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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, 23RD JUNE 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.04PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
MJ Geurds
M Harris
WJ Kirkpatrick
EE Brown
C Randall
S Twine
C Buttfield

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs C McKee Acting Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr M Botte Acting Director Engineering
Mrs A Nolan Manager Executive Services
Mr T Turner Manager Health and Ranger Services
(until 7.27pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: KR Murphy

GALLERY: 3

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 7.05pm.

Sandra Hawkins – 27 Burgess Drive, Byford

What date was demolition of Percy's Place in Byford rejected?

The Chief Executive Officer advised that she is unable to remember the exact date that demolition was rejected. This may have been in 2005 however a response will be provided with an exact date.

What plan did Council have for Percy's Place at Lot 116 Coulterhand Circle, Byford?

The Chief Executive Officer advised that in the rejection of demolition notice, there was a desire for Council to see the building utilised in some form as a community facility with the view that its heritage aspects regarding its construction and the person who had constructed it would be honoured. Certainly a use that would not see any detriment to the buildings' heritage values but to add to this would be considered.

Council was advised that prior to the last Federal election that should the Rudd Government come to power, that they would pledge \$225 000 for a community facility in Byford which was Percy's Place. Since then, Council has received correspondence from the Member for Brand advising that this money is earmarked for the Shire, however the Federal Government are still working on funding programs and their criteria. Council will be advised once these have been determined at which time Council can make application for these funds.

Further to this meeting, it was clarified that the pledge amount is actually \$275 000 not \$225 000.

2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 7.09pm

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.09pm

SD116/06/08 - Anthony Morcombe (Roberts Day Group)

Acting on behalf of Australand, the owner of Lot 9 Abernethy Road, Byford.

Correspondence has been sent dated 16 and 18 June explaining why advertising of the proposed structure plan does not need to be delayed.

It is reiterated that we are not asking Council to grant final approval to the Structure Plan, just that it is advertised and referred to government agencies ie Department of Water so that they can deal with issues that may arise.

The Chief Executive Officer advised that she had contacted the Director General of the Department of Water and was advised that to the best of his knowledge a report should be finalised in six weeks.

Use of Percy's Place by the RSL - Sandra Hawkins (27 Burgess Drive, Byford)

I would like to place on the record my opposition to this proposal, and the opposition of the majority of residents in the surrounding area.

It is the belief of the majority of residents in the area that the placing of a venue with a liquor licence, that will hold functions and house up to several hundred people, is out of character with the nature of the area and wholly inappropriate.

In order to pay for the development of the venue, the owners will be forced to rent it out for all kinds of events, including 21st's, which, as I'm sure most people here know, can be quite loud and can go quite late.

These events will most likely create traffic problems, and affect the ability of local residents to enjoy the amenity of their private property.

When I and my neighbours bought into this area, we were promised that this building would be demolished, now this promise, on the basis of which we invested our lives savings, is being broken. This building, if the development goes ahead, will instead be a blight on the residents who live in the area.

I ask the Council to defend the rights and the investment made by the people that you are elected to represent and reject this proposal.

Public Question Time concluded at 7.12pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Shire President advised that the Serpentine Jarrahdale Youth Advisory Committee were a Category Winner in the 2007 Local Government Awards. She congratulated Robyn Brown and the Advisory Group for their excellent work.

The Shire President showed the certificate and trophy which were awarded.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

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

7.1 Special Council Meeting - 6 May 2008

COUNCIL DECISION

Moved Cr Price, seconded Cr Brown
That the minutes of the Special Council Meeting held on 6 May 2008 be confirmed.
CARRIED 9/0

7.2 Ordinary Council Meeting - 26 May 2008

COUNCIL DECISION

Moved Cr Price, seconded Cr Harris
That the minutes of the Ordinary Council Meeting held on 26 May 2008 be confirmed.
CARRIED 9/0

REPORTS OF COMMITTEES:

SD104/06/08 PROPOSED - DUST AND SAND LOCAL LAW 2008 (A0090)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief To endorse the proposal to make a local law known as Shire of Serpentine Jarrahdale - Dust and Sand Local Law 2008. The proposed local law be advertised for public notification and comment.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Tony Turner - Manager of Health and Rangers Services	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director of Development Services	
Date of Report	5 June 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Following a significant increase in the number of complaints over the past few years regarding dust nuisances from subdivision, development and building sites and the difficulties Shire officers experienced when endeavouring to take swift action under current legislation, it was identified a statutory mechanism was needed to deal with dust issues.

A review of other Councils policies and procedures for responding to ongoing dust complaints was undertaken. As part of this investigation, legislation from the Department of Environment and Conservation (DEC), Department of Planning and Infrastructure and Department of Local Government was reviewed. It was identified that the preferred option was the adoption of a Local Law.

A copy of the draft Shire of Serpentine Jarrahdale Sand and Dust Local Law is in attachments to the agenda marked SD104.1/06/08.

Sustainability Statement

Effect on Environment:

This proposal will enhance:

1. the built environment because it will reduce damage from sand drift and dust from building sites;
2. the natural environment because it will limit sand drift and dust plumes escaping into the air and waterways; and
3. the amenity of the community because it will reduce the negative impacts from dust nuisances on residents.

Economic Viability: There are no ongoing out of budget costs associated with the proposal only the allocation of staff time and organizational resources to develop and then implement the Local Law. It is anticipated that dust nuisance and sand drift issues will be dealt with more efficiently allowing better utilisation of Council's limited resources.

Statutory Environment:

Planning and Development Act
Town Planning Scheme No. 2
Local Government Act

Policy/Work Procedure

- Implications:** This Local Law is compatible with existing policies and procedures.
- Financial Implications:** Costs to advertise the Local Law.
- Strategic Implications:** To maintain a good quality of life for all residents in the Shire of Serpentine Jarrahdale and facilitate compliance to relevant legislation.

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Ensure a safe and secure community.

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

Strategies:

1. 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. Encourage protection and rehabilitation of natural resources.
2. Value, protect and develop biodiversity.

3. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: Local Government Act 1995.

Comment:

The local laws pertaining to dust in other Local Governments have been reviewed. The City of Armadale's Local Law relating to dust management is considered to be the most relevant to the Shire because the City has the same meteorological and geological conditions. It also has the added advantage in creating consistency along the Scarp where similar dust

problems are seen to exist. It is proposed that the City of Armadale Local Law relating to Sand Drift and Dust be adopted with no changes to expedite the process of gazettal.

A new draft guideline for the development and implementation of dust management programs has been developed by the DEC and is currently out for public comment. The Shire will provide feedback to the DEC on the guideline. When the new guideline from the DEC is implemented, the Shire may then need to review and amend the Local Law.

Conclusion

The purpose and effect of the draft Local Law is to give Council and authorised officers the capacity to require a land owner and/or occupiers to develop an air quality management plan. Also, where ongoing dust and sand nuisances occur or a landowner and/or occupier does not comply with the air quality management plan, Council or an authorised officer may give notice in writing and/or issue an infringement to personnel responsible for dust and sand management on development sites. The local law also offers a face (cover) sheet and a list of considerations for an air quality management plan and a list of prescribed offences with penalties.

It is recommended the draft Local Law be endorsed and advertised for public comment.

Voting Requirements: ABSOLUTE MAJORITY

Acting Director Strategic Community Planning left the meeting at 7.17pm.

SD104/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris

- 1. Council endorse the purpose and intent of the proposed Shire of Serpentine Jarrahdale - Sand and Dust Local Law 2008.**
- 2. The Local Law be made available for public comment for the prescribed period of at least six weeks.**
- 3. As soon as the notice is published, a copy of the proposed Local Law and a copy of the notice are given to the Minister for Local Government and Regional Development.**
- 4. After the prescribed public comment period, the matter be referred back to Council.**

CARRIED 9/0

SD116/06/08 STRUCTURE PLAN - LOT 9 ABERNETHY ROAD, BYFORD (P04149/01)		
Proponent:	Roberts Day Group	In Brief That the structure plan is deemed not to be satisfactory for advertising as: 1. The draft Department of Water's Byford Townsite Drainage and Water Management Plan has not been completed and that this study plan may require modifications to the structure plan; and 2. Modifications are required to the draft Structure Plan.
Owner:	Australand	
Officer:	M Kenny – Co-ordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 June 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	4 February 2008
Advertised:	To be undertaken
Lot Area:	52.69 hectares
L.A Zoning:	Urban development, Regional Road
MRS Zoning:	Urban, Urban Deferred and Regional Road
Byford Structure Plan:	Residential R20, Rural Residential, Primary School, District Open Space, Local Roads, Multiple Use Corridor

A Locality Plan is contained within the attachments marked SD116.1/06/08.

Background

The subject site is located on the northern side of Abernethy Road between the Trotting Complex precinct and the Tonkin Highway reservation. The applicant has submitted a draft structure plan for the subject land.

The subdivisional design and layout for this land needs to reconcile a multiple use corridor, a buffer/transition zone to the equestrian area and Tonkin Highway, district open space, a primary school site and connection to the abutting residential estate to the north (Redgum Brook estate).

The range of residential lots proposed is:

Rural-Residential	11 lots - average size 3700m ²
R5	3 lots – average size 2000 m ²
R10	19 lots – average size 1680 m ²
R20	228 lots – average size 500 m ²
R30	116 lots – average size 300 m ²
R30 grouped dwelling site	1 – potential for 8 grouped dwellings
Total Lots	378
Total dwellings	385

The Structure Plan generally accords with the current Byford Structure Plan (BSP).

The applicant has been liaising with the Shire officers to resolve matters of urban design, infrastructure provision, drainage and interface with surrounding lots. Prior to the draft structure plan being advertised there will need to be minor modifications to the plan and the structure plan report.

The draft structure plan and proposed lot layout plan are contained within the attachments marked SD116.2/06/08.

Sustainability Statement

Effect on Environment:

Water Management

The structure plan needs to comply with the BSP, Byford Urban Stormwater Management Strategy (BUSMS) and the Department of Water's Byford Townsite Drainage and Urban Water Management Strategy, all of which focus on environmental sustainability as part of the urbanisation of Byford. The draft Local Structure Plan demonstrates compliance with the BDSP and BUSMS but was prepared prior to the release of the Department of Water Strategy. Accordingly, the report and plan need to be modified to reflect the Department of Water strategy requirements

Vegetation and Fauna

The draft structure plan incorporates a detailed flora, fauna and environmental assessment and the site layout allows the retention of vegetation used as feeding habitat by Baudin's

Black Cockatoo, Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo species. The structure plan also allows for the retention of existing remnant vegetation within the multiple use corridor, public open space areas and through the use of building envelopes on the larger lots within the Tonkin Highway and Trotting Complex buffer areas.

A plan showing the proposed tree retention is contained within the attachments marked SD116.3/06/08.

A Landscape and vegetation management plan will need to be prepared to comprehensively address:

1. the retention of remnant vegetation;
2. the provision of appropriate native and indigenous street trees along all local roads within the Structure Plan area, except for laneways, and at a density of no less than one per lot;
3. revegetation of public open space, drainage areas and multiple use corridor.

The structure plan report needs to be modified to incorporate this requirement.

Acid Sulphate Soils

The subject land is not identified in a high risk acid sulphate soil area and large scale excavation is not proposed on site. However, an acid sulphate soil investigation still needs to be undertaken across the subject land at the time of subdivision to assess any areas of concern. The structure plan report should be modified accordingly,

Design Guidelines

Design guidelines or a detailed area plan are required for the estate to address the following requirements:

1. environmentally sustainable elements of building design (rainwater tanks, passive solar orientation etc).
2. development of R30 lots
3. development of laneway lots
4. development of lots abutting public open space areas
5. development controls on lots abutting Tonkin Highway and the Trotting Complex area including building envelopes and (for those lots abutting Tonkin Highway) noise attenuation measures to be incorporated in building design.

It is preferable that a single document be provided for the whole estate rather than multiple separate detailed area plans for various areas as this would be more efficient. The structure plan report needs to be modified to address the above requirements.

Buffer to equestrian lots on eastern boundary of subject site

The majority of the subject land is zoned 'Urban' under the Metropolitan Region Scheme, except for a small portion in the southeast corner of the site. This is zoned 'Urban Deferred', and extends along the eastern boundary of the lot.

In the case of Byford, an 'Urban Deferred' zoning was instigated around the Byford Trotting Complex, recognising that while urban development in the wider town site was appropriate, planning around the immediate trotting complex had to be carefully approached. This planning had to recognise that the trotting complex would likely remain in place as part of the urbanisation of Byford, and therefore appropriate buffers, lot sizes and land uses would need to immediately surround the complex.

This issue has been appropriately addressed as part of the draft Structure Plan, through the provision of larger, lower density lots in the portion of the subject land still zoned 'Urban Deferred' under the Metropolitan Region Scheme. These lots have been nominated with a Rural Residential zoning and will have an average lot size of 3700m² and provide an adequate land use buffer to the trotting complex area.

Use of Local, Renewable or Recycled Resources: The proponent should be encouraged to use local contractors and materials wherever possible in the eventual construction phase of the development. Also, the reuse of drainage and stormwater runoff in the irrigation of public open space and the multiple use corridor will be required.

Economic Viability: The draft Structure Plan focuses on environmental and resource sustainability and appropriate neighbourhood design. Through the clear commitment to environmental sustainability and water sensitive urban design as established under the BSP and BUSMS.

Economic Benefits: The draft Local Structure Plan is considered to offer economic benefits through the development of an appropriately scaled urban village which accords with the BDSP and BUSMS.

The developer will be required to contribute towards community facilities and services for the Byford area. This will be formalized with the adoption of the Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020 and the Developer Contribution Plan by Council.

Social – Quality of Life: The draft structure plan is considered to be socially responsible through a dedication to environmental sustainability and an integrated neighbourhood design which promotes social interaction. In relation to solar orientation and street block layout, approximately 70% of streets are aligned north/south and east/west allowing for good solar passive design potential. The remaining streets are on a north/north west or south west/west axis which is within the recommended alignment for effective solar orientation.

Social and Environmental Responsibility: The draft Structure Plan needs to be advertised to the community in accordance with the Scheme, thus enabling comment and involvement by local and interested residents.

Social Diversity: The draft Structure Plan, consistent with the BDSP, provides for diversity in lot sizes ranging from R5 (min. 2000m²) to R30 (300m²). This diversity in lot sizes will promote social mix in the eventual development of the area.

Statutory Environment:

Planning and Development Act 2005
Serpentine-Jarrahdale Town Planning Scheme No. 2
Byford Structure Plan

Policy/Work Procedure Implications:

Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods
State Planning Policy 3 – Urban Growth and Settlement
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
WAPC Development Control Policies - various
Local Planning Policy LPP6 Water Sensitive Design
Local Planning Policy LPP9 Multiple Use Trails Within the Shire of Serpentine – Jarrahdale

Financial Implications:

There are no financial implications to Council related to this application. The applicant is required to pay a planning fee for the assessment of the structure plan by the Shire.

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.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

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

2. Environment

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

Strategies:

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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

In accordance with the requirements of TPS 2, the draft structure plan will be advertised for public comment to State Government authorities, Servicing/Infrastructure authorities and adjacent land owners. The proposal will also be forwarded to local community groups such as the Byford Progress Association and Byford Community Development Link for comment.

Comment:

TPS 2 contains the following requirement for Council with regard to the assessment of structure plans:

- 5.18.3.2 *Upon receiving a Proposed Structure Plan, the local government is to either:*
- (a) *determine that the Proposed Structure Plan is satisfactory for advertising;*
 - (b) *determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or*
 - (c) *determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.*

Assessment of the draft Structure Plan by Shire officers in accordance with the BSP, BUSMS, the Department of Water Byford Townsite Drainage and Urban Water Management

Strategy, Liveable Neighbourhoods and State and Council policies and procedures. The outcome of this assessment and liaison with the proponent has identified the following modifications are required to the draft structure plan:

Engineering

- (1) Widening of the northern side of Abernethy Road along the frontage of Lot 9 consistent with the widening that has previously occurred on this side of Abernethy Road on the adjacent Lot 155 (5 metres in width). The required width of the road widening will be determined in consultation with adjoining landowners and the Shire and is based upon the road widening requirements that occurred on the southern side of Abernethy Road.
- (2) The 13 metre and 14 metre width roads on the northern and southern sides of the multiple use corridor being widened to a minimum of 15 metres. 13 metre width is acceptable for roads abutting and parallel to Abernethy Road.
- (3) Kardan Boulevard extension to be widened to a width of 30 metres.
- (4) Structure plan report and the plan to identify that direct lot frontage vehicle access will not be permitted to Kardan Boulevard extension.
- (5) Structure plan report to address provision of footpaths on one side of all roads, provision of bus embayments on Kardan Boulevard extension and parking embayments on roads abutting public open space.
- (6) Rear Laneways abutting lots that have no other road frontage to be widened to a minimum width of 10 metres to allow for on-street visitor car parking and a footpath.
- (7) Bicycle and Pedestrian Master Plan – structure plan report to be modified to identify that the Shire are in the process of preparing this master plan and that final subdivision design and landscape master plan for the site will address the requirements of this plan.
- (8) Traffic Impact Assessment (TPA) – the TPA report to be amended as set out in Roberts Day correspondence to the Shire dated 23 May 2008.
- (9) Utility Services - the structure plan report to be amended to confirm that utility services will be extended throughout the subdivision.

Planning

- (10) Certificate of Title and Deposited Plan – to be included as appendix to structure plan report to confirm lot dimensions and boundaries.
- (11) The structure plan report to be amended to include requirement for design guidelines or a single detailed area plan for the whole estate to address the following requirements:
 - a. environmentally sustainable elements of building design (rainwater tanks, passive solar orientation etc).
 - b. development of R30 lots
 - c. development of laneway lots
 - d. development of lots abutting public open space areas
 - e. development controls on lots abutting Tonkin Highway and the Trotting Complex area including building envelopes and (for those lots abutting Tonkin Highway) noise attenuation measures to be incorporated in building design.
- (12) The structure plan being redesigned to:
 - (a) Ensure no laneways have bends and that all laneways are straight directly linking with roads at each end; and
 - (b) Provide a better layout of lots on the southern side of the multiple use corridor.

Community Development

- (13) Community Services and Facilities Plan and Developer contributions – Section 3.4.3 of the structure plan report to be amended to acknowledge that contributions to

Council is required on a per lot basis to assist with the funding of a community infrastructure, facilities and services.

Drainage

- (14) Local Water Management Strategy (LWMS) – to be amended with particular reference to:
- a. The LWMS to demonstrate compliance with the Department of Water's (DoW) draft Byford Townsite Drainage and Water Management Plan.
 - b. The fill requirements to be clarified and a copy of the Geotechnical Investigation prepared by Coffey Geotechnics included as an appendix to the structure plan report.
 - c. The LWMS to confirm that Beenyup Brook is a natural waterway, not a drainage facility.
 - d. The structure plan to be amended to show all easements, including the 3 metre wide easements for sewer.
 - e. Section 5.6.4 of structure plan report to be amended to clarify the requirement for 150mm and/or 200mm service main along Abernethy Road.
 - f. The correct number of proposed lots to be referenced in LWMS.
 - g. The reports to be amended to ensure AHD and groundwater levels are referenced consistently.
 - h. The LWMS to address nutrient stripping and storm catchments during housing construction and prior to bio-retention basins becoming operational.
- (15) Section 4.8 of the structure plan report to be amended to confirm that Acid Sulfate Soil testing will be undertaken in key areas prior to subdivision.

A copy of the correspondence received from Roberts Day dated 23 May 2008 and referred to above is contained within the attachments marked SD116.4/06/08.

