropriate native species in accordance with an approved revegetation plan approved by the Shire. The landscaping will occur prior to works commencing. Revegetation will include the creekline buffer, adjacent to the drain, block plantings and plantings around the building envelopes. The existing vegetation will be protected and supplemented by additional tree planting.

#### Conclusion

The applicant has addressed the issues that have been previously raised by staff. The fee for the amendment has not been provided yet. Therefore, initiation should be subject to:

1. The payment of the planning fee (the amount estimated by the Local Government (Fees) Regulations as the minimum cost of a Council dealing with a scheme amendment); and
2. Submission of five copies of the amendment documentation to the satisfaction of the Council.

**Voting Requirements:** Normal

#### **Officer Recommended Resolution:**

- A. The applicant be required to:
  1. Modify the scheme amendment documents to reflect the textual provisions adopted by Council;
  2. Modify the scheme amendment report (Drainage Management Strategy) to identify the location of stormwater basins as agreed by the Department of Environment and the Shire's Director Asset Services and include a map to show existing contours overlaid with 1:10 and 1:100 year flood levels;
  3. Modify the scheme amendment map to include the Rural zone in the legend and to extend the public open space zone along Wungong Brook to exactly

- match the boundary of the public open space shown on the subdivision guide plan;
4. Submit five copies of scheme amendment documentation;
  5. Paying the planning fees associated with the scheme amendment prior to the referral of the documentation to the Environmental Protection Authority; and
  6. The applicant obtaining the written agreement of the Department of Environment for the Drainage Management Strategy and in particular for the location of stormwater basins;
  7. The applicant providing a report by a suitably qualified engineer certifying that the subdivision is consistent with the flood management strategy associated with the Southern River/Wungong Brook Flood Study.

B. Subject to A above, to the satisfaction of the Manager Planning and Regulatory Services, Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

1. Rezoning Lot 15 Keenan Street, Darling Downs, from “Rural” to “Rural Living A and Public Open Space”.
2. Amending the Scheme map accordingly.
3. Including Lot 15 Keenan Street, Darling Downs in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:

|     |                                     |  |
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| 21. | Lot 15 Keenan Street, Darling Downs | <p>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p style="margin-left: 40px;">Use classes permitted (P)<br/>             Single House<br/>             Public Recreation<br/>             Public Utility</p> <p style="margin-left: 40px;">Discretionary Uses (AA)<br/>             Ancillary Accommodation<br/>             Home Occupation<br/>             Stables – 1 Hectare and above only<br/>             Corner Store<br/>             Child Minding Centre</p> <p>All other uses are prohibited.</p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>3. No indigenous vegetation shall be cleared, except</p> |
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|  |  | <p>where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate permitted (P) uses and discretionary (AA) uses listed in Special Provision 1; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of the Council.</p> <ol style="list-style-type: none"><li>4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</li><li>5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</li><li>6. The subdivider shall prepare and implement an Emergency Management and Fire Management Plan, including the construction of a two lane bridge that is fire and flood proof over the drain to service the two southern most lots, the construction of the strategic firebreaks depicted on the Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of Western Australia.</li><li>7. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of on-the-ground works to the satisfaction of Council, Water Corporation and Water and Rivers Commission. The Drainage Concept Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Concept Plan.</li><li>8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</li></ol> <p>In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of</p> |
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|  |  | <p>the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <ol style="list-style-type: none"><li>9. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.</li><li>10. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.</li><li>11. The Subdivision Guide Plan referred to in Clause 9 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</li><li>12. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Any approval to keep any grazing animal will require fencing of all remnant vegetation and planted vegetation by the landowners to the satisfaction of Council. Keeping of horses and other hard hoofed animals shall not be permitted on the land within the subdivision located south of Dalray Court.</li><li>13. The subdivider shall prepare a foreshore management plan for the Birrega Drain Public Open Space reserve within the lot including any constructed wetlands to the satisfaction of the Shire, the Department of Environment and Water Corporation. The reserve shall be created for the multiple use of waterway protection and passive complementary recreation. The Plan shall address vegetation management (including weed control) waterway restoration and infrastructure.</li><li>14. The subdivider placing a notification on the title of all lots stating that all development will be required to conform with the flood plain management strategy associated with the Southern River/Wungong Brook Flood Study.</li><li>15. The subdivider shall construct the battleaxe driveway and a bridge over the Birrega drain as well as a bridge over the Wungong Brook to the satisfaction of the Shire and Water Corporation.</li><li>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has</li></ol> |
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|  |  | been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulphate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities. |
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- C. Subject to satisfactory compliance with A and B above, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
- D. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.

