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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, 24th NOVEMBER 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM 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
C Randall
S Twine
K Murphy
C Buttfeld

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mr T Turner Acting Director Development Services
Ms D Swadling Manager Subdivisions
Mrs L Fletcher Minute Secretary

APOLOGIES: Cr Brown
Director Strategic Community Planning

GALLERY: 1

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Aiden Hoey - from Ordinary Council Meeting of 27 October 2008

Q1. Why would Council refuse the application due to dust when the street already has several businesses being run on it? Has the Shire already set a precedent?

A1. The reasons for refusal are outlined in the Council resolution.

Q2. Why would the Council refuse the application when they have set a precedent to allow other businesses and residents that live on gravel roads within the Shire that are far greater kilometres in length than Boomerang Road eg Balmoral Road, Scrivener Road, Lightbody Road, these are just a few.

A2. Every application is assessed on its merits.

Q3. Why would the Council refuse the application due to dust when the streets' residents create approximately 80 movements and businesses create more movements in a week.

A3. The reasons for refusal are outlined in the Council resolution.

Q4. Is the Council going to restrict vehicle movements of all businesses and residents until Council seals the road? If not why not?

A4. Council does not intend to prevent lawful access to properties via a public road.

Q5. Why has the Council never continued the gravel section through the zig zag and have a through road as it is drawn in most street directories connecting to Banksia Road.

A5. This section of road has not formed part of Council's road construction program

Q6. Are the Council going to address the noise from the Go Kart Track and model airplane club?

A6. Council addresses noise when necessary and where it has jurisdiction.

Q7. Are the Council going to address the smell, traffic movement, noise and dust from the chicken farm?

A7. This site is currently being investigated by the Shire.

Q8. Are the Council addressing illegal operations of a compost farm being operated at the chicken farm?

A8. This site is currently being investigated by the Shire.

Q9. Are the Council addressing the illegal semi truck trailer parking area, old truck bodies, prefabricated building at Lot 716 where there is approximately 2 000sq metres of cleared vegetation with limestone hard stand put down.

A9. This site is currently being investigated by the Shire.

Q10. Are the Council going to stop the noise and dust from Alcoa trains?

A10. This matter is not within the Shire's legislative jurisdiction.

Q11. I have offered the Planner that I would purchase a bus, why has this not been considered?

A11. The information was provided after the Officers report had been finalised.

Q12. Why has the Council not kept the aesthetics of a rural area in and around Boomerang Road?

A12. A wide range of land uses may be considered by the Council in the Rural zone and each application is assessed on its merits.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Shire President advised that the Shire won a National Award for Outstanding Achievement for the Switch Your Thinking campaign in conjunction with the Cities of Armadale and Gosnells.

The Shire President then gave an overview of her trip to Canberra (where the award was presented) to attend the Inaugural Meeting of Australian Council of Local Government.

The Shire President congratulated the Chief Executive Officer on her outstanding work in preparing the Briefing Papers which the Shire President presented whilst in Canberra. The

meeting was very successful and involved extensive networking and good will amongst all spheres of government. This was the first time since the federation of Australia that members of Cabinet have met with Local Government.

COUNCIL DECISION

Moved Cr Murphy, seconded Cr Price

The Shire President's report be received with thanks and congratulations to the Shire President on the work she did on behalf of the Shire in obtaining \$298 000 from the Federal Government. The Chief Executive Officer is also to be congratulated for her work on the preparation of Briefing Papers which the Shire President was able to take with her to Canberra.

CARRIED 9/0

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 Jarrahdale Heritage Park Management Committee Meeting – 17 October 2008

COUNCIL DECISION

Moved Cr Twine, seconded Cr Kirkpatrick

That the attached minutes of the Jarrahdale Heritage Park Management Committee Meeting held on 17 October 2008 be confirmed.

CARRIED 9/0

7.2 Sustainable Development Committee Meeting – 21 October 2008

COUNCIL DECISION

Moved Cr Harris, seconded Cr Geurds

That the minutes of the Sustainable Development Committee Meeting held on 21 October 2008 be confirmed.

CARRIED 9/0

7.3 Ordinary Council Meeting – 27 October 2008

COUNCIL DECISION

Moved Cr Harris, seconded Cr Buttfield

That the minutes of the Ordinary Council Meeting held on 27 October 2008 be confirmed.

CARRIED 9/0

REPORTS OF COMMITTEES:

AC002/11/08 AUDIT REPORT AND MANAGEMENT REPORT 2007/2008 (A0001)		
Proponent:	Local Government Act 1995	In Brief To receive the Auditors Report and the Management Report for the financial year ended 30 June 2008.
Owner:		
Officer:	Casey Mihovilovich Manager Finance Services	
Signatures Author:		
Senior Officer:	Alan Hart Director Corporate Services	
Date of Report	28 October 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	Council	

Background

Pursuant to Sections 7.2, 7.3 and 7.9 of the Local Government Act 1995, local governments are required each year, to have the accounts and the annual financial report of the Council audited by an auditor appointed by the local government.

Council’s Auditor, UHY Haines Norton, has provided Council with the Audit report and Management Report for the financial year ended 30 June 2008.

A copy of the Independent Audit Report is attached and marked AC002.1/11/08 (IN08/13608).

A copy of the Management Report is attached and marked AC002.2/11/08 (IN08/13609).

A copy of 2008 Financial Report is attached and marked AC002.3/11/08 (E08/5510).

Statutory Environment:

Section 7.2 of the Local Government Act 1995 states that *“the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”*

Section 7.3 of the Local Government Act 1995 states ‘A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor’.

Section 7.9 (1) of the Act states *“An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) *The Mayor or President,*
- b) *The CEO of the local government, and*
- c) *The Minister.”*

Policy Implications: There are no Policy Implications.

Financial Implications: A budget provision has been made in the 2008/2009 budget to accommodate the costs associated with the audit.

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: No community consultation is required for this item.

Comments

At the completion of the audit, UHY Haines Norton advises that there are no major non-compliance issues that have been identified.

UHY Haines Norton has advised that there are no management issues in their Management Report for the financial year ended 30 June 2008.

It is recommended that the Audit Committee:

1. Adopt the Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2008;
2. Receive the Management Report and note no management issues raised; and
3. Receive the Audited Annual Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2008.