Shire officer's have also determined that it would not be appropriate to recommend that the Council resolve that the structure plan is satisfactory to be advertised until the Department of Water's Byford Townsite Drainage and Water Management Plan (draft February 2008) has been finalised and the structure plan modified to incorporate any recommendations or requirements of the final Department of Water plan.

Conclusion

In the case of this structure plan it is necessary to defer the advertisement until a redesign has been achieved to address the above issues, the Department of Water's Byford Townsite Drainage and Water Management Plan has been finalized and the draft structure modified to incorporate any recommendations or requirements of the Department of Water strategy.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

In accordance with clause 5.18.3.2(c) of Town Planning Scheme No. 2 the Council has determined that the Draft Structure Plan for Lot 9 Abernethy Road, Byford is not satisfactory for advertising for the following reasons:

1. The Department of Water's Byford Townsite Drainage and Water Management Plan (Draft February 2008) has not been completed and the draft local structure plan needs to incorporate any modifications required as a result of recommendations or requirements contained in the final Department of Water plan. It is not known at this time how substantial the modifications will be that could be required to the draft structure plan as a result of the finalisation of the Department of Water's plan.

2. The following additional modifications are required to be made to the draft structure plan and supporting documentation to the satisfaction of the Director Development Services:

Engineering

- (1) Widening of the northern side of Abernethy Road along the frontage of Lot 9 consistent with the widening that has previously occurred on this side of Abernethy Road on the adjacent Lot 155 (5 metres in width). The required width of the road widening will be determined in consultation with adjoining landowners and the Shire and is based upon the road widening requirements that occurred on the southern side of Abernethy Road.
- (2) The 13 metre and 14 metre width roads on the northern and southern sides of the multiple use corridor being widened to a minimum of 15 metres. 13 metre width is acceptable for roads abutting and parallel to Abernethy Road.
- (3) Kardan Boulevard extension to be widened to a width of 30 metres.
- (4) Structure plan report and the plan to identify that direct lot frontage vehicle access will not be permitted to Kardan Boulevard extension.
- (5) Structure plan report to address provision of footpaths on one side of all roads, provision of bus embayments on Kardan Boulevard extension and parking embayments on roads abutting public open space.
- (6) Rear Laneways abutting lots that have no other road frontage to be widened to a minimum width of 10 metres to allow for on-street visitor car parking and a footpath.
- (7) Bicycle and Pedestrian Master Plan – structure plan report to be modified to identify that the Shire are in the process of preparing this master plan and that final subdivision design and landscape master plan for the site will address the requirements of this plan.
- (8) Traffic Impact Assessment (TPA) – the TPA report to be amended as set out in Roberts Day correspondence to the Shire dated 23 May 2008.
- (9) Utility Services - the structure plan report to be amended to confirm that utility services will be extended throughout the subdivision.

Planning

- (10) Certificate of Title and Deposited Plan – to be included as appendix to structure plan report to confirm lot dimensions and boundaries.
- (11) The structure plan report to be amended to include requirement for design guidelines or a single detailed area plan for the whole estate to address the following requirements:
 - a. environmentally sustainable elements of building design (rainwater tanks, passive solar orientation etc).
 - b. development of R30 lots
 - c. development of laneway lots
 - d. development of lots abutting public open space areas
 - e. development controls on lots abutting Tonkin Highway and the Trotting Complex area including building envelopes and (for those lots abutting Tonkin Highway) noise attenuation measures to be incorporated in building design.
- (12) The structure plan being redesigned to:
 - (a) Ensure no laneways have bends and that all laneways are straight directly linking with roads at each end; and
 - (b) Provide a better layout of lots on the southern side of the multiple use corridor.

Community Development

- (13) Community Services and Facilities Plan and Developer contributions – Section 3.4.3 of the structure plan report to be amended to acknowledge that contributions to Council is required on a per lot basis to assist with the funding of a community infrastructure, facilities and services.

Drainage

- (14) Local Water Management Strategy (LWMS) – to be amended with particular reference to:
- a. The LWMS to demonstrate compliance with the Department of Water's (DoW) draft Byford Townsite Drainage and Water Management Plan.
 - b. The fill requirements to be clarified and a copy of the Geotechnical Investigation prepared by Coffey Geotechnics included as an appendix to the structure plan report.
 - c. The LWMS to confirm that Beenyup Brook is a natural waterway, not a drainage facility.
 - d. The structure plan to be amended to show all easements, including the 3 metre wide easements for sewer.
 - e. Section 5.6.4 of structure plan report to be amended to clarify the requirement for 150mm and/or 200mm service main along Abernethy Road.
 - f. The correct number of proposed lots to be referenced in LWMS.
 - g. The reports to be amended to ensure AHD and groundwater levels are referenced consistently.
 - h. The LWMS to address nutrient stripping and storm catchments during housing construction and prior to bio-retention basins becoming operational.
- (15) Section 4.8 of the structure plan report to be amended to confirm that Acid Sulfate Soil testing will be undertaken in key areas prior to subdivision.

Environment

- (16) Landscape and Vegetation Management Plan (LVMP) – structure plan report to be amended to identify that an LVMP will be developed for the whole site prior to subdivision occurring and that such plan will address in particular (but not necessarily limited to):
- a. The retention of remnant vegetation identified as feeding habitat for Baudin's black cockatoo, forest red-tailed black cockatoo and Carnaby's black cockatoo in the Flora and Fauna report contained in the appendices to the structure plan;
 - b. The provision of appropriate native and indigenous street trees along all local roads within the Structure Plan area, except for laneways, and at a density of no less than one per lot;
 - c. Revegetation of public open space, drainage areas and multiple use corridor with appropriate indigenous native species and with a specific emphasis on vegetation that is important in the feeding habitat of Baudin's black cockatoo, forest red-tailed black cockatoo and Carnaby's black cockatoo.

Committee Recommended Resolution:

- A. In accordance with clause 5.18.3.2(c) of Town Planning Scheme No. 2 the Council has determined that the Draft Structure Plan for Lot 9 Abernethy Road, Byford is not satisfactory for advertising for the following reasons:

1. The Department of Water's Byford Townsite Drainage and Water Management Plan (Draft February 2008) has not been completed and the draft local structure plan needs to incorporate any modifications required as a result of recommendations or requirements contained in the final Department of Water plan. It is not known at this time how substantial the modifications will be that could be required to the draft structure plan as a result of the finalisation of the Department of Water's plan.
2. The following additional modifications are required to be made to the draft structure plan and supporting documentation to the satisfaction of the Director Development Services:

Engineering

- (1) Widening of the northern side of Abernethy Road along the frontage of Lot 9 consistent with the widening that has previously occurred on this side of Abernethy Road on the adjacent Lot 155 (5 metres in width). The required width of the road widening will be determined in consultation with adjoining landowners and the Shire and is based upon the road widening requirements that occurred on the southern side of Abernethy Road.
- (2) The 13 metre and 14 metre width roads on the northern and southern sides of the multiple use corridor being widened to a minimum of 15 metres. 13 metre width is acceptable for roads abutting and parallel to Abernethy Road.
- (3) Kardan Boulevard extension to be widened to a width of 30 metres.
- (4) Structure plan report and the plan to identify that direct lot frontage vehicle access will not be permitted to Kardan Boulevard extension.
- (5) Structure plan report to address provision of footpaths on one side of all roads, provision of bus embayments on Kardan Boulevard extension and parking embayments on roads abutting public open space.
- (6) Rear Laneways abutting lots that have no other road frontage to be widened to a minimum width of 10 metres to allow for on-street visitor car parking and a footpath.
- (7) Bicycle and Pedestrian Master Plan – structure plan report to be modified to identify that the Shire are in the process of preparing this master plan and that final subdivision design and landscape master plan for the site will address the requirements of this plan.
- (8) Traffic Impact Assessment (TPA) – the TPA report to be amended as set out in Roberts Day correspondence to the Shire dated 23 May 2008.
- (9) Utility Services - the structure plan report to be amended to confirm that utility services will be extended throughout the subdivision.

Planning

- (10) Certificate of Title and Deposited Plan – to be included as appendix to structure plan report to confirm lot dimensions and boundaries.
- (11) The structure plan report to be amended to include requirement for design guidelines or a single detailed area plan for the whole estate to address the following requirements:
 - a. environmentally sustainable elements of building design (rainwater tanks, passive solar orientation etc).
 - b. development of R30 lots
 - c. development of laneway lots
 - d. development of lots abutting public open space areas
 - e. development controls on lots abutting Tonkin Highway and the Trotting Complex area including building envelopes and (for those lots abutting Tonkin Highway) noise attenuation measures to be incorporated in building design.
- (12) The structure plan being redesigned to:

- (a) Ensure no laneways have bends and that all laneways are straight directly linking with roads at each end; and
- (b) Provide a better layout of lots on the southern side of the multiple use corridor.

Community Development

- (13) Community Services and Facilities Plan and Developer contributions – Section 3.4.3 of the structure plan report to be amended to acknowledge that contributions to Council is required on a per lot basis to assist with the funding of a community infrastructure, facilities and services.

Drainage

- (14) Local Water Management Strategy (LWMS) – to be amended with particular reference to:
 - a. The LWMS to demonstrate compliance with the Department of Water's (DoW) draft Byford Townsite Drainage and Water Management Plan.
 - b. The fill requirements to be clarified and a copy of the Geotechnical Investigation prepared by Coffey Geotechnics included as an appendix to the structure plan report.
 - c. The LWMS to confirm that Beenyup Brook is a natural waterway, not a drainage facility.
 - d. The structure plan to be amended to show all easements, including the 3 metre wide easements for sewer.
 - e. Section 5.6.4 of structure plan report to be amended to clarify the requirement for 150mm and/or 200mm service main along Abernethy Road.
 - f. The correct number of proposed lots to be referenced in LWMS.
 - g. The reports to be amended to ensure AHD and groundwater levels are referenced consistently.
 - h. The LWMS to address nutrient stripping and storm catchments during housing construction and prior to bio-retention basins becoming operational.
- (15) Section 4.8 of the structure plan report to be amended to confirm that Acid Sulfate Soil testing will be undertaken in key areas prior to subdivision.

Environment

- (16) Landscape and Vegetation Management Plan (LVMP) – structure plan report to be amended to identify that an LVMP will be developed for the whole site prior to subdivision occurring and that such plan will address in particular (but not necessarily limited to):
 - a. The retention of remnant vegetation identified as feeding habitat for Baudin's black cockatoo, forest red-tailed black cockatoo and Carnaby's black cockatoo in the Flora and Fauna report contained in the appendices to the structure plan;
 - b. The provision of appropriate native and indigenous street trees along all local roads within the Structure Plan area, except for laneways, and at a density of no less than one per lot;
 - c. Revegetation of public open space, drainage areas and multiple use corridor with appropriate indigenous native species and with a specific emphasis on vegetation that is important in the feeding habitat of Baudin's black cockatoo, forest red-tailed black cockatoo and Carnaby's black cockatoo.

- B. That the Council advises, in no uncertain terms, the respective Ministers and Director Generals for the Department of Planning and Infrastructure and Department of Water of the untenable situation that the Shire has been placed in due to the lack of an agreed approach to the assessment and approval of applications at various stages of the planning process with regard to water management in the Byford area. The Shire raised with representatives of these agencies in December 2007, and again in May 2008, that a consistent and equitable approach to the progression of current and future applications in the absence of a finalised water strategy was a critical issue requiring resolution as it was directly impacting on lot release and housing affordability. Due to this uncertainty, the Shire finds itself in the unenviable situation of having to delay applications which is having a detrimental effect on relationships with the development industry. The Shire requests that this matter be addressed immediately.

Committee Note: The Committee resolved to endorse the Officer's recommendation without any changes. This is included in Part A of the Committee recommendation. The Committee resolved to include a new Part B in response to the untenable and difficult situation that the Shire finds itself in when dealing with various planning applications relating to residential developments in the Byford area. This concern is a direct result of the inconsistent and changing advice that the Shire receives from various Government agencies in relation to drainage issues and the pressure placed on Council to approve residential lots in Byford.

Acting Director Strategic Community Planning returned to the meeting at 7.22pm.
Manager Executive Services left the meeting at 7.24pm and returned at 7.27pm.
Manager Health and Ranger Services left the meeting at 7.27pm.

NEW MOTION

Moved Cr Geurds, seconded Cr Kirkpatrick

- A. In accordance with clause 5.18.3.2(b) of Town Planning Scheme No. 2 the Council has determined that the Draft Structure Plan for Lot 9 Abernethy Road, Byford is satisfactory for advertising subject to the following amendments to the satisfaction of the Director Development Services:

Engineering

- (1) Widening of the northern side of Abernethy Road along the frontage of Lot 9 consistent with the widening that has previously occurred on this side of Abernethy Road on the adjacent Lot 155 (5 metres in width). The required width of the road widening will be determined in consultation with adjoining landowners and the Shire and is based upon the road widening requirements that occurred on the southern side of Abernethy Road.
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- (9) Utility Services - the structure plan report to be amended to confirm that utility services will be extended throughout the subdivision.**

Planning

- (10) Certificate of Title and Deposited Plan – to be included as appendix to structure plan report to confirm lot dimensions and boundaries.**
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- (12) The structure plan being redesigned to:**
 - (a) Ensure no laneways have bends and that all laneways are straight directly linking with roads at each end; and**
 - (b) Provide a better layout of lots on the southern side of the multiple use corridor.**

Community Development

- (13) Community Services and Facilities Plan and Developer contributions – Section 3.4.3 of the structure plan report to be amended to acknowledge that contributions to Council is required on a per lot basis to assist with the funding of a community infrastructure, facilities and services.**

Drainage

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 - f. The correct number of proposed lots to be referenced in LWMS.**
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- h. The LWMS to address nutrient stripping and storm catchments during housing construction and prior to bio-retention basins becoming operational.

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- B. That the Council advises, in no uncertain terms, the respective Ministers and Director Generals for the Department for Planning and Infrastructure and Department of Water of the untenable situation that the Shire has been placed in due to the lack of an agreed approach to the assessment and approval of applications at various stages of the planning process with regard to water management in the Byford area. The Shire raised with representatives of these agencies in December 2007, and again in May 2008, that a consistent and equitable approach to the progression of current and future applications in the absence of a finalised water strategy was a critical issue requiring resolution as it was directly impacting on lot release and housing affordability. Due to this uncertainty, the Shire finds itself in the unenviable situation of having to delay applications which is having a detrimental effect on relationships with the development industry. The Shire requests that this matter be addressed immediately.

LOST 4/5

During debate Cr Price foreshadowed that he would move the Committee Recommended Resolution if the motion under debate was defeated.

SD116/06/08 COUNCIL DECISION:

Moved Cr Price, seconded Cr Twine

- A. In accordance with clause 5.18.3.2(c) of Town Planning Scheme No. 2 the Council has determined that the Draft Structure Plan for Lot 9 Abernethy Road, Byford is not satisfactory for advertising for the following reasons:

1. The Department of Water's Byford Townsite Drainage and Water Management Plan (Draft February 2008) has not been completed and the draft local structure plan needs to incorporate any modifications required as a result of recommendations or requirements contained in the final Department of Water plan. It is not known at this time how substantial the modifications will be that

could be required to the draft structure plan as a result of the finalisation of the Department of Water's plan.

2. The following additional modifications are required to be made to the draft structure plan and supporting documentation to the satisfaction of the Director Development Services:

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B. That the Council advises, in no uncertain terms, the respective Ministers and Director Generals for the Department of Planning and Infrastructure and Department of Water of the untenable situation that the Shire has been placed in due to the lack of an agreed approach to the assessment and approval of applications at various stages of the planning process with regard to water management in the Byford area. The Shire raised with representatives of these agencies in December 2007, and again in May 2008, that a consistent and equitable approach to the progression of current and future applications in the absence of a finalised water strategy was a critical issue requiring resolution as it was directly impacting on lot release and housing affordability. Due to this uncertainty, the Shire finds itself in the unenviable situation of having to delay applications which is having a detrimental effect on relationships with the development industry. The Shire requests that this matter be addressed immediately.

CARRIED 6/3

SD106/06/08 ENERGY AND WATER EFFICIENCY POLICY (A1048/12)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief To adopt the Energy and Water Efficiency Policy in order to achieve energy and water efficiency outcomes in urban and rural areas as part of the building and planning approvals process. The draft policy was advertised with no submissions received.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Chris Portlock - Manager Environmental Services	
Signatures Author:		
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	6 June 2008	
Previously	SD073/03/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Energy and Water Efficiency Policy has been developed over a number of years and is intended to apply to subdivision, development applications and building approvals. It has been extended to include water efficiency as well as energy efficiency as part of the Shire's integrated response to climate change. Designing for reduction in energy and water consumption can mean less ongoing costs without necessarily increasing capital costs. Increasing overall cumulative energy and water efficiency will result in a positive response to climate change within the Shire.

Council at its meeting held on 25 March 2008 resolved:

“SD073/03/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Twine

1. Council adopts the Energy and Water Efficiency Policy as a Council Policy.
2. The draft policy be advertised for a 21 day period to invite public submissions.
3. The matter be referred back to Council after completion of the advertising period.

CARRIED 9/0”

The proposed Energy and Water Efficiency Policy is contained in the attachments to the agenda marked SD106.1/06/08

Sustainability Statement

Effect on Environment: Climate change is indirectly caused by greenhouse gas emissions related to energy consumption. Water resources are limited and it is important to reduce our environmental footprint through increasing our energy and water use efficiency.

Use of Local, renewable or recycled Resources: In encouraging and promoting energy and water efficiency there can be opportunities for incorporating renewable energy resources such as solar hot water systems, use of recycled resources such as insulation or local resources such as those being used by local businesses through local government rebates.

Economic Viability: Implementation of this Policy reduces external ongoing costs in relation to water use and energy use and can therefore be economically favourable in reducing costs associated with energy and water bills.

Economic Benefits: This Policy will mean less ongoing costs associated with energy and water costs and is therefore an economic benefit to individuals and communities within subdivisions.

Social – Quality of Life: Quality of life can be positively affected through health benefits particularly where building or subdivision design increases air circulation, sun exposure and ultimately has sustainability benefits - socially, economically and environmentally.

Social and Environmental Responsibility: Council has a social and environmental responsibility to promote Sustainable Development and make available information for the community to benefit from this policy's application.

Social Diversity: The policy does not disadvantage any social groups. The utilisation of an expanding range of design options for subdivisions, plans and building materials will provide opportunities for socially diverse outcomes.

Statutory Environment: Town Planning Scheme No 2.
Local Government Act

Policy/Work Procedure Implications:

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

Financial Implications:

There are no financial implications to Council related to this policy.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce Greenhouse Gas Emissions
6. Value, protect and develop biodiversity.

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Community Consultation:

The proposed Council Policy was advertised for 21 days and no submissions were received.

Comments

The draft Policy is proposed as a Council Policy as opposed to a Local Planning Policy (LPP) as the bulk of the document is relevant to building licence applications. State Government Policies on energy and water efficiency are changing rapidly each year which will affect the direction that any proposed LPP may take. Council is being proactive in adopting this policy as a Council Policy sooner rather than later. However, it is acknowledged that a LPP may be required by Council sometime in the future.