LOST 0/5

**P012/08/04 COUNCIL DECISION/Committee Recommended Resolution/Foreshadowed Motion**

**Moved Cr Hoyer seconded Cr Scott**

**A. The applicant be required to:**

1. **Modify the scheme amendment documents to reflect the textual provisions adopted by Council;**
2. **Modify the scheme amendment report (Drainage Management Strategy) to identify the location of stormwater basins as agreed by the Department of Environment and the Shire’s Director Asset Services and include a map to show existing contours overlaid with 1:10 and 1:100 year flood levels;**
3. **Modify the scheme amendment map to include the Rural zone in the legend and to extend the public open space zone along Wungong Brook to exactly match the boundary of the public open space shown on the subdivision guide plan;**
4. **Submit five copies of scheme amendment documentation;**
5. **Paying the planning fees associated with the scheme amendment prior to the referral of the documentation to the Environmental Protection Authority; and**
6. **The applicant obtaining the written agreement of the Department of Environment for the Drainage Management Strategy and in particular for the location of stormwater basins;**
7. **The applicant providing a report by a suitably qualified engineer certifying that the subdivision is consistent with the flood management strategy associated with the Southern River/Wungong Brook Flood Study.**

**B. Subject to A above, to the satisfaction of the Manager Planning and Regulatory Services, Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:**

1. **Rezoning Lot 15 Keenan Street, Darling Downs, from “Rural” to “Rural Living A and Public Open Space”.**
2. **Amending the Scheme map accordingly.**
3. **Including Lot 15 Keenan Street, Darling Downs in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:**



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| <b>21.</b> | <b>Lot 15 Keenan Street,<br/>Darling Downs</b> | <p><b>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</b></p> <p><b>Use classes permitted (P)</b><br/>Single House<br/>Public Recreation<br/>Public Utility</p> <p><b>Discretionary Uses (AA)</b><br/>Ancillary Accommodation<br/>Home Occupation<br/>Stables – 1 Hectare and above only<br/>Corner Store<br/>Child Minding Centre</p> <p><b>All other uses are prohibited.</b></p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p><b>2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</b></p> <p><b>3. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate permitted (P) uses and discretionary (AA) uses listed in Special Provision 1; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of the Council.</b></p> <p><b>4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</b></p> <p><b>5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and</b></p> |
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|  |  | <p>replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>6. The subdivider shall prepare and implement an Emergency Management and Fire Management Plan, including a single lane bridge that is fire and flood proof over the drain to service the two southern most lots, the construction of the strategic firebreaks depicted on the Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of Western Australia.</p> <p>7. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of on-the-ground works to the satisfaction of Council, Water Corporation and Water and Rivers Commission. The Drainage Concept Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Concept Plan.</p> <p>8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>9. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.</p> <p>10. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.</p> <p>11. The Subdivision Guide Plan referred to in Clause 9 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the</p> |
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|  |  | <p>implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>12. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Any approval to keep any grazing animal will require fencing of all remnant vegetation and planted vegetation by the landowners to the satisfaction of Council. Keeping of horses and other hard hoofed animals shall not be permitted on the land within the subdivision located south of Dalray Court.</p> <p>13. The subdivider shall prepare a foreshore management plan for the Birrega Drain Public Open Space reserve within the lot including any constructed wetlands to the satisfaction of the Shire, the Department of Environment and Water Corporation. The reserve shall be created for the multiple use of waterway protection and passive complementary recreation. The Plan shall address vegetation management (including weed control) waterway restoration and infrastructure.</p> <p>14. The subdivider placing a notification on the title of all lots stating that all development will be required to conform with the flood plain management strategy associated with the Southern River/Wungong Brook Flood Study.</p> <p>15. The subdivider shall construct the battleaxe driveway and a bridge over the Birrega drain as well as a bridge over the Wungong Brook to the satisfaction of the Shire and Water Corporation.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulphate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> |
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**C. Subject to satisfactory compliance with A and B above, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act; and**

**D. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.**

**CARRIED 7/0**

Committee Note: The Officer Recommended Resolution was altered to reflect Council's view that a two lane bridge was an excessive requirement for two lots.

**COUNCIL DECISION**

**Moved Cr Star seconded Cr Hoyer that the Ordinary Council Meeting be closed to members of the public at this point, to allow the Council to discuss agenda item C012/08/04/04 in accordance with 5.23(2)(e)(iii) of the Local Government Act 1995 as the information is about the business, professional, commercial or financial affairs of a person.**

**CARRIED 7/0**

The meeting was closed to members of the public at 9.01pm.

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| <b>C012/08/04 SERPENTINE DAM TEAROOMS (RS0141/01) – CONFIDENTIAL</b> |  |  |
| Proponent:   | COUNCIL  | In Brief<br><br>Update Council on the Serpentine Dam Tearooms leases |
| Owner:   | Water Corporation  |  |
| Officer:   | DE Price – Chief Executive Officer   |  |
| Signatures Author:   |  |  |
| Senior Officer:  |  |  |
| Date of Report   | 2 August, 2004   |  |
| Previously   | C175/05/01, C010/07/02, SM009/08/02, SM029/12/02, C096/03/03, P246/04/03   |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>  | <b>Council</b>   |  |

**Voting Requirements: ABSOLUTE MAJORITY**

**C012/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Kirkpatrick**  
Council provides the following direction to the Chief Executive Officer in relation to both the Serpentine Dam residential lease and Serpentine Dam Tearooms sub lease to enable this matter to be resolved either firstly through 1) negotiations with the sub lessee or failing this 2) instructing Council's solicitors to commence proceedings to terminate the two (2) leases between Council and the sub lessee.