Voting Requirements: Simple Majority

AC002/11/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Kirkpatrick

That the Audit Committee:

1. **Adopt the Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2008;**
2. **Receive the Management Report and note no management issues raised.**
3. **Receive the Audited Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2008.**

CARRIED 9/0

SD046/11/08 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	
Signatures Author:		
Senior Officer:	Tony Turner – Acting Director Development Services	
Date of Report	6 November 2008	
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	

SD046.1/11/08 DELEGATED AUTHORITY – OCTOBER 2008 (A0039-02)

In accordance with the Delegated Authority vested in the Manager Building Services, the following report is provided:

DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of October 2008 were numbers 259/08, 323/08, 433/08, 450/08, 455/08, 463/08, 479/08, 556/08, 557/08, 560/08, 571/08, 572/08, 585/08, 586/08, 589/08, 597/08, 604/08, 605/08, 610/08, 612/08, 613/08, 620/08, 623/08, 624/08, 631/08, 634/08, 641/08, 643/08, 644/08, 649/08, 650/08, 655/08, 660/08, 662/08 – 665/08, 669/08, 670/08, 672/08, 676/08, 677/08, 680/08, 683/08, 685/08, 689/08, 692/08, 694/08 – 696/08, 698/08, 700/08, 701/08, 704/08 – 706/08, 708/08 – 712/08, 715/08 – 717/08, 720/08 – 722/08, 724/08, 728/08, 729/08, 731/08, 735/08, 736/08, 738/08, 741/08 – 743/08, 745/08, 747/08, 756/08, 757/08, 774/08, 776/08, 790/08, 808/08 (85 approvals).

Month of October	2008/2009	2007/2008
Value of permits issued	\$7,694,697	\$14,751,879
Cumulative total for period	\$29,629,436	\$38,540,831
Number of permits issued	85	117
Number of dwellings approved	29	54
Number of applications received	78	94
Applications pending	73	

SD046/11/08 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Price, seconded Cr Buttfield
That Council accepts the October 2008 Building Information Report.
CARRIED 9/0**

SD047/11/08 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Melanie Watson – Acting Manager Health & Ranger Services	
Signatures Author:		
Senior Officer:	Tony Turner – Acting Director Development Services	
Date of Report	30 October 2008	
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	

SD047.1/11/08 DELEGATED AUTHORITY – OCTOBER 2008 (A0039-02)

In accordance with the Delegated Authority vested in the Manager Health & Ranger Services the following report is provided:

CS2 – Effluent Disposal - Application to construct

L822 Kingsbury Drive, Jarrahdale
L232 Little Place, Cardup
L212 Henry George Close, Byford
L33 Rigoll Court, Mundijong

CS2 – Effluent Disposal - Permit to Use

L15 Egerton Drive, Serpentine
L81 Darwinia Court, Jarrahdale
L8 Scott Road, Mundijong
L52 Butcher Street, Mundijong
L59 McKenna Drive, Cardup
L819 Nettleton Road, Karrakup
L103 Hall Road, Serpentine
L64 Chatfield Road, Serpentine
L201 Bangap Place, Oakford
L248 Bilya Avenue, Mardella
L3 Spears Drive, Oakford
L7 Pure Steel Lane, Mundijong
L43 Jarrahglen Rise, Jarrahdale
L27 Abernethy Road, Byford
L226 Culham Vista, Byford
L237 Silich Court, Mundijong
L151 Bullock Drive, Oakford
L36 Kowin Court, Cardup
L218 Mardja Loop, Mardella
L722 Selkirk Road, Serpentine
L5 Berwick Street, Jarrahdale
L143 Country Drive, Oakford
L2 Lingdon Lane, Hopeland
L154 King Jarrah Circle, Jarrahdale
L110 Stockmans Close, Oakford

L14 Richardson Street, Serpentine
L63 Friesian Close, Oakford
L7 Craddon Road, Oakford
L1043 River Road, Hopeland
L52 Westscott Road, Keysbrook
L818 Staff Street, Jarrahdale
L22 Echoveld Close, Mardella
L34 Bullock Drive, Oakford
L482 South West Highway, Serpentine
L846 Rowe Road, Serpentine
L14 Leaver Way, Cardup
L132 Country Drive, Oakford
L506 Henderson Road, Serpentine
L1 Rapids Road, Serpentine
L505 Yangedi Road, Keysbrook
L816 Mount Eden lane, Oakford
L13 Kowin Court, Cardup
L116 McNeil Grove, Jarrahdale
L130 Barratt Place, Oakford
L30 Karnup Road, Hopeland
L204 Bangap Place, Oakford

SD047/11/08 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Twine, seconded Cr Murphy
That Council accepts the Health Information Report.
CARRIED 9/0**

SD048/11/08 PROPOSED - DUST AND SAND LOCAL LAW 2008 (A0090)		
Owner:	Shire of Serpentine Jarrahdale	In Brief To adopt a Local Law known as Shire of Serpentine Jarrahdale - Dust and Sand Local Law 2008.
Officer:	Tony Turner – Acting Director Development Services	
Signatures Author:		
Senior Officer:	Tony Turner – Acting Director Development Services	
Date of Report	28 October 2008	
Previously	SD104/06/08	
Disclosure of Interest	Nil	
Delegation	Council	

Background

Following a significant increase in the number of dust complaints from development sites in Byford, the Shire of Serpentine Jarrahdale - Dust and Sand Local Law 2008 (the Local Law) has been drafted to assist officers endeavouring to administer Dust Management Plans (DMP) and resolve complaints relating to dust impacts, particularly in the Byford area.

An investigation of other Councils' and agencies' policies and legislation was undertaken and the preferred option under the current environment was the adoption of a Sand and Dust local law.

The community has been notified of the proposal to adopt in accordance with procedure for making a local law as required in section 3.12 of the Local Government Act 1995 (the Act).

After the notification process the Council is to consider any submissions, see details below, and then may proceed to make the local law with minor alterations or make a new local law,

if on consideration of the submissions significant changes are required, as per Section 3.12 (4) of the Act.

If the decision is to adopt the local law then Council may proceed to publish the local law in the *Government Gazette* and give a copy of same to the Minister for Local Government. The Minister may give direction for further copies to be submitted to the Parliament with further information as required.

A copy of the proposed local law “Shire of Serpentine Jarrahdale Sand and Dust Local Law” is with attachments marked SD048.1/11/08 (E08/5420).

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 into the environment, and
3. The amenity of the community environment by providing additional controls of the negative impacts from dust nuisances on residents.

The proposal will have some positive implications for storm water management and waterways management because it will reduce the amount of dust and sand drift into those systems.

Air Quality: The proposal will result in a reduction in the emission of dust into the air.

Social – Quality of Life: This proposal will improve the quality of life for the community by reducing the negative impacts from sand and dust nuisance.

Statutory Environment:

The Planning and Development Act (2005), Town Planning Scheme No 2 and Local Government Act 1995.

Policy/Work Procedure Implications:

The proposed Local Law is compatible with existing policies and procedures.

Financial Implications:

There are no ongoing external costs associated with this proposal. Internal costs for the management of this local law include the allocation of officer time and organisational resources to develop and then implement the Local Law. There will be a reduction of costs to the Council because dust nuisance and sand drift issues will be dealt with more efficiently.

