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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 25 JULY 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

1. ATTENDANCES & APOLOGIES (including Leave of Absence):

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
 M Harris
 C Buttfield
 C Randall
 B Brown
 T Hoyer
 M J Geurds
 A Lowry
 K Petersen
 A Ellis

OFFICERS: Ms J AbbissChief Executive Officer
 Mr R GorbunowDirector Engineering Services
 Mr B GleesonDirector Development Services
 Mrs S van AswegenDirector Strategic Community Planning
 Mr S WilkesExecutive Manager Planning
 Ms P KursarMinute Secretary

APOLOGIES: Mr A Hart

Members of the public – 10
 Members of the press – 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Clayton Oud – PO Box 78, Mundijong

Firstly, I would like to commend the author of the answers to my previous questions asked at the Council meeting of the 23rd May. The answer provided was both detailed and relevant to what I asked and I appreciate the respect shown in formulating a concise response that actually answered my questions. However, the answer to Question 3 of Mr John Kirkpatrick's question at the May council meeting was that the final estimate for the construction of George Street was \$1.1 million. This contradicts the answer to my question at the 27th April meeting that the cost including 90 degree parking would be \$1.6 million.

Q1 *As the 1.1 million does not include the on street car parking that Council still intends on building shouldn't the cost estimate for the total construction of George Street be revised up to 1.6 million?*

A1 The cost estimate is \$1.1million without on-street parking. If all developers along George Street provide all their required parking on-site there will be no need for on-street parking and the cost estimate of \$1.1million is correct. If a developer wants to reduce the amount of on-site parking they have to provide by construction on-street parking they will pay for it. Until each development goes ahead it is not known what the demand for on-street parking will be. The design of George Street has identified where on-street parking could be accommodated if required, and paid for, by developers.

The answer to Mr Kirkpatrick's 5th question was that George Street failed to meet the criteria for Royalties for Regions Grant funding.

Q2 *As the forward capital works programme is able to be reviewed with items either deferred or replaced upon a reprioritisation of the demands of other projects, and to ensure that the Royalties for Regions Grant funds nominated for the construction of George Street by the Shire are not now lost to the Shire, can upgrading a further section of Lightbody Road to a sealed standard now be included in Royalties for Regions funding applications. This would be an eligible project for the country Local Government Fund and would serve to protect the re-sheeting programme that the Shire has already commenced.*

A2 The current guidelines require projects to have been identified in the Shire's Forward Capital Works Plan. Lightbody Road is not identified in this Plan. The guidelines for 2011/12 are due to be released by the Department of Regional Development and Lands in September 2011.

The Shire President asked if Mr Oud had been to George Street recently as a new sealed area has been made on George Street for additional parking. The Shire President advised that the questions would be taken on notice and responded to in writing.

John Kirkpatrick – 77 Mead Street, Byford

Q1 *How much money has the Council spent this financial year to date responding to appeals to State Administrative Tribunal and State Planning Commission on staff including administration, legal fees, legal representation and consultants?*

- A1 \$89,931 was spent in the 2010/2011 financial year on legal and consultant costs relating to appeals before the State Administrative Tribunal (SAT). This does not include the cost of Shire officer time as these costs are not known.

Planning/Development applications were lodged for Lot 2 South West Highway, Aspen Developments (Kangaroo Paddock) and Hungry Jacks proposed location corner South West Highway and Beenyup Road

- Q2 *How many conditions were recommended and approved by Council on each application?*

- A2 In relation to the development application for Hungry Jacks, the matter is currently before the SAT. 33 planning conditions were imposed by Council.

A local structure plan (LSP) for Lot 2 South Western Highway, Byford was approved by the Western Australian Planning Commission on 13 January 2011 and granted final approval by Council on 15 February 2011. In the operative part of the adopted LSP, there are a number of provisions, standards and requirements that apply to the LSP area which includes sections relating to plans, detailed area plans, zones and residential densities, management plans and public open space.

- Q3 *How many were rejected on appeal?*

- A3 No appeal has been lodged with SAT in relation to the LSP for Lot 2 South Western Highway, Byford. In relation to the Hungry Jack's site, the matter is currently before SAT.

- Q4 *Which ones were they?*

- A4 Refer to answer in 3 above.

SD132/06/11 - Kathy Williams & Sally Staaden– Lot 1 Dirk Road, Keysbrook

- Q1 *Is it the normal for the planning department of the Shire to be so pro this type of development? It seems the planning department has been very helpful to the proponents as they have made a lot of recommendations for this proposal.*

- A1 The Shire's planning staff are required to assess all planning applications on their merits in a balanced and transparent manner, taking into account a wide range of matters including the statutory planning framework, issues raised in public submissions and relevant policies.

- Q2 *Has the planner any involvement in this proposal?*

- A2 Yes. Planning staff have been professionally involved with the application for approximately 18 months, including the assessment of the plans, reports to Council and the current appeal at State Administrative Tribunal.

- Q3 *We ask council to go through the 14 points why this proposal was rejected and explain how these issues have been addressed by the proponent.*

- A3 Council's original decision to refuse the application was based, in part, on land use conflicts, stormwater disposal, potable water supply, traffic management, effluent disposal and land capability. Since that time, additional information had been provided by the applicant. Officers considered that the provision of this additional information may have been sufficient for Council to reconsider the proposal.

SD132/06/11 - Pat and Guy Jellicoe – PO Box 25, Serpentine (read out by Kathy Williams)

Q1 *I would like to know why Council is not addressing the 14 points put forward at the meeting in October 2010 where this project was defeated 7 to 2 votes. The agenda does not address these 14 points.*

A1 Council's original decision to refuse the application was based, in part, on land use conflicts, stormwater disposal, potable water supply, traffic management, effluent disposal and land capability. Since that time, additional information had been provided by the applicant. Officers considered that the provision of this additional information may have been sufficient for Council to reconsider the proposal.

Q2 *Please explain how they are now able to present this new proposal to Council which to me looks like they have disregarded the findings and concerns addressed at that meeting.*

A2 Please see above answer.

This is a great concern and if this project goes ahead, Council need to be very wary of the precedent it is setting. A full explanation would be appreciated.

SD132/06/11 - Denyse Needham – 3345 South West Highway, Keysbrook

You posted 2 resolutions last year in April and October to refuse this proposal on 14 grounds, none of which have been addressed in the new Officers recommended resolution.

Q1 *How can the officers just put another recommendation for approval forward to the Councillors and not address any of the key reasons for refusal the last 2 times?*

A Council's original decision to refuse the application was based, in part, on land use conflicts, stormwater disposal, potable water supply, traffic management, effluent disposal and land capability. Since that time, additional information had been provided by the applicant. Officers considered that the provision of this additional information may have been sufficient for Council to reconsider the proposal.

Director Development Services advised that the question would be taken on notice and responded to in writing, however the officer report has addressed the issues and officers have been diligent at addressing issues.

Ms Needham responded that she does not believe the fact that the 14 issues that were placed in the previous refusal including statutory planning issues and the unsuitability of the development in the agricultural protection policy area. None of these issues are addressed in the officer's recommendation. I am not sure how you are dealing with this matter as it was lost at Sustainable Development Committee.

The Shire President apologised that an error had been made, as the motion was lost at the Sustainable Development Committee. The report should read Officer Recommended Resolution, not Committee.

SD132/06/11 - Shane Rowley – Gobby Road, Keysbrook

- Q1 *By allowing the approval for this development, how is the council going to say no to other people doing the same and how can this be allowed on a rural zoned property which is already containing 7 houses and a new one already approved.*
- A1 If a similar application is received, it will be assessed on its planning merits against the Town Planning Scheme (TPS 2) and relevant state and local planning policies and statutes. The current application for holiday accommodation is a discretionary use in TPS 2 which can be considered by Council in the rural zone.
- Q2 *As this development doesn't fit any of the criteria for this and zoning, why doesn't Council listen to the local community which does not want this as previously debated?*
- A2 Council had previously considered public submissions on this application and resolved to refuse the proposal. The applicants lodged an appeal with the State Administrative Tribunal (SAT) against Council's decision. Council has again resolved not to support the development application that is currently before the SAT.

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.01pm

Sandra Hawkins – Byford Scarp Residents Association

- Q1 Regarding the Austral Brickworks, will the Council recommend that the future hours of transportation of materials in and out of the quarry and factory will be limited from 6.00am to 5.00pm instead of 6.00am to 6.00pm Monday to Friday and Saturdays 6.00am to midday? The reason for requesting a change is that traffic along the highway has increased quite considerably since the last licence was granted to Austral, especially at 5.00pm to 6.00pm. Saturdays are of particular concern as traffic is heavier after midday.
- Q2 With the excavation licence on the south side of Kiln Road being granted, where will the materials go to be processed? Austral quoted in their overview that the life of the factory is 3 years and the life of the excavation is proposed for 35 to 40 years.
- Q3 Is the Council going to allow the quarry when it is decommissioned to be used as a tip or dumping ground to fill the 30 metre deep hole? The residents will firmly oppose that, if it is allowed to happen. This was opposed some 14 years ago as it was stated at that time, the life of the quarry was nearing its end.
- Q4 Will the Council strictly monitor any conditions imposed upon Austral Brickworks when the licence to continue is granted?
- Q5 Will the Council consult with the Community Consultancy Group to keep us informed prior to major decisions being made which affect all nearby residents?

The Shire President advised that the questions would be taken on notice and responded to in writing.

John Kirkpatrick – 77 Mead Street, Byford

Mr Kirkpatrick was disappointed that response letters from questions asked at the last Ordinary Council Meeting were not forwarded in a timely manner.

At the recent meeting at the proposed Skate Park site in Jarrahdale with Mr C Portlock from the Shire and Ms M Matheson and myself from the JCA, the question of the concerns of the fire brigade over security of the station and the construction of a security fence was raised. Mr Portlock gave an understanding that the Shire would contact the brigade to discuss their concerns and the question of the construction of a fence.

Q1 Has the Jarrahdale fire brigade been contacted about this issue?

Q2 If not, when will this happen?

In the recent SJ Update, some items of the budget were highlighted. Could I have further information on the following projects?

Q1 What is the \$150,000 being spent on in George Street?

Q2 Which footpaths are being constructed for the \$327,855.00? Does this include any cycle ways?

Q3 The money being spent at Byford Central Oval and Percy Place, is it being spent on land owned or controlled by the Council or is it on land still under the control and maintenance of the developers?

Q4 What does the Byford beautification consist of?

The Shire President advised that the questions would be taken on notice and responded to in writing.

Public question time ended at 7.05pm

4. PUBLIC STATEMENT TIME:

Sandra Hawkins – President, Byford Scarp Residents Association - 27 Burgess Drive, Byford

All too often large companies are given a free hand by governments, whether it be the government of the day or local government as they are obliged to make decisions with one or both hands tied behind their backs.

This does not mean that those companies have a right of passage, legal or moral, to do as they please under the guise of proper and long standing establishment or that they have huge deposits of cash available. However, we the public and in particular in this case, the Byford Scarp Residents Association do have the right in Australia of free speech.

We believe that our voices are being heard and that our wishes are being taken into account when the future of our children and grandchildren are at stake. We accept that we have to progress through time, that is our nature, but this has to be done with great care and consideration for all. However we cannot do this if the old cliché “we were here first” is used as the basis of decision making.

The government of the day has seen fit to allow Byford to become an area of growth in Western Australia and as such, we the residents, have a right to live in a safe environment but also to be involved in the future of industries and businesses that operate around us.

I personally hear so many times that major decisions have been made by for example the EPA and that they cannot be changed. Maybe they can't but that does not mean that the Joe Blows or the Sandra Hawkins of this world are going to stand by and be oppressed when we have a perfect right to object.

We say we will stand up to be counted when those major decisions do not sit right with the rest of society, our avenue for voice will be the Community Consultancy Group which will endeavour to arrive at a compromise before any decisions are set in concrete.

The community has significant concern regarding previous representations by Austral Bricks management. Should they have communicated with the residents many years ago we may not have been here today. There is a huge dust problem, no matter what it contains it is still not healthy for anyone to inhale it over time. There are many people who have come to the area to live believing it to be a clean and quiet environment.

It is time for Austral to come clean and to be honest. We know that we require bricks but let us produce them in such a way that it will not affect the community as a whole. Not only does Austral have to be held to account, but councils and governments as well. We are constantly being buffered from one place to another and in the end no one takes responsibility for anything. It is time to let the buck stop here.

Stephen White – Byford on the Scarp (read out by Sandra Hawkins)

The proposal seeking to extend the extraction license for the brickworks outlined in the Council's Committee Meeting minutes, is riddled with platitudes and falsehoods, to such an extent that it makes for depressing reading.

The control mechanisms that have been belatedly proposed are meaningless, just words on paper. Who is going to police them? Those same ineffective people who failed to do so in the past?

The company has previously shown a blatant disregard for such measures and given that they weren't even fined for breaching their license provisions, one could be forgiven for being sceptical for thinking that they would operate on other than a 'business as usual' basis in the future.

A reasonable person would find it hard to accept that a company that had become so disengaged from their obligations as to not even feel it was important enough to apply for an extension of their license when it has expired would treat any dust or noise control measures imposed upon it with the seriousness that it deserved. Maybe they knew the Council would just roll over and grant the extension regardless of performance. Well, given the officer's recommendations contained in the minutes, I guess we now have the answer to that question!

Most working families have busy lives and do not have the time to constantly write letters of complaints, which usually get lost in the vortex of inefficiency and ineptitude that makes up Local Government, to disinterested shire officers. I personally have had several dust issues just brushed off by being told 'we can not do anything about that, we don't have the resources'. Faced with such a response, one just gives up and puts up with the nuisance. If the plethora of submissions received by the Council doesn't contain enough groans, grievance and protests about dust and noise emissions for the officers to get the message that there is a problem, then I'm not sure what else a reasonable person can really do.

Given that 'big business' will most probably win the day I suggest the Council include in the proposal a requirement that a small committee be established, made up of representatives

of affected community members, shire officers and the company, to meet on a regular basis to review any issues that arise and that affect those areas of interest. This way, the community will not feel totally helpless and excluded from any ongoing issue that may arise from the extension of the license. However, for this committee to be effective, the Shire must commit to action fairly and in a timely manner to resolve any issues that do arise.

We all understand the need for business to operate but business must also understand the effect their operations have of the amenity of the community in which they operate. Let's all try and achieve a win-win situation.

5. PETITIONS & DEPUTATIONS:

The following Deputations have been approved to be heard by Council:

Mr John Kirkpatrick – 77 Mead Street, Byford

Deputation commenced at 7.08pm

I must thank you President Twine for the opportunity to clear up matters arising from the events of the evening of the 23rd March 2010.

Firstly, I would like to thank the volunteers from bush fire services and SES who made every effort on the night to minimise the damage to properties in Harris Place.

It is from the next morning (Tuesday) that things started to go wrong. The Shire's Emergency Manager was well aware of the situation and toured the area, being in Harris Place at about 11.00am. He drove up the street and down and then left the area. Not even a royal wave, let alone an offer of assistance or even a sympathetic comment.

The residents expected at least some offer of help. It was only after some heated contact with the Shire that we got the health officer in the area at 16.00 on the Friday. Nobody was alerted by the Shire to the fact that after about three days, wet carpet develops a fungus that is a severe health risk. My carpet was removed by my insurer on the Wednesday. We lived for ten weeks with no floor coverings at all, not a good situation for my wife who was 75 at the time.

As a result of the Council's lack of understanding and empathy I submitted my resignation from Council. Having been told by a number of Councillors to make up my mind, either hold the council line or support the ratepayers. Not a difficult decision. A comment from one councillor that it was only a couple of people whinging about a drop of water was not helpful at the time. About a metre of water through the lounge room hardly constitutes a drop of water.

A number of residents in Harris Place raised some finance (about \$3000.00) and sought advice from Slater and Gordon lawyers as to their legal position. At the same time an engineer helped me write two questions about the flooding event. These were asked at the August OCM. A reply was given at the October OCM. This would appear to the layman that the CEO was more concerned in protecting the insurers than to assisting the ratepayers in their efforts to settle the matter. The fact that the CEO is paid by the ratepayers seems to be lost.

As a result of this I made an application under the Freedom of information act and got the answers that the Shire CEO would not give. From the documents supplied, it is clear that the Shire was aware of a history of previous flooding in Harris Place with water coming from what is Stage 3 of the Chestnuts Development. It is also stated that there was a need to take

into consideration a severe weather event. There is also talk in the documents of the need for an overflow from the compensating basin to be constructed at the rear of numbers 7 & 8 Harris Place. There is no evidence in the plans supplied of this ever happening.

The outlet pipe from the compensating basin runs through private property which the Council has no legal right to enter to maintain the pipe. The owners of the property made it clear to the developers that they would not entertain the idea of an easement through their property.

You may well say but you were on Council when the subdivision was approved, but as a councillor you rely on the planning department to ensure that all these matters have been addressed prior to it coming to Council for a decision.

There is no evidence of the Council either maintaining the compensating basin or the associated levee banks, even though the Council has access to the specified area rate for the Chestnuts for maintenance of the water sensitive design. All it took was the blockage of one gully trap and the failure of a levee bank to create this problem.

It is interesting to note that during recent heavy rain fall that the drains on both sides of Harris Place were running at almost capacity. Having supplied the documents obtained under FOI to the lawyers, I was told that we had substantial grounds for action against the Council. Also, that there is a precedent in Western Australia of a similar successful action funded by the insurance industry.

I was also told that the matter would almost certainly end up in the Supreme Court with a potential bill in excess of \$100,000 and the probability even in the event of being successful of recovering this outlay as unlikely.

I, as a pensioner and the people living in Harris Place cannot afford this risk, but would not hesitate to take the action if the finance was available.

At the same time of the storm, power and telecommunications were lost from the town site. This continued for in excess of forty eight hours with the following ramifications.

- No power
- No telephones either mobile or land line
- Failure of ATU systems
- No contact for the local fire brigade either by telephone or pager
- Failure of cold stores
- Elderly people had no hot meals for two days or more
- Financial hardship to people living in the town

What did this mean to ratepayers?

- Homes with effluent on top of the ground.
- No hot meals for the aged
- Sever lack of essential services. i.e. contact for an ambulance in the case of an emergency.
- Council officers failing to ensure minimum standards were maintained for frozen food at cold stores.

It is ironic when our local MLA Tony Simpson was made aware of the problem. Western Power promised restoration of power in six hours. When Western Power staff came into town a local pointed out that a circuit breaker was out and power was restored in minutes.

I wrote to Minister for Emergency Services about the apparent failure of the local emergency policies and procedures and was informed that an inquiry would be undertaken by the Shire and FESA to improve the situation.

When a question on notice was asked about the review, the reply was that the Council did not have the funds to do the review. It is no good doing a review without asking the people

that were affected with what went wrong. The fact that the Shire has no funds does not mean that it can avoid its obligation under the Duty of Care legislation to take care of the ratepayers.

So it would appear that nothing has changed and sections of the community are still at risk in the event of a severe weather event. It would also appear that as long as the traffic lights and the fast food outlets are working in Byford, the world must be working OK. As a result of all this and the lack of support from the Shire and its officers can you wonder that we are getting upset and angry? What is being done to avoid a repetition?

Deputation ended at 7.15pm

SD004/07/11 – Brendan Toohey – Senior Project Manager - Aspen Group

Deputation commenced at 7.16pm

1. I would like to thank the Committee and Council for affording me the opportunity to address you today;
2. Acknowledge the hard work of Council Officers Michael Daymond and Simon Wilkes;
3. In principle Aspen supports the extension of the Extractive Industry Licence; however,

Aspen objects to any extension beyond the two (2) years stated in the advertised documentation. The requirement for the two (2) years rather than the five (5) years recommended by Council Officers is to ensure the decision of Council to grant an extension is entirely consistent with the advertised documentation material. To that end the community, including Aspen as an adjoining land owner, have reviewed the advertised documentation and have assessed any impact of the application in line with the two (2) years of extraction.

The requirement for Council to be cognizant of this requirement is because if Council issues, as recommended, a five (5) year extraction period the application is substantially different to what was advertised. The end result may be that any approval granted may in fact be invalid.

I use the analogy of an adjoining owner being told the house to be built next door is a two (2) storey only to find after the approval has been granted it is fact a five (5) storey house.

To achieve a mutual agreement for all parties it is recommended:

1. Extraction is limited to no more than two (2) years; and
2. To address the need for rehabilitation the Development Application can be approved for five (5) years.

Aspen reiterates the community expect an approval to be consistent to what they were told in the letter they received and what was included in the advertised material; therefore to offer anything different is a breach of processes and trust the community has given to Council to ensure their interests are heard.

Thank you again for the opportunity to brief Council.