1. Continue negotiations with the sub lessee to:
  - a) Vary both leases to permit the sub lessee to sub lease parts or all of the Serpentine Dam Tearooms and residential premises to other operators subject to the following conditions being agreed by the sub lessee prior to signing any variation:
    - Council incurs no loss of current and future rental income as prescribed in the current leases under the arrangement,

- **Negotiate an agreed completion and opening date for the tearooms and residence**
  - **payments of outstanding monies owed to Council and the provision that failure to meet the agreed dates for these requirements will automatically result in the agreed termination of the leases.**
  - **Varying the leases with the sub lessee for the tearooms and the residence to a new company name, if requested subject to a satisfactory credit rating.**
  - **The sub lessee agreeing to meet and pay all reasonable costs in advance associated with the varying of the leases.**
- b) **That the Shire President and Chief Executive Officer are authorised to sign on behalf of council agreed variations as described above in the respective lease documents.**
2. **Should negotiations as described in 1 above not be able to be resolved to the satisfaction of Chief Executive Officer within sixty (60) days of this decision, Council instructs the Chief Executive Officer to:**
- **Commence legal proceedings to terminate the residential lease and tearooms sublease between Council and the sub lessee in accordance with the lease agreements requirements.**
  - **Complete the outstanding works at the tearooms estimated at not more than \$15,000. Funds are to be allocated from the Tourism Reserve.**
  - **Subject to timing of the outstanding works being completed, call tenders for the sub lease of the tearooms and associated accommodation and re-enter into a new sub lease agreement with new operators, based on the agreed lease documents and conditions previously agreed to by Council for the tearooms and residence, with the exception that an agreed trading date would be included in the tearooms sub lease.**
- CARRIED 7/0 ABSOLUTE MAJORITY**

Committee Note: There were 3 minor additions to the motion:

Paragraph 1a) dot point 4 “subject to a satisfactory credit rating”.

Paragraph 1a) dot point 5 pay all “reasonable” costs in advance associated with the varying of the leases; and

Paragraph 2 dot point “in accordance with the lease agreements requirements”.

The meeting was re-opened to the public at 9.02 pm.

## 8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

| SM04/08/04 REGIONAL DEVELOPMENT FUNDING – HIGH SCHOOL BUSINESS PLAN (A0923, A1118) |  |   |
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| Proponent:   | Anglican Church of Australia – Parish of Serpentine Jarrahdale   | In Brief<br><br>Request by the Anglican Church of Australia – Parish of Serpentine Jarrahdale for re-allocation of the Regional Development Scheme grant monies provided to the Shire to assist in the preparation of a business plan for a high school to progress a non government community based school |
| Owner:   | Peel Development Commission.   |   |
| Officer:   | D.E Price – Chief Executive Officer  |   |
| Signatures Author:   |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 11 August 2004   |   |
| Previously   | SM043.11/02/03, SM050/04/03<br>CEO's Report OCM 23 June 2003, SM017/10/03  |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Council</b>   |   |

### Background

In 2003 Council applied to the Peel Development Commission (PDC) and was successful in obtaining funding (\$9,900 GST inc) via the State Government Regional Development Scheme (RDS) program toward the cost of preparing a business plan in support of attracting a high school to the shire.

It was agreed late last year by the high school working group that the preparation of the business plan would be deferred until after the state government's position on a government high school in the shire was known. It was further agreed by the high school working group that should the state government not support a government high school that Council and the PDC would be requested to support the reallocation of the RDS funds to the Anglican Church of Australia – Parish of Serpentine Jarrahdale to assist them progress a proposal to establish a community based high school in the shire.

The Chairman and Chief Executive Officer (CEO) of the PDC were made aware of this possible request by the Shire President and Shire CEO at a meeting early in 2004, at which time in-principle support was given by the PDC representatives. The shire CEO has since written to the PDC CEO requesting an extension of time with regard to the original agreed expenditure of the funds, which was granted (1 December 2004) in writing on the 31 May 2004. This matter was again recently discussed by the shire CEO with the PDC CEO and a process was agreed that would need to be undertaken to enable the PDC to consider and agree to the reallocation of funds to the church to progress a proposal for a community based non-government high school.

In summary the CEO of the PDC advised the following:

*The PDC Board would want to see assurances that the minister would support a community based high school if they were to consider any request to re-allocate the funds. Any approach to Council and then to PDC would need to provide demonstrable evidence that the community would support a fee paying school and also reflect the social benefits associated with a community based high school.*

This advice was emailed to Rev David Bradbury of the Anglican Church of Australia - Parish of Serpentine Jarrahdale (the Church) and consequently a formal request has now been

received from the Church seeking the support and the consideration of the re-allocation of the grant by Council.