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 1995 in the most cost-effective way.

Community Consultation

To adopt such a Local Law the Act requires a period of public notification of not less than six (6) weeks and a notice to be submitted to the Minister for Local Government. The public notification of the draft Local Law occurred in July and August 2008 and two brief submissions were received from the public.

The Department of Local Government and Regional Development provided a list of some seventeen (17) comments to assist with drafting and formatting the Local Law in line with the requirements of the Act.

The details of the two submissions from the public have been inserted in the table below. Officer comments and actions taken in response to the submissions are included in the table below. Recommended formatting amendments from the Department of Local Government have been made and a detailed editorial check has been undertaken in preparation for gazettal.

Table 1 - Contains details of submissions, reference to the draft Local Law, officer comments and actions to amend.

Submission	Reference to the Local Law	Summary of Submission	Officer's Comment	Action
Submission 1	PART 2: SAND DRIFT AND DUST Section 5 - Approving Air Quality Management Plans.	<i>Sites under development should be limited in area to no more than one hectare at any one time during the summer months, this at least would allow reasonable management of dust and sand suppression, any greater area of land, as has been illustrated, dust and sand cannot be contained. Only after a one hectare site is completely stabilized shall further development be allowed to continue to another one hectare site and so on.</i>	Agreed- It is more difficult to maintain dust avoidance measures on larger development sites. The DEC guidelines also discuss a staged approach to site works. Air Quality Management Plans (AQMP) will be required to: <ul style="list-style-type: none"> • stage site works, and dust avoidance measures have been related more closely with the contingency measures listed in the DEC guidelines.	Guidelines are being developed to support the Local Law and the development of AQMP. These guidelines will include smaller staged site works, seasonal variances and key controls, triggers and contingencies to be detailed.
	Section 11 - Sand and Dust which has escaped to be cleaned up	<i>How will residents affected by sand and dust be able to enforce a daily cleanup do we have to go through a protracted process as was the case last year, every day we the residents had to sweep & dust furniture inside and outside the house. Contractors gave only token acknowledgement of the problem and no offer to clean. Council was totally ineffective.</i>	Acknowledged.	Nil
		<i>Will Council have the Authority to issue an order to enforce an order to clean up private properties affected by the intrusion of dust and sand? Who will police development sites to ensure total compliance, if breaches occur and a Stop Work order is issued how will Council enforce such an order?</i>	The Council or an Authorised Person may give notice requiring <ul style="list-style-type: none"> • Works in accordance with the AQMP • Specific action to be taken 	Nil

Submission	Reference to the Local Law	Summary of Submission	Officer's Comment	Action
			to prevent the escape of dust, and <ul style="list-style-type: none"> • To clean up sand or dust resulting from the development site. 	
		<i>Prescribed offences for the purpose of Section 9.16 (1) of The Act. Penalties as suggested are completely useless as a deterrent. A mere \$250 fine is laughable, even at the rate per day for a year would not in anyway stop developers from doing whatever they wish. The State Government should increase penalties to a minimum of at least \$10,000 per day in breach of any orders issued by Council.</i>	Acknowledged – The Shire cannot alter the provisions of the Act.	Nil
Submission 2	Schedule 2 – Prescribed Offences	Question or Submission <i>Whilst the document is as far as a layperson is concerned adequate and can be amended to suit changing conditions and times the modified penalties in schedule 2, seems to need more thought.</i> <i>The penalties may need to be structured so breaches reflect the seriousness of the action, eg an individual committing an offence is probably not aware of the responsibilities, where as a company or corporation are probably fully versed with the act and because of a low penalty are prepared to bear the minimal cost proposed.</i> <i>Therefore, for a developer or a company etc penalty should start in the hundreds of thousands of dollars and as a deterrent, say \$5000 for every day the condition is duplicated.</i>	Acknowledged – The Shire cannot alter the provisions of the Act.	Nil
	Section 11.- Sand and Dust which has escaped to be cleaned up	<i>This clause should possibly be further modified to detail the extent of cleanup; does it include private property ECT, if so who decides the extent? Who makes the inspection and issues the instruction?</i> <i>From a personal perspective the cleanup is required</i>	The Council or an Authorised Person may give notice requiring <ul style="list-style-type: none"> • Works in accordance with the AQMP 	

Submission	Reference to the Local Law	Summary of Submission	Officer's Comment	Action
		<i>immediately as dust is easily transferred to the inside of homes, outdoor furniture has to be cleaned before it can be used and on frequent occasions with local winds this can be a daily occurrence.</i>	<ul style="list-style-type: none"> • Specific action to be taken to prevent the escape of dust, and • To clean up sand or dust resulting from the development site. 	
		<i>Possibly a fact sheet could be considered to advise developers of local conditions, both environmental and seasonal to prevent the nuisance in the first place.</i>	Agreed – Guidelines outlining the requirements for a AQMP will include the local and seasonal weather issues.	Guidelines are being developed to support the Local Law and the development of AQMP. These guidelines will include smaller staged site works, seasonal variances and key controls, triggers and contingencies to be detailed

Comment:

The two submissions from the community support the Local Law, but advocate for stronger more robust penalties, a staged approach to site works and recommended that further consideration be given to site specific issues such as strong easterly winds. Whilst the penalties are set by the Local Government Act 1995 and cannot be altered, guidelines for the development and implementation of AQMPs will support the Local Law.

With regard to the issue of removing dust and sand and cleaning of private property, Council or an Authorised person may issue a notice under clause 10 of the Local Law requiring the removal of dust and sand.

There is no doubt that this Local Law has an application in the Shire, but it is limited to requiring AQMPs, issuing infringements to persons responsible for the release or escape of dust or sand, but it is only a small part of the dust and sand management process.

If there are repeated non compliances, officers may apply the provisions of the Planning and Development Act, issue stop work orders and or refer the issue to the DEC for an assessment and a determination under the Environmental Protection Act 1986. The Local Law is another increment in the assessment, monitoring and maintenance process that Shire officers apply.

Conclusion

The next stage of the development and implementation of the Local Law is for the Council to consider the submissions then if appropriate, endorse the redrafted Local Law with an absolute majority.

This stage is referred to as making the Local Law. After making the Local Law it is to be published in the *Gazette* and a copy to be given to the Minister to be reviewed by the Joint Standing Committee for Delegated Legislation. The Minister may still require an explanation or other material relating to the Local Law and if there are significant changes required at any stage of the process the procedure for making a Local Law must recommence as if it were a new Local Law.

All this considered the officer recommendation is to endorse and adopt the Local Law, publish it in the *Gazette* and give local public notice in accordance with the Local Government Act 1995.