Voting Requirements:

ABSOLUTE MAJORITY

SD106/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris

That Council

- 1. Adopt the Energy and Water Efficiency Policy as attached and marked as SD106.1/06/08 as a Council Policy; and**
- 2. Advertise the adoption of the Energy and Water Efficiency Policy.**

CARRIED 9/0

SD111/06/08 PROPOSED OVERSIZE AND OVERHEIGHT SHED - LOT 240 (#36) WALTERS ROAD, BYFORD (P05440/02)		
Proponent:	Reginald Ralph	In Brief Application for the construction of an oversize and over height shed. Approval subject to conditions is recommended.
Owner:	As above	
Officer:	Helen Maruta - Contract Planning Officer	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	27 May 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date Of Received 10 April 2008
 Lot Area 4019m²
 TPS. Zoning Urban Development
 MRS Zoning Urban
 Density Code Residential R20
 Use Class & Permissibility Single Residence – Incidental Development (AA)
 Structure Plan Byford Structure Plan
 Detailed Area Plan Byford Townsite Detailed Area

Background

An application was received on 10 April 2008 for the construction of an oversize and overheight shed on Lot 240 Walters Road, Byford. The proposed shed is to be 18 metres by 9.2 metres in size (165.6m²).The shed is proposed to be set back 47 metres from the northern property boundary and 9 metres from the eastern property boundary.

A site visit to the subject property was undertaken on Friday 16 May 2008 after a call was received indicating that site works were being undertaken in preparation for the erection of the shed. The site visit confirmed ground preparations were in progress with a slab mesh set out in preparation for the pouring of concrete. The officers noted that the mesh laid in preparation for the concrete slab was setback only 2.0 metres from the eastern boundary as opposed to the 9.0 metre setback which was shown on the site plan. It was also noted that there was an existing outbuilding of 50m² located on the basket ball court which however, was not shown on the submitted site plan.

A letter was sent on the 19 May 2008 advising the landowner to cease works on the site pending approval of the application.

The site, floor and elevation plans are contained in the attachments to the agenda marked SD111.1/06/08.

Proposal

It is proposed to construct an oversize and overheight shed on the lot.

Sustainability Statement – Urban Development

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	Remnant vegetation exists on the northern and western boundaries of the lot.
Is remnant native vegetation to be retained or removed as a result of this proposal?	Proposal does not result in removal of any native vegetation.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	No
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	Yes

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Residential Design Codes 2008
Byford Townsite Detailed Area Plan

Policy/Work Procedure Implications:

Local Planning Policy 17 (LPP17) Residential and Incidental Development

Financial Implications:

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for the Council related to possible legal costs and officer time.

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

2. Respond to Greenhouse and Climate change.

3. Reduce waste and improve recycling processes

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. One submission of support was received.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A326400	Do not register an objection as such but submitted that they were verbally assured by the applicant that the electric gated shed will be used as a car park and storeroom for tools and therefore would not be expected to generate any noise. They are still a bit concerned about the noise issue.	The proposed shed will not be used for any commercial use and will be located about 35 metres away from the nearest opening of their dwelling. The landowner is bound by the Environmental Protection (Noise) Regulations 1997 at all times.	Noted

Planning Assessment:

Policy Requirements

LPP17

Policy Requirement	Required	Proposed	Comments
Setbacks Primary Street Rear Side	6m 1.5m 1.5m	60m 47m 9m	Complies Complies complies
Floor Area (combined total floor area of all outbuildings)	Max.60m ²	165.6m ² (proposed shed) and 50m ² existing shed. Total 215m ²	Does not comply. Variation supported and condition required.
Wall Height	Max.2.4m	3.0m	Does not comply
Roof Height	Max.4.2m	4.0m	Complies

Byford Town Site Detailed Area Plan

Residential Character	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Access to the property	Primary street frontage determined by council.	Primary Street frontage	Complies
Siting of Development	Construction in front of building setback not permitted.	Shed proposed behind building line	Complies

Residential Character	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Construction materials	Same/similar to main dwelling	Colourbond and zincalume	Complies. Proposed colour of shed matches existing dwelling.

Comments

The subject lot is zoned Residential R20. This would stipulate a maximum floor area of 60m² under Council's LPP17. The combined floor area of the existing shed and proposed shed is 215.6m². The combined floor area will therefore exceed the 60m² floor area limit by 155.6m².

Considering that the shed is proposed to be set back 9 metres from the eastern boundary and that relevant setbacks comply with those stipulated for outbuildings in the Residential R20 zone under LPP17, it is not anticipated that the large size of the shed may impact on future residents if the adjoining eastern property is ever subdivided.

Given the above scenario and taking into account the fact that the size of the property is 4019 m², it is reasonable to allow larger blocks to have a larger floor area for outbuildings. If the land is to be subdivided then the outbuildings can easily be removed. Considering the sizes of similar outbuildings on adjoining properties, all of which are zoned Residential R20, it is reasonable to allow the proposed oversized outbuilding to be constructed on the subject property.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Price

Application for approval to commence development for a shed on Lot 240 (#36-38) Walters Road, Byford be approved subject to the following conditions:

- 1. The shed being setback 9 metres from the eastern boundary and 47 metres from the northern boundary.**
- 2. The shed is not to be used for any commercial or industrial purpose (including home occupation), or the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.**
- 3. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 4. The Shed 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 for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.**
- 5. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**
- 6. Only colours and materials, as identified on the Schedule of Materials and Finishes submitted 10 April 2008, are to be used in the construction of the shed unless the prior written approval of the Shire is obtained.**

Advice Note:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).

Amendment

Moved Cr Randall, seconded Cr Twine that a condition 7 be added requiring screening vegetation of native plants be planted by 30 June 2009 on the eastern and northern sides of the shed to the satisfaction of the Director Development Services and thereafter maintained by the landowner.

CARRIED 8/1

The amendment then became part of the motion and the substantive motion was put as follows:

SD111/06/08 COUNCIL DECISION

Application for approval to commence development for a shed on Lot 240 (#36-38) Walters Road, Byford be approved subject to the following conditions:

1. The shed being setback 9 metres from the eastern boundary and 47 metres from the northern boundary.
2. The shed is not to be used for any commercial or industrial purpose (including home occupation), or the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.
3. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
4. The Shed 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 for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
5. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
6. Only colours and materials, as identified on the Schedule of Materials and Finishes submitted 10 April 2008, are to be used in the construction of the shed unless the prior written approval of the Shire is obtained.
7. Screening vegetation of native plants is required to be planted by 30 June 2009 on the eastern and northern sides of the shed to the satisfaction of the Director Development Services and thereafter maintained by the landowner.

Advice Note:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).

CARRIED 6/3

Council Note: The Committee/Officer Recommended Resolution was changed by adding condition 7 requiring screening vegetation of native plants be planted by 30 June 2009 on the eastern and northern sides of the shed.

SD112/06/08 PROPOSED OVERHEIGHT SHED – LOT 40 (#55) BAIGUP LOOP, CARDUP (P06802/01)		
Proponent:	Maxim Nield	In Brief The applicant seeks planning approval for an overheight shed. It is recommended the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	B Gleeson – Director Development Services	
Date of Report	30 May 2008	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 4 March 2008
 Lot Area: 2.0 ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living B
 Date of Inspection: 18 April 2008

Proposal

The applicant seeks approval for an overheight shed that is to be used for general storage. The proposed shed is to be 20.0 metres by 10.0 metres in size (200m²), have a wall height of 5.0 metres and a ridge height of 6.0 metres. The proposed shed is proposed to be constructed entirely out of zincalume and will be located outside of the building exclusion zone on the property.

A copy of the development and site plans are with attachments marked SD112.1/06/08.

Sustainability Statement

Effect on Environment: The proposal will not result in the removal of any existing vegetation.

Use of Local, renewable or recycled Resources: It is considered that locally available resources may be used in the construction of the shed.

Social – Quality of Life & Social Diversity: It is considered that the proposal will not impact on surrounding residents nor disadvantage any social groups.

Statutory Environment: Town Planning Scheme No. 2 (TPS 2)
 Local Planning Policy No. 17 (LPP 17) – Residential and Incidental Development within Serpentine Jarrahdale Shire

Policy/Work Procedure Implications:

Not Applicable

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:-

4. Governance

Objective 1: An effective continuous improvement program

Strategy:

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

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Required: Yes. One letter of objection was received.

Affected Property	Summary of Submission	Officer's Comment	Action
A399075	<p>Objects for the following reasons:</p> <p>The proposed shed falls outside the guidelines of the Councils LPP17, a policy that is in place to not only regulate the height of structures, but to maintain uniformity within the Serpentine Jarrahdale Shire. The proposal for a wall height of 5.0 metres will set a precedent for other landowners to build over height industrial size sheds in a rural estate thus destroying the aesthetics of the area.</p>	<p>The proposed shed does exceed the maximum wall height stipulated for the Special Rural zone by 1.0 metre. It is considered that this slight variation (25%) is unlikely to impact on the amenity of the area or set a precedent for other landowners to apply for overheight sheds.</p>	Dismiss

Comment:

Under Council's LPP17, the maximum wall height for an outbuilding in the Special Rural zone is 4.0 metres. The wall height of the proposed shed exceeds this maximum by 1.0 metre. The floor area and ridge height of the proposed shed comply with Council policy.

The proposed shed is to be setback 28 metres from the nearest property boundary and is located entirely outside of the building exclusion zone, thus complying with TPS2.

Officer Comment

It is considered that the proposed overheight shed will not impact on the amenity of the locality or on adjoining neighbours. The variation to the proposed wall height of the shed is only 1.0 metre with the ridge height complying with Council policy. As such, the overall height of the shed will not be increased, merely the height of the wall. It is therefore recommended that the application be conditionally approved.

Voting Requirements: Simple Majority

SD112/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Price

The application for approval to commence development of an over height shed on Lot 40 (#55) Baigup Loop, Cardup be approved subject to the following conditions:

1. The shed is not to be used for any commercial or industrial purpose (including home occupation/home business), the parking of a commercial vehicle or stables unless the written approval of the Shire has first been obtained for that specific use.
2. 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.
3. The shed 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 for other types of effluent disposal systems.
4. All stormwater to be disposed of within the property. This shall be achieved by either soak wells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
5. Where existing native trees exist on the subject lot and adjacent road verge they shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.

Advice Note

1. A building licence is to be obtained prior to the commencement of any development (including earthworks).

CARRIED 8/1

SD113/06/08 BULK EARTHWORKS AND IMPORTATION OF FILL – LOTS 21, 22, & 132 DOLEY ROAD, LOT 5 LAWRENCE WAY AND LOTS 6 & 7 WARRINGTON ROAD, BYFORD (P00976/01)		
Proponent:	Jermayne Fabling, Wood & Grieve Engineers	In Brief To consider the approval of bulk earthworks on Lots 21, 22 & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford ahead of subdivision approval by the Western Australian Planning Commission. It is recommended that the application be conditionally approved.
Owner:	LWP Byford Syndicate / LWP Property Group	
Officer:	Helen Maruta – Contract Planning Officer	
Signatures Author:		
Senior Officer:	B Gleeson - Director Development Services	
Date of Report	29 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt	7 April 2008
Lots Area:	55.59ha
L.A Zoning:	Urban development
MRS Zoning:	Urban
Byford Structure Plan:	Residential R20 & Multiple Use Corridor
Date of Inspection:	30 April 2008

Background

A draft Local Structure Plan (LSP) was submitted for the subject land in December 2005, and has since been put on hold pending investigation into a number of issues, relating to Local Water Management Strategy (district drainage). In addition, a subdivision application was referred to Council by the Western Australian Planning Commission (WAPC) on 10 January 2008. The WAPC agreed to defer the application due to a number of outstanding matters including drainage issues.

Sustainability Statement

Effect on Environment: Potential impacts include impacts on natural drainage and potential dust and noise nuisance for surrounding residents. These are interim impacts, until the land is developed for housing, which can be minimized and limited by conditions.

Use of Local, Renewable or Recycled Resources: Local cartage contractors may be used to transport the sand to the site. Sand may be sourced from local sand mining operations within the Shire.

Economic Viability: The filling of the land itself aims to reduce the holding cost of the development by aiming to achieve a more efficient timeframe for subdivisional development. Timely filling of the site can potentially reduce development costs and such savings may be passed down to the eventual lot purchasers.

Social – Quality of Life: Truck movements, on site works and potential for dust will bring a temporary reduction to the quality of life for nearby residents. Appropriate conditions shall be imposed to limit these potential impacts and the site regularly inspected by Council officers to ensure compliance with the development conditions.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure PWP3 Landfill Guidelines

Financial Implications: There are no financial implications to Council related to this proposal

Strategic Implications: The proposal will facilitate residential development which will relate to the following Key Sustainability Result Areas:-

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Community consultation is currently in progress.

Comment:

The applicant has requested bulk earthworks approval for The Glades stages 2A and 4 to facilitate the future development of the subject lots. The intention is to commence the bulk earthworks for these stages in advance of the subdivision works to ensure that the sand proposed to be imported into the development was in place before the ground conditions became wet, cloggy and unworkable.

The final levels will be determined at the subdivision stage where further refining of the earthworks will be undertaken as well as the installation of the required drainage regime in accordance with the adopted drainage strategy for Byford.

It is noted that there have been ongoing issues associated with other development sites that have been granted earthworks approvals over the past couple of years. Council are assured that the site will be monitored regularly and stringently to ensure that the conditions of approval are strictly adhered to in order to reduce impacts on surrounding properties and residents.

As with the other earthworks applications that have been approved within the Byford Structure Plan area, the finished levels will be achieved primarily through the importation of the fill material. Specifically, the intended scope of works require the construction contractor to 'terrace and grade' the existing soil to suit the future lot layout, and then import clean sand fill to make up the proposed finished levels.

A copy of the site and earthworks plan is with attachments marked SD113.1/06/08

Statutory Requirements

As a subdivision approval has not yet been issued by the WAPC for the subject site, the act of clearing, filling and undertaking earthworks constitutes 'development' under the Scheme and accordingly requires development approval. Further, the proposed filling and bulk earthworks is deemed to be a use that is not listed within TPS 2 . With respect to uses not listed, clause 3.2.5 of the scheme states:

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

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

The application is currently being advertised as required by clause 3.2.5(b) above. As such, it is recommended that the application be conditionally approved subject to no objections being received.

Site Conditions

The application area has a slight fall from south- east to north – west and naturally drains in a westerly direction across the site. The subject site is proposed to be filled to a general depth of between 0.5 to 1.0 metres. This accords with the requirements under the BUSMS. The final fill levels can be rectified at the refining of earthworks at the subdivision stage.

Conclusion

Appropriate conditions have been imposed to limit the impacts to neighbouring residents from traffic, dust and noise. Subject to no objections being received and appropriate conditions relating to dust, noise, traffic management and engineering drawings being imposed, it is considered that there is no impediment towards allowing the application area to be filled and earth worked as per the application plan.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

- A. Council determines that the filling and bulk earthworks is a use not listed in the Zoning Table of Town Planning Scheme No. 2.
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the filling and undertaking of bulk earthworks on Lots 21, 22, & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford is a use consistent with the objectives and purposes of the Urban Development zone.
- C. Subject to no objections being received the Director Development Services is delegated authority to approve the proposed filling of land and bulk earthworks on Lots 21, 22, & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford subject to the following conditions:
1. This approval relates only to the bulk earthworks and clearing within the application area as shown on the approved plans. No, retaining walls or any other structures shall be constructed without prior approval being obtained from the Shire. Maximum fill levels are to comply with the approved plans.
 2. The developer is to erect signs on the site for the duration of the development, visible from Abernethy Road, Doley Road and Warrington Road to the satisfaction of the Director Development Services. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the phone contact details of the principal contractor and supervising engineer.
 3. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).
 4. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation at the completion of the filling confirming that earthworks, filling and compaction are completed and controlled in such a manner that results in a suitable building platform for the intended land use, shall be submitted to the Shire to the satisfaction of the Director Engineering.
 5. All works shall be conducted in accordance with Local Government and Council's policies, Engineering Standards and specifications.
 6. Hours for site and construction work shall be limited to the following hours:

Mondays to Fridays	7.00am to 6.00pm only
Saturdays	7.30am to 5.00pm only
Sundays and Public Holidays	No works permitted without prior written approval from the Shire.
 7. No earthworks (including batters) shall intrude into any other land which abuts the site.
 8. The applicant shall be responsible for any changes and alterations to earthworks on-site resulting from future development approvals and/or subdivision approval(s) issued by the Western Australian Planning Commission.
 9. All stormwater shall be contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into the road reserves, Water Corporation's existing Tributary Six, proposed multiple use corridor, public open space areas and any adjoining land.
 10. A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the bulk earthworks until such time as the land is approved for subdivision and/or sold to another party. The Construction and Environment Management Plan must be approved by the Shire prior to the commencement of earthworks.

11. The emission of airborne dust and sand drift must not cause a nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation “Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia” and submitted to the Shire for approval. Shire approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
12. The proponent and the contractor shall be responsible for dust and sand drift control in accordance with the “Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia”. (Department of Environment and Conservation). All disturbed areas shall be stabilised at all times in accordance with the approved Dust Management Plan to the satisfaction of the Director Engineering.
13. No burning of cleared vegetation shall be permitted.
14. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering and results of all compaction tests are to be provided to the Shire’s Engineering Department as soon as they are available.
15. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.
16. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.
17. A traffic management plan shall be prepared by the proponent and approved by the Shire and subsequently implemented prior to the commencement of and during any work. All access to the site shall be from Abernethy Road only. Access from Doley Road or Warrington Road by construction machinery, construction staff vehicles or trucks is not permitted. All access to the site shall be via South Western Highway into Abernethy Road.
18. The access point to the site shall be constructed to incorporate a drainage culvert, sized according to the requirements stipulated in the Department of Water’s Byford Townsite Drainage and Water Management Plan – Draft (2008) to convey a 100-year ARI storm event to the satisfaction of the Shire’s Director Engineering Services.
19. Abernethy Road, including the entry to the property, shall be maintained at the existing standards to the satisfaction of the Director Engineering. Any damage caused to the road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.
20. All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilized to address erosion and sand drift.
21. Stockpiling of spoil material shall only occur in accordance with approved plans. This area is to be appropriately fenced (including the provision of filter material to a height of 1.5 metres) and stabilised regularly. Maximum allowable height of stockpiles for topsoil and vegetation is 3.0 metres above natural ground level and is not to exceed the boundaries of the approved plan.
22. Stockpiling of fill material shall be in a location separated from the spoil stockpile by at least 20.0 metres. Maximum allowable height of stockpiles for fill is 3.0 metres above natural ground level.
23. The locations of all proposed stockpiles must be clearly indicated on earthworks plans, which are to be submitted to and approved by the Shire prior to the commencement of works.
24. Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA Certified practicing Geotechnical Engineering organization that includes soil testing, groundwater and Acid

- Sulfate Soil investigations. This report is to be provided prior to works commencing if any material from the site is intended to be used for fill.
25. A suitable water truck is to be on site at all times to undertake stabilization works as and when required or when requested by the Shire.
 26. Engineering drawings detailing the proposed earthworks as well as internal access tracks for trucks and machinery are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the access tracks.
 27. Fencing shall be constructed along all boundaries of the site, including the northern boundary between the District Drainage along Abernethy Road and the development area, to screen the works from view to the satisfaction of the Director Development Services.
 28. Additional fencing shall be installed along a line 30 metres from both banks of the Tributary Six drainage corridor. This is to include filter material to a height of 1.5 metres, with at least 500 mm secured into the earth to ensure no contamination of the creek line. No works are permitted within this 60-metre (plus creek line) corridor except for the construction of the temporary crossing point stipulated in Condition 29. At no time is material permitted to be placed within the creek line.
 29. Engineering specifications and drawings for the temporary crossing points for the Tributary Six drainage line are to be provided to the Shire's Director Engineering Services and the Water Corporation for approval prior to the commencement of site works.
 30. No alterations to the existing creek line of Tributary Six are permitted without the prior approval of both the Shire and the Water Corporation.
 31. Any sand or other materials found on the road surface of Abernethy Road as a result of traffic into and out of the site will be cleared by the developer within 24 hours of notification from the Shire at the developers cost.