***A copy of the request is provided for Council's consideration at attachment "" (IN04/7186)***

### **Sustainability Statement**

Specialist sub-consultants *Economics Consulting Services* were engaged to develop a high-level estimate of the anticipated future medium and long-term financial value of the potential economic, social and environmental benefits of the high school concept, to Serpentine Jarrahdale.

The sub consultants report is summarised as follows:

#### **Economic Benefits**

The estimated direct economic effect from a school facility in Mundijong with 600 students, employing 50 FTE staff is expected to include:

Directly employ teaching staff. Between five (5) and eight (8) staff initially and fifty (50) teaching and administration staff for a school population of 600 is required. It is assumed that this would result in six (6) staff establishing households in Serpentine Jarrahdale, although there would be a time lag before this would occur.

Directly employ additional staff including gardener/handyperson, after-hours cleaners and faults maintenance contractors. It is assumed that this would result in four (4) additional staff establishing households in Serpentine Jarrahdale.

Increase in business due to staff demand, for local consumables such as petrol, entertainment, food and groceries, both from those located inside and external to Serpentine Jarrahdale.

Increase in demand for school consumables, having further effect on local business. Direct expenditures by the student population on books etc.

Increase bus transport requirements for students. At present one bus travels daily through Serpentine Jarrahdale, and fares are subsidised to parents outside of a 15-kilometre range of the local school. From discussions with a representative of the local bus company, the demand for bus services is expected to increase.

In addition, future indirect economic benefits are expected to include:  
Additional residents locating to Serpentine Jarrahdale, being a long-term sustained increase in the number of households, due to the improvement in local amenities.

Correction of the current dip in the 15-24 age group demographic for Serpentine Jarrahdale, due to the presence of the school would further boost population.

Long-term multiplier effect on employment prospects. The 'education' sector multiplier is 1.73, meaning a school of 59 staff should generate an addition 43 jobs across WA, which is likely to re-circulate benefits to Serpentine-Jarrahdale.

The effect of future release of land earmarked for residential subdivision in the area.

Development of a high school is likely to provide a catalyst for future land releases.

It was strongly emphasised by the sub-consultants that the large majority of business and employment opportunities created from the school would be felt outside of Serpentine Jarrahdale. This is due to the location characteristics of the area, including the cost of

transport, and limited availability of local goods and services. Consequently, the long-term 'multiplier effect' was valued as only 5% of the relevant multiplier total that would apply.

### Social

A secondary school is considered a positive contributor to the social fabric of the community, by offering the following potential benefits:

Higher retention of the population as students attend school locally:

- \* A closer-knit community due to students forming extended peer relationships as they attend school together for a longer duration;
- \* The facility is likely to attract cultural activities to Mundijong through the extra-curricula activities for students. Examples may include a visiting music show, or travelling art exhibition. The town becomes a far greater 'catchment area' for cultural programs. The long-term effect could potentially be to encourage the establishment of further integrated facilities in the town, such as a performing arts centre or an arts/crafts workshop, which draws on the local student population;
- \* The pastoral content of the ASC curriculum should have a positive social influence on the local community;
- \* Being a community based school, the community would be able to participate in the use of school facilities such as a gymnasium.
- \* Youth would be accessible to develop future community leaders.

### Environment

Influences on the environment from a secondary school are expected to include:

- \* A significant boost in the utilisation of current local facilities, including the Town Hall, oval and sports buildings, thereby supporting the need to maintain them to a good standard;
- \* The school would attract development of further facilities specific to school curriculum such as a new gymnasium; and
- \* The local student population will underpin establishment of facilities in response to new unmet demand, for example a skate-park or a public swimming pool.

### **Statutory Environment:**

Development Commissions Act, Local Government Act 1995.

### **Policy/Work Procedure Implications:**

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

### **Financial Implications:**

1. Refer to Council Decision SM050/04/03
2. Council were advised via an item relating to the High school in October 2003 (SM017/10/03) that support may be requested by the Serpentine Anglican Parish to establish a draft Constitution and Rules for a "community" high school.
3. The Regional Development Scheme application for \$9,900 (GST inc) funding to progress the detailed work necessary for a viable business plan that can be used to firm up the educational and operational



requirements, reflected a Council contribution of \$2000. As Council will no longer be progressing the business plan, the Church may be required to demonstrate that they can meet this commitment if the PDC support the request to reallocate the grant to the church.

**Strategic Implications:**

a) Councils 2003 Strategic Plan states the following:

1. People and Communities

1.2 Develop good services for health and well being – Increase educational and skill development facilities and opportunities.

b) Councils Employment and Economic Development Strategy (2002-2007) states under “Stimulate Employment, Education and Training Opportunities” b) Ensure State Government establishes a Private or Government High School in the Shire to meet the growing population needs – 1.) Achieve a High School in the Shire within the next five (5) years.

**Community Consultation:**

Required: No

However, there is a high level of community support in the shire for this project. A total of 657 questionnaires were sent out through the weekly newsletter publications of the local primary schools, to be completed by parents as part of the Feasibility Study (see Attachment 3). The following survey outcomes describe the strong level of interest in the proposed concept: 162 surveys were returned, representing about 25 percent; 134 responded yes, they would send their children to a school in Mundijong if established. This represents an 83 percent yes response. The High School Working group has been well attended throughout its two years of existence and the members relay information to other community members and feedback community interest.