Voting Requirements:

ABSOLUTE MAJORITY

SD048/11/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Randall

- 1 That Council adopts the Shire of Serpentine Jarrahdale Dust and Sand Local Law 2008.**
- 2 That the above Local Law be published in the Government Gazette, and**
- 3 A copy of the Local Law is forwarded to the Minister for Local Government and Regional Development.**
- 4 Upon publication of the Local Law in the Government Gazette, local public notice is to be given in the manner prescribed in the Local Government Act 1995.**

CARRIED 9/0

SD049/11/08 STRATEGIC WASTE MANAGEMENT PLAN - RIVERS REGIONAL COUNCIL (A0283)		
Owner:	Shire of Serpentine Jarrahdale	In Brief To endorse the Strategic Waste Management Plan and the Strategic Action Plan (regional actions) within the Strategic Waste Management Plan.
Officer:	Manager Environmental Services Manager Health and Ranger Services	
Signatures Author:		
Senior Officer:	Director Strategic Community Planning	
Date of Report	30 October 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

The Waste Management Board (WMB) of Western Australia, in its efforts to support Local Governments to align their activities with the State's vision of "Towards Zero Waste" developed the Zero Waste Plan Development Scheme (ZWPDS) in 2006, consisting of two phases.

- Phase 1 was an online survey to gather data to formulate baseline characteristics for Local Governments across Western Australia and was completed in September 2007;
- Phase 2 requires Local Governments to develop a Strategic Waste Management Plan (SWMP) that will guide waste management policies and practices across the region for the next five years and potentially beyond.

For the purposes of the SWMP, the Rivers Regional Council (RRC) Member Councils combined and in addition the Shire of Waroona joined the RRC for the development of this SWMP.

The RRC received funds from the Department of Environment and Conservation (DEC) in the order of \$100,000 for the preparation of the SWMP for the region and Cardno were engaged to prepare the Strategic Waste Management Plan.

The RRC established a Working Group to assist the Consultant in preparing the SWMP. The Working Group consisted of the CEO (RRC), the RRC Education Officer, the relevant Member Councils Technical Officers for waste management and Cardno.

A copy of the Strategic Waste Management Plan is with the attachments marked SD049.1/11/08 (IN08/14038).

Sustainability Statement

Effect on Environment: The proposal will minimise environmental damage through locating facilities at appropriate sites, along with best practice at each site.

Biodiversity:

- minimizes footprint from landfill impacts
- site disturbance- cut and fill management to minimise impacts

Energy Use/Greenhouse Gas Emissions:

- minimise Greenhouse Gas Emissions

Water Quality:

- minimise ground and surface water contaminant

Air Quality: The proposal results, or is likely to result, in the reduction of emissions to the environment including solid, liquid, gas, noise, electromagnetic radiation

Resource Implications: The proposal minimises resource use, eg energy, land, water, soil, compared to traditional landfill development approaches.

Land: The proposal minimises use of land which is inappropriate for facility sites of vegetated land to protect biodiversity

Non renewable Resources: What were previously non renewable resources will become recycled.

Waste: Minimise waste in the process which would go to landfill, recycling and reuse of waste

Use of Local, renewable or recycled Resources: The proposal uses locally available resources within the Shire of Serpentine Jarrahdale and regionally within the Peel and South East Metropolitan area. The proposal also uses recycled materials.

Economic Viability: The proposal will be economically viable in a way that incorporates its external costs.

External Costs include: pollution from transport or car dependence, removal of biodiversity (flora and/or fauna), land and waterway pollution, reduction in quality of life of residents eg, increase noise, pollution, increased resource use (eg energy and water consumption).

There will be ongoing costs or funding required in the future, such as the \$40,000 projected costs allocated in the 2009/2010 budget.

This proposal has the potential to reduce future costs for council by relocating or co-locating facilities to regionally shared facilities and infrastructure.

Economic Benefits: The proposal provides economic benefits to the community. Employment creation, tourism generator, provides local resources which were otherwise not available.

Social – Quality of Life: This proposal will improve the quality of life for the community.

Finance: The proposal will provide equitable cost structures to all residents eg rates, council support of community projects

Social and Environmental Responsibility: The proposal is being designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation.

This proposal fosters partnerships.

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

The proposal will cater for all sectors of society eg diverse housing stock, disabled access to all facilities.

Statutory Environment:

Statutory procedures that must be followed ie:

- a) Approval requires an absolute majority of the council to vote in support of the recommendation.
- b) Referral to the DEC for comment was required and was received favourably.

Policy/Work Procedure Implications:

There are work procedures/policy implications directly related to this strategic plan. These include attendance at meetings and the contracting of various waste management studies.

Financial Implications:

There are financial implications to Council related to this strategic plan. Projected costs will be included in the Forward Financial Plan.

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. Develop good services for health and well being.
2. Value and enhance the heritage character, arts and culture of the Shire.
3. Ensure a safe and secure community.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
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.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Required: Yes

Comment:

The Waste Management Board of Western Australia in its efforts to support Local Governments to align their activities with the State Government's vision "Towards Zero Waste" developed the ZWPDS in 2006. The scheme is in two Phases, Phase 1 which was completed in September 2007 and now Phase 2 preparation of the SWMP is required.

The DEC has previously stated that any Local Government or constituted Regional Council wishing to access funding under the ZWPDS will be required to complete and submit a SWMP in accordance with the Ministerial conditions published in the Government Gazette 28 September 2007.

In addition, the new ‘Waste Avoidance and Resource Recovery Act 2008’ (WARR) contains specific clauses requiring Local Governments to produce and submit a Waste Management Plan to the DEC. The SWMP prepared by Cardno for the RRC satisfies the legal requirements of the WARR Act and will also enable the Shire to access funds under the ZWPDS. Cardno was engaged by the RRC to prepare the SWMP and the DEC has been actively involved in all stages of its development. They have attended meetings of the RRC Working Group and participated in the “Key Stakeholder” Workshop, they have also provided comments and have indicated the document appears to comply with the ministerial conditions, however, the DEC will give final approval once the individual Local Governments and the RRC endorse the Plan.

Upon the Shire endorsing the Plan it will be forwarded to the RRC for endorsement at their meeting on the 18 December 2008 and then forwarded to the DEC for final approval.

Council is requested to endorse the Strategic Waste Management Plan and its Strategic Action Plan prepared for the Rivers Regional Council.