Deputation ended at 7.19pm

SD004/07/11 – Peter Smith & Melissa Emery – Austral Bricks

Deputation commenced at 7.20pm

Discussion Points:

- The shale pit at Cardup has been in operation for over eighty years. The material mined from this pit is critical to the brick manufacturing process and is used extensively at all of the company's Western Australian manufacturing sites.
- Austral Bricks have received only two complaints in relation to the operations since 2005, both of which instigated immediate remedial action and following discussions with the complainants indicated that the issue had been rectified.
- The shale is mined and stockpiled over the summer months, and any shale not delivered to the W.A. manufacturing sites during this time is delivered later in the year.
- Austral Bricks' application requested a 5 year Development Approval and 5 year Extraction Licence. Our application provided an indicative timeframe for expected completion of extraction operations within 2-3 years, and an expectation that the balance of the 5 year approvals would be required to fulfil rehabilitation requirements which will require major earthworks. Austral Bricks are of the understanding that the public advertising by the Shire included this detail and was not misleading in any way.
- The expected timeframe for excavations has been provided on the basis of Austral Bricks' intention not to progress in the north eastern corner of the northern pit, pending approval of the southern application (referred to as Shale Road), which will provide access to a replacement resource.
- Raw material extraction rates and volumes are dependant on market demand for ceramic products. As such, the anticipated timeframe for excavations may vary in the event of a significant change in market demand.
- Austral Bricks request that the council consider the limitation of the operations to summer months only, in setting the duration of approvals for this site. If approval is granted for a limited period of 2 years and back dated to December 2010, this would effectively only allow one full excavation campaign during the summer of 2011-2012. In this case it would be highly likely that this would necessitate an application for a further approval at the site in order for Austral Bricks to extract the required raw material for operations.
- Following the Sustainable Development Committee Meeting, Austral Bricks would like to clarify that no vegetation within the Bush Forever has been cleared as part of the operations, nor is there any intention for clearing within the Bush Forever area to occur. Any such clearing would be subject to DEC assessment and would require a clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- Austral Bricks would like to clarify that the presentation to the Shire regarding a proposed redevelopment of the site to residential land use did not include a proposal to clear and develop the Bush Forever area. It was suggested that the current urban deferred zoning would be requested to be extended further to the East, to compensate for the area covered by Bush Forever (in hectares) which is currently zoned urban deferred. The Bush Forever area and vegetation would remain protected under provisions of the state planning framework and Environmental Protection Regulations..
- Austral Bricks would like to confirm that the intended primary cartage route for this operation will be via Kiln Rd, and not via Nettleton Rd.
- Austral Bricks are committed to community consultation as part of the site development process.
- Austral Bricks have responded positively to the Shire's approach to build on relationships with all stakeholders, and have been in discussions with the Shire officers regarding the way forward with this application for approximately 10 months.
- Austral Bricks have provided feedback on draft conditions within the specified timeframe, however it appears that no significant amendments have been

included. Austral Bricks consider further discussion is required. Of particular concern are the requirements for ongoing dust monitoring and Noise Impact Assessment. Austral Bricks do not consider these requirements to be justified on the basis of limited complaints history, the majority of which were made in relation to blasting activities which ceased in 2006.

- Austral Bricks are very willing to work with the shire to develop the conditions of approval to achieve a satisfactory outcome for all parties.

Deputation ended at 7.28pm

6. PRESIDENT'S REPORT:

Congratulations to Cr Merri Harris, who has just returned after her first week of training in the 'Excellence in Local Government Leadership Program'. Merri won selection for a scholarship for this course and we are all very proud of her. The Shire President presented a WALGA certificate to Cr Harris.

Planting

At this time of the year, the whole Shire is being planted with thousands of seedlings. Residents collected their Shire funded plants to beautify their own street verges. Serpentine Primary had a planting day at the Paul Robinson Reserve. Jarrahdale primary are planting at Turtle Creek and at Forest Green. Byford and Mundijong Schools have been assisting in their areas and the Byford Enviro Link members have been planting each Thursday morning. SJ Landcare and residents groups have planted at Korribinjal Reserve, Dirk Brook, along Jarrahdale Road, South West Hwy and many other areas. Green plastic tree guards are visible all around our Shire.

Activities and Competitions

The Banners in the Terrace Competition saw the Mundijong Primary School entry banner, carefully packed up for display in St George's Terrace, so don't miss this evidence of our SJ student talent. A gymnastic inter-area competition was held at the Clem Kentish Hall in Serpentine, where teams of junior gymnasts from Collie, Claremont and Serpentine competed for trophies from the PCYC. Our library has held many holiday activities and story readings with the theme of forests, as 2011 is the International Year of Forests. Our Community Development team have organised numbers of holiday activities for Shire youngsters, including the popular canoeing.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Petersen declared an interest of impartiality in item SD012/07/11 as she is a member of Jarrahdale Community Association and Mundijong Community Association. These groups have lodged community funding applications. This will not affect the way she votes on the matter.

Cr Twine declared an interest of impartiality of SD012/07/11 as she is a member of Jarrahdale Community Association. JCA have lodged a community funding application. This will not affect the way she votes on the matter.

Cr Hoyer declared an interest of impartiality of SD012/07/11 as he is a member of Mundijong Community Association and Probus. These groups have lodged community funding applications. This will not affect the way he votes on the matter.

Cr Randall declared an interest of impartiality of SD012/07/11 as she is a member of Byford Envirolink. The group has lodged a community funding application. This will not affect the way she votes on the matter.

8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

8.1 Ordinary Council Meeting – 27 June 2011

Moved Cr Buttfield, seconded Cr Hoyer

The *attached (E11/3302)* minutes of the Ordinary Council Meeting held on 27 June 2011 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD003/07/11 APPLICATION FOR RENEWAL OF DEVELOPMENT APPROVAL AND EXTRACTIVE INDUSTRIES LICENCE - LOTS 200 & 441 COYLE ROAD AND LOTS 713 AND 1242 KING ROAD, OLDBURY (P03577/01)		
Proponent:	Taylor Burrell Barnett	In Brief An application to renew planning consent and for an extractive industries licence for a sand quarry on King Road in Oldbury is presented to Council for determination. It is recommended the application for planning consent and the extractive industries licence be approved for a period of five years expiring 30 May 2016 subject to conditions.
Owner:	LWP King Road Syndicate Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 June 2011	
Previously	OCM040/05/06	
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	Council	

Date of Receipt: 15 December 2010
 Advertised: Yes
 Submissions: Yes
 Lot Area: 109 hectares approximately over 4 lots
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural

Background

At its meeting held on 22 May 2006, Council resolved to grant development approval for the extraction of sand at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a 5 year period, expiring 30 May 2011.

Part B of the Council resolution required payment of the associated extractive industry licence fee, submission of relevant documentation and advertising being undertaken prior to an extractive industry licence being issued. A search of Council's records indicates that this information was not submitted and hence a licence was never issued. Excavation has been occurring from the site since 2010 by the landowner, without the Shire issuing an extractive industry licence.

The operations at the site were also subject to a planning approval under the Metropolitan Region Scheme (MRS) from the Western Australian Planning Commission (WAPC) which expired on the 24 May 2011. This request for renewal also requires a determination from the WAPC.

A copy of the location plan and aerial photograph is with attachments marked [SD003.1/07/11](#).

A copy of the previous Form 2 Approval is with the attachments marked [SD003.2/07/11](#).

Appeal

Following Council's determination on the application in 2006, the proponent lodged an application for review (an appeal) with the State Administrative Tribunal (SAT) against 12 of the 56 conditions imposed by Council on the Form 2 Approval. Whilst agreement was reached by the parties regarding a number of conditions, several were deleted by the SAT including conditions requiring:

- Specific stages not to commence until written confirmation by Shire provided regarding screening plantings;
- Final stage to be rehabilitated within 2 years of the completion of the preceding stage;
- Rehabilitation of the adjacent conservation category wetland as an ecological offset;
- Preparation of a conservation covenant over the conservation category wetland; and
- Restriction of commercial vehicles utilising roads during school bus operation times.

Other conditions were modified by the SAT, including:

- Hours of operation (start time changed from 7am to 6am); and
- Fencing of wetlands (removal of requirement to fence multiple use wetlands).

A copy of the SAT order is with attachments marked [SD003.3/07/11](#).

The previous SAT orders have been considered when formulating both the development approval and licence conditions.

The applicant now seeks a further planning approval and an extractive industry licence for the continued excavation of the site for a 12 year period.

Sustainability Statement

Effect on Environment:

Vegetation

Vegetation at the site is completely degraded. A vegetation study showed that the majority of the vegetation is a mono-species with an average of 1.1 species per 100m². The application proposes to undertake progressive rehabilitation back to a "parkland pasture" standard at a rate of 200 plants per hectare in clumps of trees and shrubs.

Hydrology

The application does not propose any dewatering or excavation within 2 metres of the maximum groundwater level. Any water abstraction for dust mitigation would be subject to a licence from the Department of Water (DoW). Groundwater licences administered by the DoW are issued in the context of groundwater availability and no licence would be given if sufficient groundwater was not available.

Wetlands

There are three conservation category wetlands near the excavation area. The application proposes a fenced 50 metre buffer to the wetlands.

Resource Implications and Use of Local, Renewable or Recycled Resources: The proposal will provide a local sand resource necessary for the Glades residential development in Byford. There is the potential for greenhouse emissions generated through transport to be reduced by utilising local sand resources for local developments.

Economic Benefits: Due to lower transport costs the price of sand fill needed for the Byford residential subdivisions will be reduced. This may have a direct benefit for purchasers of land in Byford as it may help to keep lot prices lower.

Social – Quality of Life: The proposal may impact upon the community by virtue of noise, dust and visual impact if the operations do not comply with statutory approvals and licence conditions. It is considered that the management practices proposed by the proponents with regard to these issues will, if consistently implemented, adequately ameliorate potential impacts on adjoining properties.

The rehabilitation plan includes various screening measures to minimise any visual impact of the operation. No complaints have been received relating to visual, dust or noise issues. However, impact of truck movements on Gossage and Orton Roads has been a key issue for residents living along the haulage route.

Statutory Environment:

Local Government Act 1995
 Planning and Development Act 2005
 Extractive Industries Local Law 1995
 Town Planning Scheme No. 2 (TPS 2)
 State Planning Policy 2 *Environmental and Natural Resources* (SPP 2)
 State Planning Policy 2.1 *Peel Harvey Coastal Plain Catchment* (SPP 2.1)
 State Planning Policy 2.4 *Basic Raw Materials* (SPP 2.4)

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 *A person must not carry on an extractive industry -*
- (a) *Unless the person is the holder of a valid and current licence; and*
 - (b) *Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

- 4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-*
- a) *refuse the application; or*
 - b) *approve the application on such terms and conditions, if any, as it sees fit.*

Policy/Work Procedure

Implications:

Council Planning Policy 14 *Extractive Industry Licences* (PP14)

Financial Implications:

The Extractive Industry Licence fee and development application fee has been paid.

Should an application for review be lodged with the SAT, against a decision of Council on this planning application, there will be costs incurred by Council.

The matter has previously been approved and subject to appeal proceedings. Since that time, neither the nature of the application or the planning framework that applies to it has changed. From a planning law point of view, it follows that the application to renew should therefore be approved. If Council refuses the application there is a risk that, if appealed, costs may be awarded against Council. If Council reverts to conditions previously modified or deleted by the SAT, there is a risk that, if appealed, costs may also be awarded against Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
BUILT ENVIRONMENT	Land Use Planning	20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.	
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.	
	Infrastructure	39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.	
		40		Promote, implement and celebrate best practice integrated water cycle management.	
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.	
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.	
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
		2		Defend our scarp and forest from inappropriate uses.	
		3		Maximise the preservation of existing trees and vegetation.	
		4		Incorporate environmental protection in land use planning.	
		5	Restore	Establish and enhance waterways and bush corridors.	
		12	Biodiversity	Prevent the further loss of "local natural areas"	
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire	
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.	
		Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
			18		Identify and implement opportunities for detention and storage of stormwater.
	20	Quality	Improve and maintain surface and ground water quality.		
	23		Enforce the adoption of "better urban water management".		

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
OUR COUNCIL AT WORK	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		8		Elected members provide a clear and consistent strategic direction.
SUSTAINABLE ECONOMIC GROWTH	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.

Government Agency Referrals

The application was referred twenty (20) government agencies for comment. As a result of the advertising, ten (10) submissions were received.

A copy of the schedule of government agency submissions is with attachments marked [SD003.4/07/11](#).

Community Consultation

The application was also referred to sixty-six (66) surrounding landowners for comment in accordance with clause 6.3 of the TPS 2. As a result of the advertising, two (2) letters of objection and one (1) letter of no objection were received.

Submitter	Nature & Summary Of Submission	Officer Comment
A190700	<p>Objects for the following reasons:</p> <p>We strongly disagree to sand mining on Lots 200,441,713 &1242 Coyle Road Oldbury.</p> <p>I bring to your attention that in the year of 2010 there were many truck loads of sand leaving King Rd all day every for most of the day.</p> <p>I am concerned of the effect this mining will have on the rainfall, the water table as you are aware everyone in Oldbury does not have the luxury of water on tap from the Water Corporation.</p> <p>Also it looks unsightly and when they have finished mining they never seem to care how they leave the land once they have finished mining.</p> <p>I hope you will listen to the people who live here and not money people who have come to make money.</p>	<p>Noted.</p> <p>It is considered that appropriate conditions relating to traffic management, environmental management and rehabilitation are included within the officer recommendation to address these issues. The operation, if properly managed, should have limited impacts on residents.</p>
A130204	No objection provided that the sand is not carted along Gossage road.	Noted.

Submitter	Nature & Summary Of Submission	Officer Comment
	The bridge across the canal is inadequate and I recall an accident involving two trucks at the intersection of Kargotich and Gossage Roads last time sand was carted en masse.	The Shire has previously recommended that full trucks use Orton Road and the empty trucks to use Gossage Road when returning to the site.
A153900	<p>Objects for the following reasons:</p> <p>It is situated on a hill which obstructs the view of drivers. Cars approaching the hill are unable to see the trucks that swerve onto King Road.</p> <p>Trucks coming in and out of the property are dropping sand on the road which has led to cars sliding to one side of the road.</p>	<p>Noted.</p> <p>It is considered that appropriate conditions relating to traffic management are included within the officer recommendation to address these issues.</p> <p>In 2010, engineering plans were approved by the Shire and Main Roads WA which reflect modifications to King Road to provide for increased road safety. These modifications include pavement widening on the eastern side of King Road, along a portion of the frontage of the site, to allow for southbound vehicles to overtake haulage trucks that are turning into to the site from King Road. This requirement is reflected in a condition of the officer recommendation.</p>

COMMENT

Proposal

The Council planning approval that was granted for an extractive industry on the subject site expired on the 30 May 2011. As such, the applicant seeks a new planning approval and extractive industry licence to continue operations on the land.

Overview

A summary of the proposal, as provided by the applicant, is detailed in the below table:

PROJECT COMPONENT	PROPOSAL CHARACTERISTIC
EXCAVATION	
Total area of landholdings	108.7988 hectares
Total excavation area	Approx. 20.3 hectares
Life of project	12 years
Dewatering requirements	Nil
Maximum depth of excavation	22.18m AHD
PROCESSING	
Sand	N/A
Water requirements	Nil
TRANSPORT	

Truck movements	Variable, but approximately 240 per day when excavation operations are occurring
WORKFORCE	
Hours of operation	7am to 5pm Monday to Saturday (inclusive)

Use of Resource

The applicant advises that the sand extracted from the excavation site is to be used primarily as a source of fill for The Glades, Byford residential estate, located approximately 8 km to the north-east of the subject land. The excavation site has been used to supply high-grade fill for two stages of The Glades thus far, with approximately 150,000 bank cubic metres (BCM) of material having been excavated to date and 20,000m² of area opened up. It is anticipated there is a sufficient amount (approximately 1,000,000 BCM) of material remaining in the excavation site to service several future stages of the development.

Duration of Licence and Approval

The applicant is seeking an Extractive Industry Licence and a Development Approval for the subject land for a 12 year period. The applicant advises that this time period corresponds with the anticipated lifespan of The Glades, Byford residential development and will ensure that an appropriate sand resource is available in close proximity to The Glades across the life of the project.

Stages & Timing

With respect to staging, the applicant provides the following information:

“The staging of sand extraction will largely be determined by the demand for fill associated with the development of the Glades, Byford residential estate. This, in turn, is subject to market demand for housing and will vary across the life of the excavation site. As such, it is not possible to provide a rigid definition of staging boundaries but rather an outline of the general intended staging of extraction on the site.”

The general intent for the staging of future extraction from the excavation site is to continue to extract sand from the middle of the site until the minimum extraction level (above AHD/water table) is reached. Extractive operations will then proceed in a westerly direction to the edge of the extraction site. The final stage of sand extraction will occur from the middle of the site back towards King Road in an easterly direction. This general staging sequence will serve to facilitate the passive screening of the extractive operations from King Road by using the existing topography as a visual buffer”.

A copy of the proposed staging plan is with attachments marked [SD003.5/07/11](#).

Depth & Extent of Proposed Extraction

The depth of extraction will be to 22.18m AHD, being the depth to maintain a minimum clearance of 2.0m above the water table. The overburden is not proposed to be removed from the subject site, rather stockpiled on site for reuse as part of the rehabilitation process.

Vehicular Access & Movement

With respect to vehicle movements, the applicant provides the following information:

“Condition 17 of the SAT Orders stipulates that King Road, Thomas Road and South Western Highway only are to be used for haulage of sand from the quarry. This decision,

however, was made at the time when the quarry was intended to service the Byford by the Scarp development. From the time extractive operations commenced on the subject land, the excavated sand has been used in the development of The Glades, Byford estate. In an effort to address resident concerns regarding the Thomas Road route, the Shire amended the route to use King Road, Orton Road and the haul road to access the site and the haul road, Gossage Road and King Road to return to the quarry. The Shire has advised that this is the preferred route to maintain road safety standards and minimise the distance travelled by the trucks.

As outline above, the requirements for sand from the quarry will be largely determined by the demand for fill at The Glades, Byford. As such, truck movements will vary according to extraction requirements. However, from the operations that were undertaken early this year, the daily export target was 6,000 tonnes. This equated to approximately 240 semi-tipper dump truck movements per day by approximately 18-22 trucks. Two front end loaders were mobilised to service this export rate”.

Dust & Noise

It is considered that the conditions previously imposed by the Shire, and those modified through the subsequent SAT orders, are adequate to ensure that dust and noise management is undertaken appropriately to minimise any off-site impacts. These conditions are proposed for this application.

Rehabilitation & Vegetative Screening

The applicant advises that the rehabilitation of the site will occur progressively in accordance with the Excavation and Rehabilitation Management Plan. This document outlines the rehabilitation and revegetation measures following the extractive operations. The King Road Sand Quarry Environmental Management Plan also outlines the ongoing monitoring that is to occur to ensure that the subject land is decommissioned in accordance with the Excavation and Rehabilitation Management Plan. The land will be rehabilitated for parkland pasture, consistent with the surrounding rural land uses and zoning of the land.

A copy of the rehabilitation plan is with attachments marked [SD003.6/07/11](#).

With respect to screening, the applicant advises that a number of measures have already been undertaken to ensure that the extractive operations are appropriately screened from the surrounding areas. Conditions on the previous approval required the planting of screening vegetation along King, Coyle and Anderson Roads. Perimeter screening along Anderson and King Roads occurred in July 2010 and was undertaken by Tranen Revegetation Systems. Since 2006, existing vegetation along Coyle Road has matured to the extent that it now provides suitable screening. Screening to required areas, as outlined by the SAT Orders, will be reassessed this year to determine whether additional infill screening is necessary.

Officer Comment

The proposed extractive industries licence and renewal of development approval is the subject of detailed environmental investigation and management strategies to ensure the amenity of the locality is not detrimentally affected. Furthermore, the rehabilitation of the subject land will deliver a superior environmental outcome for the land and enable it to be utilised more effectively for rural uses upon conclusion of extraction activities. Given that the proposal is materially identical to that which was granted approval by the SAT and is the subject of updated environmental reporting, support for the application is warranted.

Statutory Context

Metropolitan Region Scheme (MRS)

The subject land is zoned 'Rural' under the MRS and is surrounded by predominantly rural zoned land in the vicinity. The edge of the 'Rural – Water Protection' zone is located approximately 400m to the north of the subject land and Bush Forever Site 353 is situated within a 'Parks and Recreation' reservation approximately 500m to the west of the subject land. The 'Rural' zone of the MRS is identified to accommodate a range of agricultural, extractive and conservation uses.

TPS 2

The subject land is zoned 'Rural' under the Shire's TPS 2 and is generally surrounded by rural zoned land. With respect to the 'Rural' zone, TPS 2 states the following:

"The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area".

The proposal is defined an 'Industry Extractive' use under TPS 2 which is identified as an 'AA' (discretionary) use within in the 'Rural' zone which means that the Council may, at its discretion, permit the use.

Rural Strategy

The strategy identifies the subject land as being located within the 'Rural' policy area'. In the immediate vicinity surrounding the subject land, there are various properties identified as 'Raw Materials Extraction'. A number of these correlate with the Extraction Areas identified in SPP 2.4, however, the strategy includes additional properties in the locality that are not identified in SPP 2.4. It is noted also that the extraction areas in question are located to the east and west of the subject land and represent the former and current quarries that have and continue to level the ridge identified for protection in the Jandakot Structure Plan.

SPP 2 Environment and Natural Resources

SPP 2 identifies basic raw materials such as sand, clay, hard rock, limestone and gravel together with other construction and road building materials as being important natural resource assets and a vital part of the State's economy. SPP 2 indicates that a ready supply of such materials in close proximity to developing areas is required in order to keep downward pressure on the cost of land development and the resultant price of housing. SPP 2 also notes that the quarrying of basic raw materials on private land is to be legally administered by local government. SPP 2 indicates that planning strategies and decision-making should seek to identify and protect important basic raw materials and provide for their extraction to meet the objectives outlined above, in accordance with SPP 2.4.