**Comment:**

The RDS grant which was approved referred to the following objectives and outcomes to which the money would be used:

***OBJECTIVE.*** *The project aims to develop an appropriate, innovative and cost-effective community secondary school model for a high school in Mundijong. A comprehensive business plan would draw together work already undertaken by the local high school working group (HSWG) and provide clear understanding of the operational details and break-even scenarios which may attract investors or a community based and owned high school in the Shire.*

***OUTCOMES:*** *A consultation study in 2002 showed that there was high local demand for a High School and that demand would continue to grow. A local high school would result in higher retention of students and families in the shire because of reduced travelling time. It would contribute to forming a close-knit community as students could form extended peer relationships within their own area. It would generate local jobs through employment of teachers and support staff. Clear and defined life-long learning and educational outcomes would offer quality education with local connections embedded within the curriculum. Extra-curricula activities related to the school would provide a hub for positive activities for young people.*

Indications to date from the state government have not been positive toward a state government high school but the federal government have confirmed in writing their support

for either a state or non government school. It appears that a non government community based school is the most probable type of secondary school the shire is going to attract in the short term given the state government's current position on promoting larger high schools.

The PDC have advised that in order for the RDS funds granted to Council (to undertake a business plan) to be reallocated, confirmation from Council declining the funds accompanied with a request to them for consideration and support to reallocate the grant to the church to progress their proposal for a non government community high school in the shire is required.

The church may be required to demonstrate to the PDC that their requirements outlined in the background of this report can be satisfied, however with the exception of confirmation by the Minister for Education that he would support a community based school at the time this report was written, the other matters are able to be demonstrated in the work already completed by Tungsten or is provided in the Council's September 2003 RDS application.

It is therefore recommended that Council advise the PDC that they no longer require the funds and request the PDC agree to the re-allocation of the Regional Development Scheme grant monies provided to the Serpentine Jarrahdale Shire to assist in the preparation of a business plan for a high school to the Anglican Church of Australia - Parish of Serpentine Jarrahdale, to enable them to progress a proposal for a non government community based school in the shire.

**Voting Requirements:** Normal

**SM04/08/04 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Murphy**

**Council decline the Regional Development Scheme funding (\$9,000 GST incl) for the development of a business plan and request the Peel Development Commission to agree to the re-allocation of these Regional Development Scheme grant monies to permit the Anglican Church of Australia – Parish of Serpentine Jarrahdale to progress a proposal to Council for a non government community based school subject to:**

- a) the Anglican Church of Australia, Parish of Serpentine Jarrahdale demonstrating to the Peel Development Commission if required:**
  - 1. that the State Minister for Education would support a community based high school.**
  - 2. that the community does support a fee paying school**
  - 3. reflect the social benefits associated with a community based high school**

**CARRIED 7/0**

## 9. CHIEF EXECUTIVE OFFICER'S REPORT

| SM05/08/04 INFORMATION REPORT |  |                                    |
|-------------------------------|--|------------------------------------|
| Proponent:                    | Chief Executive Officer  | In Brief<br><br>Information Report |
| Owner:                        |  |                                    |
| Officer:                      | DE Price – Chief Executive Officer   |                                    |
| Signatures Author:            |  |                                    |
| Senior Officer:               |  |                                    |
| Date of Report                | 13 <sup>th</sup> August, 2004  |                                    |
| Previously                    |  |                                    |
| Disclosure of Interest        | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                    |
| <b>Delegation</b>             | <b>Council</b>   |                                    |

SM05.1/08/04 COMMON SEAL REGISTER REPORT – JULY 2004 (A1128)

***The Common Seal Register Report for the month of July, 2004 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked "SM05.1/07/04." (E02/5614)***

SM05.2/08/04 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT – AUGUST 2004 (A0436-05)

***The Economic & Tourism Development Officer report of priorities for August 2004 are with the attachments marked "SM05.2/07/04" (E04/4191 & IN04/7313)***

SM05.3/08/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – ANNUAL GENERAL MEETING MINUTES 2004 (A0163-06)

***The minutes of the Western Australian Local Government Association 2004 Annual General Meeting are with the attachments marked "SM05.3/08/04" (IN04/7279)***

SM05.4/08/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MEETING MINUTES – 29 JULY, 2004 (A1164)

***The minutes of the Western Australian Local Government Association Peel Zone Meeting held on 29<sup>th</sup> July, 2004 are with the attachments marked "SM05.4/08/04" (IN04/7192)***

SM05.5/08/04 LEGAL MATTER SJA 1129 OF 2002 (A1126-02)

Council resolved the following in relation to this matter in June 2004:

***C097/06/04 - McLeods are instructed not to further pursue a strikeout of LEGAL MATTER SJA 1129 of 2002 but to resist the appeal on its merits.***

In relation to the above matter, McLeods have now advised that the above matter was dismissed by Justice Simmonds in the Supreme Court of Western Australia on the 4 August

2004 and the Appellant was ordered to pay costs of the appeal. The Appellant has 21 days from this decision to further appeal to the full court of the Supreme Court.