Advice Notes

1. This approval should not be construed as support for any future subdivision of the land. Final fill levels will be determined at the subdivision stage.
2. In respect to Condition 1 this approval does not negate the need for further earthworks to be undertaken subject to approval of engineering drawings in relation to a future subdivision approval.
3. The applicant is requested to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.
4. With regard to Conditions 10 and 11 above, the applicant is advised that the requirements of the two documents can be combined into one overall submission to satisfy the two conditions, provided that all relevant information to satisfy both conditions is included in that document.
5. The applicant is advised to contact the Shire for information on the form and content of all required reports and engineering drawings.

Committee Recommended Resolution:

Moved Cr Price, seconded Cr Geurds

- A. Council determines that the filling and bulk earthworks is a use not listed in the Zoning Table of Town Planning Scheme No. 2.**
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the filling and undertaking of bulk earthworks on Lots 21, 22, & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford is a use consistent with the objectives and purposes of the Urban Development zone.**

C. Subject to no objections being received the Director Development Services is delegated authority to approve the proposed filling of land and bulk earthworks on Lots 21, 22, & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford subject to the following conditions:

- 1. This approval relates only to the bulk earthworks and clearing within the application area as shown on the approved plans. No, retaining walls or any other structures shall be constructed without prior approval being obtained from the Shire. Maximum fill levels are to comply with the approved plans.**
- 2. The developer is to erect signs on the site for the duration of the development, visible from Abernethy Road, Doley Road and Warrington Road to the satisfaction of the Director Development Services. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the phone contact details of the principal contractor and supervising engineer.**
- 3. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).**
- 4. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation at the completion of the filling confirming that earthworks, filling and compaction are completed and controlled in such a manner that results in a suitable building platform for the intended land use, shall be submitted to the Shire to the satisfaction of the Director Engineering.**
- 5. All works shall be conducted in accordance with Local Government and Council's policies, Engineering Standards and specifications.**
- 6. Hours for site and construction work shall be limited to the following hours:**

Mondays to Fridays	7.00am to 6.00pm only
Saturdays	7.30am to 5.00pm only
Sundays and Public Holidays	No works permitted without prior written approval from the Shire.

- 7. No earthworks (including batters) shall intrude into any other land which abuts the site.**
- 8. The applicant shall be responsible for any changes and alterations to earthworks on-site resulting from future development approvals and/or subdivision approval(s) issued by the Western Australian Planning Commission.**
- 9. All stormwater shall be contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into the road reserves, Water Corporation's existing Tributary Six, proposed multiple use corridor, public open space areas and any adjoining land.**
- 10. A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the bulk earthworks until such time as the land is approved for subdivision and/or sold to another party. The Construction and Environment Management Plan must be approved by the Shire prior to the commencement of earthworks.**
- 11. The emission of airborne dust and sand drift must not cause a nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Shire for approval. Shire**

- approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
12. The proponent and the contractor shall be responsible for dust and sand drift control in accordance with the “Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia”. (Department of Environment and Conservation). All disturbed areas shall be stabilised at all times in accordance with the approved Dust Management Plan to the satisfaction of the Director Engineering.
 13. No burning of cleared vegetation shall be permitted.
 14. All cleared vegetation shall be mulched or removed from the site within 28 days of the commencement of the clearing of the vegetation.
 15. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering and results of all compaction tests are to be provided to the Shire’s Engineering Department as soon as they are available.
 16. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.
 17. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.
 18. A traffic management plan shall be prepared by the proponent and approved by the Shire and subsequently implemented prior to the commencement of and during any work. The traffic management plan is to address any conflicting road use (ie impact on school buses, pedestrians). All access to the site shall be from Abernethy Road only. Access from Doley Road or Warrington Road by construction machinery, construction staff vehicles or trucks is not permitted. All access to the site shall be via South Western Highway into Abernethy Road.
 19. The access point to the site shall be constructed to incorporate a drainage culvert, sized according to the requirements stipulated in the Department of Water’s Byford Townsite Drainage and Water Management Plan – Draft (2008) to convey a 100-year ARI storm event to the satisfaction of the Shire’s Director Engineering Services.
 20. Abernethy Road, including the entry to the property, shall be maintained at the existing standards to the satisfaction of the Director Engineering. Any damage caused to the road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.
 21. All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilized to address erosion and sand drift.
 22. Stockpiling of spoil material shall only occur in accordance with approved plans. This area is to be appropriately fenced (including the provision of filter material to a height of 1.5 metres) and stabilised regularly. Maximum allowable height of stockpiles for topsoil and vegetation is 3.0 metres above natural ground level and is not to exceed the boundaries of the approved plan.
 23. Stockpiling of fill material shall be in a location separated from the spoil stockpile by at least 20.0 metres. Maximum allowable height of stockpiles for fill is 3.0 metres above natural ground level.
 24. The locations of all proposed stockpiles must be clearly indicated on earthworks plans, which are to be submitted to and approved by the Shire prior to the commencement of works.
 25. Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA Certified

- practicing Geotechnical Engineering organization that includes soil testing, groundwater and Acid Sulfate Soil investigations. This report is to be provided prior to works commencing if any material from the site is intended to be used for fill.
26. A suitable water truck is to be on site at all times to undertake stabilization works as and when required or when requested by the Shire.
 27. Engineering drawings detailing the proposed earthworks as well as internal access tracks for trucks and machinery are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the access tracks.
 28. Fencing shall be constructed along all boundaries of the site, including the northern boundary between the District Drainage along Abernethy Road and the development area, to screen the works from view to the satisfaction of the Director Development Services.
 29. Additional fencing shall be installed along a line 30 metres from both banks of the Tributary Six drainage corridor. This is to include filter material to a height of 1.5 metres, with at least 500 mm secured into the earth to ensure no contamination of the creek line. No works are permitted within this 60-metre (plus creek line) corridor except for the construction of the temporary crossing point stipulated in Condition 29. At no time is material permitted to be placed within the creek line.
 30. Engineering specifications and drawings for the temporary crossing points for the Tributary Six drainage line are to be provided to the Shire's Director Engineering Services and the Water Corporation for approval prior to the commencement of site works.
 31. No alterations to the existing creek line of Tributary Six are permitted without the prior approval of both the Shire and the Water Corporation.
 32. Any sand or other materials found on the road surface of Abernethy Road as a result of traffic into and out of the site will be cleared by the developer within 24 hours of notification from the Shire at the developers cost.

Advice Notes

1. This approval should not be construed as support for any future subdivision of the land. Final fill levels will be determined at the subdivision stage.
2. In respect to Condition 1 this approval does not negate the need for further earthworks to be undertaken subject to approval of engineering drawings in relation to a future subdivision approval.
3. The applicant is requested to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.
4. With regard to Conditions 10 and 11 above, the applicant is advised that the requirements of the two documents can be combined into one overall submission to satisfy the two conditions, provided that all relevant information to satisfy both conditions is included in that document.
5. The applicant is advised to contact the Shire for information on the form and content of all required reports and engineering drawings.

LOST 0/9

During debate Cr Harris foreshadowed that she would move that part of condition 18 be removed and a part D be added requiring that a Traffic Management Plan be presented to Council for final approval.

SD113/06/08 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Buttfield

- A. Council determines that the filling and bulk earthworks is a use not listed in the Zoning Table of Town Planning Scheme No. 2.**
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the filling and undertaking of bulk earthworks on Lots 21, 22, & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford is a use consistent with the objectives and purposes of the Urban Development zone.**
- C. Subject to no objections being received the Director Development Services is delegated authority to approve the proposed filling of land and bulk earthworks on Lots 21, 22, & 132 Doley Road, Lot 5 Lawrence Way and Lots 6 & 7 Warrington Road, Byford subject to the following conditions:**

- 1. This approval relates only to the bulk earthworks and clearing within the application area as shown on the approved plans. No, retaining walls or any other structures shall be constructed without prior approval being obtained from the Shire. Maximum fill levels are to comply with the approved plans.**
- 2. The developer is to erect signs on the site for the duration of the development, visible from Abernethy Road, Doley Road and Warrington Road to the satisfaction of the Director Development Services. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the phone contact details of the principal contractor and supervising engineer.**
- 3. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).**
- 4. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation at the completion of the filling confirming that earthworks, filling and compaction are completed and controlled in such a manner that results in a suitable building platform for the intended land use, shall be submitted to the Shire to the satisfaction of the Director Engineering.**
- 5. All works shall be conducted in accordance with Local Government and Council's policies, Engineering Standards and specifications.**
- 6. Hours for site and construction work shall be limited to the following hours:**

Mondays to Fridays	7.00am to 6.00pm only
Saturdays	7.30am to 5.00pm only
Sundays and Public Holidays	No works permitted without prior written approval from the Shire.

- 7. No earthworks (including batters) shall intrude into any other land which abuts the site.**
- 8. The applicant shall be responsible for any changes and alterations to earthworks on-site resulting from future development approvals and/or subdivision approval(s) issued by the Western Australian Planning Commission.**
- 9. All stormwater shall be contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into the road reserves, Water Corporation's existing Tributary Six, proposed multiple use corridor, public open space areas and any adjoining land.**
- 10. A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the bulk earthworks until such time as the land is approved**

- for subdivision and/or sold to another party. The Construction and Environment Management Plan must be approved by the Shire prior to the commencement of earthworks.
11. The emission of airborne dust and sand drift must not cause a nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation “Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia” and submitted to the Shire for approval. Shire approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
 12. The proponent and the contractor shall be responsible for dust and sand drift control in accordance with the “Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia”. (Department of Environment and Conservation). All disturbed areas shall be stabilised at all times in accordance with the approved Dust Management Plan to the satisfaction of the Director Engineering.
 13. No burning of cleared vegetation shall be permitted.
 14. All cleared vegetation shall be mulched or removed from the site within 28 days of the commencement of the clearing of the vegetation.
 15. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering and results of all compaction tests are to be provided to the Shire’s Engineering Department as soon as they are available.
 16. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.
 17. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.
 18. A traffic management plan shall be prepared by the proponent and approved by the Shire and subsequently implemented prior to the commencement of and during any work. The traffic management plan is to address any conflicting road use (ie impact on school buses, pedestrians).
 19. The access point to the site shall be constructed to incorporate a drainage culvert, sized according to the requirements stipulated in the Department of Water’s Byford Townsite Drainage and Water Management Plan – Draft (2008) to convey a 100-year ARI storm event to the satisfaction of the Shire’s Director Engineering Services.
 20. Abernethy Road, including the entry to the property, shall be maintained at the existing standards to the satisfaction of the Director Engineering. Any damage caused to the road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.
 21. All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilized to address erosion and sand drift.
 22. Stockpiling of spoil material shall only occur in accordance with approved plans. This area is to be appropriately fenced (including the provision of filter material to a height of 1.5 metres) and stabilised regularly. Maximum allowable height of stockpiles for topsoil and vegetation is 3.0 metres above natural ground level and is not to exceed the boundaries of the approved plan.
 23. Stockpiling of fill material shall be in a location separated from the spoil stockpile by at least 20.0 metres. Maximum allowable height of stockpiles for fill is 3.0 metres above natural ground level.

24. The locations of all proposed stockpiles must be clearly indicated on earthworks plans, which are to be submitted to and approved by the Shire prior to the commencement of works.
25. Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA Certified practicing Geotechnical Engineering organization that includes soil testing, groundwater and Acid Sulfate Soil investigations. This report is to be provided prior to works commencing if any material from the site is intended to be used for fill.
26. A suitable water truck is to be on site at all times to undertake stabilization works as and when required or when requested by the Shire.
27. Engineering drawings detailing the proposed earthworks as well as internal access tracks for trucks and machinery are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the access tracks.
28. Fencing shall be constructed along all boundaries of the site, including the northern boundary between the District Drainage along Abernethy Road and the development area, to screen the works from view to the satisfaction of the Director Development Services.
29. Additional fencing shall be installed along a line 30 metres from both banks of the Tributary Six drainage corridor. This is to include filter material to a height of 1.5 metres, with at least 500 mm secured into the earth to ensure no contamination of the creek line. No works are permitted within this 60-metre (plus creek line) corridor except for the construction of the temporary crossing point stipulated in Condition 29. At no time is material permitted to be placed within the creek line.
30. Engineering specifications and drawings for the temporary crossing points for the Tributary Six drainage line are to be provided to the Shire's Director Engineering Services and the Water Corporation for approval prior to the commencement of site works.
31. No alterations to the existing creek line of Tributary Six are permitted without the prior approval of both the Shire and the Water Corporation.
32. Any sand or other materials found on the road surface of Abernethy Road as a result of traffic into and out of the site will be cleared by the developer within 24 hours of notification from the Shire at the developers cost.

D. The Traffic Management Plan be presented to Council for final approval.

Advice Notes

1. This approval should not be construed as support for any future subdivision of the land. Final fill levels will be determined at the subdivision stage.
2. In respect to Condition 1 this approval does not negate the need for further earthworks to be undertaken subject to approval of engineering drawings in relation to a future subdivision approval.
3. The applicant is requested to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.
4. With regard to Conditions 10 and 11 above, the applicant is advised that the requirements of the two documents can be combined into one overall submission to satisfy the two conditions, provided that all relevant information to satisfy both conditions is included in that document.
5. The applicant is advised to contact the Shire for information on the form and content of all required reports and engineering drawings.

CARRIED 9/0

Council Note: The Committee Recommended Resolution was changed by removing the following text from Condition 18 - All access to the site shall be from Abernethy Road

only. Access from Doley Road or Warrington Road by construction machinery, construction staff vehicles or trucks is not permitted. All access to the site shall be via South Western Highway into Abernethy Road and adding a part D requiring that a Traffic Management Plan be presented to Council for final approval.

SD114/06/08 LOT 74 CAVANAGH CLOSE, CARDUP - PROPOSED OVERSIZED STABLES (P07187/03)		
Proponent:	K White	In Brief Application for the construction of oversize shed and stables building outside designated building envelope. Objections received from neighbours. Approval subject to conditions, requiring modification of the size of the shed and screening along with standard conditions, is recommended.
Owner:	As Above	
Officer:	C Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 June 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 15 April 2008
 Lot Area: 2.03ha
 MRS Zoning: Rural
 TPS Zoning: Special Rural
 Use Class & Permissibility: Single Residence – incidental development (outbuilding)/Stables – AA
 Rural Strategy Policy Area: Special Rural

Proposal

An application was received for a proposed combined shed and stables building with a 150,000 litre rainwater tank outside the building envelope at Lot 74 Cavanagh Close, Cardup.

The stable portion of the building consists of two indoor boxes each measuring 4 metres x 4 metres and four additional walk in – walk out boxes measuring 8 metres x 4 metres each. A tack room with a sink and toilet and a separate undercover wash down bay is also included.

the remainder of the building comprises two workshops and a vehicle store. The applicant advised the vehicle store is to secure their personal vehicles such as a large 4 bay horse float. The two workshop areas are to house additional personal items.

The floor area of the total structure will be 437m² and would be constructed of a combination of reconstituted limestone blocks, timber palings and custom orb cladding in Ocean Blue Colourbond.

The overall property development proposal aims to achieve a comfortable lifestyle property whereby the family can undertake their equestrian hobby and provide a stable complex to ensure the six horses are stabled for according to Department of Agriculture's Stocking Rate Guidelines to achieve adequate paddock rest. The applicant chose this location for the construction of the complex to achieve adequate separation between the horse stables and the dwelling.

Whilst the landowners and the horses are not intended to move onto the property until the construction of the dwelling is completed, they visit the site on a regular basis to undertake tree planting and maintenance works.

A site inspection revealed that a large amount of fill and a sea container had been placed on the lot without approval. The applicant has now submitted a retrospective application for these works and this application will be dealt with separately and not in this report.

Variations requested

The proposed shed and stables building totals 437m² in lieu of the 200m² permitted as of right in the Special Rural zone under LPP17 (Residential and Incidental Development). The building will also be located outside the designated building envelope.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	Eight mature Marri trees are existing on the site.
Is remnant native vegetation to be retained or removed as a result of this proposal?	All native vegetation is to be retained.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	The applicant proposes to plant 34 Red Flowering Gums along the eastern boundary; 4 tuart trees near the western boundary and 12 lemon scented gums in the middle of the property towards the proposed wetlands. The applicant will be encouraged to use local native species on the property.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	The combined area is large and bulky and has the potential to impact on streetscape unless additional screening vegetation is provided on the western and southern boundaries of the lot.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	The structure may have an impact on visual amenity of the neighbouring property to the west due to bulk and scale. It is recommended that conditions be applied that require the planting of screening vegetation on between the building and the western boundary of the lot and the building being reduced in size. A suitable alternative would be for the workshops and vehicle storage to be contained in a separate building on another part of the lot and that only the stables portion of the building be approved under this current application.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	A 150,000 litre rainwater tank is proposed to capture stormwater runoff. The land management plan, including the proposed created wetlands and native garden would be a good attempt at dealing with additional surface water run off.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2
Rural Strategy 1994

Policy/Work Procedure

Implications: Local Planning Policy LPP17 Residential and Incidental Development

Financial Implications: There may be Financial implications to Council related to this application/issue if the applicant appeals the decision in the State Administrative Tribunal.

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:

5. Value and enhance the heritage character, arts and culture of the Shire.

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

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/No

Affected Property (Assess No.)	Summary of Submission	Officer's Comment
A399481	<p>The area where our neighbours would like to place this building is positioned south west of our building envelope. This building is 38 metres long and 5.3 metres high which will block our view of our surrounding natural landscape. We believe this building will be an eyesore for us because we will have nothing but a colorbond wall to view from our building envelope which is where our house is going.</p> <p>We bought our property for the natural beauty that we love and are surrounded by and if the building is positioned in that area, we will be looking at a wall for the rest of our lives.</p> <p>In full respect of our neighbours, we have spoken to them, and voiced our concerns. They were very understanding of the matter and are thinking of ways to rectify</p>	<p>With a wall length of 38 metres it is considered that the scale of the building is not appropriate for this locality and potentially will affect the visual amenity of the neighbours lot. The scale of the shed is considered to be more appropriate to an industrial area. Even with the planting of vegetation to partly screen the view of the shed from the neighbours it is considered that a significant reduction in the size of the building is required in order to protect the character and amenity of the locality. Accordingly, it is recommended that only the portion of the building containing the stables be approved and the applicant be advised that a separate application would be required for the construction of a second workshop/storage building on another part of the lot and preferably inside the building envelope.</p> <p>It is considered appropriate for the stable building to be located outside the building envelope to enable the minimum 15 metre separation required between stables and</p>

Affected Property (Assess No.)	Summary of Submission	Officer's Comment
	<p>the situation. For example moving the shed/stables 30 metres North, towards the back of their block. If the development is relocated, we would be satisfied as this would be better than right outside our future home.</p> <p>Maybe, if this was to be done and if they planted some trees to hide the eyesore, it would be more beneficial for us. We believe in our opinion that the proposal should not be accepted until we have all come to an agreement.</p>	<p>residences under the Shire's Health local laws.</p>

Planning Assessment:

Policy Requirements

Policy: Local Planning Policy LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments
<p>Setbacks Primary Street</p> <p>Rear Side</p>	<p>20 metres</p> <p>20 metres 10 metres</p>	<p>107 metres</p> <p>128 metres 10 metres</p>	<p>Complies with LPP17 (however will be located outside the designated Building envelope)</p> <p>As Above Complies</p>
<p>Floor Area (combined total floor area of all outbuildings)</p>	<p>Max. 200 m2</p>	<p>437m2</p>	<p>Variation. As detailed already in this report it is recommended that only the stables portion of the shed be approved and the workshop and storage portion of the shed be deleted. This would reduce the building in size to 241.5m² and the length of the rear wall to 21 metres. Conditions have been included in the recommendation in this regard and a condition requiring the planting of screening vegetation between the stable building and western boundary of the lot. A site inspection identified a lot of revegetation has already been commenced on site so this demonstrates the applicant's willingness to revegetate the lot.</p>
<p>Wall Height</p>	<p>Max. 4m</p>	<p>3m</p>	<p>Complies</p>
<p>Roof Height</p>	<p>Max. 6m</p>	<p>5.3m</p>	<p>Complies.</p>

Conclusion

The bulk and scale of the stable/shed building is likely to impact on the amenity of the neighbouring lot to the west and the rural character of the locality. Accordingly, the building needs to be substantially reduced in size. Conditions of approval have been included in the recommendation in this regard.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

The application for Approval to Commence Development for an oversize shed and stable building outside the building envelope on Lot 74 Cavanagh Close, Cardup be approved subject to the following conditions:

1. The workshop and vehicle store areas are to be deleted from the building with the building being reduced to a maximum floor area of 241.5m² with the rear wall having a maximum length of 21 metres as marked on the approved plans.
2. Three rows of trees and shrubs are to be planted between the rear wall of the stables and the required firebreak on the western boundary. Plant species are to be indigenous to the locality.
3. A landscaping and revegetation plan addressing the requirements of Condition 2. is to be submitted in duplicate to the Shire for approval prior to issue of a building licence for the stables.
4. The landscaping and revegetation plan once approved is to be implemented by 30 September 2008 and the plants maintained thereafter to the satisfaction of the Shire.
5. Until the completion of the stables, a maximum of two horses are to be kept on the property. Upon completion of the stables, a maximum of six horses are to be kept on the property and stabled a minimum of 14 hours in each 24 hour period.
6. Manure from paddocks is to be collected daily and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
7. The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
8. Stock are to be kept out of any paddock that is partially or completely inundated with water.
9. All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
10. All existing drainage lines and areas are to be fenced off from stock.
11. Flooring of the stables and yards are to consist of an impermeable base to prevent nutrients leaching into the soil.
12. All existing trees and any revegetation area are to be fenced off to prevent damage by livestock.
13. All declared and environmental weeds are to be eliminated from the lot.
14. All revegetation works are to be fenced to prevent access by stock.
15. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
16. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of Town Planning Scheme No. 2.