SPP 2.1 The Peel Harvey Coastal Plain Catchment

SPP 2.1 establishes a statutory framework to control land use changes within the Peel Harvey Catchment in order to identify and prevent negative environmental effects on the downstream estuarine system. To achieve this end, a number of policy objectives are identified as follows:

- Improve the ecological, social, economic and recreational potential of the Peel-Harvey Coastal Plain Catchment;
- Minimise the occurrence of negative environmental impacts stemming from changing land uses;

- Increase the deep-rooted perennial vegetation coverage in the catchment; and
- Prevent land uses and activities that are likely to result in excessive nutrient export into the estuarine system.

It is considered that the proposal will not compromise the objectives of SPP 2.1.

SPP 2.4 Basic Raw Materials

SPP 2.4 recognises that the provision of a ready supply of basic raw materials in close proximity to developing areas is very important in minimising the cost of land development and housing, as noted also in SPP 2 above. Furthermore, SPP 2.4 indicates that basic raw materials are relatively cheap to produce and that the major costs stem from transportation to where it is needed (i.e. construction sites). It is also noted that the availability of basic raw materials, such as sand, close to Perth is declining, with many sites that would otherwise be suitable being located within areas affected by environmental and planning restrictions.

SPP 2.4 provides guidance regarding the matters to be considered by the WAPC and local governments in assessing zoning and development applications for extractive operations, and maps the location of known resources, 'Key Extraction Areas', 'Priority Extraction Areas' and 'Extraction Areas'. SPP 2.4 identifies two 'Sand Resource' sites opposite the subject land to the east along King Road and a further Sand Resource site to the west along Coyle Road. Whilst the subject land is not identified as an extraction area it is clearly within an area which has a known resource which is being actively extracted. SPP 2.4 does not preclude the extraction of the sand resource from the subject land provided the extraction proposal complies with planning and environmental requirements.

Visual Landscape Planning In Western Australia Manual

The Visual Landscape Planning in Western Australia Manual was prepared collaboratively between the then Department for Planning and Infrastructure, the Department of Environment and Conservation, Main Roads WA and other agencies that deal with landscape considerations. The manual provides information regarding visual landscape evaluation and impact assessment to be considered in the planning process in the absence of a formal state planning policy position.

Part 3 of the manual outlines the components of mining and quarrying land uses that may have direct visual impacts and consequently need to be considered. These include the size of footprint, depth, configuration of outer boundary, angle of faces, length of time faces are exposed before being re-contoured and re-vegetated, time sequence for planting exposed surfaces, planting programs (including screen planting), location of powerlines and other services, changes to the original landscape (especially landform and vegetation) and lighting. It is considered that the proponent has considered these items in the preparation of this current application before Council.

PP14

PP14 provides guidance as to the length of licences and auditing procedures, based on a compliance system. Auditing procedures set out in the policy are not relevant as it is a new licence, however provisions regarding the length of licences are. The policy states that:

"The initial licence issued to an extractive industry upon receiving planning approval to commence will be one year. The length of licence where the licence is being renewed will be determined through a compliance system".

As an extractive industry licence has not previously been issued for this operation, PP14 indicates that Council is only able to issue a licence for a 1 year period. However, there may

be instances when an initial licence period longer than 1 year is warranted. This is discussed later in this report.

KEY ISSUES

Potential Contributions Towards Road Maintenance

Under the provisions of the Extractive Industry Local Law, there is the ability for Council to impose a requirement for a contribution toward road maintenance in the form of a 'levy'. Based on the information available, the ability for council to levy a contribution exists regardless of the fact that at least and potentially all of the vehicles may be 'as of right vehicles'.

Through initial stakeholder engagement, a number of matters have been raised has potentially requiring consideration by Council including:

- Recognising that sand extraction is a private sector activity that operates in a competitive environment;
- There are significant natural resources within the Shire, including sand resources;
- There is significant development anticipated to occur within the Shire;
- The condition of the existing road network is variable;
- Any condition of approval would need to demonstrate relevance and reasonableness;
- Costs associated with raw material may have an impact on housing affordability/construction costs;
- There are potential financial and staff resource implications associated with establishing and administering contributions towards road maintenance;
- There are significant financial implications associated with maintaining the Shire's road network. The Shire's financial implications for road asset preservation is approx \$6.4 million;
- A number of other local governments have previously established levying arrangements eg. Shire of Murray, Shire of Kalamunda, Town of Kwinana, and City of Subiaco; and
- Vehicles associated with extractive industries have the potential to significantly contribute to the deterioration of the road network eg. fatigue failure of bitumen, edge breaking, shoulder drop-off, verge damage, depressions, rutting and shoving.

In order to properly evaluate and establish a framework for contributions towards road maintenance, it is recommended that Council give consideration to the following:

- A review of the existing extractive industry local law;
- That stakeholder engagement be progressed with relevant industry parties; and
- That Council prepares a policy framework for the establishment and administration of financial arrangements.

Should Council consider this to be a priority action, such investigations and work would likely require a period of approximately 12 months. In light of the above, it is not recommended that Council impose a contribution towards road maintenance at this time.

Length of Licence & Approval

The applicant is seeking a 12 year approval for both the licence and the development application which will effectively correspond with the anticipated lifespan of The Glades, Byford residential development. The Extractive Industries Local Law allows Council to determine the term of a licence, to a maximum of 21 years. PP14, which is not a statutory policy, identifies a practice of issuing a one year licence initially, with renewal licence length

dependant on performance. The length of the licence and approval to be issued is therefore a valid consideration for Council.

The applicant would likely argue for a term sufficient to allow the work to be completed, in this case 12 years. However the Local Law provides for renewal of licences if a shorter term is considered appropriate. A shorter time frame allows for another assessment of the works and excavation programme and supporting management plans with an application for renewal. However, given that the operation will be audited on an annual basis and that the operator will be required to comply with the conditions of approval, a licence length longer than one year is supported. In addition, should a licence length of only one year be issued, the applicant is likely to be aggrieved by this decision and may lodge an application for review with the SAT. As such a 5 year planning approval and licence period is recommended.

Options

With regard to the determination of the application for renewal of planning consent under TPS 2, Council has two options:

1. To refuse consent; or
2. To grant consent subject to such conditions as deemed fit.

Option 2, subject to conditions, is recommended.

With regard to the determination of the application for an extractive industries licence, Council has two options:

1. To refuse the application; or
2. To approve the application over the whole or part of the land, and subject to such conditions, if any, as it sees fit.

Option 2, subject to conditions, is recommended.

Conclusion

It is considered that with strict compliance with all proposed conditions the potential impacts of the proposal can be ameliorated to a satisfactory level. Further, the subject site will be audited on an annual basis to assess the level of compliance with the recommended conditions. Any issues that may arise through these inspections can be resolved between the operator and Shire staff. It is therefore recommended that planning approval and an extractive industries licence be granted for the continued operation of the site for a period of 5 years.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. Planning approval be granted for an extractive industry (sand extraction) at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a five year period expiring 30th May 2016 subject to the following conditions:

PLANNING

1. All operations are to be undertaken in accordance with the approved Works and Excavation Programme, Environmental Management Plan, and Rehabilitation and Decommissioning Programme.

2. Operating hours are restricted to 6am to 5pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays. Operations include, but are not limited to, the movement of all vehicles (bulldozers, front end loaders, water trucks, gravel trucks and fuel trucks) involved in the extractive industry. This includes external contractor's vehicles and those not specifically designated as LWP King Road Syndicate Pty Ltd property.
3. The landowner shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the Shire.
4. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the Shire.
5. Planning approval for the extractive industry is limited to five (5) years expiring on 30 May 2016.

HEALTH

Annual Report

6. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

7. The landowner shall manage and maintain dust on the sand extraction site and associated access-ways in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011).
8. If the landowner and/or the Shire receives, in the Shire's opinion, regular and/or ongoing dust complaints the Shire will require the landowner to develop, for approval by the Shire and thereafter implement, a Dust Management Plan (DMP) in accordance with Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011).

Noise

9. The operations shall comply at all times with the *Environmental Protection (Noise) Regulations 1997*.
10. If the landowner and/or the Shire receive, in the Shire's opinion, regular and/or ongoing noise complaints the Shire will require the landowner to appoint an acoustic consultant to undertake a Noise Assessment and submit a Noise Report within 30 days of the request. The noise assessment and report shall identify all noise sources and noise levels and where levels exceed the maximum permitted

by the regulations the landowner is to develop and implement a Noise Management Plan.

Decommissioning

11. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Traffic Management

12. The crossover is to be maintained to the specification and satisfaction of the Shire.
13. The landowner shall construct all access ways using road base quality material and bitumen seal, a minimum of 20 metres from any road into the subject site.
14. The landowner shall construct an unsignalised intersection in accordance with Austroads - Part 4A on King Road as per Dwg No: 17537C-KRQ/LM1 prior to the commencement of works. All associated signage and road markings are to comply with Main Roads Western Australia standard specifications.

Emergency Management

15. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT

Site Works

16. The landowner shall ensure at the completion of each stage of mining operations that all sand faces, non operational stock piles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.

Hazardous Chemicals

17. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:

- a) Be graded or include a sump to allow recovery of liquid;
- b) Be chemically resistant to the substances stored;

- c) Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
 - e) Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
18. To prevent any spilled fuel entering the natural ground, the landowner shall provide a hardstand refuelling area bunded and drained to a pollutant receptor on site to the satisfaction of the Shire. All refuelling shall take place within this hardstand area.
19. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
20. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Biodiversity Management

21. The landowner shall update the Environmental Management Plan prior to the commencement of works. The Environmental Management Plan is to include, but not be limited to addressing:
- a) Updated staging and timing in accordance with Excavation Site Plan;
 - b) Stage C is to be rehabilitated within one year from the date of this licence;
 - c) Stages 1 through 3 are to be rehabilitated within one year from the completion of each respective stage;
 - d) Updated hours of operation in accordance with the approved “project overview”;
 - e) Signage detail;
 - f) Stockpile locations, treatment and eventual removal;
 - g) Specialist revegetation treatments for the west and east quarry faces;
 - h) The use of only locally indigenous plant species of local provenance;
 - i) Increased planting density consistent with Local Planning Policy No 4 – Revegetation;
 - j) Measures to ensure stability of all sand faces;
 - k) Control of declared weeds;
 - l) Visual Screening from adjacent roads;
 - m) Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt; and
 - n) Prior to the commencement of each stage, a performance bond in the form of a bank guarantee for landscaping and rehabilitation works to the value of \$3 000 per hectare of disturbed ground shall be paid to the Shire. The bond shall be returned upon rehabilitation of each stage to the standards and completion criteria in the approved Environmental Management Plan

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

Buffers

22. The landowner shall maintain a 20 metre buffer between the top of all quarry pits and the property boundary. Indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation.
23. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.
24. A 50 metre buffer is to be maintained between the excavation activities and the Conservation Category and Multiple Use wetlands on Lots 713, 200, 441 and 1242.
25. Fencing around wetland buffers are to be maintained to the satisfaction of the Shire.

Impact Management

26. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
27. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
28. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.
29. No screening or washing of extracted material is to take place on site.

Acid Sulphate Soils

30. On site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:
 - a) Ensure management actions in accordance with the Department of Environment's guidelines "Treatment and management of disturbed acid sulphate soils" and "General Guidance on Managing Acid Sulphate Soils"; and
 - b) Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.

Auditing

31. Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions within 28 days of the date of this approval and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:
 - a) Identification of the sources and nature of all emissions, discharges and wastes generated on the site.
 - b) Assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).

- c) Assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of:
 - i. Its operations measured against the Environment Protection (Noise) Regulations and this shall include but not be limited to a complete operational noise survey; and
 - ii. Verification of the maintenance of a minimum 2 metre separation to groundwater level.

ADVICE NOTES

1. A Building Licence is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office.
 2. A Demolition Licence is required to be obtained from the Shire prior to the commencement of demolition of any existing dwellings.
 3. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
 4. Separate approval may need to be obtained from the Department of Environment for a bore licence.
 5. If screening or washing of excavated material is proposed in future then a new application for Planning Approval and a modified Licence will be required and assessment is to include referral to the Environmental Protection Authority for assessment. In addition, a Works Approval will first need to be obtained from the Department of Environment and Conservation.
 6. The landowner shall ensure that 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.
 7. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the site will require the separate approval of the Shire.
 8. The landowner is advised to seek the necessary approvals from the Department of Environment for any clearing of native vegetation on site.
- B. The extractive industry licence be granted for sand extraction at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a five year period expiring 30th May 2016 subject to the following conditions:
1. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
 2. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law and the Shire's development approval conditions for an extractive industry at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury.

3. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.
4. In accordance with the *Extractive Industry Local Law, Part 3: Determination of Application – Clause 3.1 (5)(p)*, The landowner shall furnish to the local government a surveyor's certificate by 31 December each year to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:
 - a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) Identify any proposed changes to approved management plans.

SD003/07/11 Committee Recommended Resolution:

That item SD003/07/11 be deferred to the July Ordinary Council meeting to allow further discussion between the proponent and Shire officers regarding the recommended conditions and timeframes of the extraction licence.

CARRIED 6/1

Committee Note: Item SD003/07/11 was deferred to July Ordinary Council meeting to allow further discussion between the proponent and Shire officers regarding the recommended conditions and timeframes of the extraction licence.

Supplementary Information

At the Sustainable Development Committee held 19 July 2011, questions were raised regarding the length of the planning approval and licence that was recommended together with queries over the wording of conditions. Specifically, there was concern that the applicant's comments on the recommended conditions had not been incorporated into the officer recommendation. In this regard, the following supplementary information is provided:

Option 1

Length of Licence & Approval

As detailed within the report, the applicant is seeking a 12 year approval for both the licence and the development application which will effectively correspond with the anticipated lifespan of The Glades residential development in Byford. A 5 year approval is currently recommended. As discussed, PP14 provides guidance as to the length of licences and auditing procedures, based on a compliance system. Auditing procedures set out in the policy are not relevant as it is a new licence, however provisions regarding the length of licences are. The policy states that:

“The initial licence issued to an extractive industry upon receiving planning approval to commence will be one year. The length of licence where the licence is being renewed will be determined through a compliance system”.

As an extractive industry licence has not previously been issued for this operation, PP14 indicates that Council is only able to issue a licence for a 1 year period. Therefore, the Shire is already being accommodating to the applicant by recommending a 5 year licence period, which constitutes a variation to PP14. In addition, a time frame of 5 years allows for another assessment of the works and excavation programme and supporting management plans to be undertaken with an application for renewal at the expiration of this period. A 5 year approval and licence period is therefore recommended as per the current officer recommendation.

Recommended Conditions

The applicant was provided with the opportunity to comment on the draft conditions during the finalisation of this agenda item. The condition list as sent to the applicant was the initial draft and was subsequently comprehensively reviewed internally by Shire staff prior to the applicant's comments being received. As the applicant's comments were received after the date requested they were not able to be incorporated into the agenda item. The applicant's comments are therefore included in the table below:

Current Condition	Applicant's Comments	Officer Comment
Planning Approval		
4. “Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the Shire”.	<p>We seek flexibility for contractors to determine how equipment is stored on site to avoid theft. This may be either screened from the public realm so that thieves are not aware of the machinery or in view of the public realm to facilitate passive surveillance.</p> <p>Request that the condition be deleted with the opportunity for the Shire to comment on the placement of structures in approving building licences.</p>	<p>The applicant's comments are supported.</p> <p>Condition to be reworded to:</p> <p>Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be screened appropriately from view to the satisfaction of the Shire.</p>
12. “The crossover is to be maintained to the specification and satisfaction of the Shire”.	<p>To be reworded to:</p> <p><i>The existing crossover is to be maintained to its current standard (at the date this approval issued) to the specification and satisfaction of the Shire.</i></p>	Applicant's comments are supported.
21. The landowner shall update the Environmental Management Plan prior to the commencement of works.	<p>The requirement to update an existing approved EMP is not supported. The EMP has previously been approved by the Shire and these items were not identified.</p> <p>Request that the condition be</p>	<p>Shire staff have identified the requirement for the EMP to be updated.</p> <p>As such, deletion of the condition is not supported.</p>

<p>24. A 50 metre buffer is to be maintained between the excavation activities and the Conservation Category and Multiple Use wetlands on Lots 713, 200, 441 and 1242.</p>	<p>deleted.</p> <p>To be reworded to:</p> <p><i>A 50 metre buffer is to be maintained between the excavation activities and the Conservation Category wetlands on Lots 200 and 441.</i></p> <p>We do not support the reference to the requirement for a buffer to be applied to the Multiple Use wetlands designation that applies to the site.</p>	<p>Staff have identified that this full buffer is required as per the previous SAT order.</p> <p>The proposed modification to the condition is not supported.</p>
<p>30. On site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:</p>	<p>We note the approved EMP outlines that “the (monitoring) bores will be located downstream of the mining activity and sampling will be undertaken in accordance with the following guidelines...[relevant Australian Standards].”</p> <p>As such, the monitoring bores will not be located within the excavation area as prescribed in the draft condition wording.</p> <p>To be reworded to:</p> <p><i>On site testing and monitoring of groundwater levels to be undertaken during winter and spring of each year of excavation to:</i></p> <ul style="list-style-type: none"> <i>a) Ensure management actions in accordance with the Department of Environment’s guidelines “Treatment and management of disturbed acid sulphate soils” and “General Guidance on Managing Acid Sulphate Soils”;</i> <i>and</i> <i>b) Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known</i> 	<p>Modification supported.</p>

	<i>groundwater.</i>	
31. Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions within 28 days of the date of this approval and thereafter on an annual basis by the anniversary date of this approval.	<p>Further clarity is sought regarding the requirement for the final audit report to be provided by the anniversary date of the completion of operations on site.</p> <p>To be reworded to:</p> <p><i>Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions within 28 days of the date of this approval and thereafter on an annual basis by the anniversary date of this approval with the final report (audit) being provided by the anniversary date post-completion of operations as covered by this approval.</i></p>	<p>Modification supported.</p> <p>Further Modification Required; -</p> <p><i>Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions by 31 March each year with the final report (audit) being provided by the anniversary date post-completion of operations as covered by this approval</i></p>

Option 1 Recommendation

It is therefore recommended that the following changes be made to the officer recommendation:

Condition 4 to be reworded to:

Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be screened appropriately from view to the satisfaction of the Shire.

Condition 12 to be reworded to:

The existing crossover is to be maintained to its current standard (at the date this approval issued) to the specification and satisfaction of the Shire.

Condition 30 to be reworded to:

On site testing and monitoring of groundwater levels to be undertaken during winter and spring of each year of excavation to:

- a) *Ensure management actions in accordance with the Department of Environment's guidelines "Treatment and management of disturbed acid sulphate soils" and "General Guidance on Managing Acid Sulphate Soils"; and*
- b) *Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.*

Condition 31 to be reworded to:

Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions by 31 March each year with the final report (audit) being provided by the anniversary date post-completion of operations as covered by this approval.

Option 1 Recommendation

SD003/07/11 Alternate Recommended Resolution:

- A. Planning approval be granted for an extractive industry (sand extraction) at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a five year period expiring 30th May 2016 subject to the following conditions:

PLANNING

1. All operations are to be undertaken in accordance with the approved Works and Excavation Programme, Environmental Management Plan, and Rehabilitation and Decommissioning Programme.
2. Operating hours are restricted to 6am to 5pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays. Operations include, but are not limited to, the movement of all vehicles (bulldozers, front end loaders, water trucks, gravel trucks and fuel trucks) involved in the extractive industry. This includes external contractor's vehicles and those not specifically designated as LWP King Road Syndicate Pty Ltd property.
3. The landowner shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the Shire.
4. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be screened appropriately from view to the satisfaction of the Shire.
5. Planning approval for the extractive industry is limited to five (5) years expiring on 30 May 2016.

HEALTH

Annual Report

6. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

7. The landowner shall manage and maintain dust on the sand extraction site and associated access-ways in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011).
8. If the landowner and/or the Shire receives, in the Shire's opinion, regular and/or ongoing dust complaints the Shire will require the landowner to develop, for approval by the Shire and thereafter implement, a Dust Management Plan (DMP) in accordance with Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land*

Development Sites, Contaminated Sites Remediation and Other Related Activities document (March 2011).

Noise

9. The operations shall comply at all times with the *Environmental Protection (Noise) Regulations 1997*.
10. If the landowner and/or the Shire receive, in the Shire's opinion, regular and/or ongoing noise complaints the Shire will require the landowner to appoint an acoustic consultant to undertake a Noise Assessment and submit a Noise Report within 30 days of the request. The noise assessment and report shall identify all noise sources and noise levels and where levels exceed the maximum permitted by the regulations the landowner is to develop and implement a Noise Management Plan.

Decommissioning

11. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Traffic Management

12. The existing crossover is to be maintained to its current standard (at the date this approval issued) to the specification and satisfaction of the Shire.
13. The landowner shall construct all access ways using road base quality material and bitumen seal, a minimum of 20 metres from any road into the subject site.
14. The landowner shall construct an unsignalised intersection in accordance with Austroads - Part 4A on King Road as per Dwg No: 17537C-KRQ/LM1 prior to the commencement of works. All associated signage and road markings are to comply with Main Roads Western Australia standard specifications.