Voting Requirements: ABSOLUTE MAJORITY

SD049/11/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Harris
That Council endorse the Strategic Waste Management Plan and its Strategic Action Plan (Regional Actions) with the following requested change:**

- 1. That the recommendations for community education be given a high priority due to the great potential for the success of waste management in the region.**

CARRIED 9/0

SD050/11/08 USE OF JARRAHDAL SPORTS OVAL (RS0015)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Resolution to support a change of management order for Reserve 6428 to include camping.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Tony Turner – Acting Director Development Services	
Signatures Author:		
Senior Officer:	Tony Turner – Acting Director Development Services	
Date of Report	24 October 2008	
Previously	SD038/10/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council meeting of 22 October 2007 the following was resolved:

“SD038/10/07 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Harris

A report be presented to a future Council meeting addressing the following:

1. The existing toilet facilities at Jarrahdale Oval being upgraded to provide overnight stay facilities for motor homes and caravans.
2. The upgrading of the toilet facilities be the subject of an inspection of the facility and cost estimates be provided for the proposal upgrading.
3. Investigation to be made for the provision of a caretaking service including consultation with the potential users of this facility.

CARRIED 9/0”

Following the above resolution an investigation of the opportunities to better utilise the site was undertaken, this was discussed with Councillors and other stakeholders both on site and at the September Policy Forum, whereupon the following was agreed to:

1. ‘support the proposed change subject to officers making the required application with the DPI so that once the required amendments to the Management Order Condition have been made the change of use can be implemented’.

Site use guidelines were presented for the trial use of the site as a Traveller Rest Area and to improve the information to and from uses to support future decisions regarding the use of the site.

The letter to the Department of Planning and Infrastructure (DPI) has been drafted but the decision to change the use and add to the management orders requires a Council resolution.

Sustainability Statement

Heritage and Culture: The future increased use of the oval by visitors will increase awareness of the heritage and timber tourism potential of the Jarrahdale area.

There will be increased ongoing costs in the future for Council to maintain the toilets and oval.

Statutory Environment:

Land Administration Act 1997, Transfer of Land Act 1893, Metropolitan Region Scheme, Town Planning Scheme No. 2, Caravan Parks and Camping Grounds Regulations 1997, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Policy/Work Procedure Implications:

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

Financial Implications:

There are no financial implications in relation to the change in the vesting order.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

6. Ensure a safe and secure community.

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

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:

Not required.

Comment:

Copies of the management order and draft letter have been attached as further information for Councillors.

A copy of the locality plan, DPI's Management Order and the draft correspondence to the DPI is with the attachments marked SD050.1/11/08.

The Officer recommends that Council authorise the Chief Executive Officer to request a change of use for the recreational oval known as Jarrahdale Sports Oval - Reserve 6428, and the application to the DPI to add camping to the current Management Order Condition.

Voting Requirements: Simple Majority

SD050/11/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Price

That Council authorise the Chief Executive Officer to request a change of use for the recreational oval known as Jarrahdale Sports Oval - Reserve 6428, and the application to the DPI to add 'camping' to the current Management Order Condition.

CARRIED 9/0

SD051/11/08 PROPOSED NEW CARTAGE ROUTE FOR EXTRACTIVE INDUSTRY – LOTS 3 & 50 KILN ROAD AND LOT 6 SHALE ROAD, CARDUP (P05917/04)		
Proponent:	Brian Hunt Pty Ltd	In Brief The applicant seeks approval to establish an overland route for Austral Bricks linking the excavation area to the works site. It is recommended that the application be conditionally approved.
Owner:	Bristile Pty Ltd	
Officer:	Michael Daymond – Acting Coordinator Planning	
Signatures Author:		
Senior Officer:	Tony Turner – Acting Director Development Services	
Date of Report	22 September 2008	
Previously	SD029/02/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 4 July 2008
 Advertised: Yes
 Submissions: Yes
 L.A Zoning: Special Use & Rural
 MRS Zoning: Rural
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Raw Materials Extraction & Agricultural Protection
 Rural Strategy Overlay: Landscape Protection
 Date of Inspection: June 2008

Background

The applicant is seeking approval to establish an overland route for the existing Austral Bricks extractive industry site to link the excavation pits to the works area. Recently, the existing access to the works area via Shale Road has proved to be problematic and recent land acquisitions by Austral have provided the opportunity for an overland route to be constructed through Austral owned lands to Kiln Road and the Cardup works.

A copy of the development plans are with attachments marked SD051.1/11/08.

Shire Planning Approval & Licence

Planning approval was issued under the Town Planning Scheme No 2 (TPS 2) to Austral Bricks for the extraction of shale on the subject property on 20 October 2006. An Extractive Industry Licence was issued on 22 December 2006 expiring on 20 October 2011.

Western Australian Planning Commission approval

The Western Australian Planning Commission (WAPC) granted planning approval on 29 March 2005 for the extractive industry under the Metropolitan Region Scheme (MRS). This approval expires on 29 March 2010.

Sustainability Statement

Effect on Environment: It is considered that the proposal will not significantly impact on the existing environment. As stated within the application, there is no proposed clearing involved in the provision of the access track. To ensure that the environment is not impacted upon and to maximise any opportunity to improve the environment, a Landscape and Vegetation Management Plan is proposed as a condition of approval.

There may be the potential for reduction in greenhouse gasses emitted from the existing extractive industry, as the proposed access route is shorter in length than the current route of Shale Road, South Western Highway and Kiln Road.

Resource Implications: The proposal may reduce the consumption of fuel by using a shorter access track between the excavation and works site compared to the current use of South Western Highway. In addition, the requirement to water the proposed cartage route for dust suppression is likely to result in increased water consumption from the overall extractive operation.

Economic Viability & Benefits: The proposal may be economically viable by reducing costs in fuel through using a shorter access route from the excavation area to the works site. This shorter and more efficient access may also result in overall reductions in greenhouse gas emissions.

Social – Quality of Life: The proposal may impact on other users of Kiln Road, mainly through the intensity of the proposed cartage program and the crossing of Kiln Road. However, the applicant has provided an initial Traffic Management Plan which indicates how these impacts will be minimised. Further, it is recommended as a condition of approval that a revised Traffic Management Plan be prepared to detail more clearly and specifically how these issues will be addressed.

Social Responsibility: It is considered that the removal of the cartage trucks off South Western Highway, via the new cartage route, will be socially responsible by reducing the impacts on the existing road users of the highway. At the entry to both Shale Road and Kiln Road, the speed limit along the highway is 100km/h. This has created concern as cartage trucks are currently pulling out into a high speed zone. Diverting the trucks along the new access route will address this problem.

Statutory Environment:

Metropolitan Region Scheme
Planning and Development Act 2005
Extractive Industries Local Law
Town Planning Scheme No 2

As per the resolution of the Western Australian Planning Commission (WAPC) made under Clause 32 of the MRS, any works related to an extractive industry requires separate determination by the WAPC under the MRS. The Shire determines the application under the TPS 2 only.