Advice Notes

1. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
2. The shed and/or stables are 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 for other types of effluent disposal systems.

3. The applicant be advised that:
 - a) Council may consider a separate application for a separate workshop/store building in another location on the lot (preferably inside the building envelope).
 - b) The separate retrospective application for filling of the land and the sea container on the site will be assessed separately and approval for these works is not encompassed by the approval for the stables.

4. The submitter be advised of Council's decision.

Committee Note: The Officer Recommended Resolution was amended by removing 1. from the introductory paragraph and renumbering the remaining conditions. The Presiding Officer deemed this to be a minor amendment which did not change the intent of the recommendation.

SUPPLEMENTARY INFORMATION

The recommended modified design has been referred to the submitter for comment as to whether they consider the reduced shed size in the same location addresses their concerns. The submitter's response will be tabled at the Ordinary Council meeting.

Two site plans, floor and elevation plans and a revised aerial photograph are contained in the attachments marked SD114.1/06/08.

Results of neighbour consultation

As detailed in the Council Meeting Agenda, the recommended modified design was referred to the submitter for comment as to whether they consider the reduced shed size in the same location addresses their concerns. The submitter advises that they do not find the modified proposal referred to them acceptable because the stables will still be very close to the front of their future house and as the stables will be to the east of their building envelope they may experience unacceptable odours from the stables when the easterlies are blowing in summer. They advise that they would be happy for the stables/shed building to be built to the same size as shown on the plans submitted by the applicant subject to the building being relocated to a location north of their building envelope or a location further east.

Two options for relocation of the stables/shed are shown on the attached aerial photo. Option 1 shows the full building applied for being moved to the northern end of the property and option 2 shows the building being placed just north of the applicant's building envelope. A 15 metre separation between the building envelope and the stables is required in accordance with the Shire's Health Local Laws.

An amended recommendation addressing the modifications discussed above is set out below.

Modifications requested by applicant

The following additional modifications have been made to the conditions of approval following the receipt of an email from the applicant querying some of the conditions:

1. Condition 4: the date by which screen planting is required to be put in place has been changed from 2008 to 2009 as the applicant advises that the stables are unlikely to have been completed by 30 September this year and if plants are put in before the building is complete the plants may be damaged.
2. Condition 5: amended to advise that stabling time of horses may be reduced when there are less than 6 horses on site.
3. Condition 6 – amended to require collection of manure weekly rather than daily as it is considered too onerous to require daily collection.

4. Condition 13 – amended to delete the words “and environmental” as Section 49 of the Agriculture and Related Resources Protection Act 1976 (as amended) only requires private landowners to eliminate declared weeds.

Conclusion

After considering all issues and the views of the neighbour, it is recommended that Option 2 be approved.

Amended Officer Recommended Resolution:

The application for Approval to Commence Development for an oversize shed and stable building outside the building envelope on Lot 74 Cavanagh Close, Cardup be approved subject to the following conditions:

1. The building is to be relocated to the position marked red on the approved plan to the satisfaction of the Director Development Services.
2. If option 1 is implemented, three rows of trees and shrubs are to be planted between the rear wall of the stables and the required firebreak on the western boundary. Plant species are to be indigenous to the locality.
3. A landscaping and revegetation plan addressing the requirements of Condition 2. is to be submitted in duplicate to the Shire for approval prior to issue of a building licence for the stables.
4. The landscaping and revegetation plan once approved is to be implemented by 30 September 2009 and the plants maintained thereafter to the satisfaction of the Shire.
5. Until the completion of the stables, a maximum of two horses are to be kept on the property. Upon completion of the stables, a maximum of six horses are to be kept on the property and stabled a minimum of 14 hours in each 24 hour period. The amount of time horses need to be stabled may be reduced when less than 6 horses are kept on the property in accordance with the general stocking rate calculations determined by the Department of Agriculture and Food.
6. Manure from paddocks is to be collected weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
7. The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
8. Stock are to be kept out of any paddock that is partially or completely inundated with water.
9. All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
10. All existing drainage lines and areas are to be fenced off from stock.
11. Flooring of the stables and yards are to consist of an impermeable base to prevent nutrients leaching into the soil.
12. All existing trees and any revegetation area are to be fenced off to prevent damage by livestock.
13. All declared weeds are to be eliminated from the lot.
14. All revegetation works are to be fenced to prevent access by stock.
15. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
16. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of Town Planning Scheme No. 2.

Advice Notes:

1. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
2. The shed and/or stables are 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 for other types of effluent disposal systems.
3. The submitter be advised of Council’s decision.

SD114/06/08 COUNCIL DECISION:

Moved Cr Brown, seconded Cr Price

The application for Approval to Commence Development for an oversize shed and stable building outside the building envelope on Lot 74 Cavanagh Close, Cardup be approved subject to the following conditions:

1. The building is to be relocated to the position marked red on the approved plan to the satisfaction of the Director Development Services.
2. Three rows of trees and shrubs are to be planted between the rear wall of the stables and the required firebreak on the western boundary. Plant species are to be indigenous to the locality.
3. A landscaping and revegetation plan is to be submitted in duplicate to the Shire for approval prior to issue of a building licence for the stables.
4. The landscaping and revegetation plan once approved is to be implemented by 30 September 2009 and the plants maintained thereafter to the satisfaction of the Shire.
5. Until the completion of the stables, a maximum of two horses are to be kept on the property. Upon completion of the stables, a maximum of six horses are to be kept on the property and stabled a minimum of 14 hours in each 24 hour period. The amount of time horses need to be stabled may be reduced when less than 6 horses are kept on the property in accordance with the general stocking rate calculations determined by the Department of Agriculture and Food.
6. Manure from paddocks is to be collected weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
7. The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
8. Stock are to be kept out of any paddock that is partially or completely inundated with water.
9. All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
10. All existing drainage lines and areas are to be fenced off from stock.
11. Flooring of the stables and yards are to consist of an impermeable base to prevent nutrients leaching into the soil.
12. All existing trees and any revegetation area are to be fenced off to prevent damage by livestock.
13. All declared weeds are to be eliminated from the lot.
14. All revegetation works are to be fenced to prevent access by stock.
15. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
16. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of Town Planning Scheme No. 2.

Advice Notes:

1. **Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.**
2. **The shed and/or stables are 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 for other types of effluent disposal systems.**
3. **The submitter be advised of Council’s decision.**

CARRIED 9/0

Council Note: The Amended Officer Recommended Resolution was changed by removing the words ‘If option 1 is implemented’ from condition 2 and removing the words ‘addressing the requirements of Condition 2’ from condition 3.

SD115/06/08 PROPOSED GABLE PATIO AND PATIO ROOF ADDITION TO EXISTING SINGLE HOUSE AND EXISTING SHED – LOT 13 #67 EGERTON DRIVE, SERPENTINE (P02391/01)		
Proponent:	Top Notch Patios	In Brief Application for a building licence submitted by a member of Shire staff is required to be referred to Council for determination. Approval is recommended subject to standard conditions.
Owner:	SJ & GM Cassidy	
Officer:	Greg Leuzzi - Contract Building Surveyor	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	5 June 2008	
Previously	Nil	
Disclosure of Interest	Gwenda Cassidy – Information Services Officer	
Delegation	Council	

Date of Receipt: 18 April 2008
 Advertised: Not required
 Submissions: N/A
 Lot Area: 4027m²
 L.A Zoning: Rural Living A
 MRS Zoning: Rural

Background

An application has been submitted for a building licence for the addition of a patio roof to the existing shed and a gable patio to the rear of the existing residence. As the proponent is a member of staff of the Shire, the application is required to be referred to Council for determination and must be assessed by a private enterprise contractor. The building application has been assessed by the Shire's Contract Building Surveyor (Mr Greg Leuzzi).

A copy of the locality and site plan is with the attachments marked SD115.1/06/08.

Sustainability Statement

Effect on Environment: The patio roof and gable patio will create an extra 60m² of roof space on the property. Rain water collected on the roof will need to be retained on site in accordance with Council's standard requirements. Therefore, there will be negligible effect on the environment outside of the property. A standard condition will be imposed requiring all storm water to be contained on-site.

Social – Quality of Life: The patios lie on the southern side of the house providing shade in the summer months allowing extra use of the rear area of the house to become a veranda

and entertaining space. The proposed patio roofing will have no adverse impact and/or will not prejudice the amenity of the area.

Statutory Environment:

Planning & Development Act 2005
Town Planning Scheme No. 2
Local Planning Policy LPP 17 - *Residential and Incidental Development*

Policy/Work Procedure Implications:

Corporate Services Policy CSP34 - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

Any Council approval issued under the provisions of CSP34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

Financial Implications:

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

Strategic Implications:

Apart from the Policy/Work Procedure, as discussed above, there are no Strategic Implications related to this proposal.

Community Consultation:

Not required.

Comment:

The gable patio roof is an extension to the existing residence and the patio roof is an addition to the existing shed. The patio roofing has been designed to reflect the character and materials used in the construction of the house.

Corporate Services Policy No. 34

Corporate Services Policy No. 34 (CSP34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

“Delegations for approval of any developments will not apply in any cases where staff are involved as an applicant; in these instances each employee’s development application should go to Council for approval. This will apply to both the employee’s place of residence (including Chief Executive Office’s and Directors) and other developments. Applications of this kind should be dealt with by a private sector contractor or an appropriate qualified officer from another local government at Council’s cost. This will diminish the perception of the application being given favourable treatment by a fellow officer of the local government. Selection of the contractor or officer of another local government would need to be done carefully to remove the possibility of allegation.”

Accordingly, the application for a building licence for the patio roofing was referred to the Shire’s Contract Building Surveyor (Mr Greg Leuzzi) for assessment.

The applicant submitted an Applicant’s Assessment Form as required under CSP34 which has been signed by the Director Corporate Services and the Chief Executive Officer.

LPP No. 17 Residential and Incidental Development Within Serpentine-Jarrahdale Shire

The proposed patios have been assessed in accordance with the Residential and Incidental Development Within Serpentine-Jarrahdale Shire Policy. The requirements of this Policy are summarised in the table below:-

Issue	Requirement	Provided	Complies
Side Setback	Relative To Design	Patio will be set back more than the required minimum	Yes
Front setback	Relative To Design	Patio will be set back more than the required minimum	Yes
Building Envelope	Development is within building envelope	Development is within building envelope	Yes
Siting of Development	To limit visual intrusion	Patio roof matches eaves line of existing house and will not be obtrusive	Yes
Trees	Retain where possible	No trees will be removed	Yes

The proposed patios meet the intent of the policy.

Building Licence

The details provided with the plans submitted comply with all the required Australian Standard Requirements referenced in the Building Code of Australia. There are no impediments to the issue of a building licence.

Voting Requirements: **ABSOLUTE MAJORITY**

SD115/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

Council grants approval for a Building Licence to be issued for the two patios by the Shire's Contract Building Surveyor subject to the following conditions:

- 1. The two patios 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.**
- 2. No direct discharge of stormwater into watercourses or drainage lines. All stormwater runoff from roof areas to be disposed of on site.**

CARRIED 9/0

SD117/06/08 PLANNING INFORMATION REPORT		
Proponent	Director Development Services	In Brief Information Report.
Officer	Jodie Evans – Planning Services Support Officer	
Signatures – Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	4 June 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

SD117.1/06/08 PLANNING SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is with the attachments marked SD117.1/06/08.

SD117.2/06/08 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Property & Development	Decision
06/05/08	L335 Kandimak Boulevard, Byford – Single dwelling	Approved
06/05/08	L16 Finch Mews, Serpentine – Garage	Approved
07/05/08	L138 Howitzer Turn, Byford – Single dwelling	Approved
08/05/08	L136 Howitzer Turn, Byford - Single dwelling	Approved
08/05/08	L354 Old Dairy Court, Oakford – Removal of trees	Approved
09/05/08	L214 Wright Road, Mardella - Shed	Approved
09/05/08	L76 Nettleton Road, Byford – Shed	Approved
09/05/08	L204 Aquanita Rise, Darling Downs - Shed	Approved
09/05/08	L567 Bruns Drive, Darling Downs – Gable patio	Approved
09/05/08	L704 Bushlark Close, Cardup – Patio Over Pool	Approved
09/05/08	L1 Randell Road, Mardella – Shed	Approved
12/05/08	L35 Karbro Drive, Cardup – Temporary Sea Container	Approved
12/05/08	L119 Powderbark Close, Jarrahdale – Shed	Approved
12/05/08	L15 Lakeman Place, Oakford – Shed	Approved
12/05/08	L7052 Linton Street, Byford – Front Fence	Approved
12/05/08	L218 Lazenby Drive, Byford – Shed, Pool and Pool Fence	Approved
12/05/08	L2 South West Highway cnr Nettleton Road, Byford – Land sales sign (hoarding)	Approved
13/05/08	L12 Richardson Street, Serpentine – Shed	Approved
13/05/08	L103 Windmill Avenue, Serpentine – Family Day Care	Refused
13/05/08	L101 Gadd Avenue, Byford – Workshop & Lean-to Patio	Approved
14/05/08	L122 Old Brickworks Road, Byford – Patio	Approved
14/05/08	L41 Rigoll Court, Mundijong – Patio	Approved
14/05/08	L16 Lefroy Street, Serpentine – Swimming Pool	Approved
14/05/08	L347 Marr Street, Byford – Patio	Approved
14/05/08	L134 Howitzer Turn, Byford – Swimming Pool	Approved
14/05/08	L219 Mardja Loop, Mardella – Driveway modification/ commercial vehicle Parking	Approved
15/05/08	L501 Tonkin Street, Mundijong – Single House	Approved
15/05/08	L12 Richardson Street, Serpentine	Approved
16/05/08	L9002 Thomas Road, Byford – Clearance of Conditions of Subdivision	Approved
19/05/08	L24 Hopkinson Road, Darling Downs - Shed	Refused
19/05/08	L9 Blair Road, Oakford – Clearance of Conditions of Subdivision	Approved
19/05/08	L17 Tunney Road, Oldbury – Clearance of Conditions of Subdivision	Approved
19/05/08	L17 King Road, Oakford – Clearance of Conditions of Subdivision	Approved
19/05/08	L2 Karnup Road, Serpentine corner of Lingdon Lane and L2 Karnup Road corner of Punrak Road – Subdivision Application	Approved
20/05/08	L63 Ballagar Road, Byford – Water Tank	Approved
20/05/08	L12 Egerton Drive, Serpentine – Shed	Approved
21/05/08	L16 Karbro Drive, Cardup – Subdivision Application	Approved
21/05/08	L506 Kardan Boulevard cnr Ballawarra Avenue, Byford – Land Sales Office	Approved
21/05/08	L215 Bofors Lane, Byford – Single dwelling	Approved
22/05/08	L566 Bruns Drive, Darling Downs – Patio	Approved
23/05/08	L59 Cavanagh Close, Cardup – Shed	Approved
23/05/08	L826 Greenhill Grove, Cardup – Garage and swimming pool outside building envelope	Approved
23/05/08	L96 Knoop Drive, Byford – Shed	Approved
26/05/08	L301 Gossage Road, Cardup – Relocation of building envelop	Approved

Date Issued	Property & Development	Decision
26/05/08	L10 Bullich Retreat, Jarrahdale – Relocation of building envelope	Approved
26/05/08	L248 Gossage Road, Oldbury – Rural Use (Dairy)	Approved
27/05/08	L608 Bruns Drive, Darling Downs – Oversize shed	Approved
27/05/08	L505 Abernethy Road, Byford – Directional land sales sign	Approved
27/05/08	L64 Gadd Avenue, Byford – Patio	Approved
29/05/08	L15 Coulterhand Circle, Byford – Swimming pool	Approved
29/05/08	L220 Benalla Crescent, Byford – Garage/shed	Approved
30/05/08	L229 Pomeria Drive, Byford – Patio	Approved
30/05/08	L14 Harris Place, Jarrahdale – Patio	Approved
03/06/08	L32 Coulterhand Circle, Byford – Patio	Approved
03/06/08	L28 Coulterhand Circle, Byford – Single Dwelling	Approved

Total Decisions	55
Planning Approvals	47
Planning Refusals	2
Subdivision Clearances	4
Subdivision Recommendations to WAPC	2

SD117.3/06/08 CONCEPT FORUM – JUNE AGENDA ITEMS

ITEMS FOR PRELIMINARY DISCUSSION	
1	Update on Compliance Issues (<i>Brendon Braithwaite & Tony Turner</i>)
2	Multi Agency Operation – statistics and information (<i>Brian Owston</i>)
3	Development Assessment Unit and Statutory Assessment Unit meetings held on 22 May 2008

General Business

- Financing Community Infrastructure
- Memorandums of Understanding
- Presentation on proposed Development Plans for the property at Lot 2 South Western Highway, Byford
- Australia Day Venue

SD117.4/06/08 SUBDIVISION DETERMINATION – WA PLANNING COMMISSION

Proposed Subdivision – Lot 9500 Webb Road, Mardella (S136097)

Owner: Mundella Farms Pty Ltd
 Proposal: 17 rural lots (each approx 4ha)
 L.A.Decision: Approved
 WAPCDecn: Approved

Proposed Subdivision – Lot 800 Leipold Road, Oldbury (S136513)

Owner: Gillian Joan Wilson
 Proposal: 2 Rural lots
 L.A.Decision: Refused
 WAPCDecn: Refused

Proposed Subdivision – Lot 5 & 415 Orton Road, Oldbury (S135069)

Owner: S J & J A Lewis
Proposal: 6 Rural lots
L.A.Decision: Refused
WAPCDecn: Approved

SD117/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Price, seconded Cr Harris
That Council accepts the Planning Information Report.
CARRIED 9/0**

CGAM092/06/08		TENDER NUMBER 004/2008 SUPPLY AND DELIVERY OF ROAD BASE (A1536)
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Supply and Delivery of Road Base for the period 1 July 2008 to 30 June 2010 inclusive.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders and the supply and delivery of road base is essential to facilitate the completion of the annual road construction and maintenance program.