Emergency Management

15. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT

Site Works

16. The landowner shall ensure at the completion of each stage of mining operations that all sand faces, non operational stock piles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.

Hazardous Chemicals

17. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:
- Be graded or include a sump to allow recovery of liquid;
 - Be chemically resistant to the substances stored;
 - Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
 - Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
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Biodiversity Management

21. The landowner shall update the Environmental Management Plan prior to the commencement of works. The Environmental Management Plan is to include, but not be limited to addressing:
- Updated staging and timing in accordance with Excavation Site Plan;
 - Stage C is to be rehabilitated within one year from the date of this licence;
 - Stages 1 through 3 are to be rehabilitated within one year from the completion of each respective stage;

- r) Updated hours of operation in accordance with the approved “project overview”;
- s) Signage detail;
- t) Stockpile locations, treatment and eventual removal;
- u) Specialist revegetation treatments for the west and east quarry faces;
- v) The use of only locally indigenous plant species of local provenance;
- w) Increased planting density consistent with Local Planning Policy No 4 – Revegetation;
- x) Measures to ensure stability of all sand faces;
- y) Control of declared weeds;
- z) Visual Screening from adjacent roads;
- aa) Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt; and
- bb) Prior to the commencement of each stage, a performance bond in the form of a bank guarantee for landscaping and rehabilitation works to the value of \$3 000 per hectare of disturbed ground shall be paid to the Shire. The bond shall be returned upon rehabilitation of each stage to the standards and completion criteria in the approved Environmental Management Plan

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

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- 23. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.
- 24. A 50 metre buffer is to be maintained between the excavation activities and the Conservation Category and Multiple Use wetlands on Lots 713, 200, 441 and 1242.
- 25. Fencing around wetland buffers are to be maintained to the satisfaction of the Shire.

Impact Management

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- 28. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.
- 29. No screening or washing of extracted material is to take place on site.

Acid Sulphate Soils

30. On site testing and monitoring of groundwater levels to be undertaken during winter and spring of each year of excavation to:
- c) Ensure management actions in accordance with the Department of Environment's guidelines "Treatment and management of disturbed acid sulphate soils" and "General Guidance on Managing Acid Sulphate Soils"; and
 - d) Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.

Auditing

31. Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions by 31 March each year with the final report (audit) being provided by the anniversary date post-completion of operations as covered by this approval. The annual audit must include:
- d) Identification of the sources and nature of all emissions, discharges and wastes generated on the site.
 - e) Assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).
 - f) Assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of:
 - iii. Its operations measured against the Environment Protection (Noise) Regulations and this shall include but not be limited to a complete operational noise survey; and
 - iv. Verification of the maintenance of a minimum 2 metre separation to groundwater level.

ADVICE NOTES

1. A Building Licence is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office.
2. A Demolition Licence is required to be obtained from the Shire prior to the commencement of demolition of any existing dwellings.
3. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
4. Separate approval may need to be obtained from the Department of Environment for a bore licence.
5. If screening or washing of excavated material is proposed in future then a new application for Planning Approval and a modified Licence will be required and assessment is to include referral to the Environmental Protection Authority for assessment. In addition, a Works Approval will first need to be obtained from the Department of Environment and Conservation.
6. The landowner shall ensure that 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.

7. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the site will require the separate approval of the Shire.
 8. The landowner is advised to seek the necessary approvals from the Department of Environment for any clearing of native vegetation on site.
- B. The extractive industry licence be granted for sand extraction at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a five year period expiring 30th May 2016 subject to the following conditions:
1. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
 2. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law and the Shire's development approval conditions for an extractive industry at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury.
 3. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.
 4. In accordance with the *Extractive Industry Local Law, Part 3: Determination of Application – Clause 3.1 (5)(p)*, The landowner shall furnish to the local government a surveyor's certificate by 31 December each year to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:
 - a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) Identify any proposed changes to approved management plans.

Option 2

Discussion has occurred with LWP Property Group and Shire Officers regarding the deferral of this item for one month.

An alternative option is deferral of this item to August Ordinary Council meeting to allow further discussion regarding conditions and timeframes This option is supported by Planning Services.

Option 2 Recommendation

Voting Requirements: Simple Majority

SD003/07/11 Revised Officer Recommended Resolution:

That item SD003/07/11 be deferred to the August Ordinary Council meeting to allow further discussion between the proponent and Shire officers regarding the recommended conditions and timeframes of the extraction licence.

SD003/07/11 NEW MOTION:

Moved Cr Geurds, seconded Cr Ellis

A. Planning approval be granted for an extractive industry (sand extraction) at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a ten year period expiring 30th May 2021 subject to the following conditions:

PLANNING

- 1. All operations are to be undertaken in accordance with the approved Works and Excavation Programme, Environmental Management Plan, and Rehabilitation and Decommissioning Programme.**
- 2. Operating hours are restricted to 6am to 5pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays. Operations include, but are not limited to, the movement of all vehicles (bulldozers, front end loaders, water trucks, gravel trucks and fuel trucks) involved in the extractive industry. This includes external contractor's vehicles and those not specifically designated as LWP King Road Syndicate Pty Ltd property.**
- 3. The landowner shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the Shire.**
- 4. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be screened appropriately from view to the satisfaction of the Shire.**
- 5. Planning approval for the extractive industry is limited to five (5) years expiring on 30 May 2016.**

HEALTH

Annual Report

6. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

7. The landowner shall manage and maintain dust on the sand extraction site and associated access-ways in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011).
8. If the landowner and/or the Shire receives, in the Shire's opinion, regular and/or ongoing dust complaints the Shire will require the landowner to develop, for approval by the Shire and thereafter implement, a Dust Management Plan (DMP) in accordance with Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011).

Noise

9. The operations shall comply at all times with the *Environmental Protection (Noise) Regulations 1997*.
10. If the landowner and/or the Shire receive, in the Shire's opinion, regular and/or ongoing noise complaints the Shire will require the landowner to appoint an acoustic consultant to undertake a Noise Assessment and submit a Noise Report within 30 days of the request. The noise assessment and report shall identify all noise sources and noise levels and where levels exceed the maximum permitted by the regulations the landowner is to develop and implement a Noise Management Plan.

Decommissioning

11. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Traffic Management

12. The existing crossover is to be maintained to its current standard (at the date this approval issued) to the specification and satisfaction of the Shire.
13. The landowner shall construct all access ways using road base quality material and bitumen seal, a minimum of 20 metres from any road into the subject site.

14. The landowner shall construct an unsignalised intersection in accordance with Austroads - Part 4A on King Road as per Dwg No: 17537C-KRQ/LM1 prior to the commencement of works. All associated signage and road markings are to comply with Main Roads Western Australia standard specifications.

15. Haulage vehicles going to and from the subject site and Byford are to use King Road, Gossage Road, Orton Road and Hopkinson Road only.

Emergency Management

16. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT

Site Works

17. The landowner shall ensure at the completion of each stage of mining operations that all sand faces, non operational stock piles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.

Hazardous Chemicals

18. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10⁻⁹ metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:

- a) Be graded or include a sump to allow recovery of liquid;
- b) Be chemically resistant to the substances stored;
- c) Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
- d) Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
- e) Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.

19. To prevent any spilled fuel entering the natural ground, the landowner shall provide a hardstand refuelling area bunded and drained to a pollutant receptor on site to the satisfaction of the Shire. All refuelling shall take place within this hardstand area.

20. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.

21. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Biodiversity Management

22. The landowner shall update the Environmental Management Plan prior to the commencement of works. The Environmental Management Plan is to include, but not be limited to addressing:

- a) Updated staging and timing in accordance with Excavation Site Plan;
- b) Stage C is to be rehabilitated within one year from the date of this licence;
- c) Stages 1 through 3 are to be rehabilitated within one year from the completion of each respective stage;
- d) Updated hours of operation in accordance with the approved “project overview”;
- e) Signage detail;
- f) Stockpile locations, treatment and eventual removal;
- g) Specialist revegetation treatments for the west and east quarry faces;
- h) The use of only locally indigenous plant species of local provenance;
- i) Increased planting density consistent with Local Planning Policy No 4 – Revegetation;
- j) Measures to ensure stability of all sand faces;
- k) Control of declared weeds;
- l) Visual Screening from adjacent roads;
- m) Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt; and
- n) Prior to the commencement of each stage, a performance bond in the form of a bank guarantee for landscaping and rehabilitation works to the value of \$3 000 per hectare of disturbed ground shall be paid to the Shire. The bond shall be returned upon rehabilitation of each stage to the standards and completion criteria in the approved Environmental Management Plan

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

Buffers

23. The landowner shall maintain a 20 metre buffer between the top of all quarry pits and the property boundary. Indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation.

24. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.

25. A 50 metre buffer is to be maintained between the excavation activities and the Conservation Category and Multiple Use wetlands on Lots 713, 200, 441 and 1242.

26. Fencing around wetland buffers are to be maintained to the satisfaction of the Shire.

Impact Management

27. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.

28. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.

29. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.

30. No screening or washing of extracted material is to take place on site.

Acid Sulphate Soils

31. On site testing and monitoring of groundwater levels to be undertaken during winter and spring of each year of excavation to:

- a) Ensure management actions in accordance with the Department of Environment's guidelines "Treatment and management of disturbed acid sulphate soils" and "General Guidance on Managing Acid Sulphate Soils"; and
- b) Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.

Auditing

32. Submit an Annual Report including an audit on compliance with the approved Conditions and Environmental Management Plan Actions by 31 March each year with the final report (audit) being provided by the anniversary date post-completion of operations as covered by this approval. The annual audit must include:

- a) Identification of the sources and nature of all emissions, discharges and wastes generated on the site.
- b) Assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).
- c) Assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of:
 - i. Its operations measured against the Environment Protection (Noise) Regulations and this shall include but not be limited to a complete operational noise survey; and
 - ii. Verification of the maintenance of a minimum 2 metre separation to groundwater level.

ADVICE NOTES

1. A Building Licence is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office.

2. A Demolition Licence is required to be obtained from the Shire prior to the commencement of demolition of any existing dwellings.
3. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
4. Separate approval may need to be obtained from the Department of Environment for a bore licence.
5. If screening or washing of excavated material is proposed in future then a new application for Planning Approval and a modified Licence will be required and assessment is to include referral to the Environmental Protection Authority for assessment. In addition, a Works Approval will first need to be obtained from the Department of Environment and Conservation.
6. The landowner shall ensure that 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.
7. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the site will require the separate approval of the Shire.
8. The landowner is advised to seek the necessary approvals from the Department of Environment for any clearing of native vegetation on site.

B. The extractive industry licence be granted for sand extraction at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a ten year period expiring 30th May 2021 subject to the following conditions:

1. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
2. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law and the Shire's development approval conditions for an extractive industry at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury.
3. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.
4. In accordance with the *Extractive Industry Local Law, Part 3: Determination of Application – Clause 3.1 (5)(p)*, The landowner shall furnish to the local government a surveyor's certificate by 31 December each year to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:

- a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
- b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
- c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
- d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
- e) Identify any proposed changes to approved management plans

LOST 3/7

Cr Hoyer foreshadowed to defer the item to the August Ordinary Council Meeting to allow further discussion between the proponent and Shire officers regarding the recommended conditions and timeframes of the extraction licence, if the motion under debate is defeated.

SD003/07/11 COUNCIL DECISION/NEW MOTION

Moved Cr Hoyer, seconded Cr Petersen

That item SD003/07/11 be deferred to the August Ordinary Council meeting to allow further discussion between the proponent and Shire officers regarding the recommended conditions and timeframes of the extraction licence.

CARRIED 7/3

SD004/07/11		EXTRACTIVE INDUSTRY LICENCE RENEWAL AND PLANNING APPROVAL – LOTS 7, 50 & 101 KILN ROAD, BYFORD (P06650/04)
Proponent:	Land Insights	In Brief It is recommended that planning approval and an Extractive Industry Licence be granted for shale and clay extraction for a period of five years expiring 31 December 2015.
Owner:	Austral Bricks WA Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	14 June 2011	
Previously	SD076/11/05 SD089/06/05	
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: 5 January 2011
 Advertised: Yes
 Submissions: Yes
 Lot Area: 94 hectares
 L.A Zoning: Special Use – Extraction and Storage of Shale & Clay
 MRS Zoning: Urban Deferred and Rural
 Rural Strategy Policy Area: Raw Materials Extraction

Rural Strategy Overlay: Landscape Protection Policy area
Bush Forever: Site No.271
Date of Inspection: 19 April 2011

Background

Previous Licence & Approval

At its meeting held on 28 November 2005, Council resolved to grant an Extractive Industry licence for the extraction of shale for a period of 5 years expiring 31 December 2010. The proponents lodged a request to renew the licence for a further 5 years on the 5 January 2011.

In 2000, the Shire issued Planning Approval for the Extractive Industry for a 5 year period, expiring on the 29 September 2005. However, due to an administrative oversight by the landowner, the approval was not renewed at the end of 2005. The Shire did not identify that a licence had not been issued, however the annual licence fee was paid. As Austral Bricks are currently operating without a current Shire licence or planning approval, a new licence and approval needs to be issued as a matter of priority.

The operations at the site are governed by a licence from the former Department of Environment (DoE), now known as the Department of Environment and Conservation (DEC).

Under Council's Planning Policy 14 - Extractive Industry Licences (PP14), an audit of the operation is required to be undertaken on a yearly basis. An audit of the site was undertaken on 19th April 2011.

A copy of the location plan is with attachments marked [SD004.1/07/11](#).

A copy of the conditions imposed on the previous extractive industry licence is with the attachments marked [SD004.2/07/11](#).

A copy of the previous Form 2 Approval is with attachments marked [SD004.3/07/11](#).

The applicant now seeks planning approval and an Extractive Industry Licence to continue operations.

A copy of the proposed excavation plan is with attachments marked [SD004.4/07/11](#).

Sustainability Statement

Effect on Environment: The area that is being extracted has previously been cleared of any native vegetation. The extractive industry has the potential to cause impacts on the environment by way of noise, visual amenity, dust and water quality. These matters are examined at the time of site visits by Shire Officers and if any complaints are received from the public.

Resource Implications and Use of Local, renewable or recycled Resources: The proposal seeks to extract the remaining deposits of clay on site. The applicant advises that it is anticipated that there is only approximately 2 years left of resource remaining.

Economic Benefits: The operation provides some employment opportunities for the community.

Social – Quality of Life, Social and Environmental Responsibility and Social Diversity: The extractive operations may impact upon the community if the operations do not comply with statutory approvals and licence conditions.

Statutory Environment:

Local Government Act 1995
 Planning and Development Act 2005
 Extractive Industries Local Law 1995
 Town Planning Scheme No. 2 (TPS 2)
 State Planning Policy 2.4 *Basic Raw Materials* (SPP2.4)

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry***EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE***

2.1 *A person must not carry on an extractive industry -*

- (a) *Unless the person is the holder of a valid and current licence; and*
- (b) *Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

3.2 *On or before 31 December in each year, a applicant must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-*

- a) *refuse the application; or*
- b) *approve the application on such terms and conditions, if any, as it sees fit.*

Policy/Work Procedure**Implications:**

Council Planning Policy 14 *Extractive Industry Licences* (PP14)
 Local Planning Policy 8 *Landscape Protection* (LPP8)

Financial Implications:

The Extractive Industry Licence renewal fee and development application fee has been paid.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
	Infrastructure	39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		12	Biodiversity	Prevent the further loss of "local natural areas"
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		23		Enforce the adoption of "better urban water management".
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
OUR COUNCIL AT WORK	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		8		Elected members provide a clear and consistent strategic direction.
SUSTAINABLE ECONOMIC GROWTH	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.

Government Agency Referrals

The application was referred twenty (20) government agencies for comment. As a result of the advertising, eleven (11) submissions were received.

A copy of the schedule of government agency submissions is with attachments marked [SD004.5/07/11](#).

Community Consultation

The application was also referred to five hundred and sixty eight (568) surrounding landowners as well as relevant community groups for comment in accordance with clause 6.3 of the TPS 2. As a result of the advertising, forty six (46) submissions were received.

As the submissions cover similar issues, these are summarised below. The applicant's response to each issue is also provided together with relevant officer comments.

Key Submission Issues

It is considered that many of the submissions relate to a number of key issues, these being:

- Concern that operations will be increased;
- Dust management & public health;
- Noise Management;
- Traffic;
- Potential for land end use to become a landfill operation; and
- Impacts on property values.

1) Increase in operations

Summary of Public Submissions

- When we purchased a property in the area there was no warning that there could be further expansion to the clay pits adjacent to the Byford on the Scarp development.
- We would not have bought here if I knew that Austral would be allowed to continue and expand its operations.
- We were never informed when we purchased our block that there was a possibility the mining would be expanded so close to the estate. We understood the mining would cease in December 2010.

Applicant's Response

- This proposal does not involve an increase in extraction activities or cartage and is simply an application for continuation of existing operations under Extractive Industries Licence. An additional area of resource exists in the north eastern portion of the site. However, subject to approval of the southern application (referred to as Shale Road), which will provide access to a replacement resource, it is Austral Bricks' intention not to extend the existing cleared footprint at Nettleton Road.

Officer Comment

- The applicant's comments are noted and supported. The proponent will continue the same level of works that have been undertaken for the last 5 years under the previous licence and then cease operations at this site.

2) Dust Management & Public Health

Summary of Public Submissions

- Due to strong winds in the area we already suffer from higher than normal levels of dust.
- I strongly object to this licence as it will affect my home with the dust containing silicone elements which will affect my family's health in the long run.
- My home is covered in dust all year as it is. My asthma will only increase as a result of this development.
- Breathing difficulty and noise problems and dust travelling via easterly winds which are extremely strong in Byford.

- When we purchased within the Byford on the Scarp development we were never told that Austral Holdings was located directly behind us. We only became aware of their existence when we noticed all the dust in the area and began looking for a possible cause.
- The fact that the only way to control the dust is to constantly wet the area with our most precious and very limited supply of water, we cannot understand how the Shire of Serpentine Jarrahdale can, in all conscience, approve this application. Above all the effect of the dust emanating from this site could have huge implications to the health and wellbeing of our community.
- Concern is hereby expressed regarding the possible increase in dust levels with this proposal. With the very strong easterly winds throughout the area the impact of increased dust from directly behind the Byford on the Scarp development on lifestyle and health of residents is a real concern. We are told that the silica levels increase with the depth of the excavation and this is detrimental to resident's health.
- The dust control is very poor. We are not affected much when the easterly winds are blowing as they affect the Bush Forever site (271) and residents of Byford on the Scarp. The south-westerly winds however carry dust to us. We have notified Austral Bricks previously about the dust but the control seems to be very short term.
- The trouble with the quarry dust is that it is so fine it can enter through any opening or small gap in a building as it is pressure blasted against the exterior by the easterly winds. Due to its very high silica content is dangerous to one's health over the medium to long term. These fine silica particles enter the lungs, settle into the soft mucus tissues of the airways presenting an ongoing irritant which can ultimately cause cancer and other ailments.

Applicant's Response

- A Dust Management Plan, as approved by the Shire of Serpentine Jarrahdale is in place to control dusts on site. This plan includes measures such as wetting of extraction areas and stockpiles by a dedicated water cart on site, covered loads for cartage, reduced speed of travel in the extraction areas, and review of weather conditions for control of dust. A dust buffer exists from the western boundary of the site onto adjoining property, which prevents any residential development within 500m of the operations. As such the minimum allowable distance from this operation to sensitive premises is 500m. This buffer has been set based on DEC and Department of Health recommendations and is reinforced in Ministerial Bulletin 499 in the interests of protecting the amenity of local residents. There is no evidence of ill health effects to residents or surrounding land uses, and there is no Shire history of dust complaints from residents within the Byford by the Scarp development, which is located to the West of the operations.
- Modelling for dust concentrations in ambient air has been completed by the developer of the adjoining residential estate (Byford on the Scarp). The modelling is referred to in requests by the developer to the DEC to modify the dust buffer surrounding this proposal. The results of this modelling are considered to be an indicator that dust is managed to an acceptable standard.

Officer Comment

- The existing dust buffer surrounding the properties has been set and approved by relevant state government agencies. Any reduction to the buffer needs to be approved by the Shire and the DEC.
- During the past 5 years, Austral Bricks advise that they have not received any complaints from the community regarding dust impacts. The Shire has no record of dust complaints either. It is noted that in some of the submissions recently received, residents have complained about dust and public health.
- The comments provided by the proponent are supported with further dust monitoring.

3) Noise Management

Summary of Public Submissions

- Blasting and noise from other machinery and vehicles are to comply with the Environmental Protection (Noise) Regulations 1997.
- The constant noise (6 days per week at present) of machinery is affecting the “peaceful lifestyle” promoted by the developers of the Byford on the Scarp estate and approved by the Shire, subsequently having a detrimental effect to the value of our properties.

Applicant's Response

- A Noise Management Plan, as approved by the Shire of Serpentine Jarrahdale is in place to control noise on site. This plan was developed following a site assessment by Herring Storer acoustics and includes management measures to control noise from the site. A Noise buffer is also in place around the property which is stipulated in Ministerial Statement 499 in the interests of protecting the amenity of local residents. Noise intensive activities such as blasting have been replaced with less noise intensive methods of clay extraction by use of bull dozers, and all equipment used on site is rated for noise generation when in use.