SM05.6/08/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL SUMMARY MINUTES 11 AUGUST, 2004 (A1164)

***The WALGA State Council Summary Minutes for the meeting held on 11<sup>th</sup> August, 2004 are in the attachments marked “SM05.6/08/04” (IN04/7464)***

SM05.7/08/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN ZONE MINUTES – 28<sup>TH</sup> JULY, 2004 (A1164)

***The WALGA South East Metropolitan Zone Minutes of the meeting held on 28<sup>th</sup> July, 2004 are in the attachments marked “SM05.7/08/04” (IN04/7465)***

SM05.8/08/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PRESIDENTS REPORT TO STATE COUNCIL – AUGUST, 2004 (A1164)

***The WALGA President’s Report to State Council on 11<sup>th</sup> August, 2004 are in the attachments marked “SM05.8/08/08” (IN04/7466)***

SM05.9/08/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – CHIEF EXECUTIVE OFFICER’S REPORT TO STATE COUNCIL AUGUST, 2004 (A1164)

***The WALGA CEO’s Report to State Council on 11<sup>th</sup> August, 2004 are in the attachments marked “SM05.9/08/04” (IN04/7467)***

SM05.10/08/04 LETTER FROM MINISTER GRIFFITHS – GOORALONG PARK AND TRANSFER OF LAND & MANAGEMENT (RS0117)

***In the attachments marked “SM05.10/08/04” (IN04/7472) is a response from Minister Griffiths to Council decision (CRD24/04/04)***

SM05.11/08/04 LOCAL ECONOMIC DEVELOPMENT UNIT MEETING MINUTES – MAY 2004 (A0436)

***The minutes of the Local Economic Development Unit meeting held on 20<sup>th</sup> May, 2004 are in the attachments marked “SM05.11/08/04” (E04/4193)***

SM05.12/08/04 LETTER FROM MINISTER FOR EDUCATION & TRAINING – CONCLUSIONS & RECOMMENDATIONS FOR A EDUCATIONAL FACILITY IN THE SHIRE (A1118)

A letter has been received from the Minister for Education & Training, ***copy in attachments marked “SM05.12/08/04” (IN04/7593)***, recommending that the offer from the Shire not be accepted and that the existing secondary education arrangements for the area be maintained.

**SM05/08/04 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Murphy  
The Information Report for August 2004 be received  
CARRIED 7/0**

**10. URGENT BUSINESS:**

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

**12. CLOSURE:**

There being no further business the meeting closed at 9.12pm.

I certify that these minutes were confirmed at the  
ordinary council meeting held on 27<sup>th</sup> September, 2004

.....  
Presiding Member

.....  
Date

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

|  |  |  |
|--|--|--|
| <b>C016/08/04 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b> |  |  |
| Proponent:   | Director Corporate Services  | In Brief<br><br>To confirm the creditor payments made during July 2004 |
| Owner:   | N/A  |  |
| Officer:   | R. Pryce – Senior Finance Officer  |  |
| Signatures Author:   |  |  |
| Senior Officer:  |  |  |
| Date of Report   |  |  |
| Previously   |  |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| Delegation   | <b>Committee in accordance with resolution SM046/05/04</b>   |  |

**C016/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

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

|   |  |   |
|---|--|---|
| <b>C017/08/04 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)</b> |  |   |
| Proponent:  | Director Corporate Services  | In Brief<br><br>To receive the statement of debtors over \$1,000 as at 31 July 2004 |
| Owner:  | Not Applicable   |   |
| Officer:  | Ray Pryce – Senior Finance Officer   |   |
| Signatures Author:  |  |   |
| Senior Officer:   |  |   |
| Date of Report  |  |   |
| Previously  |  |   |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| Delegation  | <b>Committee in accordance with resolution SM046/05/04</b>   |   |

**C017/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 July 2004.  
**CARRIED 5/0**

| C018/08/04 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917) |  |  |
|---|--|--|
| Proponent:  | Director Corporate Services  | In Brief<br><br>To receive the sundry debtor balances as at 31 July 2004 |
| Owner:  | Not Applicable   |  |
| Officer:  | Ray Pryce – Senior Finance Officer   |  |
| Signatures Author:                                    |  |  |
| Senior Officer:                                       |  |  |
| Date of Report  |  |  |
| Previously  |  |  |
| Disclosure of Interest                                | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |

**C018/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 July 2004.  
CARRIED 5/0**

| C019/08/04 RATE DEBTORS REPORT (A0917) |  |  |
|--|--|--|
| Proponent:                             | Director Corporate Services  | In Brief<br><br>To receive the rates report as at 31 July 2004 |
| Owner:                                 | Not Applicable   |  |
| Officer:                               | V Tapp – Finance Officer - Rates   |  |
| Signatures Author:                     |  |  |
| Senior Officer:                        |  |  |
| Date of Report                         |  |  |
| Previously                             |  |  |
| Disclosure of Interest                 | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>                      | <b>Committee in accordance with resolution SM046/05/04</b>   |  |