A Request for Tender was recently called for the 'Supply and Delivery of Road Base.' Tender 004/2008 was advertised in the West Australian on 10, 17 and 24 May 2008 and closed Tuesday 29 May 2008.

At the close of Tenders, two (2) submissions were received from the following registered companies:

- WA Bluemetal
- C & D Recycling

Sustainability Statement

The supply of road base forms an essential component of the Council's ongoing road works program. It constitutes an integral part of road construction and maintenance thus strongly contributing to current and future infrastructure development, road safety standards and state transport networks.

This Tender will ensure that the Shire is provided with the most advantageous material required to complete the proposed works identified in the Forward Financial Plan and Annual

Budget. By seeking the material externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

The proposed service will assist the Shire's Operations Team, ensuring they have access to a wide range of services available at competitive rates.

Effect on Environment: This proposal will enhance the built environment.

Resource Implications: The public tender process aims to ensure all Assets Services' works and services projects and programs are delivered in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Benefits: The use of local resources has potential benefits in reduced road, footpaths and trails' maintenance costs.

Social – Quality of Life: Tenderers resources will be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths & trails for the residents of our community.

Social and Environmental Responsibility: The proposal is designed to be socially responsible through building up a safe road and trail network for the community.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

Contracted services will be used in accordance with budget allocations.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this Tender.

Comment:

The Tender was reviewed by an evaluation panel that comprised of the Shire's Manager Engineering and Engineering Technical Officer. In determining the most advantageous Tender for the Council, the panel considered the tendered rate of supply, the likely cost of cartage and any likely cost associated with idle plant and labour associated with long cartage times.

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Total Weighted Score	Ranking
Tenderers Name	15%	15%	70%	100%	

WA Bluemetal	10	10	10	100	1
C & D Recycling	10	10	7	79	2

One of the Tenderers' pits was located within the Shire, resulting in a low cartage cost and a fast turnaround of trucks, with an associated lower plant and labour idle time on each project. The other Tenderers' pit was located in Hazelmere, with a cartage distance of over 100 kilometres and a turn-around time of up to two hours. On the basis of cartage cost alone (on the basis of tonnes per kilometre), combined with the cost of materials, it is expected that the cost to get materials to the Shire depot will be about the same with either contract, with the cost being more advantageous from the local pit, as construction projects are located further south. With the addition of the cost of reduced productivity (idle plant and labour) associated with long turn-around times, the benefits of using the closer pit are increased.

On the basis of the above, it was the considered opinion of the panel that the Tender from WA Bluemetal was preferred based on past performance and the competitive pricing (combination of price, cartage cost and productivity) and it is therefore recommended that the Tender for the Supply and Delivery of Road Base be awarded to WA Bluemetal.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM092.1/06/08 (E08/2762).

A copy of the Selection Criteria is with attachments marked CGAM092.2/06/08 (E08/2872).

Voting Requirements: Simple Majority

CGAM092/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Brown
That Council accepts the Tender submitted by WA Bluemetal for the Supply & Delivery of Road Base in accordance with Tender Number 004/2008.
CARRIED 9/0**

CGAM093/06/08 TENDER NUMBER 005/2008 SUPPLY AND OPERATION OF TRUCK MOUNTED WATER CARTS (A1537)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Supply and Operation of Truck Mounted Water Carts for the period 1 July 2008 to 30 June 2010.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders and the supply of contract plant and equipment is essential to facilitate the completion of the annual road construction and maintenance program.

A Request for Tender was recently called for the 'Supply and Operation of Truck Mounted Water Carts.' Tender 005/2008 was advertised in the West Australian on 10, 17 and 24 May 2008 and closed on the 29 May 2008.

At the close of Tenders, four (4) submissions were received from the following registered companies:

- Don's Water Carts
- JEP Contracting
- Kevin's Water Cartage
- Mayday Earthmoving

Sustainability Statement

This Tender will ensure that the Shire is provided with the most advantageous equipment required to complete the proposed works identified in the Forward Financial Plan and Annual Budget. By seeking the equipment externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

The proposed equipment will assist the Shire's Operations Team, ensuring they have access to a wide range of equipment available at cost competitive rates.

Effect on Environment: This proposal will enhance the built environment.

Resource Implications: The public tender process aims to ensure all Assets Services' works and services projects and programs are delivered in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Benefits: The use of local resources has potential benefits in reduced road, footpaths and trails' maintenance costs.

Social – Quality of Life: Resources will be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths & trails for the residents of our community.

Social and Environmental Responsibility: This proposal is designed to be socially responsible through building up a safe infrastructure for the community.

Social Diversity: The proposal does not disadvantage any social groups within the community, rather it aims to cater for all sections of the community.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996

and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

Contracted services will be used within budget constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer.

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Total Weighted Score	Ranking
Tenderers Name	15%	15%	70%	100%	
Mayday Earthmoving	10	10	9	93	2
Don's Water Carts	10	10	10	100	1
JEP Contracting	6	7	4	47.5	4
Kevin's Water Cartage	9	9.5	7	76.75	3

The Tender submitted by Don's Water Carts received the highest score from the evaluation panel based on a combination of the hourly hire rate and the cost of mobilisation and demobilisation. In regards to the current contract, their performance and reliability in providing plant and equipment has been satisfactory.

Based on past performance and the competitive pricing, it is recommended that the Tender for the Supply and Operation of Truck Mounted Water Carts be awarded to Don's Water Carts.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM093.1/06/08 (E08/2763).

A copy of the Selection Criteria is with attachments marked CGAM093.2/06/08 (E08/2873).

Voting Requirements: Simple Majority

CGAM093/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Buttfield
That Council accept the Tender submitted by Don's Water Carts for the Supply and Operation of Truck Mounted Water Carts in accordance with Tender Number 005/2008 for the period 1 July 2008 to 30 June 2010 inclusive.
CARRIED 9/0**

CGAM094/06/08 TENDER NUMBER 006/2008 SUPPLY OF CASUAL LABOUR (A1538)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Supply of Casual Labour for the period 1 July 2008 to 30 June 2011 inclusive.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders. The supply of casual labour is necessary to supplement the Shire's day labour workforce during the peak periods and to facilitate the completion of the annual road construction and maintenance program.

A Request for Tender was recently called for the '*Supply of Casual Labour.*' Tender 006/2008 was advertised in the West Australian on 10, 17 and 24 of May 2008 and closed on the 29 May 2008.

At the close of Tenders, two (2) submissions were received from the following registered companies:

- Stafflink
- Integrated

Sustainability Statement

One of the positive outcomes of awarding this tender will be to facilitate the attraction and expansion of sustainable economic development and employment by the provision of appropriate public infrastructure and services through the use of temporary staff as required to maintain service levels.

This Tender will ensure that the Shire is provided with the casual personnel required to complete the proposed works identified in the Forward Financial Plan. By seeking the personnel externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

As part of the Tender evaluation process the local content of each Tender is assessed to be evaluated on a weighted point scoring system, thus encouraging the development of the local economy.

The proposed personnel will ensure that the Shire's Operations Team have access to casual personnel at cost competitive rates.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

Use of contracted services will be in accordance with constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer.

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Selection Criteria D	Total Weighted Score	Ranking
Tenderers Name	10%	10%	10%	70%	100%	
Stafflink	10	10	10	10	100	1
Intergrated	10	10	10	8	86	2

Throughout the State of Western Australia there is a lack of skilled labour available. Therefore it is recommended that Council accept both Tenders submitted by Stafflink and Integrated for the provision of contract casual labour, with Stafflink being the preferred supplier and Integrated being utilised when Stafflink is unable to supply.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM094.1/06/08 (E08/2764).

A copy of the Selection Criteria is with attachments marked CGAM094.2/06/08 (E08/2875).

Voting Requirements: Simple Majority

CGAM094/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris

That Council accepts both Tenders submitted by Integrated and Stafflink for the Supply of Casual Labour in accordance with Tender Number 006/2008 with Stafflink being the preferred supplier.

CARRIED 9/0

CGAM095/06/08		TENDER NUMBER 007/2008 SUPPLY SPRAYING & COVERING OF HOT BITUMEN PRIMER SEALS & RESEALS (A1542)
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Supply Spraying & Covering of Hot Bitumen Primer Seals and Reseals for the period 1 July 2008 to 30 June 2011 inclusive.
Owner:		
Officer:	Melissa Traill-Nash – Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders and the provision of bitumen is essential to facilitate the completion of the annual road construction, maintenance, and bitumen resurfacing program.

As a result, a Request for Tender was recently called for the '*Supply, Spraying, and Covering of Hot Bitumen Seals and Reseals.*' Tender 007/2008 was advertised in the West Australian on 10, 17 and 24 of May 2008 and closed on the 29 May 2008.

At the close of Tenders, three (3) submissions were received from the following registered companies:

- RNR Contracting (2 submissions)
- Boral Asphalt (WA)

Sustainability Statement

This Tender will ensure that the Shire is provided with the best services required to complete the proposed works identified in the Forward Financial Plan and Annual Budget. By seeking the services externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

The proposed services strengthen the Shire's Operations team ensuring they have access to a wide range of services available at cost competitive rates.

Effect on Environment: This proposal will enhance the built environment.

Resource Implications: The public tender process aims to ensure all Assets Services' works and services projects and programs are delivered in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Benefits: The use of local resources has the potential to reduce road maintenance costs and improve traffic efficiency.

Social – Quality of Life: Tenderers resources will be utilised to provide quality roads and pedestrian footpaths for the residents of our community.

Social and Environmental Responsibility: This proposal is designed to be socially responsible through building up a safe road network for the community.

Social Diversity: The proposal does not disadvantage any social groups within the community, rather it aims to cater for all sections of the community.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

The use of Tendered services will be in accordance with budget allocations.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer. Following the review the Tenders were ranked according to the qualitative criteria in the Request for Tender.

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Total Weighted Score	Ranking
Tenderers Name	15%	15%	70%	100%	
RNR	10	10	2	44	2
RNR (Alternative Tender)	10	10	10	100	1
Boral	10	10	-	N/A	Non Conforming

The Tender received from Boral was considered to be nonconforming as it did not comply with the tender requirements. The Boral Tender was submitted on the basis of a rise and fall clause being negotiated after the Tender was awarded.

The Alternative Tender received from RNR Contracting was awarded the highest score by the evaluation panel with the tender meeting all the requirements of the set selection criteria and providing a superior price alternative. Accordingly, it is recommended that the Tender for the Supply, Spraying, and Covering of Hot Bitumen Seals and Reseals be awarded to RNR Contracting for the 2008/2009, 2009/2010 and 2010/2011 financial years.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM095.1/06/08 (E08/2765).

A copy of the Selection Criteria is with attachments marked CGAM095.2/06/08 (E08/2877).

Voting Requirements: Simple Majority

CGAM095/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Brown

That Council accept the Alternative Tender submitted by RNR Contracting for the Supply, Spraying, and Covering of Hot Bitumen Primer Seals & Reseals in accordance with Tender Number 007/2008 for the period of 1 July 2008 to 30 June 2011 inclusive.

CARRIED 9/0

CGAM096/06/08		TENDER NUMBER 008/2008 TRUCKS FOR BULK CARTAGE AND INDIVIDUAL TRUCKS FOR GENERAL CARTAGE (A1543)
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderers for the supply of Trucks for Bulk Cartage & Individual Trucks for General Cartage for the period 1 July 2008 to 30 June 2010 inclusive.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders and the supply of contract plant and equipment is essential to facilitate the completion of the annual road construction and maintenance program.

A Request for Tender was recently called for the 'Supply of Trucks for Bulk Cartage and Individual Trucks for General Cartage.' Tender 008/2008 was advertised in the West Australian on 10, 17 and 24 May 2008 and closed on the 29 May 2008.

At the close of Tenders, four (4) submissions were received from the following registered companies:

- Mayday Earthmoving
- Bedforddale Earthmoving (2 submissions)
- Dean Contracting

Sustainability Statement

Effect on Environment: The proposal could reduce Greenhouse Gas Emissions by allowing large vehicles to carry out bulk cartage services. The use of small size trucks would be minimised resulting in less vehicle trips.

Resource Implications: The public tender process aims to ensure all Assets Services' works and services projects and programs are delivered in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Benefits: The use of local resources has potential benefits in reduced infrastructure maintenance and construction costs.

Social – Quality of Life: Resources will be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths and trails for the residents of our community.

Social and Environmental Responsibility: This proposal is designed to be socially responsible through building up a safer infrastructure network for the community.

Social Diversity: The proposal does not disadvantage any social groups within the community, rather it aims to cater for all sections of the community.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

Use of Tendered services will be in accordance with budget allocations.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer. Following the review the Tenders were ranked according to the qualitative criteria in the Request for Tender.

The Request for Tender called for Tenderers to provide tenders for both bulk cartage services and small truck services to cater for the Shire's material cartage needs. Bulk cartage is required to manage the cost of importing road construction materials, such as limestone, roadbase and gravel. Small trucks are used on an hourly hire basis where small maintenance and construction works are undertaken. The efficiency of trucks hired on an hourly basis is easily managed as the trucks are essentially under the direct control of the Shire's Operations Team. Bulk cartage efficiency is managed by making payment dependent on the mass of carted material, rather than the time taken.

Unfortunately, no Tenderer supplied a rate for the cartage of bulk materials. Two of the Tenderers offered large capacity truck and trailers on an hourly hire basis. Although it is possible to engage trucks to cart bulk materials on the basis of hourly hire, as there is no direct supervision by the Shire's Operations Team, it is not possible to ensure trucks hired on hourly rate are working to their capacity. It is therefore recommended that the Bulk Cartage component of the Tender be re-called as a separate Tender and that quotes be

attained, in accordance with the purchasing policy, for bulk cartage services until a contract is in place.

As there is such high demand for truck services during the course of the year, it is recommended that Council accept all three of the compliant Tenders submitted by Mayday Earthmoving, Deane Contracting and Bedforddale Earthmoving to supply individual trucks for general cartage. The preferred supplier shall be Mayday Earthmoving with Council utilising Deane Contracting and Bedforddale Earthmoving when the preferred supplier is unable to service Council's requirements.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM096.1/06/08 (E08/2766).

A copy of the Selection Criteria is with attachments marked CGAM096.2/06/08 (E08/2886).

Voting Requirements: Simple Majority

CGAM096/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

1. That Council accept the Tenders submitted by Mayday Earthmoving, Deane Contracting and Bedforddale Earthmoving for Individual Trucks for General Cartage in accordance with Tender Number 008/2008 for the period of 1 July 2008 to 30 June 2010 inclusive with the preferred Tenderer to be determined by the Ranking as shown below:

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Total Weighted Score	Ranking
Tenderers Name	15%	15%	70%	100%	
Bedforddale Earthmoving	7	7	5	56	3
Bedforddale Earthmoving (Alternative Tender)	7	7	5	56	3
Deane Contracting	10	10	7	79	2
Mayday Earthmoving	10	10	10	100	1

2. That a Tender be called for the bulk cartage of construction materials.
CARRIED 9/0

CGAM097/06/08 TENDER NUMBER 009/2008 SUPPLY OF TWO GREEN WASTE COLLECTIONS AND ONE HARD WASTE COLLECTION (A1544)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To endorse the recommendation to appoint a contractor to fulfil the requirements of the Green Waste and Hard Waste Collection Contract for the period of 1 July 2008 to 30 June 2011 inclusive.
Owner:	Not Applicable	
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

As part of the Shire's refuse collection strategy, Engineering Services propose to undertake two (2) Green Waste Collections and One (1) Hard Waste Collection each financial year.

Each collection will operate over a four (4) week period and encompass all properties throughout the Shire.

The Tender for Green Waste and Hard Waste Collections was advertised in the West Australian on 10, 17 and 24 May 2008 and closed on the 29 May 2008.

At the close of Tenders, two (2) Tenders were received from the following registered company:

- Kwinana Recycling Services (KRS)

Sustainability Statement

Effect on Environment: The provision of a Green Waste Collection provides an opportunity to dispose of unwanted green waste that in turn enhances both the built and natural environment.

Use of Local, renewable or recycled Resources: The collected green waste will be deposited at the South Cardup Landfill site. However if Council wishes to mulch the green waste the material will be transported to the City of Armadale Landfill site which will incur additional costs.

Economic Benefits: Since the introduction of Green Waste Collections, the Shire has been able to close both the Watkins and Keysbrook Transfer Stations.

Social and Environmental Responsibility: The Green Waste Collection scheduled for November is to coincide with the Shire's fire break season and provides an opportunity and incentive for residents to undertake fire preventative measures that help to minimize the risk of fire within the Shire.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the

consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire's Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

The Green Waste Collections can be accommodated within the adopted budget for 2007/2008.

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:

5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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.

Community Consultation:

There has been no community consultation undertaken for this report.

Comment:

Although there was only a single Tenderer, two options were provided. Under the first option (Conforming Tender), the price is to be subject to CPI. Under the second option (Alternative Tender), the price would be subject partially to CPI and partially to a fuel price increase.

Based on the comparison of the tendered rates, the fuel price would have to increase by over 25% for the Conforming Tender, based on CPI, to be more advantageous as the tendered rates are higher. However, considering that the fuel price has doubled in the past 12 months, and that there is no expectation of a reduction in the escalation of fuel prices in the future, there is reasonable likelihood that over the term of the contract, the Conforming Tender option will prove most advantageous.

The Tender was reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer, who considered the impact of fuel price increases when considering the benefits of each Tender. Following the review the Tenders were ranked according to the qualitative criteria in the Request for Tender.

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Total Weighted Score	Ranking
Tenderers Name	30%	25%	45%	100%	
KRS (Conforming Tender)	7	9.5	10	69	1
KRS (Alternative Tender)	7	9.5	7	55	2

The Conforming Tender submitted by KRS received the highest score from the evaluation panel. Based on past performance and the competitive pricing, it is recommended that the Tender for Supply of Two (2) Green Waste Collections and One (1) Hard Waste Collection be awarded to KRS on the basis of their Conforming Tender.

Further to the submitted Tender, KRS is currently exploring options to mulch collected green waste. At the time of Tender submission, KRS were unable to confirm the availability of the service and any implication on cost. It is expected that, if KRS is successful, an option to recycle green waste will be presented. It is likely that green waste recycling will result in no increases in the Tender, however, should the option become available, with an associated increase in costs, Council will be asked to consider the cost and benefits of any proposal, prior to a variation to the contract being accepted.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM097.1/06/08 (E08/2767).

A copy of the Selection Criteria is with attachments marked CGAM097.2/06/08 (E08/2889).

Voting Requirements: Simple Majority

Cr Geurds left the meeting at 8.54pm and returned at 8.57pm.

Cr Randall left the meeting at 9.00pm and returned at 9.04pm.

Cr Kirkpatrick left the meeting at 9.06pm and returned at 9.08pm.

CGAM097/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Butfield
That Council accepts the Conforming Tender submitted by Kwinana Recycling Services in accordance with Tender 009/2008 for the Supply of Two (2) Green Waste Collections and One (1) Hard Waste Collection.
CARRIED 8/1**

CGAM098/06/08 TENDER NUMBER 010/2008 DRY HIRE OF VARIOUS PLANT ITEMS (A1545)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Dry Hire of Various Plant Items for the period 1 July 2008 to 30 June 2009.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders and the supply of contract plant and equipment is essential to facilitate the completion of the annual road construction and maintenance program.