Officer Comment

- As Austral Bricks no longer use blasting methods in their operations, noise impacts from blasting no longer exist.
- All works on site are required to comply with the Environmental Protection (Noise) Regulations 1997. A more detailed noise impact assessment would be required if the operator and/or the Shire received ongoing and/or significant noise complaints.

4) Traffic

Summary of Public Submissions

- Alternative methods or routes for transport of shale or clay from the brickworks complex need to be found. It has become apparent to all users of Kiln Road and a large percentage of South West Highway users that large over length combinations entering or leaving Kiln Road in either a loaded or unloaded condition present a serious danger to all concerned.
- Traffic control must be in place at all times of truck movements from the excavation sites entering Kiln Road and the road must be kept free and clear of debris and mud washed down from the excavation site.
- Nettleton Road is a very busy Road and we have had 1 death right near our home and countless number of near misses but still serious accidents.

Applicant's Response

- The main access to the site is from the entrance at Kiln Road which extends from South Western Highway. This will be utilised as the primary access route in this proposal, as a replacement to the previous primary access route from Nettleton Road.

Officer Comment

- Austral Brick's will continue to use Kiln Road as the primary access to South Western Highway which has been upgraded to a reasonable standard. In the past, Nettleton Road has also been used, however due to various impacts on residential properties along Nettleton Road (noise, vibration etc) this access will no longer be used by trucks carting

raw materials or end product on or off the site. On some occasions, Nettleton Road may still be used.

5) Potential for land end use to become landfill operation

Summary of Public Submissions

- Austral previously attempted to turn the site it into a waste disposal facility fourteen years ago.
- The enormous hole created will become the next dumping ground.

Applicant's Response

- There are no plans for the site to be utilised for a landfill operation. Any plans for a change in land use for landfill operations would be subject to assessment by local and state government departments and public consultation prior to any determinations being made.

Officer Comment

- The applicant's comments are noted. The ultimate end use of the quarry is not yet known.

6) Impacts on property values

Summary of Public Submissions

- As a flow on effect from the development surrounding property prices will drop, and when they do, who will be reimbursing property owners?
- The proposed mine will affect the re-sale of our property.
- House values will suffer if this goes ahead as nobody will want to live near such a site. The Byford on the Scarp estate is a quality estate in Byford and it would be a real shame if such a beautiful location was ruined by this industry. We moved here to be closer to nature – not be surrounded by pollution, noise and dust.

Applicant's Response

- Austral Bricks have been operating on the proposal site for 80+ years and were already in operation when the residential area 'Byford by the Scarp' was developed and purchased. If this did not already have an influence on reducing property prices then there should not be a further reduction due to continued operation.

Officer Comment

- There is no evidence to suggest that the Austral Bricks operation has impacted on property values.
- The site has been in operation long before the adjoining Byford on the Scarp estate was developed.

A full copy of the schedule of public submissions is with attachments marked [SD004.6/07/11](#).

COMMENT

Background

Austral Bricks WA Pty Ltd (previously Bristile Holdings Pty Ltd) has been operating on the subject site in Byford for approximately 80 years. Current operations onsite are in accordance with the last Extractive Industry Licence which was granted by the Shire in 2005 (expiring December 2010). Excavation currently exists over a majority of Lots 7 and 50 and over the southern half of Lot 101. Numerous stockpiles are also currently located throughout the site. The processing plant and brick factory is located at the southern end of Lot 50 and the adjoining lots to the south.

Site Description

Lots 7 and 50 are located along Kiln Road and Lot 101 stretches between Kiln Road and Nettleton Road in Byford. The site is located approximately 1.5 kilometres from the Byford town centre. The total area of the three lots is approximately 94 hectares in size, although the total area of the extraction area is only approximately 70 hectares.

Vegetation

The site has been used for extractive industries for a number of years and, as a result, has been partially cleared of native vegetation to facilitate this use. The current extraction area is mostly cleared of native vegetation and will require only a minimal amount of clearing to facilitate extraction into new areas. Clearing of native vegetation will mainly be restricted to vegetation regrowth and immature trees planted several years ago. The western and northern sections of the site are currently covered in native vegetation and are part of Bush Forever site 271. The vegetation consists of *Corymbia calophylla*, *Eucalyptus marginata*, *Banksia attenuata* and *B. Menziesii*. The watercourse which traverses across the southern section of the site is also vegetated. Plant species along the watercourse and within wet areas consists of *E. rudis*, *E wandoo* and *C. calophylla*. These areas are not proposed to be cleared. Austral Bricks has carried out revegetation at the north-west section of the excavation area in 2010.

Surrounding Land Uses

The lots directly adjoining the subject site to the east and south are also owned and managed by Austral Bricks and are zoned 'Special Use (Extraction/Storage Shale and Clay)'. Land further to the south is also zoned 'Special Use (Extraction/Storage Shale and Clay)'. Land to the south, east and northeast is zoned 'Rural' under TPS 2.

Land to the west is zoned 'Residential R20' and development has occurred across the western side of this area which is the location of the Byford on the Scarp estate. Therefore, further residential development in this area is expected in the future outside of the extractive industry buffer. Land to the north is zoned 'Urban Development' and has only been partially developed to date.

Proposal

Nature of Works & Estimated Duration

Clay extraction and operation of the brick factory has occurred on the site for the past 80 years. Extraction has occurred throughout Lots 7 and 50 and the southern and eastern sections of Lot 101. Activities on site can be broadly separated into 'earthworks campaigns' and 'carting campaigns'.

Earthworks campaigns

Earthworks campaigns refer to the excavation and stockpiling of material. An excavation campaign will occur for 6-8 weeks during the summer months and material is stockpiled for

future use. Current stockpiling areas are located to the south on Lot 50 and to the north on Lot 101.

Cartage Campaigns

Clay will be removed from the stockpiles as required throughout the remainder of the year. Carting occurs primarily from September to May and operations occur 6 days a week (Monday to Saturday). The truck movements heading to Armadale take approximately 50 days within this period and movements to Bellevue take approximately 20 days.

Stages and Timing

A large majority of the site has already been excavated and only a few small areas remain which still require excavation. This is likely to take another two years (i.e. two earthworks campaigns over two summer periods) followed by three years of rehabilitation. The current and future excavation areas are located at the north-east section of the site. All of the remaining pit areas will be excavated concurrently so the different types of clays from each pit can be blended.

Hours of Operation

The hours of operation will be between 6:00am to 6:00pm Monday to Saturday. No operations will occur on Sundays or public holidays. The applicant advises that a six-day working week is required to maintain efficiency which in turn reduces the brick manufacturing cost.

Excavation Procedure

Excavation of clay takes place in a sequence of steps which can be broadly broken down into the removal of topsoil and overburden, excavation of clay, carting from the site and the rehabilitation and revegetation of the site. The specific methods will depend on the configuration of the pit, blending requirements and the weather, but in general the steps will involve the following:

- Access to the site will continue to be from the existing access at Kiln Road from the internal access roads through the property. Access to the site from Nettleton Road has started to be phased out.
- Stockpiling areas are currently located throughout the site. Four stockpiling areas are located throughout Lot 50 and another is located to the north on Lot 101.
- Topsoil and overburden will be removed from the pit area and stored for future land rehabilitation.
- An overburden stockpile is located in the centre of Lot 101. Overburden from future excavation areas is likely to be placed in the same area.
- Limited vegetation clearing will be required and will be avoided when possible.
- Clay will be excavated over the summer for a period of approximately 6 to 8 weeks.
- Clay from the different pits will be blended as desired.
- Scrapers or dump trucks and excavators will remove topsoil, overburden and clay to stockpiles.
- Clay will be loaded from the stockpile onto road trucks by a front end loader or an excavator (these trucks travel directly to the Armadale and Bellevue factories).
- Loading and carting from the site will occur primarily from September to May.
- The clay in the large stockpile on Lot 50 will be used for the Byford factory. The clay on the northern stockpile on Lot 101 will be carted from the site and transported to the Austral Bricks factories in Bellevue and Armadale.
- Once the pits have been decommissioned the land surface will be rehabilitated and recontoured to blend with the existing landscape as much as possible.

- The decommissioned pits will be recontoured to form lakes and the surrounding area will be recontoured.

Depths and Extent of Excavation

A majority of the overburden has already been removed from the excavation areas and stockpiled. Some minimal overburden will be removed before clay excavation. It is expected the pits will eventually reach a depth of approximately 35 metres and will generally follow the pit outlines as indicated in the development plans. No groundwater will be intercepted at this depth.

The approximate sizes of the pit areas once fully excavated are included below:

- Pit 1 – 2068m²
- Pit 2 – 6922m²
- Pit 3 – 25287m²
- Pit 4 – 5625m²

The applicant advises that despite the careful planning and onsite investigations which help determine the location of the resource, the pit area is likely to vary slightly from the areas depicted on the plans.

Depth, Description and Quantity of Overburden

The topsoil and overburden from the excavation area has largely been removed and stockpiled separately in bunds approximately 4 to 5 metres high. The current overburden stockpiling area is located in the centre of Lot 101. This area will continue to be used for stockpiling overburden from the new pits. Some minimal overburden is likely to remain over the new pit areas and will need to be removed and stockpiled.

Access Arrangements

Main access to the site is from the entrance at Kiln Road which extends from the South Western Highway. An internal access road extends approximately halfway along the western boundary of Lot 50 when it turns east and travels through the lot to the stockpiling areas. An internal access road also extends along the eastern side of the site to the existing excavation areas.

Further access roads are located through the site to provide access to the various stockpiling and excavation areas. Another internal access road enters at the southern end of the site. This access road extends from Lot 6 Shale Road which is another extractive industry managed by Austral Bricks. Although Kiln Road and the entrance onto South Western Highway are used as the primary access route, on occasions truck drivers use Nettleton Road as a second access point. This depends on the truck movements and operations at other nearby extractive industry operations and the number of trucks using Kiln Road. The location of access roads can be seen on the attached development plans.

Truck Movements

Although some of the stockpiled clay is directly transferred to the brick factory onsite, a majority is carted offsite. The combined truck movements will total 2,976 movements per year (one way). This equates to approximately 5,952 truck movements into and out of the site each year.

Semitrailer trucks cart material from the excavation area at Shale Road (south of the site) through an internal access road (previously approved by the Shire) to the stockpiles and the factory on site. The internal semitrailer truck movements are approximately 769 one way,

which equates to 1,538 truck movements each year. These trucks do not use the main roads.

Plant and On-Site Equipment

A manufacturing and processing plant is currently located at the southern end of the subject site. It occurs at the southern end of Lot 50 and expands south onto Lots 12, 53, 100 and 50. These lots are also zoned 'Special Use' under the Shire's TPS 2. Other equipment used throughout the excavation area includes scrapers, bulldozers, front-end loaders, a water cart and a grader. All supplies will be delivered and rubbish will be stored in large bins which will be emptied at an appropriate rubbish tip.

Site Drainage Conditions

One drainage line exists through the subject site. The watercourse traverses across the southern section of the site in an east-west direction. Water flows from the land to the west and exits the property at the south-west corner. The section of the drainage line which passes through land managed by Austral Bricks is well vegetated. A small water retention basin is located at the northern end of Lot 50 and a larger settlement pond is located at the south-east corner of Lot 100. All water runoff within the excavation area is retained on site and directed towards these drainage basins.

Public Safety

Public access to the site is currently restricted. Appropriate warning signs are placed at the entrance regarding activities on the site and to inform road users of the possibility of Austral Bricks trucks entering the highway. Gates are also located on site to restrict and discourage access.

Environmental Management

Management Plans

The previous Extractive Industry Licence issued by the Shire in 2005 required the preparation, approval and (where applicable) implementation of several management plans, including:

- A Dust Management Plan;
- A Noise Management Plan;
- A Water Quality Management Plan; and
- A Biodiversity and Landscape Management Plan.

This current application is for a continuation of existing activities on site. As a result it is reasonable to assume that the requirements and commitments made within the abovementioned management plans will still remain valid. Austral Bricks have committed to ongoing compliance, as relevant, with the requirements of these management plans. In relation to water management, Austral Bricks has been operating under the current Shire approved Water Quality Management Plan to date. A review of this plan has recently been undertaken by Coterra Environment on behalf of Austral Bricks. This review has resulted in a modified Water Management Plan that updates and improves water management techniques on the site.

The increase in the number of residential lots surrounding the property together with increasing interest from community groups has raised questions in relation to noise and dust and the impacts on the health and amenity of the nearby residents. Whilst the Shire and the operator have only recently received submissions on the applicants regarding noise and dust issues, it is considered reasonable to require a review of the current dust and noise

management plans given the proposed expansion of the adjoining Byford on the Scarp estate. This will have the aim of reassessing impacts and the need for ongoing monitoring programs.

With the extraction stage of the operation working towards completion within the next 2-3 years, the next phase the operator will be implementing is decommissioning and rehabilitation. This has been the subject of a recent presentation to Council by the proponent with officers raising the importance of a decommissioning and rehabilitation plan being required within 12 months of the date of any new approvals being issued.

Statutory Context

TPS 2

The subject site is zoned 'Special Use' under TPS2 for the purposes of extraction/storage shale and clay. The purpose of the 'Special Use' zone is as follows:

“Permit the use of land for any specific use not considered appropriate or desirable in any other zone and being a use which Council considers may satisfy a specific need in the locality where the use is proposed”.

Appendix 2 of TPS 2 contains a description of the land in which the special use zone applies, as well as specifying the permitted use. The permitted use for Lots 7, 50 and 100 is for the *“Extraction and storage of shale and clay and manufacture, storage and distribution of masonry and related products”.*

The proposed development is in accordance with the zoning of the land under TPS 2.

SPP 2.4 Basic Raw Materials

The Western Australian Planning Commission's (WAPC) SPP2.4 sets out the matters which are to be taken into account and given effect to by the WAPC and local governments in considering zoning, subdivision and development applications for extractive industries (for the extraction of basic raw materials) and zoning, subdivision and development applications in the vicinity of identified basic raw material resource areas. Under this policy, the subject site is identified as being within a 'Key Extraction Area' which is specified as being “areas of recognised regional resources providing for the long term supply of basic raw materials”. The policy also states that these key extraction areas should be protected in relevant town planning schemes.

It is considered that the proposal is compatible with the objectives of SPP2.4.

LPP8

The subject site is located within the Shire's Landscape Protection Policy area. The objectives of this policy are:

- To preserve the amenity deriving from the scenic value of the Darling Scarp;
- To maintain the integrity of landscapes within the Landscape Protection Area;
- 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;
- 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; and

- To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

As the existing operations are screened from the South Western Highway and given that there is an approved Biodiversity and Landscape Management Plan for the site, it is considered that the objectives of LPP8 have been adequately addressed.

PP14

Council's PP14 provides guidance when dealing with renewal of extractive industry licences. The objectives of this policy are:

- To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions;
- To provide a level of certainty to extractive industry licence holders on the licence approval and audit process;
- To set a process for determining the level of non-compliance with licence conditions to be applied in determining the length of extractive industry licence;
- To set a process for determining audit review timeframes; and
- To set a process for reviewing of documents required under licence conditions to be undertaken by Shire officers.

Under PP14, an annual inspection of the site is required to be carried out for those operations granted licences for periods longer than one year. An inspection of this site was undertaken on the 19 April 2011. The site inspection revealed that Austral Bricks are generally compliant with all requirements and conditions as stipulated on both the recently expired extractive industry licence and development approval (expired 2005). The only conditions on the licence that were deemed to be non-complaint were conditions 2 and 17.

Condition 2 – Haulage Signage

Although the operator provides sufficient advanced notice to the Shire in terms of the proposed cartage periods, the required signage is not adequately displayed. The operator has committed to rectifying this as a matter of priority.

Condition 17 – Water Quality

The suitability of the existing trigger value, requiring a maximum of 10 percent variation in water quality, is currently being negotiated with the Shire. These negotiations are based on the applicant's stormwater assessment study and review of appropriate water quality guidelines. It is considered that the appropriate trigger value should be in accordance with the relevant Australian and New Zealand Environment Conservation Council (ANZECC) water quality guidelines.

In terms of site management and operations, PP14 states that a minor (1) point of non-compliance is achieved when "non compliance occurred but remediated or commence actions to remedy if long term approach required within 4 weeks of occurrence and this is supported in writing to the Shire". During the audit inspection the operator advised that the signage issue would be rectified immediately. In addition, the operator is continuing to work closely with the Shire to revisit the water quality management conditions to ensure that the targets that are set are manageable and achievable. Previous management of water quality has not met the previous licence conditions. Based on this, one (1) point is awarded for each non-compliance. As such, under PP14, two (2) points are awarded.

Total Audit Points = 2

Under PP14, it states that if between 0 and 2 audit points are obtained, a five (5) year licence should be issued with site inspections undertaken annually. As such, it would be recommended that a licence and development approval be issued for a 5 year period.

In considering the length of licence and development approval to be issued, there are a number of additional factors to consider, specifically that the operation is likely to be finalised within approximately two years. This issue is discussed later in this report.

KEY ISSUES

It is considered that there are a number of key issues that need to be examined as part of the continued operations of Austral Bricks. These relate to:

- Revegetation & Rehabilitation;
- Groundwater & Surface Water Management; and
- Visual Amenity.

Revegetation & Rehabilitation

The proposed areas of excavation include minimal vegetation in the form of some scattered trees and shrubs. These areas do not include remnant vegetation but have either been planted by Austral Bricks or is regrowth vegetation following clearing over previous years. As this vegetation is not remnant vegetation, there is no need to obtain a clearing permit under the Environmental Protection (Clearing Regulations). Austral Bricks have previously been granted a clearing permit CPS981/3 for an area of vegetation in the north eastern corner of the property in order to access an additional area of resource. However, subject to approval of the southern pit application which will provide access to a replacement resource, it is Austral Bricks' intention not to extend the existing cleared footprint at this site.

Austral Bricks have previously submitted a rehabilitation plan for the site which was approved by the Shire in 2005 and has been complied with since. It is anticipated that after excavations are completed, it will take 2-3 years to complete rehabilitation works. Austral Bricks are also currently in discussions with the WAPC and the Shire regarding possible alternative rehabilitation options for the site, one of which includes the potential for residential development of the site. This will of course be subject to the relevant approvals and public consultation process in the event that an alternative option is proposed. Timing for completion of excavations and rehabilitation works is dependent on the outcome of the southern pit application and the requirements imposed on Austral Bricks in terms of rehabilitation outcomes.

The existing rehabilitation plan for the site which was approved in 2005 is required to be updated and submitted to the Shire for approval. These requirements are included within the officer recommendation. In addition, the Department of Mines and Petroleum have issued draft guidelines with respect to mine closures. As Austral Bricks have advised that the remaining resource left in this pit is likely to be exhausted within 3 years, some thought towards mine closure is considered imperative.

Groundwater & Surface Water Management

The applicant advises that the proposal will not intercept groundwater. A review of historical groundwater data for the area, and drilling log information by Coterra Environment, indicates that the depth to groundwater varies between approximately 31 – 84 metres AHD.

A discharge assessment has been completed for the site which included an assessment of water quality results from the sites and provided a comparison against relevant water quality guidelines. Stormwater runoff from the property is collected in a number of settlement basins

on site. Overflow from this basin (if capacity is reached during a significant storm event) is then directed through vegetated drainage channels, stormwater retention basins and weirs before ultimately draining to Cardup Brook. Austral Bricks have advised that a water quality monitoring program is being implemented by an external contractor, in accordance with the Extractive Industries Licence requirements. Although previous management of water quality has not met the previous condition, Austral Bricks propose that discharge water quality will meet the standards as set out in the ANZECC water quality guidelines and will not cause a detrimental impact to the natural waterways, or upstream environmental values.

Visual Amenity

Operations at this site are not visible from South West Highway or any access roads to the site due to the large vegetated buffer area around the site, which is at a higher elevation than the extraction areas. No increase in the footprint of disturbed land area is proposed and so it is considered that visual amenity will not be impacted by this proposal.

Community Stakeholder Group

With the increase in urban development around the site and the proposed changes to the operation and staging of the quarry, there are many advantages for the proponent, the community and relevant government agencies in developing a Community Stakeholder Consultation Committee. If the committee is formed with clear and well founded terms of reference then a number of benefits can be achieved. Firstly, the proponent can undertake much of the community consultation required as part of the decommissioning and redevelopment of the site. Secondly, the community can maintain a more consistent and informed response to proposed activities and redevelopments and thirdly, the government agencies assessment of any future application is more informed. The requirement for the formation of a Community Stakeholder Consultation Committee is included as a condition of approval.

Length of Licence & Approval

As detailed through this report, the applicant is seeking a 5 year approval for both the licence and development application. As stated within the application to Council, the applicant advises:

“It is expected that excavation will proceed for a further two years and that the following three years will be spent on rehabilitation”.

Given that the proponent is only planning to excavate for a period of a further 2 years, the length of licence and approval to be issued is a valid consideration for Council. Under the Shire’s Extractive Industries Local Law, an Extractive Industry is not permitted to be undertaken unless a valid licence has been issued to the operator. Under TPS 2, an extractive industry use is defined as follows:

“Industry - Extractive - means an industry which involves-

- (a) the extraction of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and*
- (b) the production of salt by the evaporation of salt water”.*

As part (a) of the above definition refers to the ‘extraction’ process only, then it is open to Council to impose a term of licence that corresponds with the proposed extraction period,

being 2 years. The remaining 3 years of rehabilitation technically does not need to be covered by a licence.