Policy/Work Procedure Implications:

LPP8 - Landscape Protection
The objectives of this policy are:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

As the proposal is related to an existing Extractive Industry operation and is likely to impact on surrounding properties, the application was referred for comment for a period of 21 days. One (1) letter of objection was received.

Affected Property	Summary of Submission	Officer's Comment	Action
A151600 A151700 A151300	<p>Objects for the following reasons:</p> <p>Concern is raised regarding the proposed four-way crossing and the location of the crossing as it is not in keeping with present day road traffic management.</p> <p>The thought of having a crossing movement every 2.2 minutes even for 20 days per annum for the next ten years is appalling.</p> <p>There are suitable alternative routes that could be used.</p>	<p>The current crossing and road environment has been carefully assessed by the Shire's Engineering Department. Subject to the upgrading of the existing crossovers, the location of the crossing is deemed to be suitable.</p> <p>The preparation of a Traffic Management Plan will address the issues and concerns associated with this high volume of traffic.</p> <p>It is considered that there are no other alternative routes that could be used.</p>	<p>Comments noted.</p> <p>Appropriate conditions can be included on the approval to help address these concerns.</p>

A subsequent meeting was held with the submitter and Shire staff to discuss the issues above in more detail. From the meeting, a number of additional concerns regarding vehicle sight lines and construction standards of the crossover and crossing were raised.

It is considered that these concerns can also be addressed through the implementation of appropriate conditions relating to the preparation of a Traffic Management Plan and the construction of the crossover and crossing to the satisfaction of the Shire.

Comment:

Proposal

The applicant has provided the following background information with respect to the proposal:

In December 2006, Austral Bricks were granted an Extractive Industry Licence for a 5 year period expiring on the 20 October 2011. The area has been identified as a Shale resource for some time and is part of the State Government Basic Raw Materials Strategy.

Landscaping was initiated some years ago along the western boundary and now provides a solid screen from the South Western Highway.

Lots 6 (the subject) and Lot 10 (to the south) were created in a subdivision over 10 years ago with the construction requirement for the north-south portion of Shale Road being satisfied by a bank guarantee and not constructed. Since the original application was submitted for Lot 6, Austral has purchased the adjoining Lot 3 which provides the opportunity for an 'overland' route through their own land to Kiln Road.

Construction of Shale Road

The construction of the north-south portion of Shale Road has been unable to be achieved due to a number of factors that involve the design, creek crossing, existing screen vegetation and the gradient. Utilising Shale Road for access from the excavation area will never be satisfactory and hence this application, and the recent request and approval to utilise the 'overland' route.

Austral required material from Lot 6 Shale Road as a matter of some urgency and conducted a 10 day cartage campaign utilising the 'overland' route earlier this year, without incident. At the time of requesting the change of cartage, the longer term use of the route was discussed.

Proposal

Rather than utilise Shale Road, it is now proposed to cart across Lots 3 and 50 (both owned by Austral Bricks) to Kiln Road and then into the Cardup plant. The internal access road exists and was utilised without concerns during the recent trial period. The access route is approximately 1.2 kilometres long and is at a safe grade for trucks. The surface is graded and compacted and managed to prevent dust by the use of a dust inhibitor and on site watering.

There is no clearing involved in the provision of the access track, which is wide enough for truck passing. The crossing of Kiln Road is via a concrete reinforced area that provides the best possible site distances.

Cartage Timing and Intensity

In order to satisfy anticipated demand, cartage will need to be for up to 20 days per annum, between December and March. Prior to cartage, the excavation will be worked to create stockpiles for efficient movement. The recent cartage trial was effective with 5 or 6 trucks (semis) each making 24 loads per 9 hour working day, meaning up to 250 crossings of Kiln Road per day.

It is possible that Lot 6 will provide material for up to 10 years, subject to demand and style of bricks.

The cartage route follows existing access routes through the works and across Cardup Brook on an existing bridge to storage on Lot 50.

Traffic Management Plan

The main issue of concern with the proposed application is in relation to traffic management, specifically the crossing of Kiln Road and the potential impacts on other road users. The applicant has submitted an initial Traffic Management Plan as part of the application to Council. The Traffic Management Plan states the following:

A few years ago Austral Bricks arranged for a concrete reinforced area to be established as a crossing over Kiln Road and this will be utilised in this proposal. The section of Kiln Road

where the crossing is located has been inspected by Shire staff and subsequent comments made have been incorporated into this plan.

- *Trucks will cross Kiln Road at right angles to the road.*
- *Trucks will cross at the existing approved concrete apron.*
- *'Stop' signs will be positioned on the access road either side of the crossing and trucks will be required to come to a complete halt.*
- *Signs will be positioned on the access route 50 metres before the 'Stop' signs advising of a crossing.*
- *The 20 metres either side of the road crossing on the access route will be concreted for the following reasons:*
 - *Change of surface acts as a warning;*
 - *Safety in providing a firm braking surface; and*
 - *Mud on wheels can be shed and effectively cleaned by water trucks.*
- *Warning signage will be positioned on Kiln Road in advance of the crossing with wording agreed by the Shire. The access route will be graded and watered with a frequency that provides effective safe passage for trucks, minimises dust and adverse runoff and ensures safe visibility. Trucks will travel at speeds that are not in excess of 60 kph and will maintain radio contact. At this speed dust is not an issue.*
- *Hours of operation will be limited to 7:00am – 5:00pm Monday to Friday.*

It is considered that the information contained in the above Traffic Management Plan, as submitted with the initial application, does not contain enough detailed information as to how impacts on other motorists will be minimised during the cartage periods nor how impacts on the existing environment will be minimised. Therefore it is recommended as a condition of approval that a Traffic Management Plan be prepared and approved by the Shire prior to commencement of cartage.

Construction and Environmental Management Plan

A Construction and Environmental Management Plan has also been submitted to Council as part of the initial application. Details provided are as follows:

- *Excavation works at the pit will be undertaken in accordance with the current extractive industry approvals.*
- *The access route exists and is at grades that provide minimal impact in terms of runoff and/or erosion.*
- *The access route will be actively watered during the use to provide dust control and a moist level of water binding.*
- *The truck noise is minimised by the absence of steep grades on the access route.*
- *The Kiln Road crossover is in existence and the approaches are documented in the Traffic Management Plan and will generally be 300 mm thick, 50 mpa, thickened edge, 20 metres length and 6 m width.*
- *No vegetation will be removed as a result of the access route construction.*
- *The Kiln Road crossing and concrete approaches will be swept or washed daily during construction or on an "as needed" basis.*
- *Landowners in Kiln Road and the Local Authority will be advised in advance of the proposed cartage program.*

To ensure that the above statements are adhered to, specific conditions relating to the management of the cartage is included within the officer recommendation. In addition, Council's Environmental Services Department have recommended that a Landscape and Vegetation Management Plan be prepared and approved prior to the commencement of the cartage. This is also reflected within the officer recommendation.