A Request for Tender was recently called for the 'Dry Hire of Various Plant Items.' Tender 010/2008 was advertised in the West Australian on 10, 17 and 24 May 2008 and closed on the 29 May 2008.

At the close of Tenders, seven (7) submissions were received from the following registered companies:

- CPL Pty Ltd
- Harris Hire Shop
- Coates Hire

- GSS Hire
- Conplant
- Road Contractors Pty Ltd
- Mayday Earthmoving

Sustainability Statement

This Tender will ensure that the Shire is provided with the most advantageous equipment required to complete the proposed works identified in the Forward Financial Plan and Annual Budget. By seeking the equipment externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

The proposed equipment will strengthen the Shire's Operations Team ensuring they have access to a wide range of equipment available at cost competitive rates.

Effect on Environment: This proposal will enhance the built environment.

Resource Implications: The public tender process aims to ensure all Assets Services' works and services projects and programs are delivered in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Benefits: The use of local resources has potential benefits in reduced road, footpaths and trails' maintenance costs.

Social – Quality of Life: Resources will be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths & trails for the residents of our community.

Social and Environmental Responsibility: This proposal is designed to be socially responsible through building up a safe infrastructure for the community.

Social Diversity: The proposal does not disadvantage any social groups within the community, rather it aims to cater for all sections of the community.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure

Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

Use of contract services will be within budget constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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



Community Consultation:

No community consultation was required for this tender.

Comment:

At the close of Tenders, seven (7) submissions were received from registered companies. The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer as shown on the following page:

	Tenderer						
	CPL Pty Ltd	Harris Hire Shop	Coates Hire	GSS Hire	Conplant	Road Contractors Pty Ltd	Mayday Earthmoving
Backhoe	10		5				5
Vibrating Steel Roller 9 to 10 tonne			8	10	6	4	7
Static Steel Roller 8 to 12 tonne			6	10			8
Static Rubber Multi-tyred Roller 11 to 15 tonne			8	10	4		7
Static Rubber Multi-tyred 20 to 30 tonne			10			5	8
Double Drum Vibrating Roller 2 to 4 tonne		8	6			10	4
Motor Grader			8			4	10
Skid Steer Loader	8		10			4	6
Selection Criteria 1 (15%)	10	10	10	10	10	0	10
Selection Criteria 2 (15%)	10	10	10	10	10	0	10

 = Preferred Tenderer
 = Second Preferred Tenderer

As the availability of plant varies throughout the year, it is recommended that Council award several contracts. If several contracts are awarded, plant will be hired through the preferred contractor in the first instance, the second preferred contractor, where the first cannot supply, and then any other contractor able to supply, at the best available rate, where the second preferred contractor is unable to supply.

In accordance with the above, and based on experience and capacity to supply plant, it is recommended that a contract be awarded to CPL Pty Ltd, Harris Hire Shop, Coates Hire, GSS Hire and Mayday Earthmoving, in accordance with the rates supplied in their Tender.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM098.1/06/08 (E08/2768).

A copy of the Selection Criteria is with attachments marked CGAM098.2/06/08 (E08/2890).

Voting Requirements: Simple Majority

CGAM098/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

That Council accept the Tenders submitted by CPL Pty Ltd, Harris Hire Shop, Coates Hire, GSS Hire and Mayday Earthmoving in accordance with Tender 010/2008 for the Dry Hire of Various Plant Items with the preferred and second preferred tenderers as detailed in the table below:

	Tenderer	
	1 st Preferred Tenderer	2 nd Preferred Tenderer
Backhoe	CPL Pty Ltd	Coates Hire and Mayday Earthmoving
Vibrating Steel Roller 9 to 10 tonne	GSS Hire	Coates Hire
Static Steel Roller 8 to 12 tonne	GSS Hire	Mayday Earthmoving
Static Rubber Multi-tyred Roller 11 to 15 tonne	GSS Hire	Coates Hire
Static Rubber Multi-tyred Roller 20 to 30 tonne	Coates Hire	Mayday Earthmoving
Double Drum Vibrating Roller 2 to 4 tonne	Harris Hire Shop	Coates Hire
Motor Grader	Mayday Earthmoving	Coates Hire
Skid Steer Loader	Coates Hire	CPL Pty Ltd

CARRIED 9/0

CGAM099/06/08 TENDER NUMBER 011/2008 SUPPLY AND DELIVERY OF CRUSHED LIMESTONE (A1546)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Supply and Delivery of Crushed Limestone for the period 1 July 2008 to 30 June 2010 inclusive.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders and the supply and delivery of crushed limestone is essential to facilitate the completion of the annual road construction and maintenance program.

A Request for Tender was recently called for the 'Supply and Delivery of Crushed Limestone.' Tender 011/2008 was advertised in the West Australian on 10, 17 and 24 May 2008 and closed Tuesday 29 May 2008.

At the close of Tenders, one (1) submission was received from the following registered company:

- Cemex

Sustainability Statement

The supply of limestone forms an essential component of the Council's ongoing road works program. It constitutes an integral part of road construction and maintenance thus strongly contributing to current and future infrastructure development, road safety standards and state transport networks.

This Tender will ensure that the Shire is provided with the most advantageous material required to complete the proposed works identified in the Forward Financial Plan and Annual Budget. By seeking the material externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

The proposed service will strengthen the Shire's Operations Team ensuring they have access to a wide range of services available at competitive rates.

Effect on Environment: This proposal will enhance the built environment.

Resource Implications: The public tender process aims to ensure all Assets Services' works and services projects and programs are delivered in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Benefits: The use of local resources has potential benefits in reduced road, footpaths and trails' maintenance costs.

Social – Quality of Life: Tenderers resources will be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths & trails for the residents of our community.

Social and Environmental Responsibility: The proposal is designed to be socially responsible through building up a safe road and trail network for the community.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous

and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07).

Financial Implications:

Contracted services will be utilised in accordance with budget constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tender was reviewed by an evaluation panel that comprised of the Shire’s Manager Engineering and Engineering Technical Officer. As only a single Tender was received, the panel compared the tendered rates with current market prices. It was the considered opinion of the panel that the Tender from Cemex was competitive and on the basis of past performance it is recommended that the Tender for the Supply and Delivery of Crushed Limestone be awarded to Cemex.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM099.1/06/08 (E08/2769).

A copy of the Selection Criteria is with attachments marked CGAM099.2/06/08 (E08/2892).

Voting Requirements: Simple Majority

CGAM099/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Brown
That Council accepts the Tender submitted by Cemex for the Supply & Delivery of Crushed Limestone in accordance with Tender Number 011/2008.**

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Total Weighted Score	Ranking
Tenderers Name	15%	15%	70%	100%	
Cemex	10	10	10	100	1

CARRIED 9/0

CGAM100/06/08 TENDER NUMBER 012/2008 SUPPLY OF TRAFFIC MANAGEMENT SERVICES (A1547)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to approve the recommended Tenderer for the Supply of Traffic Management Services for the period 1 July 2008 to 30 June 2010 inclusive.
Owner:		
Officer:	Melissa Traill-Nash - Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This Tender forms part of Serpentine Jarrahdale Shire's Supply Tenders. The supply of Traffic Management Services is necessary to supplement the Shire's workforce to facilitate the completion of the annual road construction and maintenance program and to ensure the safety of Shire staff and the general public.

A Request for Tender was recently called for the '*Supply of Traffic Management Services.*' Tender 012/2008 was advertised in the West Australian on 10, 17 and 24 of May 2008 and closed on the 29 May 2008.

At the close of Tenders, six (6) submissions were received from the following registered companies:

- ATM (2 submissions)
- Warp
- Carringtons
- Erections
- Tabora

Sustainability Statement

One of the positive outcomes of awarding this tender will be to facilitate the attraction and expansion of sustainable economic development and employment by the provision of appropriate public infrastructure and services through the use of temporary staff as required to maintain service levels.

This Tender will ensure that the Shire is provided with the traffic management personnel required to complete the proposed works identified in the Forward Financial Plan. By seeking the personnel externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable asset maintenance.

The proposed personnel will ensure that the Shire's Operations Team have access to traffic management personnel at cost competitive rates.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure

Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 27 May 2007 OCM (CGAM120/05/07).

Financial Implications:

Use of contracted services will be in accordance with budget constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Engineering and Engineering Technical Officer. Following the review the Tender was ranked according to the qualitative criteria in the Request for Tenders.

Selection Criteria and Weighting	Selection Criteria A	Selection Criteria B	Selection Criteria C	Selection Criteria D	Total Weighted Score	Ranking
Tenderers Name	10%	10%	10%	70%	100%	
ATM	10	10	10	8	86	3
ATM (Alternative Tender)	10	10	10	10	100	1
Warp	10	10	10	9	93	2
Carringtons	10	10	10	7	79	4
Erections WA	7	7	10	6	66	5
Taborda	10	10	10	5	65	6

The Alternative Tender submitted by ATM received the highest score from the evaluation panel, as it provided the best price option for the form of traffic management most commonly used within the Shire (i.e. the cost is most beneficial with two or more controllers, which is the most common way to utilise traffic management services). Based on past performance and the competitive pricing, it is recommended that the Tender for Supply of Traffic Management Services be awarded to ATM.

A copy of the confidential attachment outlining the Schedule of Rates is with attachments marked CGAM100.1/06/08 (E08/2770).

A copy of the Selection Criteria is with attachments marked CGAM100.2/06/08 (E08/2893).

Voting Requirements: Simple Majority

CGAM100/06/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Kirkpatrick
That Council accepts the Alternative Tender submitted by ATM for the Supply of Traffic Management Services in accordance with Tender Number 012/2008 for the period of 1 July 2008 to 30 June 2010 inclusive.
CARRIED 9/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM043/06/08		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	10 June 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM043.1/06/08 COMMON SEAL REGISTER REPORT – MAY 2008

The Common Seal Register Report for the month of May 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM043.1/06/08 (E02/5614)**

OCM043.2/06/08 POLICY FORUM – JUNE 2008

The following items were discussed at the 3 June 2008 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Update on Strategic projects
2.	Stage 2-5 subdivision – The Glades
3.	WALGA AGM motions

OCM043.3/06/08 USE OF DELEGATION REPORT

The Chief Executive Officer has exercised the following delegations:

CG-11 - Write off of Rates

26 May 2008 - Write off of outstanding balances under \$5.00 for 538 properties

3 June 2008 - Write off of outstanding balances under \$5.00 for 95 properties

OCM043.4/06/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SOUTH EAST METROPOLITAN ZONE MEETING MINUTES - 28 MAY 2008 (A1164)

In the attachments marked OCM043.4/06/08 is the Minutes (IN08/6856) for the WALGA South East Metropolitan Zone Meeting held on 28 May 2008.

OCM043.5/06/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION PEEL ZONE MEETING MINUTES - 29 MAY 2008 (A1164)

In the attachments marked OCM043.5/06/08 is the Minutes (IN08/7142) for the WALGA Peel Zone Meeting held on 29 May 2008.

OCM043.6/06/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION -
STATE COUNCIL MEETING MINUTES - 4 JUNE 2008 (A1164)

In the attachments marked OCM043.6/06/08 are the State Council Minutes (IN08/7509) of the meeting held on 4 June 2008.

OCM043/06/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Harris
The Information Report to 20 June 2008 is received.
CARRIED 9/0**

10. URGENT BUSINESS:

Cr Harris requested Council consider a matter of Urgent Business relating to the attendance of Councillor Harris at the Local Government “Valuing The Environment” Conference. The Presiding Member agreed that this matter be dealt with as an item of Urgent Business.

OCM044/06/08 ATTENDANCE AT LOCAL GOVERNMENT “VALUING THE ENVIRONMENT” CONFERENCE (A0906)		
Proponent	Cr Merri Harris	
Officer	Joanne Abbiss – Chief Executive Officer	
Signatures - Author:	In Brief It is recommended that Cr Harris' attendance at the Local Government Environment Conference be endorsed.	
Senior Officer:		
Date of Report		23 June 2008
Previously		
Disclosure of Interest		
Delegation		Council

Background

The Chief Executive Officer received an e-mail from Cr Harris on Friday, 20 June 2008 advising that she had been made aware, at the South East Regional Energy Group (SEREG) meeting of the same day, of the Local Government “Valuing the Environment” Conference to be held in Cairns, Queensland from the 9-11 July 2008. Details of the conference can be accessed at <http://www.lgaq.asn.au>.

In her e-mail, Cr Harris enquired as to whether anyone from the Shire was currently attending and, if not, whether her attendance could be considered as the sessions of the conference cover matters relevant to the Shire and the region with regard to Sustainable Land-use Planning, Climate Change and Council Litigation, The Climate Focused Economy, Predictive Climate Change Modelling, Carbon Trading and Accounting, Climate Change and Human Health Implications, Caring for our Country – Future Local Government Participation in Natural Resource Management (NRM), Water Restrictions – Effective Strategy for Community Participation, Land Use Planning – Meeting the Climate Change Challenge, Understanding the Requirement to Integrate NRM into Local Government Land Use Planning and Incorporating Sustainability into Council Corporate Plans.

For Cr Harris' attendance to be approved, it must receive the endorsement of Council as Council Policy CSP25 COUNCIL TRAINING, DEVELOPMENT AND CONFERENCE ATTENDANCE POLICY states “*In any instances where training, development or conference attendance, by both Councillor(s) or staff involves interstate travel, and this is not identified specifically in the budget, then Council will need to approve the attendance at such training, development or conferences.*” The policy also includes a requirement that states “*It is the responsibility of the Councillor or Officer to ensure that conference papers and/or a brief report are made available to other members of Council after attendance.*”

Given the date of the conference, the only opportunity for Council to consider this matter is at the June 2008 Ordinary Council Meeting. However, in order to be considered, the matter must first be accepted as an item of urgent business. An extract from Council's Standing Orders relating to urgent business is included below:

3.12 Urgent Business Approved by the Person Presiding or by Decision

(1) A councillor may move a motion involving urgent business that is not included in the notice paper for that meeting provided that the Presiding Member has agreed to the business being raised and the Presiding Member considers that either –

- (a) the urgency of the business is such that the business cannot wait for inclusion in the notice paper for the next meeting of the Council or committee; or*
- (b) the delay in referring the business to the next meeting of the Council or committee could have adverse legal or financial implications for the Council;*

(2) Any councillor may move without notice a procedural motion of dissent in respect of the Presiding member's ruling that the business is not worthy of inclusion as urgent business. If the motion of dissent is agreed to at the meeting by the majority of councillors present, the business must then be included as a matter of urgent business.

Councillors will note part 2 of the clause allows for a procedural motion of dissent to be moved if the Presiding Member rules that the item is not urgent business. A specific inclusion for a procedural motion has not been detailed in the event where a member wants to move a motion of dissent if the Presiding Member rules that it is urgent business.

However, even though this circumstance is not detailed by a specific clause it is open to other members to move a motion of dissent in the ruling of the Presiding Member that the matter is urgent business using clause 11.1(f) of the Standing Orders.

11.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions –

- (a) that the Council (or committee) proceed to the next business;*
- (b) that the question be adjourned;*
- (c) that the Council (or committee) now adjourn;*
- (d) that the question be now put;*
- (e) that the member be no longer heard;*
- (f) that the ruling of the presiding member be disagreed with;*
- (g) that the meeting be closed to members of the public, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act;*
- (h) that the meeting be reopened to members of the public*

The Presiding Member has verbally indicated to the Chief Executive Officer that she would agree to the urgent business being raised under Clause 3.12 (1)(a) as there is not another meeting to be held at which a determination can be made prior to the conference being convened.

Financial Implications

The costs relating to attendance would include registration \$590.00, conference dinner \$100.00, accommodation at approximately \$230.00 per night and flights at approximately \$800.00.

Conclusion

Given the relevance of the conference sessions to the Council's Strategic Plan, local planning strategy development, intention to progress regionalisation, Cr Harris' role as a

SEREG representative and her willingness to forgo personal income to attend, it is recommended that Cr Harris' enrolment at the Local Government "Valuing the Environment" Conference be endorsed.

OCM044/06/08 COUNCIL DECISION/Officer Recommended Resolution

**Moved Cr Price, seconded Cr Kirkpatrick
Council endorse the attendance of Cr Harris at the Local Government "Valuing the Environment" Conference to be held in Cairns, Queensland from 9 - 11 July 2008.
CARRIED 9/0**

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 9.26pm.

I certify that these minutes were confirmed at the
Ordinary Council meeting held on 28 July 2008.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD102/06/08 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	5 June 2008	
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 CGAM064/02/08	

SD102/06/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the May 2008 Building Information Report.
 CARRIED 7/0**

SD103/06/08 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner – Manager Health & Ranger Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	5 June 2008	
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 CGAM064/02/08	

SD103/06/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the Health Information Report.
 CARRIED 7/0**

SD105/06/08 AUSTRALIA DAY 2009 CELEBRATIONS – VENUE ASSESSMENT (A1535)		
Proponent:	Australia Day Project Group	In Brief To endorse the recommendations of the Australia Day Project Group for the Serpentine Camping Centre to be the venue for the 2009 Australia Day Celebrations.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Julie Sansom – Community Development Officer	
Signatures Author:		
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	4 June 2008	
Previously	SD105/05/07; SD013/08/06; SD070/05/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD105/06/08 Committee Decision/Officer Recommended Resolution:

1. Council endorse the Serpentine Camping Centre as the venue for the 2009 Australia Day Celebrations.
2. Council consider \$14,300 in the 2008/2009 budget deliberations for the 2009 Australia Day Celebrations, towards which external funding assistance of \$3,777 will be sought.

CARRIED 7/0

SD107/06/08 PROPOSED AUTOMOTIVE VEHICLE WASH – LOT 22 SOUTH WESTERN HIGHWAY, BYFORD (P00011/05)		
Proponent:	Planning Solutions (Aust) Pty Ltd	In Brief The applicant seeks approval for an Automotive Vehicle Wash on the Caltex Service Station site in Byford. It is recommended that the application be conditionally approved.
Owner:	Bazan Pty Ltd	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	30 May 2008	
Previously	SD077/03/08 SD064/12/06	
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 CGAM064/02/08	

SD107/06/08 Committee Decision/Officer Recommended Resolution:

The application for a proposed Automotive Vehicle Wash on Lot 22 South Western Highway, Byford be approved subject to the following conditions:

Planning

1. A schedule of colours and materials shall be submitted for approval by the Director Development Services prior to the issue of a building licence.
2. The proposed noise wall, for the purpose of noise attenuation, is to be constructed a minimum of 9.0 metres from Nettleton Road in a position to be agreed to by the Director Development Services. Specific details of the noise wall, including materials and colours, to be submitted with the building licence application.

Engineering

3. No earthworks shall encroach or stormwater drainage shall discharge onto the South Western Highway reserve.
4. All vehicle access from South Western Highway shall be restricted to the existing driveways.
5. Suitable arrangements being made to the satisfaction of the Director Engineering for connection of the land to the comprehensive district drainage system at the landowners cost.
6. A stormwater drainage management plan and detailed technical drawings and specifications for the entire paved area and roofed area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
7. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a Geotechnical Report is to be prepared by a NATA Certified Geotechnical Engineering organisation and submitted for approval detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed, then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being provided to store runoff from the roofed areas. Such captured water is to be used for the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.
8. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.
9. All vehicle parking areas, accessway(s) and crossovers shall be designed, constructed, sealed, kerbed, drained, signed and line-marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
10. If there has been any landfill, including backfilling, a Geotechnical Report prepared by a NATA Certified Geotechnical Engineering organisation is to be provided and is to include confirmation that the land has been sufficiently compacted.
11. Appropriate lighting being provided to the front and rear of the car washing facilities to address potential security concerns regarding concealed areas.
12. All disturbed ground shall be treated so as to prevent the generation of dust or other wind-borne materials in accordance with the *Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia* (DEC, Nov 06).