In this regard, the following options are available to Council:

1. Issue a planning approval and licence for a 5 year period;
2. Issue a planning approval and licence for a 5 year period, including conditions that require the excavation activities to cease within a 2 year period (by the 30th June 2013); or
3. Issue a planning approval for a 5 year period but a licence for only 2 years, corresponding with the proposed extraction program.

Potential Contributions Toward Road Maintenance

Under the provisions of the Extractive Industry Local Law, there is the ability for Council to impose a requirement for a contribution toward road maintenance in the form of a 'levy'. Based on the information available, the ability for council to levy a contribution exists regardless of the fact that at least and potentially all of the vehicles may be 'as of right vehicles'.

Through initial stakeholder engagement, a number of matters have been raised has potentially requiring consideration by Council including:

- Recognising that sand extraction is a private sector activity that operates in a competitive environment;
- There are significant natural resources within the Shire, including sand resources;
- There is significant development anticipated to occur within the Shire;
- The condition of the existing road network is variable;
- Any condition of approval would need to demonstrate relevance and reasonableness;
- Costs associated with raw material may have an impact on housing affordability/construction costs;
- There are potential financial and staff resource implications associated with establishing and administering contributions towards road maintenance;
- There are significant financial implications associated with maintaining the Shire's road network; our financial implications for road asset preservation is approximately \$6.4million.
- A number of other local governments have previously established levying arrangements; eg. Shire of Murray, Shire of Kalamunda, Town of Kwinana, and City of Subiaco; and
- Vehicles associated with extractive industries have the potential to significantly contribute to the deterioration of the road network eg. fatigue failure of bitumen, edge breaking, shoulder drop-off, verge damage, depressions, rutting and shoving.

In order to properly evaluate and establish a framework for contributions towards road maintenance, it is recommended that Council give consideration to the following:

- A review of the existing extractive industry local law;
- That stakeholder engagement be progressed with relevant industry parties; and
- That Council prepares a policy framework for the establishment and administration of financial arrangements.

Should Council consider this to be a priority action, such investigations and work would like require a period of approximately 12 months. In light of the above, it is not recommended that Council impose a contribution towards road maintenance at this time.

Options

With regard to the determination of the application for planning consent under TPS 2, Council has two options:

1. To refuse consent; or
2. To grant consent subject to such conditions as deemed fit.

Option 2, subject to conditions, is recommended.

With regard to the determination of the application for an extractive industries licence, Council has two options:

1. To refuse the application; or
2. To approve the application over the whole or part of the land, and subject to such conditions, if any, as it sees fit.

Option 2, subject to conditions, is recommended.

Conclusion

Austral Bricks has submitted all the required documentation to the Shire and has been willing to improve in any area of operations that the Shire has identified needing improvement. Further, the subject site will continue to be audited on an annual basis to assess the level of compliance with the recommended conditions. Any issues that may arise through these inspections can be resolved between the operator and Shire staff. It is, therefore, recommended that Austral Bricks be issued with a five (5) year licence and development approval as determined by the guidelines within PP14.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. Planning approval be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:

PLANNING

1. At least 10 days advance notice in writing to the Shire is required of the intention to cart shale from the land. Signs are to be erected on the haulage road warning "Caution – Trucks using Road" during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.

HEALTH

Annual Report

2. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

3. The landowner shall prepare a Dust Management Plan (DMP), in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document dated March 2011 (DEC Guide). The DMP is to be submitted to the Shire for assessment within 60 days of the date of this approval. The DMP shall contain the following key components not excluding provision of the DEC's Guide:
 - a) Recognised criteria for 'maximum dust emission levels';
 - b) Trigger levels with relevant mitigation responses as contingencies for when dust criteria are exceeded on individual, multiple and ongoing occasions; and
 - c) An ongoing monitoring program that verifies the effectiveness of operational mitigations and contingencies.
 - d) A complaints registration, response and reporting process;
 - e) A summary communication strategy that outlines community consultation for significant events and changes in the operation and staging of the quarry

Once approved, the Dust Management Plan is to be implemented in its entirety.

4. The landowner shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire.
5. The landowner shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions and road damage to the satisfaction of the Shire.

Noise

6. The landowner shall comply at all times with the Noise Regulations as enacted under the Environmental Protection Act 1986.
7. The landowner shall undertake a Noise Impact Assessment (NIA) and Noise Report prepared by a suitably qualified acoustic consultant. The Noise Report shall be submitted to the Shire for approval by the Director Development Services within 90 days of the date of this approval. The report shall detail the significant noise sources and include noise mapping with noise contours and field verifications where relevant. The landowner's Noise Report shall also include a Noise Management Plan (NMP) that details relevant mitigations where the NIA identifies noise levels that may exceed the maximum levels permitted under the Environmental Protection (Noise) Regulations 1997. The NMP shall include details for ongoing noise monitoring to field truth the NIA predictions and NMP operational noise mitigation measures

Community Consultation – Stakeholder Committee

8. The landowner is to submit to the Shire within 60 days of this approval a plan for a Community Stakeholder Consultation Committee. The plan shall feature but not be limited to; the relevant land owner, community and government agency representatives, the terms of reference for the committee and the frequency of the meetings. Once approved the plan is to be implemented in its entirety.

Decommissioning

9. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Water Quality

10. The landowner shall submit to the Shire a Water Management Plan within 60 days of the date of this approval. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.

Traffic Management

11. The landowner shall submit to the Shire an updated Traffic Management Plan within 60 days of this approval. Once approved by the Director Engineering, the Traffic Management Plan is to be implemented in its entirety.

Emergency Management

12. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT

Hazardous Chemicals

13. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:
 - a) Be graded or include a sump to allow recovery of liquid;
 - b) Be chemically resistant to the substances stored;
 - c) Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
 - e) Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.

14. To prevent any spilled fuel entering the natural ground, the landowner shall provide a hardstand refuelling area bunded and drained to a pollutant receptor on site to the satisfaction of the Shire. All refuelling shall take place within this hardstand area.
15. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
16. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Biodiversity Management

17. An updated Environmental Management Plan being submitted within 90 days of the date of this approval. The Environmental Management Plan is to include but not be limited to including:
 - a) A draft Mine Closure Plan in accordance with the Department of Mines and Petroleum *Draft Guidelines for Preparing Mine Closure Plans* document (as amended)
 - b) A self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - c) A minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
 - d) Distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community;
 - e) Stable soils resistant to wind erosion;
 - f) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - g) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare; and
 - h) A minimal and controlled weed burden of declared weeds.

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

18. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre.
19. The landowner shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.
20. The landowner is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
21. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Environmental Management Plan and unless the necessary

clearing permits have been acquired from the Department of Environment and Conservation.

22. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Strategic Community Planning, to prevent encroachment by machinery.
23. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt.
24. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

25. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.
26. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.
27. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.

ADVICE NOTES

1. The landowner is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
 2. Approval from the Shire is required should blasting be reimplemented. Any application must be accompanied with a suitable management plan and must be made in writing 30 days prior to any scheduled blast dates.
- B. The extractive industry licence be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:
1. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
 2. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Laws and the Shire's Form 2 approval conditions for an extractive industry at 7, 50 & 101 Kiln Road, Byford.

3. No works are to be exposed to view from the South Western Highway and the coastal plain.
4. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:
 - a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) Identify any proposed changes to approved management plans.

SD004/07/11 Committee Recommended Resolution:

That the item be deferred to the July Ordinary Council meeting to allow further information to be provided in relation to the term of the planning approval for a period of two years (expiring 31st December 2012) and the period of the extractive industry licence for the purpose of site rehabilitation being three years after the extraction has completed.

CARRIED 7/0

Committee Note: Item was deferred to the July Ordinary Council meeting to allow further information to be provided in relation to the term of the planning approval for a period of two years (expiring 31st December 2012) and the period of the extractive industry licence for the purpose of site rehabilitation being three years after the extraction has completed.

Supplementary Information

At the Sustainable Development Committee held 19 July 2011, questions were raised regarding the length of the planning approval and licence that was recommended and the wording of conditions. Specifically, there was concern that the applicant's comments on the recommended conditions had not been incorporated into the officer recommendation. In this regard, the following supplementary information is provided:

Length of Licence & Approval

The officer report provides some detailed comment regarding the options available to Council when determining the length of approval and licence. The applicant has applied for a 5 year licence, acknowledging that extraction is expected to occur for a further 2 years with the remaining time (3 years) being used for the rehabilitation of the site.

The site is identified as being within a 'Key Extraction Area' under SPP 2.4 which is specified as being "areas of recognised regional resources providing for the long term supply of basic raw materials". The policy also states that these key extraction areas should be protected in relevant town planning schemes. Therefore, Council needs to carefully consider whether a restriction on the timeframe for extraction is warranted, given that the extraction of particular resources is largely based on market demand and that a time restriction for extraction may not necessarily be meeting the objectives of SPP 2.4. Whilst the concerns of the community are acknowledged, limiting the time of extraction to two years only, may not be practical for

the applicant. If extraction is not completed by that date, a new planning application will be needed. A planning approval and licence period that expires on the 31st December 2015 is therefore recommended as per the current officer recommendation.

Recommended Conditions

The applicant was provided with the opportunity to comment on the draft conditions during the finalisation of this agenda item. As the applicant's comments were received after the date requested they were not able to be incorporated into the agenda. The applicants comments are included in the table below:

Current Condition	Applicant's Comments	Officer Comment
<u>Planning Approval</u>		
1. At least 10 days advance notice in writing to the Shire is required of the intention to cart shale from the land. Signs are to be erected on the haulage road warning "Caution – Trucks using Road" during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.	<p>Austral Bricks have provided advice to the Shire on the general annual cartage program in annual reports, being:</p> <p>September/October -Approx. 10 days December/January -Approx. 10 days March -Approx. 10 days April/May -Approx. 14 days</p> <p>Cartage operations are subject to weather conditions as part of our Dust Management procedure, therefore provision of advice on specific cartage days is not practical.</p> <p>Previously this requirement related to transport via Nettleton Rd, which is no longer being utilized. Cartage will be via Kiln Road, for which Austral Bricks have been granted a Main Roads permit as approval. Austral Bricks request that this condition is removed.</p> <p>Removal of the requirement for advance notice is supported. Signage is still recommended as a condition.</p>	<p>Condition reworded as follows:</p> <p>Signs are to be erected on the haulage road warning "Caution – Trucks using Road" during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.</p>
5. The landowner shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions and road damage to the satisfaction of the Shire.	This condition should be deleted. No reason has been provided for this request.	The condition relates to ensuring that Kiln Road is maintained. Condition to remain.
7. The landowner shall undertake a Noise Impact Assessment (NIA) and	Austral Bricks have had a Noise Assessment report completed over summer 2004/2005, which	To be reworded to: <i>The landowner shall</i>

<p>Noise Report prepared by a suitably qualified acoustic consultant. The Noise Report shall be submitted to the Shire for approval by the Director Development Services within 90 days of the date of this approval.</p>	<p>indicated that noise from operations are at acceptable levels. Since this report was generated, operations have progressed deeper in the profile of the operational area, which would further contain noise generated from equipment.</p> <p>On the basis of the noise assessment report findings, in addition to the limited complaints history of noise issues (last noise complaint received for the extraction site was in 2004). Austral Bricks do not consider a requirement for ongoing noise monitoring to be justified.</p> <p>If this requirement were to be imposed, a timeframe of 90 days for completion of the noise report is not practical as operations are only conducted at the site over summer months. Austral Bricks suggest that the condition is amended to include a requirement to complete an assessment during the first excavation period following approval and provided by June 2012.</p> <p>Austral Bricks request that this condition is removed.</p>	<p><i>undertake a Noise Impact Assessment (NIA) and Noise Report prepared by a suitably qualified acoustic consultant. The Noise Report shall be submitted to the Shire for approval by the Director Development Services. The Noise Report shall be undertaken during the first excavation period following approval and provided by June 2012.</i></p>
<p>10. The landowner shall submit to the Shire a Water Management Plan within 60 days of the date of this approval. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.</p>	<p>Austral Bricks have had correspondence with the Shire, including a meeting on 13 May 2011, whereby water quality was discussed. The Water Quality Management Plan is planned for revision in consultation with Shire officers following the winter 2011 water quality testing results. On the basis of this information, the 60 day timeframe is not considered practical.</p>	<p>Comments are supported. Condition to be reworded to:</p> <p>The landowner shall submit to the Shire a Water Management Plan by 30th November 2011. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.</p>
<p>Condition 13 to 16 relating to hazardous chemicals.</p>	<p>These conditions should be deleted as Austral Bricks don't store any hazardous chemicals on site.</p>	<p>These conditions should be retained in case hazardous chemicals are stored on site in the future.</p>
<p>22. Where extractive industry activities,</p>	<p>Access to remnant vegetation is currently restricted by a</p>	<p>Condition as recommended by</p>

<p>including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Strategic Community Planning, to prevent encroachment by machinery.</p>	<p>combination of farm type fencing and earthen bunding which clearly demarcates access ways. Austral Bricks consider the installation of post and wire fencing with brightly coloured flags or survey tape is not justified.</p> <p>In addition, remnant vegetation is protected from damage through the Department of Environment and Conservation under the Environmental Protection (Native Vegetation Clearing) regulations. Austral Bricks suggest this condition is deleted.</p>	<p>officers is considered reasonable and should remain.</p>
<p>23. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt.</p>	<p>No clearing is planned as part of this condition. Condition not relevant.</p>	<p>Condition is recommended to remain.</p>
<p>24. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.</p>	<p>This is already regulated through the Department of Environment and Conservation under the Environmental Protection (Native Vegetation Clearing) regulations. Austral Bricks suggest this condition is deleted.</p>	<p>Condition is recommended to remain.</p>
<p>25. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.</p>	<p>No outside lighting is installed as part of this operation. Austral Bricks suggest this condition should be removed.</p>	<p>Condition should be retained in case any outside lighting is installed.</p>
<p>26. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources</p>	<p>It is not proposed to store explosives. Condition is superfluous and not related to application.</p>	<p>Condition should be retained in case any explosives are to be stored.</p>

Regulations and with the written approval of the Director Development Services.		
27. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.	Austral Bricks do not consider that this condition is necessary. Waste Management and appropriate disposal of wastes is regulated by the DEC under the EP Act 1986. Austral Bricks suggest that this condition should be deleted.	Comments agreed and removed.
<u>Licence</u>		
3. No works are to be exposed to view from the South Western Highway and the coastal plain.	Condition should be deleted. No justification provided for requested deletion.	No justification is provided for the deletion of this condition. Condition to be retained.

Alternate Recommendation

It is therefore recommended that the following changes be made to the officer recommendation:

- Condition 1 to be modified.
- Condition 7 to be reworded to:

The landowner shall undertake a Noise Impact Assessment (NIA) and Noise Report prepared by a suitably qualified acoustic consultant. The Noise Report shall be submitted to the Shire for approval by the Director Development Services. The Noise Report shall be undertaken during the first excavation period following approval and provided by June 2012.

- Condition 10 to be reworded to:

The landowner shall submit to the Shire a Water Management Plan by 30th November 2011. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.

- Condition 27 to be deleted.

Voting Requirements: Simple Majority

SD004/07/11 Revised Officer Recommended Resolution:

- A. Planning approval be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:

PLANNING

1. Signs are to be erected on the haulage road warning “Caution – Trucks using Road” during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.

HEALTH

Annual Report

2. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

3. The landowner shall prepare a Dust Management Plan (DMP), in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document dated March 2011 (DEC Guide). The DMP is to be submitted to the Shire for assessment within 60 days of the date of this approval. The DMP shall contain the following key components not excluding provision of the DEC's Guide:
 - a) Recognised criteria for 'maximum dust emission levels';
 - b) Trigger levels with relevant mitigation responses as contingencies for when dust criteria are exceeded on individual, multiple and ongoing occasions; and
 - c) An ongoing monitoring program that verifies the effectiveness of operational mitigations and contingencies.
 - d) A complaints registration, response and reporting process;
 - e) A summary communication strategy that outlines community consultation for significant events and changes in the operation and staging of the quarry

Once approved, the Dust Management Plan is to be implemented in its entirety.

4. The landowner shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire.
5. The landowner shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions and road damage to the satisfaction of the Shire.

Noise

6. The landowner shall comply at all times with the Noise Regulations as enacted under the Environmental Protection Act 1986.
7. The landowner shall undertake a Noise Impact Assessment (NIA) and Noise Report prepared by a suitably qualified acoustic consultant. The Noise Report shall be submitted to the Shire for approval by the Director Development Services. The Noise Report shall be undertaken during the first excavation period following approval and provided by June 2012.

Community Consultation – Stakeholder Committee

8. The landowner is to submit to the Shire within 60 days of this approval a plan for a Community Stakeholder Consultation Committee. The plan shall feature but not be limited to; the relevant land owner, community and government agency representatives, the terms of reference for the committee and the frequency of the meetings. Once approved the plan is to be implemented in its entirety.

Decommissioning

9. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Water Quality

10. The landowner shall submit to the Shire a Water Management Plan by 30 November 2011. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.

Traffic Management

11. The landowner shall submit to the Shire an updated Traffic Management Plan within 60 days of this approval. Once approved by the Director Engineering, the Traffic Management Plan is to be implemented in its entirety.

Emergency Management

12. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT

Hazardous Chemicals

13. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:

- a) Be graded or include a sump to allow recovery of liquid;
 - b) Be chemically resistant to the substances stored;
 - c) Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
 - e) Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
14. To prevent any spilled fuel entering the natural ground, the landowner shall provide a hardstand refuelling area bunded and drained to a pollutant receptor on site to the satisfaction of the Shire. All refuelling shall take place within this hardstand area.
15. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
16. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Biodiversity Management

17. An updated Environmental Management Plan being submitted within 90 days of the date of this approval. The Environmental Management Plan is to include but not be limited to including:
- a) A draft Mine Closure Plan in accordance with the Department of Mines and Petroleum *Draft Guidelines for Preparing Mine Closure Plans* document (as amended)
 - b) A self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - c) A minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
 - d) Distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community;
 - e) Stable soils resistant to wind erosion;
 - f) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - g) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare; and
 - h) A minimal and controlled weed burden of declared weeds.

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

18. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre.
19. The landowner shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.
20. The landowner is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
21. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Environmental Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment and Conservation.
22. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licence shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Strategic Community Planning, to prevent encroachment by machinery.
23. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt.
24. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

25. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.
26. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.

ADVICE NOTES

1. The landowner is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
 2. Approval from the Shire is required should blasting be reimplemented. Any application must be accompanied with a suitable management plan and must be made in writing 30 days prior to any scheduled blast dates.
- B. The extractive industry licence be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:

1. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
2. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Laws and the Shire's Form 2 approval conditions for an extractive industry at 7, 50 & 101 Kiln Road, Byford.
3. No works are to be exposed to view from the South Western Highway and the coastal plain.
4. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:
 - a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) Identify any proposed changes to approved management plans.

SD004/07/11 NEW MOTION:

Moved Cr Hoyer, seconded Cr Randall

- A. Planning approval be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:**

PLANNING

- 1. All extraction on site shall cease prior to the 31st July 2013 with only site decommissioning and rehabilitation to occur after this date.**
- 2. Signs are to be erected on the haulage road warning "Caution – Trucks using Road" during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.**

HEALTH

Annual Report

- 3. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license**

approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

4. If the landowner and/or the Shire receives, in the Shire's opinion, regular and/or ongoing dust complaints the Shire will require the landowner to develop, for approval by the Shire and thereafter implement, a Dust Management Plan (DMP) in accordance with Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011).
5. The landowner shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire.
6. The landowner shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions and road damage to the satisfaction of the Shire.

Noise

7. The landowner shall comply at all times with the Noise Regulations as enacted under the Environmental Protection Act 1986.
8. If the landowner and/or the Shire receive, in the Shire's opinion, regular and/or ongoing noise complaints the Shire will require the landowner to appoint an acoustic consultant to undertake a Noise Assessment and submit a Noise Report within 30 days of the request. The noise assessment and report shall identify all noise sources and noise levels and where levels exceed the maximum permitted by the regulations the landowner is to develop and implement a Noise Management Plan.

Community Consultation – Stakeholder Committee

9. The landowner is to submit to the Shire within 60 days of this approval a plan for a Community Stakeholder Consultation Committee. The plan shall feature but not be limited to; the relevant land owner, community and government agency representatives, the terms of reference for the committee and the frequency of the meetings. Once approved the plan is to be implemented in its entirety.

Decommissioning

10. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of shale and clay extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Water Quality

11. The landowner shall submit to the Shire a Water Management Plan by 30 November 2011. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.

Traffic Management

12. The landowner shall submit to the Shire an updated Traffic Management Plan within 60 days of this approval. Once approved by the Director Engineering, the Traffic Management Plan is to be implemented in its entirety.

Emergency Management

13. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT**Hazardous Chemicals**

14. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:

- a) Be graded or include a sump to allow recovery of liquid;
- b) Be chemically resistant to the substances stored;
- c) Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
- d) Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
- e) Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.