Town Planning Scheme

The proposed access route traverses Lots 3 and 50 Kiln Road and Lot 6 Shale Road, Cardup. Lot 3 is zoned Rural under the Scheme with Lots 50 and 6 having a Special Use zoning. The proposed establishment of the 'overland' cartage route is considered to fall within the definition of 'Extractive Industry' which is a discretionary use within the Rural zone and a permitted use within the Special Use zone. Therefore, the application can be considered by Council.

Local Planning Policy

The subject land is located within Council's LPP8 Landscape Protection Policy and as such, high value is placed on the retention of the existing environment and the minimisation of visual impacts from surrounding properties and the South Western Highway. The proposed route will not result in any requirement for the removal of existing vegetation nor can it be seen from the highway. It is considered that the objectives of LPP8 are addressed through this proposal.

WAPC Determination

As per the resolution of the WAPC made under Clause 32 of the MRS, any works related to an extractive industry requires separate determination by the WAPC under the MRS. The Shire determines the application under the TPS only. The application has been referred to the WAPC and they are awaiting the decision from Council before making their determination on the application.

Trial Period

The proposed new 'overland' cartage route was trialled for 5 cartage days between the 23 April and 9 May 2008 as approved by the Shire. The purpose of the trial was to establish whether or not a permanent access route would be a viable proposal for the applicant and to determine the impacts on the surrounding area through the use of such a route. Prior to the trial period being undertaken, surrounding landowners were advised of the proposal.

Reports received from the applicant following the trial period indicates that the new access route worked well, hence the current application to establish this route as a permanent access for a maximum of 20 cartage days per year. During the trial period, no complaints were received from any surrounding landowner.

Comment

The proposal for a permanent 'overland' cartage route to be constructed and utilised for a maximum of 20 cartage days per year is supported by Council staff subject to the inclusion of specific conditions that are contained within the officer recommendation. A number of site visits have been undertaken to the site, specifically to assess the issue of the crossover, the crossing over Kiln Road and impacts on existing vegetation.

The new route presents an opportunity for a more efficient route to be used by Austral Bricks and provides an opportunity to remove significant truck movements from the South Western Highway and Shale Road. It is acknowledged that the proposed cartage program of up to 20 days per year will be intense, with up to 250 crossings of Kiln Road per day. However it is considered that through the implementation of appropriate traffic management techniques and adequate construction of the crossing that this can be managed. It is further considered that this proposed method over only 20 days per year is preferable to a less intense program over a longer period of time.

Conclusion

It is recommended that the proposed 'overland' cartage route between Austral Bricks' excavation pit and works area be supported for a number of reasons. Firstly, the new route will remove the requirements for trucks to use South Western Highway and therefore

provides a more efficient and safer method of cartage to the works area. Secondly, impacts on existing vegetation are considered minimal with applicable conditions recommended to ensure this. Thirdly, cartage will only be for a maximum of 20 days per year, minimising disruption to surrounding properties through an intensive cartage program and finally, the success of this proposed route has previously been demonstrated through the recent trial period that was previously approved by the Shire.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

The proposed new cartage route on Lots 3 & 50 Kiln Road and Lot 6 Shale Road, Cardup for the existing Extractive Industry on Lot 6 Shale Road, Cardup be approved subject to the following conditions:

PLANNING

1. The times of operation of the cartage route are limited to between 7:00 am and 5:00 pm, Monday to Friday.
2. The applicant shall notify the Shire and surrounding landowners of the proposed duration of cartage 7 days prior to the event.
3. Cartage shall only occur between the months of November and April for a maximum of 20 days per annum.

ENGINEERING

4. The developer is to upgrade the existing crossovers adjoining Kiln Road to meet the following criteria:
Reinforced concrete hardstand with minimum strength of 32MPa;
 - a) Minimum width of 7.0 metres;
 - b) Minimum length of 12.0 metres;
 - c) Minimum concrete depth of 100mm; and
 - d) Stop signage to be installed addressing traffic leaving the crossovers on both sides of Kiln Road.
5. Crossovers to be kept clear of sand, rock, rubble and rubbish at all times.
6. The cartage route is to be constructed and graded to enable stormwater to cross the route at regular intervals in a controlled fashion to gain access to downstream creek lines or other stormwater facilities.
7. The access route is to be graded at a minimum frequency of every four weeks during all proposed cartage programs and immediately following storm events to control damage to the surface and downstream pollution of waterways.
8. A Traffic Management Plan must be approved by the Shire prior to the commencement of cartage. This plan is to be implemented during all cartage periods and is to be updated should the existing Main Roads Western Australia Traffic Management for Works on Roads Code of Practice (2006) be revised such that it makes the approved plan non-compliant.
9. Appropriate lockable gates shall be installed at each crossover to prevent access by the general public after hours, on weekends and public holidays and during inactive cartage periods.
10. The cartage route being sufficiently watered to minimise dust as detailed in the Construction and Environmental Management Plan attached to and forming part of this approval.

ENVIRONMENTAL

11. A Landscape and Vegetation Management Plan to be prepared and approved by the Shire prior to the commencement of cartage.

EMERGENCY MANAGEMENT

12. Details of the amended firebreak system for the site to be provided to the satisfaction of the Director Engineering.

SD051/11/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Twine

The proposed new cartage route on Lots 3 & 50 Kiln Road and Lot 6 Shale Road, Cardup for the existing Extractive Industry on Lot 6 Shale Road, Cardup be approved subject to the following conditions:

PLANNING

1. The times of operation of the cartage route are limited to between 7:00 am and 5:00 pm, Monday to Friday.
2. The applicant shall notify the Shire and surrounding landowners of the proposed duration of cartage 7 days prior to the event.
3. Cartage shall only occur between the months of November and April for a maximum of 20 days per annum.

ENGINEERING

4. The developer is to upgrade the existing crossovers adjoining Kiln Road to meet the following criteria:
Reinforced concrete hardstand with minimum strength of 32MPa;
 - a) Minimum width of 7.0 metres;
 - b) Minimum length of 12.0 metres;
 - c) Minimum concrete depth of 100mm; and
 - d) Stop signage to be installed addressing traffic leaving the crossovers on both sides of Kiln Road.
5. Crossovers to be kept clear of sand, rock, rubble and rubbish at all times.
6. The cartage route is to be constructed and graded to enable stormwater to cross the route at regular intervals in a controlled fashion to gain access to downstream creek lines or other stormwater facilities.
7. The access route is to be graded at a minimum frequency of every four weeks during all proposed cartage programs and immediately following storm events to control damage to the surface and downstream pollution of waterways.
8. A Traffic Management Plan must be approved by the Shire prior to the commencement of cartage. This plan is to be implemented during all cartage periods and is to be updated should the existing Main Roads Western Australia Traffic Management for Works on Roads Code of Practice (2006) be revised such that it makes the approved plan non-compliant. In addition, the intersection of the new cartage route and Kiln Road shall be manned by a suitably qualified Traffic Control Officer at all times for the duration of the cartage period.
9. Appropriate lockable gates shall be installed at each crossover to prevent access by the general public after hours, on weekends and public holidays and during inactive cartage periods.
10. The cartage route being sufficiently watered to minimise dust as detailed in the Construction and Environmental Management Plan attached to and forming part of this approval.