Health

13. An application for an effluent disposal system suitable for the site shall be lodged with the Shire, for approval by the Shire and the Department of Health, prior to the issue of a building licence.
14. The car wash being constructed in accordance with the amended layout and specifications, including all noise control measures, as detailed in the May 2008 Noise Impact Assessment report to the satisfaction of Director Development Services.
15. Within three (3) months of the commencement of the approved use, the landowner shall commission an acoustics engineer agreed to by the Shire to undertake, at the landowner's full cost, a noise assessment of the operation of the Automotive Vehicle Wash, indicating whether the development complies with the Environmental Protection (Noise) Regulations 1997 and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The acoustics engineer shall provide a copy of the report to the Shire at the same time as providing the report to the landowner. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the acoustic engineers report.

Environmental

16. A Landscaping, Vegetation and Environmental Management Plan must be submitted, for the car parking area and the area of land between the southern side of the building and the southern boundary for approval by the Director Strategic Community Planning prior to the issue of a Building Licence.
17. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.

Advice Notes

1. No development, other than landscaping or car parking shall be permitted on the land shown required for future road purposes on the Main Roads drawing 8321-29-2.
2. Technical drawings and detailed specifications of all infrastructure and servicing works require approval by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the construction drawings.
3. In regard to condition 7, the applicant is advised that stormwater outflow is to achieve pre-development hydraulic flow regimes up to the 1 in 100 year storm event. The system is to be designed by a suitably qualified hydraulic consulting engineer. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater.
4. In relation to condition 16, the Landscape, Vegetation and Environmental Management Plan shall be drawn to a scale of 1:100, shall show the location, name and mature heights of proposed trees and shrubs and include a maintenance regime for the landscaped areas that provide stormwater treatment. Trees and shrubs to be planted are to be locally indigenous sedges and rushes suited to the purpose of high water use in irrigation beds.
5. No stormwater runoff to enter Nettleton Road or South West Highway road reserves or any adjoining property via overland flow from the subject lot. Construction of a highpoint may be required at the boundary to prevent overland stormwater flows.

6. The provision of "Give Way", "No Entry", "No Exit" and "No Parking" signs and vehicular guide signs, is required to the satisfaction of Council's Director Engineering at the landowner's cost.
7. The northern crossover onto South Western Highway is to be altered to enable left-turning traffic entry only and is to be signed to indicate "No Exit".
8. Vehicle pathways for the car wash facility should be clearly delineated with line-marking (including lines and directional arrows) and signs to indicate a one-way system with entry from the west and exit to the east.
9. All No Parking areas are to be clearly marked as such with both signage and line marking (words) as per Australian Standards.
10. The eastern-most crossover onto Nettleton Road shall be widened to 5.0 metres.
11. The provision of "One Way" signs where required by the Council's Director Engineering at the applicant's cost.

CARRIED 7/0

SD108/06/08 SINGLE RESIDENCE WITH SETBACK VARIATIONS – LOT 214 BALLAGAR ROAD, BYFORD (P06332/02)		
Proponent:	T Fitzgerald	In Brief Application for the construction of a two storey dwelling including variations to the requirements of the Residential Design Codes relating to the rear setback. Objection received from rear neighbour. Refusal is recommended.
Owner:	T & P Fitzgerald	
Officer:	M Kenny – Co-ordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 June 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD108/06/08 Committee Decision/Officer Recommended Resolution:

That:

A. The application for Approval to Commence Development for a Single Residence on Lot 214 (28) Ballagar Road, Byford be refused for the following reasons:

1. **Non-compliance with the minimum rear setback of 6 metres required under Element 3.3.1 of the Residential Design Codes of Western Australia 2002.**
2. **Non-compliance with the Performance Criteria of Element 3.3.1 of the Residential Design Codes of Western Australia 2002 as the reduced rear setback combined with the two-storey building height and the proximity of this two-storey dwelling to the adjoining lot, that the proposal has the potential to adversely affect the visual amenity of the adjoining landowner.**
3. **Non-compliance with the Performance Criteria of Element 3.3.1 of the Residential Design Codes of Western Australia 2002 as the reduced rear setback results in a necessity to screen all faces of the balcony to a height of 1.8 metres to achieve compliance with the privacy**

requirements of the Codes thereby restricting direct sunlight and ventilation to the balcony and rooms opening onto the balcony.

- B. That the applicant be invited to submit a revised site layout that achieves the minimum setbacks required under the Residential Design Codes of Western Australia and advised that additional application fees will not apply if a complying site plan is submitted.**

CARRIED 7/0

SD109/06/08 REQUEST FOR MODIFICATION OF CONDITION OF PLANNING APPROVAL RELATING TO POOL FENCING – LOT 18 (76) MCKAY DRIVE SERPENTINE (P02611/01)		
Proponent:	T & L Stevens	In Brief Application to vary provision of Local Planning Policy LPP8 Landscape Protection and modify condition of planning approval with regard to solid fencing around swimming pool. Approval subject to conditions is recommended.
Owner:	As above	
Officer:	M Kenny, Co-ordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 June 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD109/06/08 Committee Decision/Officer Recommended Resolution:

That condition 1 of the Planning Approval for a swimming pool on Lot 18 (76) McKay Drive, Serpentine be deleted and replaced with the following new condition 1:

- 1. Pool fencing shall comply with Australian Standard 1926.1 – 1993 Swimming Pool Safety – Security Fencing for Swimming Pools. Masonary fencing to a maximum height of 2.0 metres is permitted on the back and one side of the pool enclosure to the satisfaction of the Director Development Services.**

CARRIED 7/0

SD110/06/08 PROPOSED EQUESTRIAN ACTIVITY (HORSE TRAINING FACILITY) - LOT 54 KING ROAD (CORNER JACKSON ROAD), OLDBURY (P05597/09)		
Proponent:	Koltasz Smith Development Consultants	In Brief Proposed horse training facility. Approval subject to conditions is recommended.
Owner:	GMF Contractors	
Officer:	Meredith Kenny – Coordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	15 May 2008	
Previously	P203/01/03; SD030/02/05; OCM021/12/06	
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 CGAM064/02/08	

SD110/06/08 Committee Decision/Officer Recommended Resolution:

That the application for approval to commence development of an Equestrian Activity (horse training facility) on Lot 54 King Road, Oldbury be approved subject to the following conditions:

1. Inert fill including crushed rock, concrete, brick, building materials, asbestos, tiles, wood and the like, is not permitted to be placed on the land.
2. All fill material is to comprise clean non-cohesive sand with the following properties (to be confirmed in testing by NATA Certified experienced and practicing Geotechnical Engineering organisation):

- (a) Clean, non-cohesive, free draining and free of all silty, organic or any other deleterious materials;
- (b) Containing not less than 5% by weight of soil fractions finer than 0.075 mm; and
- (c) Having a plasticity index equal to 0% (i.e. non-plastic).

Results of all testing of fill material is to be provided to the Shire prior to its use on site.

Planning

3. Development shall be in accordance with the approved plans except as otherwise required by a condition of this approval.
4. Horses are not to be agisted on the property without the landowner first obtaining planning approval from the Council.
5. The eastern-most track is to be located a minimum of 50 metres from the eastern boundary of Lot 54.
6. Bond

- (i) The owner(s) shall furnish to the Shire a bond of \$50,000 (“the Bond”) to secure compliance with the conditions of this approval in the event of default at the site.
- (ii) The Shire may deposit the Bond into an interest-bearing account.

- (iii) The owner(s) shall within two months of the date of this approval enter into a legal agreement to be prepared by the Shire’s solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(viii) below of this condition, and by which the owner(s) charge the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorise the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.**
- (iv) If in the opinion of the Director Development Services of the Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Director Development Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:**

 - (a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;**
 - (b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;**
 - (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;**
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and**
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.**
- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire’s officers’, employees’, and agents’ time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.**
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.**
- (vii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.**
- (viii) The legal agreement pursuant to condition 6(iii) may provide for the release or partial release of the Bond for its rolling over to the requirements of any development approval on Lot 54.**

Construction and Environmental Management Plan

7. A Construction and Environment Management Plan shall be prepared by the proponent to the satisfaction of the Manager Environmental Services and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the all site works.
8. The approved Construction and Environmental Management Plan must be complied with at all times.
9. No burning of cleared vegetation shall be permitted.
10. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering and results of all compaction tests are to be provided to the Shire's Engineering Department as soon as they are available.
11. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.

Landscape and Vegetation Management

12. Within 60 days of the date of issue of this approval and prior to the commencement of any works on site the developer shall submit a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and shoreline plant species to be established in areas designated for revegetation. Revegetation is to occur at a rate determined by Manager Environmental Services The Landscape and Vegetation Management Plan shall also include appropriate vegetation on the batter of the raised pad for the track. The Landscape and Vegetation Management Plan shall be approved by the Manager Environmental Services and implemented at all times.
13. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of the development approval being granted and is to be completed within two years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
14. Remnant vegetation and revegetation planted by the landowner must be fenced from grazing livestock in order to protect trees and other vegetation from damage.
15. No indigenous vegetation and trees shall be destroyed or cleared except, and subject to, the developer obtaining the prior consent of the Council in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist.

Drainage & Nutrient Management

16. The proponent shall prepare a Drainage and Nutrient Management Plan for the site for approval by the Director Engineering prior to the commencement of development on site and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety.
17. Any discharge of stormwater including seepage to groundwater, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanism to remove nutrients and chemical agents to the satisfaction of the Director Engineering. Separate facilities should be provided for the retention of any waste waters and storm waters to prevent the settling pond overflowing during major storm events and un-filtered waste waters possibly impacting on any natural drainage lines or natural waterways.
18. All water treatment facilities are to be regularly maintained to minimise the discharge of nutrients, including total suspended dissolved solids, total

suspended solids and other pollutants to ground and surface water resources. The proponent shall not store any environmentally hazardous chemicals including fuels, pesticides and other chemicals on this site that are not in a locked storage facility with a impermeable hardstand floor and measures undertaken for the containment of spills. The developer shall immediately remove and dispose of any liquid or other contaminated material resulting from spills or leaks of chemicals whether inside or outside the storage facility. The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations. No chemicals or potential liquid contaminants are to be disposed of on-site.

19. Manure shall not be disposed of on site and all temporary stockpiles of manure are to be contained in covered storage compounds which maintain them in a dry condition and do not allow access by flies until removed from the site for disposal at an approved facility. Removal from the site is to take place at a frequency that prevents insect infestation and/or other nuisance arising from the presence of the manure.

Dust

- 20 The landowner shall prevent the generation of visible particulates (including dust) from the training track, vehicle access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques wherever necessary, and in response to requests from the Shire.
21. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation “Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia” and submitted to the Shire for approval. Shire approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
- 22 The Director Engineering may at any time request all development works to cease in response to what it deems to be extreme weather conditions.

Acid Sulphate Soils

23. Prior to the commencement of any site works:
- a) A detailed site investigation to the satisfaction of Manager Environmental Services shall be undertaken to determine whether acid sulfate soils are present on the land and, if present, their extent and severity. The investigation is to comply with the methods stipulated in the Department of Environment publication *Identification and Investigation of Acid Sulfate Soils (2004)*. The report of the investigation’s results is to be forwarded to the Shire for review prior to the commencement of any site works;
 - b) If the site is found to contain acid sulfate soils, an Acid Sulfate Soil Management Plan shall be submitted to the Shire and approved prior to the commencement of site works. The report shall include detailed to ensure compliance with the Department of Environment’s publication *Guidance for Groundwater Management in Urban Areas of Acid Sulfate Soils (2004)*; and
 - c) All site works shall be carried out in accordance with the provisions of the approved Acid Sulfate Soil Management Plan to the satisfaction of the Shire.

Engineering

24. Engineering drawings detailing the proposed earthworks as well as locations and construction details of all internal access tracks, crossovers, parking areas and stormwater drainage infrastructure are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the drainage and access tracks.
25. All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilised to address erosion and sand drift.
26. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation at the completion of the filling confirming that earthworks, filling and compaction are completed and controlled in such a manner that results in a suitable building platform for the intended land use, shall be submitted to the Shire to the satisfaction of the Director Engineering.
27. A single crossover from King Road be provided for access to the development to the satisfaction of Director Engineering. Vehicle access from Jackson Road is not permitted.
28. A concrete apron shall be constructed between the crossover to Lot 54 and the sealed surface of King Road to the satisfaction of the Director Engineering. The access point to the site shall be constructed to incorporate a drainage culvert, sized according to the requirements stipulated by existing (pre-development) maximum flow rates in a 100-year ARI event to the satisfaction of the Shire's Director Engineering Services.
29. All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust. Any potholes or other breaks in the internal road surface are to be rectified immediately.
30. King Road, including the entry to the property, shall be maintained at the existing standards to the satisfaction of the Director Engineering. Any damage caused to the road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.
31. Any sand or other materials found on the road surface of King Road as a result of traffic into and out of the site will be cleared by the developer within 24 hours.
32. The developer is to erect signs on the site for the duration of the development, visible from King Road to the satisfaction of the Director Development Services. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the 24-hour phone contact details of the principal contractor and supervising engineer.
33. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).
34. All works shall be conducted in accordance with Local Government and Council's policies, Engineering Standards and specifications.
35. Hours for site and construction work shall be limited to the following hours:
 - Mondays to Fridays 7.00am to 6.00pm only
 - Saturdays 7.30am to 5.00pm only
 - Sundays and Public Holidays No works permitted without prior written approval from the Shire.
36. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.
37. Stockpiling of spoil material shall not occur on site. All spoil material is to be removed from the site to an approved disposal facility.
38. Stockpiling of fill material shall be in a location separated from the worked areas by at least 2.0 metres. No fill material is permitted to be stockpiled higher than 2.0 metres. The locations of all proposed stockpiles must be clearly indicated on earthworks plans, which are to be submitted to and approved by the Shire prior to the commencement of works.

39. Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA Certified practicing Geotechnical Engineering organization that includes soil testing, groundwater and Acid Sulfate Soil investigations. This report is to be provided to the Shire's Director Engineering prior to works commencing if any material from the site is intended to be used for fill.

Drainage

40. All stormwater shall be contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into the road reserves, drainage reserves and/or any adjoining land
41. No stormwater is permitted to be discharged to the drainage reserve along the southern boundary of the property.
42. No stormwater is permitted to be discharged into the roadside drains along Jackson Road or King Road.

Lighting

43. Lighting is not permitted.

Signage

44. Signage allowed under this approval is limited to a single ground based sign or sign fixed to fence on each street frontage and complying with the following requirements:
- have a maximum vertical dimension of 1.2m and a maximum area of 1.5m²;
 - advertise only the equestrian activity available on the lot; and
 - be located entirely within the boundaries of the site.

Advice Notes:

1. The Construction and Environmental Management Plan shall address the following issues:
- Manure management and disposal
 - Storm and waste water management
 - Dust management
 - Weed control
 - Vegetation retention, rehabilitation and replanting
 - Erosion control
 - Wetland management
2. The Landscape and Vegetation Management Plan shall:
- a) Include a scaled map of the development which can be placed as an overlay over a recent aerial photograph of the whole lot;
 - b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or is not to be retained as a result of driveways, fences, drains and other surface water features, firebreaks, power lines and other access ways and services plus proposed buildings and other structures;
 - c) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - e) Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide complete screening of all existing and proposed poultry sheds from the

roads and adjoining properties, maximise nutrient uptake from surface waters and surrounding soils, reconnect remnant vegetation with visual screen plantings and provide habitat for local woodland and wetland fauna;

- f) Describe ongoing management of vegetation on site;
- g) Clearly state auditable vegetation management targets including weed control and revegetation outcomes for audit at the time of vegetation management bond return and thereafter as follows:
 - i) Visual screens are to include a minimum of six rows of trees and shrubs and must be no less than 10 metres wide;
 - ii) Stems within visual screens are to be planted at minimum densities of one stem per three metres along rows that are no more than two metres apart;
 - iii) Visual screening is to include a mixture of trees and shrubs such that no more than one third of the plants are trees.
 - iv) Sedges and rushes to be planted around the settling pond are to be clumped with densities of four stems per metre squared within clumps and interspersed with other local wetland species;
 - v) Required stem densities relate to a time when a minimum of 80% of the plants have survived at least two summer seasons and this is to be achieved initially within three years after development approval is given and thereafter maintained;
 - vi) All plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
 - vii) Achieve a plant diversity of at least 80% of the plant species that are listed within the dominant shoreline ground cover, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
 - viii) Maintain a weed burden at levels not likely to threaten the native species or neighbouring properties;
 - ix) Locate fire breaks on the map; and
 - x) The 50 metre wetland buffer to be revegetated with locally endemic species.

3. The Drainage and Nutrient Management Plan shall address the following:

- a) Show how the capacity of the settling pond will cope with storm water in all but 1:100 year storm events;
- b) Show how chemicals from disinfectants or other products used, and nutrients from wash down or other water are treated so that no pollution can impact ground water resources or drain to the conservation category wetland down stream; and
- c) Describe and commit to best management practice of swales including the placement of, and periodic replacement of yellow sand linings, establishment and maintenance of a complete cover of healthy kikuyu, repeated clipping of kikuyu and disposal of clippings away from water courses, preferably to be exported off site to be composted.
- d) The Drainage and Nutrient Management Plan is to include a monitoring regime for at least monthly measurements over a period of two years, the results of which are to be reported to Council to ensure there is no increased export of nutrients, sediments or other contaminants from the site.

4. The applicant is requested to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.

5. The applicant is advised to contact the Shire for information on the form and content of all required reports and engineering drawings.

6. **Stormwater management infrastructure is defined as any soil excavation and/or engineering infrastructure constructed as part of the property and street drainage system.**
7. **The applicant is advised to liaise with the Local Government regarding the detailed requirements for drainage, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas. The natural wetland is to be retained in its natural state and not to be augmented by any other water supply including stormwater.**

CARRIED 7/0

CGAM101/06/08 MONTHLY FINANCIAL REPORT – MAY 2008 (A0924/07)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 31 May 2008
Owner:		
Officer:	Casey Mihovilovich - Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	4 June 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM101/06/08 Committee Decision/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 31 May 2008, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 7/0

CGAM102/06/08 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during May 2008
Owner:	N/A	
Officer:	Bonnie Robertson – Coordinator Financial Services	
Signatures Author:		
Senior Officer:		
Date of Report	3 June 2008	
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 CGAM064/02/08	

CGAM102/06/08 Committee Decision/Officer Recommended Resolution:

**That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of May 2008, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0**

CGAM103/06/08 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at May 2008.
Owner:	Not Applicable	
Officer:	Melissa Armitage - Finance Officer (Debtors)	
Signatures Author:		
Senior Officer:		
Date of Report	4 June 2008	
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 CGAM064/02/08	

CGAM103/06/08 Committee Decision/Officer Recommended Resolution:

**That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 May 2008.
CARRIED 7/0**

CGAM104/06/08 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 May 2008.
Owner:	Not Applicable	
Officer:	Kellie Bartley – Rates Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3 June 2008	
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 CGAM064/02/08	

CGAM104/06/08 Committee Decision/Officer Recommended Resolution:

**That Council receive and note the report on the Rate Debtors accounts as at 31 May 2008.
CARRIED 7/0**

CGAM105/06/08		INFORMATION REPORT
Proponent:	Director Corporate Services	In Brief To receive the information report to May 2008.
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:	Director Corporate Services	
Date of Report	5 June 2008	
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 CGAM064/02/08	

CGAM105/06/08 Committee Decision/Officer Recommended Resolution:

**The Information Report to 31 May 2008 be received.
CARRIED 7/0**

- 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.