15. To prevent any spilled fuel entering the natural ground, the landowner shall provide a hardstand refuelling area bunded and drained to a pollutant receptor on site to the satisfaction of the Shire. All refuelling shall take place within this hardstand area.

16. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination

of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.

17. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Biodiversity Management

18. An updated Environmental Management Plan being submitted within 90 days of the date of this approval. The Environmental Management Plan is to include but not be limited to including:

- a) A draft Mine Closure Plan in accordance with the Department of Mines and Petroleum *Draft Guidelines for Preparing Mine Closure Plans* document (as amended)
- b) A self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
- c) A minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
- d) Distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community;
- e) Stable soils resistant to wind erosion;
- f) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
- g) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare; and
- h) A minimal and controlled weed burden of declared weeds.

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

19. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre.
20. The landowner shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.
21. The landowner is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
22. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Environmental Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment and Conservation.
23. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures

or activities, the licence shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Strategic Community Planning, to prevent encroachment by machinery.

24. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt.
25. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

26. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.
27. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.

ADVICE NOTES

1. The landowner is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
 2. Approval from the Shire is required should blasting be reimplemented. Any application must be accompanied with a suitable management plan and must be made in writing 30 days prior to any scheduled blast dates.
- B.** The extractive industry licence be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:
1. All extraction on site shall cease prior to the 31st July 2013 with only site decommissioning and rehabilitation to occur after this date.
 2. The landowner shall submit an Annual Report to the Shire's Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
 3. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Laws and the Shire's Form 2 approval conditions for an extractive industry at 7, 50 & 101 Kiln Road, Byford.
 4. No works are to be exposed to view from the South Western Highway and the coastal plain.

5. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:
- a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) Identify any proposed changes to approved management plans.

LOST 4/6

COUNCIL DECISION

Moved Cr Hoyer, seconded Cr Buttfield
That the meeting be adjourned at 8.14pm
CARRIED 10/0

COUNCIL DECISION

Moved Cr Brown, seconded Cr Harris
The meeting was re-opened at 8.20pm
CARRIED 10/0

Cr Harris foreshadowed the officers alternate motion with a change of date to indicate the 2 year extraction period to end July 2013, if the motion under debate is defeated.

SD004/07/11 COUNCIL DECISION / NEW MOTION:

Moved Cr Harris, seconded Cr Randall

- A. Planning approval be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:

PLANNING

1. All extraction on site shall cease prior to the 31st July 2013 with only site decommissioning and rehabilitation to occur after this date.
2. Signs are to be erected on the haulage road warning “Caution – Trucks using Road” during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway and at all intersections.

HEALTH

Annual Report

3. The landowner shall submit an Annual Report to the Shire’s Director Development Services by 31st March each year. The Annual Report shall

include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.

Dust

4. The landowner shall prepare a Dust Management Plan (DMP), in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document dated March 2011 (DEC Guide). The DMP is to be submitted to the Shire for assessment within 60 days of the date of this approval. The DMP shall contain the following key components not excluding provision of the DEC's Guide:

- a) Recognised criteria for 'maximum dust emission levels';
- b) Trigger levels with relevant mitigation responses as contingencies for when dust criteria are exceeded on individual, multiple and ongoing occasions; and
- c) An ongoing monitoring program that verifies the effectiveness of operational mitigations and contingencies.
- d) A complaints registration, response and reporting process;
- e) A summary communication strategy that outlines community consultation for significant events and changes in the operation and staging of the quarry

Once approved, the Dust Management Plan is to be implemented in its entirety.

5. The landowner shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire.
6. The landowner shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions and road damage to the satisfaction of the Shire.

Noise

7. The landowner shall comply at all times with the Noise Regulations as enacted under the Environmental Protection Act 1986.
8. The landowner shall undertake a Noise Impact Assessment (NIA) and Noise Report prepared by a suitably qualified acoustic consultant. The Noise Report shall be submitted to the Shire for approval by the Director Development Services. The Noise Report shall be undertaken during the first excavation period following approval and provided by June 2012.

Community Consultation – Stakeholder Committee

9. The landowner is to submit to the Shire within 60 days of this approval a plan for a Community Stakeholder Consultation Committee. The plan shall feature but not be limited to; the relevant land owner, community and government agency representatives, the terms of reference for the

committee and the frequency of the meetings. Once approved the plan is to be implemented in its entirety.

Decommissioning

10. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the shale and clay extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines*.

ENGINEERING

Water Quality

11. The landowner shall submit to the Shire a Water Management Plan by 30 November 2011. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.

Traffic Management

12. The landowner shall submit to the Shire an updated Traffic Management Plan within 60 days of this approval. Once approved by the Director Engineering, the Traffic Management Plan is to be implemented in its entirety.

Emergency Management

13. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering. The mitigation plans shall include but is not limited to a Fire and Emergency Management Plan, BCA safety requirements and storage and handling of dangerous goods.

ENVIRONMENT

Hazardous Chemicals

14. The landowner shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the site exceeds 250 litres) within low permeability (10⁻⁹ metres per second or less) compounds designed to contain not less than 100% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. These compounds should:

- a) Be graded or include a sump to allow recovery of liquid;
- b) Be chemically resistant to the substances stored;
- c) Include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;

- d) Be designed such that jetting from any storage vessel or fitting will be captured within the bunded area;
 - e) Be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds and be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
15. To prevent any spilled fuel entering the natural ground, the landowner shall provide a hardstand refuelling area bunded and drained to a pollutant receptor on site to the satisfaction of the Shire. All refuelling shall take place within this hardstand area.
16. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
17. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Biodiversity Management

18. An updated Environmental Management Plan being submitted within 90 days of the date of this approval. The Environmental Management Plan is to include but not be limited to including:
- i) A draft Mine Closure Plan in accordance with the Department of Mines and Petroleum *Draft Guidelines for Preparing Mine Closure Plans* document (as amended)
 - j) A self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - k) A minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
 - l) Distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community;
 - m) Stable soils resistant to wind erosion;
 - n) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - o) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare; and
 - p) A minimal and controlled weed burden of declared weeds.

In carrying out the development the approved Environmental Management Plan must be complied with at all times.

19. Where sedges and rushes are used for the revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per square metre.

20. The landowner shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.
21. The landowner is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
22. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Environmental Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment and Conservation.
23. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licence shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Strategic Community Planning, to prevent encroachment by machinery.
24. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt.
25. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary is to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

26. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.
27. The landowner shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the written approval of the Director Development Services.

ADVICE NOTES

1. The landowner is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If Council approves such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
2. Approval from the Shire is required should blasting be reimplemented. Any application must be accompanied with a suitable management plan and must be made in writing 30 days prior to any scheduled blast dates.

- B.** The extractive industry licence be granted for shale and clay extraction at Lots 7, 50 & 101 Kiln Road, Byford expiring on 31 December 2015 subject to the following conditions:

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2. The landowner shall submit an Annual Report to the Shire’s Director Development Services by 31st March each year. The Annual Report shall include an internal compliance audit of all the development and license approval conditions and management plans. The annual report shall also provide details relating to complaints and complaints responses.
3. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale’s Extractive Industries Local Laws and the Shire’s Form 2 approval conditions for an extractive industry at 7, 50 & 101 Kiln Road, Byford.
4. No works are to be exposed to view from the South Western Highway and the coastal plain.
5. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.

ADVICE NOTES

1. In relation to the Annual Report, the report shall:
 - a) Comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) Include results of any dust, noise, water, biodiversity monitoring and report details of complaints and remedies;
 - c) Provide a statement of actions taken and progress made in relation to the implementation of management plans for the preceding 12 months;
 - d) Provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) Identify any proposed changes to approved management plans.

CARRIED 9/1

SD006/07/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 59 PUBLIC ART FOR MAJOR DEVELOPMENTS(A1968)		
Author:	Lawrence Man – Senior Planner	In Brief Following advertising, Local Planning Policy No. 59 – Public Art for Major Developments is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	30 May 2011	
Previously	SD080/02/11	
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 held on the 3 March 2011 draft Local Planning Policy (LPP) 59 Public Art Policy for Major Developments was deemed suitable for advertising and community consultation.

Serpentine Jarrahdale Shire in line with the State Government's Percent for Art Scheme, is requiring the provision of public art by others who are undertaking substantial developments within the Shire. The Shire recognises the many benefits of integrating art into the public realm. Public artwork can contribute to the sense of place and unique identity of a locality through the reflection of local culture and customs, referencing significant local historic events, and its ability to act as a landmark.

Key matters that the policy seeks to address include:

- Create artworks in public spaces that are site specific, meaningful and integrated into built and natural forms and places within Serpentine Jarrahdale Shire.
- Enhance public enjoyment, engagement and understanding of places through the integration of public art, thereby enhancing sense of place
- Enhance the appearance, character and value of buildings and places through the inclusion of high quality public art
- Establish a clear and equitable system for the provision of public art in the development process

A copy of the advertised LPP No. 59 – Public Art Policy for Major Developments is with attachments marked [SD006.1/07/11](#).

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 59 Public Art Policy for Major Developments for operation and implementation.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

Draft LPP 59 was advertised for public comment from the 4th April to the 2nd May 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

A total of four submissions were received and the policy has been revised based on these comments.

A copy of the summary of submissions is with attachments marked [SD006.2/07/11](#).

All comments from Main Roads have been included and addressed within the Schedule of Modifications.

Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 59 Public Art Policy for Major Developments is presented to Council for consideration and potential operation and implementation.

A copy of the revised LPP 59 Public Art Policy for Major Developments is with attachments marked [SD006.3/07/11](#).

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 59 – Public Art Policy for Major Developments.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 59 – Public Art Policy for Major Developments as provided in attachment [SD006.3/07/11](#).
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

SD006/07/11 Committee Recommended Resolution:

That the item be deferred to the July Ordinary Council meeting to provide Council with further information regarding the LWP submission on the draft policy.

CARRIED 7/0

Committee Note: Item was deferred to the July Ordinary Council meeting to enable officers to address issues raised in the submission on the draft LPP 59 policy that was inadvertently omitted from the report.

Supplementary Information

Due to an administrative error, a submission received on 10 May 2011 was not recognised in the Summary of Submissions as attached to the agenda item.

The following supplementary information is in relation to this submission prepared by Taylor Burrell Barnett on behalf of LWP Property Group, as the developer's of The Glades, Byford estate and as a major landowner within the Byford Structure Plan area.

Submission

Several matters requiring Council's consideration in relation to Local Planning Policy (LPP59) No.59 Public Art for Major Developments are put forward as part of this submission, namely:

- Anomalies in the 'Public Art Contribution Matrix' in Section 9.2;
- Clarification of what types of Development Applications (that meet the minimum construction cost threshold) will require a contribution to be made for the provision of public art;
- The need for a Public Art Strategy to be prepared and advertised in unison with draft LPP59 to fully assess the reasonableness of the 2% contribution rate proposed, identify priorities for provision and provide broad guidance regarding desired styles and themes;
- Concern with a lack of detail in draft LPP59 regarding provision of public art external to Development Application process as proposed and the crediting of public art provided in excess of the minimum contribution requirement; and
- Concerns regarding the practical implementation of the reporting requirements of LPP59.

Anomalies in the 'Public Art Contribution Matrix' in Section 9.2

The anomaly identified for construction costs exceeding \$50,000,000, applications would contribute \$100,000. The public art cost for applications exceeding \$50,000,000 has been corrected to be capped at \$1,000,000.

Clarification regarding applicable Development Applications

The intention of the LPP59 is to ensure planning applications on prepared lots with basic utilities installed, to provide public art or pay a public art contribution. It is not intended that public works, bulk earthworks, forward works for site preparation or landscaping to be subject to a public art contribution. The Shire ultimately has discretion in seeking the contribution for public art and may seek to vary this requirement under exceptional circumstances.

It is recommended that two modifications be made to *Section 3.0 Policy Application* to ensure that 'site preparation' development applications including landscaping and bulk earthworks are excluded from the requirements of this policy.

Preparation of a Public Art Strategy

The submission has indicated that a public art strategy be prepared and released for public comment prior to the finalisation of LPP 59 – Public Art Policy for Major Developments. This

is based on the concerns that a strategy indicating priorities, location and timeframes have not been prepared.

It is recognised that a whole-of-Shire Public Art Strategy would be of use, however, it is difficult to project the timing and location in which market led development will occur. Due to the difficulties in anticipating development staging, priorities and timeframes a case by case approach triggered by development applications remains the preferred solution. The preparation of a whole-of-Shire Public Art Strategy would potentially restrict artists from proposing site specific installations and may have the adverse effect of being overly prescriptive.

As raised by the representative of LWP Property Group at the 19 July 2011 Sustainable Development Committee Meeting, the Glades, Byford is already installing public art of its own accord in public areas, prior to development approvals stage.

To facilitate this practice, an additional provision within *Section 7.0 Policy Provisions*, is recommended indicating that public art contribution will not be required if a public art strategy consistent with the policy is endorsed for a defined geographical area such as a precinct or sub-precinct.

Use of Development Applications as Trigger for Public Art Provision

The submission proposes a crediting arrangement be established to offset future development application obligations if a developer has already provided public art as part of its development program.

Although this mechanism may be appropriate for large Greenfield developments, this mechanism would be extremely difficult to administer Shire-wide. For large developments, a public art strategy should be prepared if a developer is seeking to provide public art prior to development approvals stage. If a public art strategy consistent with policy requirements is provided and endorsed by the Shire, development applications within the affected will not be required to provide additional public art.

Practical Implementation of Reporting Requirements

The submission identified that reporting requirements would be onerous as an artist would not be appointed at the time a landscape plan or development application is prepared. The public art policy seeks to encourage the appointed artist to be consulted and involved in the landscaping plan to ensure the siting and location of public art occurs in a coordinated and considered manner. The reporting and implementation requirements as requested in the public art policy are consistent with state-wide practices. The policy is considered to adequately address this matter.

The following recommended resolution is provided for Council consideration.

SD006/07/11 COUNCIL DECISION/Revised Officer Recommendation

Moved Cr Hoyer, seconded Cr Randall

That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 59 – Public Art Policy for Major Developments.**
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 59 – Public Art Policy for Major Developments as provided in attachment SD006.3-07-11 subject to the following modifications:**

- Within the ‘Public Art Contribution Matrix’ replace “Public art cost of \$100,000” with “Public art cost of \$1,000,000”
 - Within Provision 3.1 replace “This Policy applies to all development applications for planning approval with a construction cost of \$1million or greater with the exception for development applications relating to site preparation such as bulk earthworks or landscaping.
 - Insert an additional provision within “Section 7.0 Policy Statement” stating: “Where a Public Art Strategy consistent with this policy is prepared and endorsed for a defined geographical area such as a precinct or sub-precinct, development applications within the defined area will not be required to provide additional public art.”
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
 - 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
 - 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.
- CARRIED 10/0**

SD001/07/11 RETROSPECTIVE APPLICATION FOR TROTTER TRACK AND FILLING OF LAND – LOT 2 (#454) KARNUP ROAD, HOPELAND (P00963/04)		
Proponent:	Brett Gray	In Brief Application for retrospective planning approval for a trotting track and filling of land. It is recommended that the application be approved subject to conditions.
Owner:	As Above	
Officer:	Peter Varelis – Project Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	9 May 2011	
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: 23 March 2011
 Advertised: Yes
 Submissions: 2 landowners
 Lot Area: 1.37ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Use Class & Permissibility: Incidental development
 Rural Strategy Policy Area: Rural Living B

Background

In late January 2011, the Shire's compliance officer identified a large area of landfill existing on Lot 2 Karnup Road, Hopeland. It was also discovered that a portion of the site had been excavated to make way for a horse trotting track.

As a result of the initial investigations, officers wrote to the landowner advising that the landfill was unauthorised and requested the landowner to submit a retrospective planning application to the Shire.

Since the application was lodged the following has occurred:

- The application was referred to nearby landowners for comment;
- The application was referred to relevant government agencies for comment; and
- A technical assessment of the application has been completed by the Shire's officers with a recommendation provided for Council's consideration.

Submissions of concern were received during the advertising period and the landfill is considered moderate to high risk as per draft Local Planning Policy No. 34 – Placement of Fill (LPP34), as such the retrospective application is presented to Council for consideration.

A location plan and aerial photograph are with attachments marked [SD001.1/07/11](#).

The cross sections and site plan are with attachments marked [SD001.2/07/11](#).

A copy of draft LPP34 is with attachments marked [SD001.3/07/11](#).

Site photos are with attachments marked [SD001.4/07/11](#).

As concerns were received during the advertising of the proposal, the matter is now presented to Council for consideration and determination. Should Council approve the development application the applicant will be required to carry out further works in accordance with the approved plans.

Sustainability Statement

Effect on Environment: The retrospective application has visual impacts on the landscape and has been developed in proximity to existing watercourses. Suitable conditions of development approval are being recommended to ensure environmental considerations are appropriately dealt with.

Social – Quality of Life: The trotting track provides a training area for the landowner's horses and enables him to carry out his associated recreational activities.

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

TPS 2

Unauthorised Development

As approval has not been granted previously for the cut and fill, the carrying out of an unauthorised development constitutes an offence under the TPS 2 below:

“8.3 OFFENCES

8.3.1 *A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:*

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.

8.3.2 *A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.”*

In accordance with TPS 2, planning approval is required prior to the commencement of any development and/or use within the Shire, unless specifically exempt. The cut and fill is consistent with the definition of ‘development’, as provided for under the Planning and Development Act 2005.

The landowner did not obtain the prior planning consent from the Shire and therefore committed an offence under TPS 2. It is important to note, however, that Council is obligated to determine the application based on the information submitted against the existing statutory planning framework; past, current or possible future compliance-related issues are not relevant in the determination of the application.

Retrospective Application

In considering whether to grant retrospective planning consent, TPS 2 contains the following provision:

6.8 UNAUTHORISED EXISTING DEVELOPMENT

6.8.1 *The Council may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, providing the development conforms to the provisions of the Scheme.*

Policy/Work Procedure

Implications:

LPP 34 – Placement of Fill

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Landscape		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
		Manage	Facilitate sustainable agricultural practices.
			Ensure responsible animal care, control and management within the Shire.

Vision Category	Focus Area	Objective Summary	Objective
	Integrated Water Cycle Management		
		Quantity	Promote and implement water conservation and reuse.
			Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
			Identify and implement opportunities for detention and storage of stormwater.
			Protect and develop natural and man-made water sources.
		Quality	Improve and maintain surface and ground water quality.
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
			Facilitate and encourage the preservation, management and restoration of natural water systems.
BUILT ENVIRONMENT			
	Land Use Planning		
		Rural Land	Ensure the built form complements and enhances the rural environment.
			Plan for the preservation of rural land and its integration with urban and rural villages.
			Consider the viability of rural land uses in strategy and policy development.
		Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
			Promote, implement and celebrate best practice integrated water cycle management.
			Create low maintenance living streams and ephemeral wetlands.
			Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
			Ensure infrastructure planning and design protects the community from flooding.

Consultation:

Landowner Comments

The application was referred to adjoining landowners in accordance with the requirements set out in TPS 2. During the advertising period, two submissions raising concerns were received. The key issues, concerns and comments raised in the submissions are summarised below:

- As this track was only recently completed, it is fortunate that it has come out as well as it did.
- A retaining wall or something equivalent should be required on the western part of the boundary as the fence itself will not support the earth bank against it.
- Dust control should be considered on the trotting track, as dust is an existing problem with the dry weather.

- Appropriate measures need to be put in place to ensure the orderly displacement of water. No additional water flow should encroach neighbouring property as a result of this development.

Comment

Technical Assessment

Although a number of concerns were raised by submitters, officers are of the opinion that these issues can be dealt with by way of specified conditions of development approval. A summary of the concerns raised in light of a technical assessment and public submissions are outlined below.

Resident / Technical Concern	Officer Comment	Action/Mitigation
Requirement for a retaining wall, where the track abuts the boundary fence and appropriate measures to ensure orderly displacement of water.	No action required.	Upon assessment by the Shire's Engineer it has been made evident that retaining and culvert structures are sufficient for the type of development. This concern is further verified by virtue of receiving engineering certification from the landowner.
Dust Control	Addressed through information provided as part of the application. The applicant has installed reticulation to suppress dust issues.	Condition included.

Policy Context

Placement of Fill – LPP34

In accordance with 'Schedule 1 Impact Significance Guidelines' of draft LPP34 the development is classified as moderate to high risk. However, officers are of the opinion that the objectives and provisions of draft LPP34 are being sustained by virtue of recommended conditions of development approval.

It is important to note that the rating system (low, moderate and high) within draft LPP34 is intended to be used as a means of delineating whether or not the placement of fill should be approved under delegation or presented to Council, subject to consultation. It also provides officers guidance as to appropriate conditions to be placed, should the development be approved. This report provides Council with the opportunity to make a formal determination on the application.

Options

There are a number of options available to Council in determining the application, namely:

1. to approve the application, subject to conditions; or
2. to refuse the application.

It is important to note that should the applicant be aggrieved by the decision of Council there is capacity for the applicant to lodge a claim for review with the State Administrative Tribunal.

Conclusion

Based on the information currently available and having regard to the matters outlined in this report, it is recommended that the application be approved subject to appropriate conditions.