ENVIRONMENTAL

11. A Landscape and Vegetation Management Plan to be prepared and approved by the Shire prior to the commencement of cartage.

EMERGENCY MANAGEMENT

12. Details of the amended firebreak system for the site to be provided to the satisfaction of the Director Engineering.

CARRIED 9/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM012/11/08		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:	Joanne Abbiss - Chief Executive Officer	
Date of Report	12 November 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM012.1/11/08 COMMON SEAL REGISTER REPORT – OCTOBER 2008

The Common Seal Register Report for the month of October 2008 as per Council Policy CSP30 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM012.1/11/08.**

OCM012.2/11/08 POLICY FORUM – 4 NOVEMBER 2008

The following items were discussed at the 4 November 2008 Policy Forum:

Topic / Subject
Council Actions Report
Report on progress of Council and Committee resolutions – Uncompleted Resolutions
Report on Councillor correspondence - Currently Outstanding
Presentations
Byford Town Centre Local Structure Plan - APP and Urbis
Budget deficit overview
Alcoa - Draft Five Year Mine Plan (2009-2013)
Strategic Planning
Rivers Regional Council Strategic Waste Management Plan
Strategic Waste Issues
Strategic Plan update
2008 / 2010 Budget process
Hot Topics
Fencing in Byford Townsite
Off Road Vehicles

OCM012.3/11/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SOUTH EAST METROPOLITAN ZONE AGENDA – 26 NOVEMBER
2008 (A1164)

In the attachments marked OCM012.3/11/08 is the agenda and OCM012.3a/11/08 (IN08/14609) is the attachment of the South East Metropolitan Zone Meeting to be held on 26 November 2008.

OCM012.4/11/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
PEEL ZONE AGENDA – 27 NOVEMBER 2008 (A1164)

In the attachments marked OCM012.4/11/08 (IN08/14860) is the agenda of the Peel Zone Meeting to be held on 27 November 2008.

OCM012.5/11/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
STATE COUNCIL AGENDA & APPENDICES – 3 DECEMBER 2008
(A1164)

In the electronic attachments marked OCM012.5/11/08 is the agenda and OCM012.5a/11/08 (IN08/14536) is the appendices of the State Council to be held on 3 December 2008.

OCM012/11/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris
The Information Report to 21 November 2008 is received.
CARRIED 9/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the meeting closed at 7.32pm.

I certify that these minutes were confirmed at the
Ordinary Council meeting held on 15 December 2008.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD052/11/08 URBAN WATER MANAGEMENT PLAN FOR LOT 3 THATCHER ROAD AND LOT 3 ALEXANDER ROAD, BYFORD (FILE S133493 AND S136359)		
Proponent:	Cardno	In Brief To consider the approval of an urban water management plan for Lot 3 Thatcher Road and Lot 3 Alexander Road, Byford It is recommended that the Plan be approved.
Owner:	Goldtune Investments	
Author:	Simon Wilkes - Executive Manager Planning & Craig Wansbrough - Project Manager Water Sensitive Urban Design	
Senior Officer:	Tony Turner - Acting Director Development Services	
Date of Report	31 October 2008	
Previously	SD097/05/08 SD005/07/08	
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	Committee – in accordance with resolution CGAM064/02/08	

SD052/11/08 Committee Decision/Officer Recommended Resolution:

That Council approve the Urban Water Management Plan for Lot 3 Thatcher Road and Lot 3 Alexander Road, Byford, dated October 2008 and that Council advise the applicant, Western Australian Planning Commission and the State Administrative Tribunal accordingly.

Advice Note:

The approval of the Urban Water Management Plan should not be construed as endorsement of the creation and layout of those lots west of Road 2 as show on Attachment D, SD052.2/11/08.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was amended by adding an Advice Note. The Presiding Officer declared that the addition of this Advice Note is deemed as a matter of clarification and does not change the intent of the Officer Recommended Resolution.

SD053/11/08 PLANNING INFORMATION REPORT		
Officer:	Simon Wilkes - Executive Manager Planning	In Brief Information report
Senior Officer:	Tony Turner - Acting Director Development Services	
Date of Report	3 November 2008	
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	

SD053/11/08 Committee Decision/Officer Recommended Resolution

1. That Council accepts the Planning Information Report.
2. That in relation to item SD053.4/11/08, Council writes to the Centrals Football Club advising them of the unsuccessful application.

CARRIED 7/0

CGAM038/11/08		MONTHLY FINANCIAL REPORT – SEPTEMBER 2008 (A0924/07)
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 30 September 2008
Owner:	Not Applicable	
Officer:	Casey Mihovilovich - Manager Finance Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	14 October 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM038/11/08 Committee Decision/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 30 September 2008, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 7/0

CGAM039/11/08		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Alan Hart - Director Corporate Services	In Brief To confirm the creditor payments made during the period of 1 October 2008 to 21 October 2008.
Owner:	Not Applicable	
Author:	Melissa Armitage - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 October 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM039/11/08 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 October 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

CGAM040/11/08		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)
Proponent:	Alan Hart - Director Corporate Services	In Brief To receive the sundry debtor balances as at 21 October 2008.
Owner:	Not Applicable	
Author:	Melissa Armitage - Finance Officer (Debtors)	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	2 October 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM040/11/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 21 October 2008.
CARRIED 7/0

CGAM041/11/08		RATE DEBTORS REPORT (A0917)
Proponent:	Alan Hart - Director Corporate Services	In Brief To receive the rates report as at 20 October 2008.
Owner:	Not Applicable	
Author:	Kellie Bartley - Rates Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	20 October 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM041/11/08 Committee Decision/Officer Recommended Resolution:

**That Council receive and note the report on the Rate Debtors accounts as at 20 October 2008.
CARRIED 7/0**

CGAM042/11/08		INFORMATION REPORT
Proponent:	Alan Hart - Director Corporate Services	In Brief To receive the information report to 31 October 2008.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	31 October 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM042/11/08 Committee Decision/Officer Recommended Resolution:

**That the Information Report to 31 October 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.