**C019/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report the Rate Debtors accounts as at 31 July 2004.  
CARRIED 5/0**

|   |  |   |
|---|--|---|
| <b>AS005/08/04 2004/05 RESEAL PROGRAM (A0477)</b> |  |   |
| <b>Proponent:</b>                                 | Shire of Serpentine-Jarrahdale   | In Brief<br><br>Council is requested to endorse the Reseal Program in accordance with the approved 2004/05 budget to be carried out in accordance with C10/2003-2004 & C07/2003-04 Tenders. |
| <b>Owner:</b>                                     |  |   |
| <b>Officer:</b>                                   | Patrick Rose<br>Senior Technical Officer - Design  |   |
| <b>Signatures Author:</b>                         |  |   |
| <b>Senior Officer:</b>                            |  |   |
| <b>Date of Report</b>                             | 5 <sup>th</sup> August 2004  |   |
| <b>Previously</b>                                 |  |   |
| <b>Disclosure of Interest</b>                     | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>                                 | <b>Committee in accordance with resolution SM046/05/04</b>   |   |

**AS005/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council endorse the 2004/05 Reseal Program:-**

| Road Name                | From                     | To  | Cost                |
|--------------------------|--------------------------|---|---------------------|
| <b>Adams Street</b>      | <b>Richardson Street</b> | <b>Tonkin Street</b>                                    | <b>26,000.00</b>    |
| <b>Bishop Road</b>       | <b>Kargotich Road</b>    | <b>First kilometer only</b>                             | <b>\$17,000.00</b>  |
| <b>Doley Road</b>        | <b>Doley Road</b>        | <b>Doley Road</b>                                       | <b>\$ 1,500.00</b>  |
| <b>Hopkinson Road</b>    | <b>Abernethy Road</b>    | <b>Water Corp Bridge 150m north<br/>Charolais Court</b> | <b>\$15,000.00</b>  |
| <b>Karnup Road</b>       | <b>Hall Road</b>         | <b>Rapids Road</b>                                      | <b>\$65,000.00</b>  |
| <b>Richardson Street</b> | <b>Adonis Street</b>     | <b>Adams Street</b>                                     | <b>\$25,500.00</b>  |
| <b>TOTAL</b>             |                          |   | <b>\$150,000.00</b> |

**CARRIED 5/0**



|  |  |   |
|--|--|---|
| <b>AS007/08/04 OVERSIZE VEHICLE PERMITS AND ENDORSEMENTS TO SERVICE LOT 6 GOSSAGE ROAD, OLDBURY AND LOT 2 KARGOTICH ROAD, MUNDIJONG (A0512-03)</b> |  |   |
| <b>Proponent:</b>  | Main Roads Western Australia   | <b>In Brief</b><br><br>Main Roads W.A. has recommended permits for consent to use long vehicles to service Lot 6 Gossage Road, Oldbury and Lot 2 Kargotich Road, Mundijong. Conditional consent is recommended. |
| <b>Owner:</b>  | Palcon Group   |   |
| <b>Officer:</b>  | Bryce Coelho<br>Manager Asset Services   |   |
| <b>Signatures Author:</b>  |  |   |
| <b>Senior Officer:</b>   |  |   |
| <b>Date of Report</b>  | 28 July 2004   |   |
| <b>Previously</b>  | AS085/07/04, AS006/07/03,<br>AS082/06/04   |   |
| <b>Disclosure of Interest</b>  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Committee in accordance with resolution SM046/05/04</b>   |   |

**AS007/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

- 1. Consent be conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Palcon Group for a period of twelve (12) months for access to the following properties:**
  - (a) Inglewood Products, Lot 6 Gossage Road, Oldbury via Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Gossage Road) and Gossage Road (King Road to Lot 6 Gossage Road).**
  - (b) C. Atwell, Lot 2 Kargotich Road, Mundijong via Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).**
- 2. Consent being subject to the following conditions:**
  - (i) Vehicle speeds on Kargotich Road to not exceed 90km/h;**
  - (ii) Vehicle speeds on Gossage Road to not exceed 60km/h;**
  - (iii) Vehicles are to operate during daylight hours only between Monday and Saturday;**
  - (iv) Vehicles are not to operate during school bus travel times;**
  - (v) Any application for extension to the permit(s) being referred to Council.**

**CARRIED 5/0**

|                                       |  |   |
|---------------------------------------|--|---|
| <b>AS009/08/04 INFORMATION REPORT</b> |  |   |
| Proponent                             | Director Asset Services                                    | In Brief<br><br>To receive the information report to the 30 June 2004 |
| Officer                               |  |   |
| Signatures - Author:                  |  |   |
| Senior Officer:                       |  |   |
| Date of Report                        |  |   |
| Previously                            |  |   |
| Disclosure of Interest                |  |   |
| <b>Delegation</b>                     | <b>Committee in accordance with resolution SM046/05/04</b> |   |

**AS009/08/04 COMMITTEE DECISION/Officer Recommended Resolution:**

**The Director Asset Services' report to the 31 July, 2004 be received.  
CARRIED 5/0**

|                                       |  |                                    |
|---------------------------------------|--|------------------------------------|
| <b>CRD03/08/04 INFORMATION REPORT</b> |  |                                    |
| Proponent:                            | Not applicable   | In Brief<br><br>Information report |
| Owner:                                | Not applicable   |                                    |
| Officer:                              | Carole McKee – Community Development Officer   |                                    |
| Signatures Author:                    |  |                                    |
| Senior Officer:                       |  |                                    |
| Date of Report                        | 29.07.04   |                                    |
| Previously                            | N/A  |                                    |
| Disclosure of Interest                | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                    |
| <b>Delegation</b>                     | <b>Committee – in accordance with resolution SM046/05/04</b>   |                                    |

**CRD03/08/04 COMMITTEE DECISION/Officer Recommended Resolution**

**Council accepts the July 2004 Information Report.  
CARRIED 5/0**

| B02/08/04 INFORMATION REPORT |  |                                    |
|------------------------------|--|------------------------------------|
| Proponent:                   | N/A  | In Brief<br><br>Information report |
| Owner:                       | N/A  |                                    |
| Officer:                     | Wayne Chant - Principal Building Surveyor  |                                    |
| Signatures Author:           |  |                                    |
| Senior Officer:              |  |                                    |
| Date of Report               | 04.08.04   |                                    |
| Previously                   |  |                                    |
| Disclosure of Interest       | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                    |
| Delegation                   | Committee – in accordance with resolution SM046/05/04  |                                    |

**B02/08/04 Committee Decision/Officer Recommended Resolution**

**Council accepts the July 2004 Information Report.  
CARRIED 5/0**

| H02/08/04 INFORMATION REPORT |  |                                    |
|------------------------------|--|------------------------------------|
| Proponent:                   | N/A  | In Brief<br><br>Information report |
| Owner:                       | N/A  |                                    |
| Officer:                     | Tony Turner - Principal Environmental Health Officer   |                                    |
| Signatures Author:           |  |                                    |
| Senior Officer:              |  |                                    |
| Date of Report               | 06.08.04   |                                    |
| Previously                   |  |                                    |
| Disclosure of Interest       | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                    |
| Delegation                   | Committee – in accordance with resolution SM046/05/04  |                                    |

**H02/08/04 Committee Decision/Officer Recommended Resolution**

**Council accepts the information report for July 2004.  
CARRIED 5/0**

|                                      |  |  |  |
|--------------------------------------|--|--|--|
| <b>P013/08/04 INFORMATION REPORT</b> |  |  |  |
| Proponent                            | Director Sustainable Development                             |  | <b>In Brief</b><br><br>Information Report. |
| Officer                              | Lisa Fletcher – Support Officer Sustainable Development      |  |  |
| Signatures - Author:                 |  |  |  |
| Senior Officer:                      |  |  |  |
| Date of Report                       | 2 August 2004  |  |  |
| Previously                           |  |  |  |
| Disclosure of Interest               |  |  |  |
| <b>Delegation</b>                    | <b>Committee – in accordance with resolution SM046/05/04</b> |  |  |

**P013/08/04 Committee Decision/Officer Recommended Resolution**

**That the Information Report to 10 August 2004 be received.  
CARRIED 5/0**

|   |  |  |   |
|---|--|--|---|
| <b>P015/08/04 LEGAL AGREEMENT FOR THE REMOVAL OF AN EXISTING DWELLING AT LOT 2 (NO. 33) WESTCOTT ROAD, SERPENTINE (P01372/03)</b> |  |  |   |
| Proponent:  | R & P Lay  |  | <b>In Brief</b><br><br>Council is asked to agree to a “one-off” variation to standard work practice to permit a caveat being lodged on the title only if the proponent is in default of planning conditions applied to the development. |
| Owner:  | R & P Lay  |  |   |
| Officer:  | Joanne Abbiss - Director Sustainable Development   |  |   |
| Signatures Author:  |  |  |   |
| Senior Officer:   |  |  |   |
| Date of Report  | 13 <sup>th</sup> August 2004   |  |   |
| Previously  | Not applicable   |  |   |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |   |
| <b>Delegation</b>   | <b>Committee in accordance with resolution SM046/05/04</b>   |  |   |

**P015/08/04 Committee Decision/Officer Recommended Resolution:**

1. The applicant be required to pay the outstanding costs for the drafting of the original legal agreement and any subsequent costs incurred as a result of amendments required by this decision.
2. The applicant be required to sign the legal agreement prior to issue of the building licence.
3. Subject to 1 and 2 above being completed to the satisfaction of the Director Sustainable Development, the Council agrees to a “one-off” variation to standard work practice to permit the caveat being lodged on the title only if the applicant is in default of planning conditions applied to the development.

**CARRIED 5/0**