Voting Requirements: Simple Majority

SD001/07/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Hoyer

The application for retrospective planning approval for the filling of land and a trotting track at Lot 2 Karnup Road, Hopeland be approved subject to the following conditions:

1. The landowner shall be responsible for the dust and sand drift control in accordance with the Department of Environment and Conservation's *A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* document (March 2011) at all times. Disturbed areas shall be stabilised as soon as practicable and thereafter maintained to the satisfaction of the Director Development Services.
2. All overburden fill material (including rocks) not part of this approval is to be removed from the property. The natural ground level of the site is to be reinstated to the same level that existed prior to the commencement of works to the satisfaction of the Director Engineering.
3. All works shall be undertaken in accordance with the structural certification certificate received by the Shire on 19 October 2010.
4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
5. 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.
6. All material shall be clean, free draining, medium to coarse sand, free from foreign and/or organic material.
7. 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.

CARRIED 10/0

SD002/07/11 PROPOSED RURAL USE STABLES AND KEEPING OF HORSES – LOT 12 (100) RICHARDSON STREET, SERPENTINE (P02661/04)		
Proponent:	Pico Bello Holdings (WA)	In Brief The applicant seeks planning approval for a rural use - keeping of twenty horses and extension of existing stable complex. It is recommended that the application be approved conditionally
Owner:	As above	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 June 2011	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	

Delegation	Council	
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Date of Receipt:	19 April 2011
Advertised:	Yes
Submissions:	Yes
Lot Area:	5.70 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural, Urban
Date of Inspection:	27 May 2011
Use Class & Permissibility	Rural Use – P (Permitted)
Rural Strategy Policy Area:	Farmlet
Rural Strategy Overlay:	Peel-Harvey Coastal Plain Catchment Area

Background

An application has been lodged for keeping of twenty (20) competition/show-jumping horses, extension of an existing stable block and erecting ten (10) fully enclosed stables with walk-in walk-out yards on Lot 12 Richardson Street in Serpentine. The subject land, a fully established equestrian property, contains an existing dwelling, a rural worker's dwelling, a general purpose storage shed, stable block comprising of three loose boxes, tack room, feed shed and concrete wash down bays, a dam and two water tanks.

The subject land, a highly environmentally sensitive area, is within the Peel-Harvey Coastal Plain Catchment Area. The eastern boundary of the property is approximately 250 metres away from the Serpentine River, part of the property (approximately 0.51ha) occurs within 50 metres of Conservation Category Wetlands, while the entire property is classified as a Resource Enhancement Wetland, and 0.2ha occurs within 200 metres of a waterway.

In October 2010 planning advice had been sought on the same property regarding construction stables for twenty four (24) race horses. The stables were to minimise land degradation by intensive stabling. Based on a desktop assessment the Shire advised that (among other issues) keeping of twenty four (24) horses with intensive stabling could potentially be considered subject to the proponent meeting stringent land management practices including stabling of horses for extended periods of time to alleviate overgrazing of the existing established pasture.

It is against this background that the current applicant has submitted a development application for keeping twenty (20) show-jumping horses and extension of an existing stable complex. The application included a comprehensive horse management plan addressing extensively how they intend to deal with and minimise most of the environmental concerns that were highlighted by the Shire. Of particular concern were the increased stocking rates and associated land management issues that could result in land degradation problems such as soil erosion, water pollution and damage to vegetation if such increased stock rates were mismanaged.

Proposal

- increase the number of horses that can be on the property from eight (8) to twenty (20);
- extend the existing stable block to add an additional eight (8) loose boxes of 14.82 square metres each, providing a total of eleven (11) boxes within the stable complex;
- within ten (10) of the horse paddocks, erect a fully enclosed stable of 12.25 square metres and walk-in-walk-out yard to enable horses to be locked up for specific periods of time; and
- fence, landscape and revegetate with perennial pasture the approximate 0.5 hectare area between the new home and the dam.

This report provides Council with the opportunity to determine the application.

A location plan, aerial photograph, site plan, horse management plan, floor and elevation plans are with the attachments marked [SD002.1/07/11](#).

Sustainability Statement

Effect on Environment: The property is located within a Resource Enhancement Wetland, and within 100-150 metres of the Serpentine River. Nutrient export is therefore a relevant consideration. Any nutrients (nitrates and phosphates especially) added to the property via fertilization of the pasture, and particularly from horse manure and urine, has the potential to be exported to the Serpentine River and thence to the Peel Harvey Estuary. The Peel Harvey Estuary is an internationally recognized Ramsar wetland (important for migratory birds) and is impacted by nutrient enrichment from upstream sources. Twenty (20) horses would produce a considerable quantity of manure and urine, and while manure can be collected and stockpiled or exported, urine is harder to manage and could add a considerable nutrient load to the property. While loamy soils like these have a high phosphate retention potential, the export of nitrates (and eventually potentially phosphates) cannot be discounted.

The property lies within an Environmentally Sensitive Area, within which activities are restricted due to the following factors:

- Threatened Ecological Communities – the property lies within the buffer zone for a Threatened Ecological Community (a vegetation type that has been extensively cleared and is now very rare). TECs are protected by State and Federal legislation.
- Regional Ecological Linkages – parts of the property lie within Regional Ecological Linkages 90 and 71. Regional Ecological Linkages are intended to provide habitat linkages between areas of natural vegetation, and should be maintained wherever possible.
- Declared Rare Flora and Priority Listed Flora – the property lies within buffer zones for endangered plants (protected by the State Wildlife Conservation Act 1950).
- Threatened and Priority Fauna and Fauna Habitat – the property lies within buffer zones for threatened fauna (protected by the State Wildlife Conservation Act 1950).
- Wetlands and Waterways – part of the property (approximately 0.51ha) occurs within 50 metres of Conservation Category Wetlands, while the entire property is classified as a Resource Enhancement Wetland, and 0.2ha occurs within 200 metres of a waterway.

All of these issues have the greatest impact within areas of remnant vegetation. This property has no remnant vegetation, but the combination of environmental issues in the area mean that there are many factors which could restrict the range of appropriate activities in such an environmentally sensitive area.

Economic Benefits: The business will create some employment in addition to the landowners. The horse industry was the fourth biggest employer of people in Australia in 2002.

Social – Quality of Life: Horse riding is a very popular recreational pursuit that provides important social values to the State. This proposal could potentially impact on the quality of life for residents of adjacent properties with odours, noise and dust and traffic being generated and impacts on the visual amenity of the streetscape. Accordingly, any approval should be conditional to reduce any impacts to surrounding landowners.

The proposal will not disadvantage any social groups and will be environmentally responsible through the proper management of the land.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Serpentine Jarrahdale Rural Strategy
Rural Strategy (Drainage and Nutrient Management Guidelines)

Policy/Work Procedure Implications: State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment Area

Financial Implications: If the application is refused or the landowner is aggrieved by any of the conditions imposed on an approval, an application for review may be lodged with the State Administration Tribunal; there may be financial implications for Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
BUILT ENVIRONMENT	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		14		Encourage built form that positively contributes to streetscape amenity.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
	10		Plan for the preservation of rural land and its integration with urban and rural villages.	

Community Consultation

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. As a result of the advertising one (1) letter of no objection and one (1) letter of objection was received.

Affected Property	Summary of Submission	Officer Comment
A33726	All the properties in this subdivision have a current stocking rate of eight horses. To increase this rate in one property would potentially increase the rates of all eight	All planning applications are considered on their individual merits. If the application is approved it is anticipated that it

Affected Property	Summary of Submission	Officer Comment
	<p>properties in this area to the maximum of twenty horses. This would impact on the very fragile river system that bounds this subdivision, and would also have an impact on the urbanisation of Serpentine Town.</p> <p>As at April 2011, the dam at 100 Richardson Street has an overflow which pumps directly into the Serpentine River down my boundary, an arrangement made with the previous owner. Although the pump was not used heavily last year, 2010, due to minimal rainfall, it is needed to rid the property of excess water. I have advised the current owners that it is no longer possible to continue this arrangement as it requires they have access to my property which is unsatisfactory.</p> <p>Without the regular pumping of this dam the property becomes inundated and further surface runoff passes through my property to the river. This leaves some paddocks at 100 Richardson Street in poor condition for heavy stock loads and the amount of phosphates through urine and fertilizers which will access the river system would increase with a higher stocking rate.</p> <p>It is my observation that the current pasture condition does not truly reflect even the current stocking rate, as for at least the past six months the current operation has had minimal horses in residence, and no inundation last year due to poor rainfall.</p> <p>I would like some information on the drainage management now that the pumping of the dam has ceased, as I have noticed this week it is disconnected. During the previous year, 2009, this pump was in regular use in October and November</p>	<p>will not create an undesirable precedent due to factors contained in the report. Not all landowners want to operate intensive stabling.</p> <p>The applicant appreciated a potential problem exists and are prepared to invest in a solution on how best to contain storm water on property in a manner that will improve the current situation.</p> <p>The applicant provided the information that there were a number of ways to deal effectively with any potential storm water runoff, including pumping from the dam to the large reticulation tank and reticulating any excess water over the front paddocks or filtering it for nutrients and pumping it to the roadside drains at the front of property. It might also be filtered and pumped back into the underground aquifer. Plans will be adopted with the necessary requisite professional advice.</p> <p>Issue discussed above</p> <p>Comments noted</p>

Affected Property	Summary of Submission	Officer Comment
	<p>(probably 3 times a week) clearing excess water from the property at 100 Richardson St.</p> <p>It is my understanding that the proposed show jumping arena is not floodlit.</p> <p>In conclusion I am opposed to an increase in stocking rates at 100 Richardson Street due to:</p> <ul style="list-style-type: none"> • The proximity to Serpentine Town and urban areas and the impact it will have on the growth of the town. • The potential and very real risk of high nutrient runoff entering the Serpentine River. • The potential impact of the immediate property owners in this subdivision to follow this trend. 	<p>Issues submitted are considered to be relevant and will be discussed in detail in the report.</p>

External Government Agency Comments

The application was referred to Department of Agriculture and Food and their advice is below:

- *Proposals to intensify the use of agricultural landuses, including the horse industry, need to comply with Clause 6.6 Intensive agriculture of State Planning Policy 2.1, the Peel Harvey Coastal Catchment. This clause is designed to reduce nutrient export to the environment from intensive agricultural operations. In making a decision the WAPC may require the application rate of manure from the intensive land use to be below the background rate of normal beef grazing which is 10 kg P/ha. If that is not the case then the soil may need to be amended to minimise nutrient losses.*
- *The development application is detailed and has considered a number of environmental degradation risks associated with intensive equine establishments such as odour, dust and flies. It is noted that proponent intends to maintain pasture cover above 95% which is above horse industry standards to minimise dust and erosion. Well managed actively growing pasture should also limit nutrients leaching from the property.*
- *Irrigated pastures require relatively high levels of nutrients to be optimally productive, particularly when manure is to be collected from the paddocks. A detailed Nutrient Management Plan would ensure that production at the optimum level is environmentally sustainable.*
- *The proponents indicate that they are undertaking soil testing to inform fertiliser applications. DAFWA recommends that a soil sampling testing program should be undertaken on a yearly basis and fertiliser regimes based on detailed recommendations prepared by a professional fertiliser advisor who should be accredited through FERTCARE®.*
- *The proponents state that the management of nutrients on the Property relies on the “functionality of the existing dam as a soak to deal with any excess run-off and sub-*

terranean drainage, will ensure that there is no leaching of nutrients into the Serpentine River or pollution of nearby waterways." The application also states that "the dam on the Property was developed in 2009 to deal with excess surface water experienced during winter flooding. The dam also provides an outlet for subterranean drainage and a supplementary source for irrigation."

- *The current proposal requires a high level of land management in order to minimise nutrient losses. Should this intensive land management not be maintained then the right to pursue the intensive land use should be withdrawn or modified. The proponent should be required to establish a self monitoring system to a standard approved by the Shire, and be available for inspection from time to time. Management practices and grazing pressure may need to be adjusted depending on the results of the monitoring.*
- *The Shire may also wish to request that the proponent supplies a copy of the professional irrigation advice obtained for the increase of the water licence. If the information is insufficient in this document the shire may seek an irrigation plan, preferably developed by an accredited representative of the Irrigation Industry Association. Such a plan would include changes to watering in response to season, plans for calibration, maintenance and monitoring.*

Statutory Environment

TPS 2

The subject site is zoned 'Rural' under TPS 2, which allows for a number of different uses to be considered by Council. The intent of the 'Rural' zone as set out in TPS 2 is as follows:

"5.6 The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the scheme area."

It is considered that the proposed development is consistent with the stated purpose and intent of the zone.

Rural Strategy

The subject site is identified within the 'Farmlot' Policy Area of the Shire's Rural Strategy. One of the key objectives of the 'Farmlot' Policy Area is to *"provide opportunities for small scale keeping and rearing of stock"*.

In this Policy Area experience indicates that Farmlot owners will predominantly be seeking land to use for the keeping of horses or conducting small scale horticultural enterprises. The potential for significant environmental damage, land management problems and nutrient pollution is recognised. Controls over the use and management of Farmlot lots will be structured to ensure that environmental land degradation, land management problems including undesirable export of nutrients is minimised.

It is outlined in this Policy Area that owners will not be permitted to undertake intensive horticulture or animal rearing or keeping activities, except in circumstances where the land is capable of sustaining that use, and it is demonstrated that the potential for environmental damage and nutrient export is adequately managed.

It is considered that the proposed development is consistent with the objectives of the 'Farmlot' policy area.

Use Class & Permissibility

The proposed development is deemed to fall under the definition of 'Rural Use' under TPS 2 which is defined as:

Rural Use - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (i) the growing of vegetables, fruit, cereals, or food crops except for domestic purposes;*
- (ii) the rearing or agistment of goats, sheep, cattle, or beasts of burden;*
- (iii) the stabling, agistment or training of horses, or other ungulates;*
- (iv) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;*
- (v) the sale of produce grown solely on the lot.*

The proposed development to intensify the existing equestrian facility and extension of the existing stable block is considered to be generally consistent with the definition described above. A 'Rural Use' is identified as a permitted (P) use within the 'Rural Zone'.

Amendment 162

The subject lot has been identified as being included in the "Urban Development" area in TPS 2. The land is subject to Amendment 162 of TPS 2. At the Ordinary Council Meeting of 23 August 2010, Council resolved to request endorsement of final approval by the Minister of Planning. Amendment 162 has not yet been finalised by the Shire and forwarded to the WAPC/Minister for Planning.

Urban Development

Clause 5.17 of TPS 2 states:

The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:

- (a) Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity;*
- (b) Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment;*
- (c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience;*
- (d) Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities;*
- (e) Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities;*
- (f) Establishment of multiple use corridors for drainage, nutrient control and recreational purposes, in association with the development of communities based on the principles of water sensitive urban design;*
- (g) Optimisation of convenience in respect of rail, road, cycleway and other transportation means, to and within the communities.*

The above components will be facilitated by means of:

- (a) Establishment of Structure Plans to ensure that development takes place in conformity with those Plans;*

- (b) *Establishment of a mechanism to coordinate the provision of infrastructure for subdivision and development to and within the communities;*
- (c) *Establishment of an equitable method for the distribution, between owners within area, of the costs of nominated infrastructure components required for subdivision and development of the areas into communities; and*
- (d) *Provision of administrative procedures to ensure the expedient and successful execution of the above matters.*

Once the Scheme Amendment is finally adopted a structure plan for the area followed by local structure plans would be required by Council. The whole process is not within the Shire's five year financial plan. Officers are of the view that if the application were to be approved it would be recommended that the approval will not run with the land.

Statement of Planning Policy No.2 – The Peel Harvey Coastal Plain Catchment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2. General Policy Provisions relating to the proposal include assessing land capability and suitability and specific management practices (such as stocking rates) and also obtaining approvals to draw ground water. The applicant has lodged an amendment application to the Department of Water to irrigate an additional 1.2 hectares of paddocks.

COMMENT

Stocking Rate and Horse Management

Under the Stocking Rate Guidelines for Rural Small Holdings by the Department of Agriculture and Food, stocking rates are defined as “the numbers for stock, e.g. sheep, cattle, horses, emus or any other type of animal that can consistently be kept on a piece of pasture all year round with minor additional feeding without causing environmental degradation.”

In accordance to the above guidelines, the soil type for Lot 12 Richardson Street is classified as Pinjarra P3 phase with imperfect to poorly drained acidic gradational yellow or grey-brown earth and mottled yellow soils, with loam surface horizons considered to have a water logging risk. The base stocking rates for the subject property would be six (6) dry sheep equivalent (DSE) per hectare on dry pasture and twenty (20) dry sheep equivalent (DSE) on irrigated pasture. Assuming the property has existing approximately 3.5 hectares of irrigated pasture (excluding the 0.25ha from the proposed show jumping area) the property will support a baseline stocking rate of seven (7) horses.

The applicant is seeking approval for a maximum of twenty (20) show-jumping horses to be kept on a 5.75 hectare lot, which is considered to be above the stocking rate with potential to lead to land degradation and increased levels of nutrients in groundwater and water ways if poorly managed. The applicant has provide information below regarding intensive stabling and land management practices including proper paddock resting and rotation to minimise pasture degradation and nutrient management:

The proposed improvements will provide adequate stabling for all twenty (20) horses for which approval is sought, either within the stable block or in the paddock stables. Whilst twenty (20) horses exceeds the recommended stocking rate for this amount of irrigated pasture in the Serpentine area, implementation of extensive management practices should overcome concern regarding pasture degradation or other associated issues.

The current pasture being irrigated comprises thirteen paddocks of varying sizes but averaging approximately 0.27 hectares each, providing for total irrigated grazing currently of approximately 3.3 hectares. It is anticipated that the total the licensed irrigated pasture may

increase from 3.3 hectares to 4.5 hectares, should the application submitted for an amendment to the current Water Licence be approved.

All horses will be hand fed twice daily with a combination of grain, pellets, chaff and hay, the amount of which will be dependent upon the fitness of and level of exercise undertaken by each horse. The anticipated daily program for each horse, to maintain proper paddock resting and rotation will be:

- *stabled for approximately nineteen (19) hours per day;*
- *grazing for approximately four (4) hours per day; and*
- *exercised and groomed for about one (1) hour per day.*

Using eight (8) out of the twelve (12) irrigated paddocks at any one time, being the number of horses allowed to graze pursuant to the recommended stocking rate the above program assumes that each day each irrigated paddock will be grazed for between eight (8) and twelve (12) hours for two (2) or (3) horses respectively, with each horse spending four (4) hours in one paddock. This will allow the paddocks to be rotated and four (4) paddocks rested at any one time. The additional stabling facilities will enable the resting of each paddock for between twelve (12) and sixteen (16) hours each day.

Officers Comment

The information provided by the applicant regarding intensive stabling of the horses has been considered by the Shire's officers to be generally sufficient subject to the approval of the extension of the stable complex including the paddock stables. The applicant has provided information that independent and expert advice will be sought to confirm the exact layout of the stable block to maximise the facilities within the space available, ensure proper drainage and minimise the environmental impacts.

Officers have also considered that for the applicant to achieve 4.5ha of irrigated paddocks to support twenty horses, this includes approximately 0.5ha of land between the new home and the dam which the applicant is proposing to fence, landscape and revegetate with perennial pasture. Officers are of the opinion that this portion of the property is very close to the water table with obvious water logging problems during winter. If the proposal is to be approved it will be a requirement subject to Shire approval and prior to stocking of the land, for the applicant to demonstrate the capability of that area to sustain the proposed land use.

The management of nutrients and chemicals/fertiliser on-site

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2.1. Proposals to intensify the use of agricultural land, including horse industry, need to comply with Clause 6.6 Intensive Agriculture of the Policy which is designed to reduce nutrient export to the environment from intensive agricultural operations. Land used for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System, shall be managed to reduce or eliminate nutrient export from the land.

The applicant has provided the following information in respect of this matter:

The following nutrient management controls will assist in minimising any phosphorous and nitrogen loading on the Property and ensure that the land use remains sustainable:

- *stabling of horses for almost 80% of the day,*
- *maintaining the number of horses grazing at the recommended stocking rate,*
- *collection of all waste from stables and paddocks on at least a daily basis, and proper waste storage and disposal to avoid leaching.*

The above controls, together with the functionality of the existing dam as a soak to deal with any excess run-off and sub-terranean drainage, will ensure that there is no leaching of nutrients into the Serpentine River or pollution of nearby waterways. Monitoring of the soil and groundwater will be undertaken to ensure optimal fertiliser and irrigation water are applied and any nutrient impact on the groundwater assessed.

Officers Comment

Officers are of the view that any nutrients (nitrates and phosphates especially) added to the property via fertilization of the pasture, and particularly from horse manure and urine, has the potential to be exported to the Serpentine River and thence to the Peel Harvey Estuary. Twenty horses would produce a considerable quantity of manure and urine, and while manure can be collected and stockpiled or exported, it is increasingly harder to manage urine and could add a considerable nutrient load to the property. While loamy soils like these have a high phosphate retention potential, the export of nitrates (and eventually potentially phosphates) cannot be discounted.

The Department of Agriculture and Food advised that whilst the applicant's management of nutrients relies on the functionality of the existing dam as a soak, the development application lacks information about the dam's design and construction, specifically the volume, freeboard and construction materials to determine whether:

- *The dam has sufficient volume/freeboard to contain the additional run off generated by the development.*
- *Whether the materials in which the dam sits will prevent nutrients leaking to the nearby waterways.*
- *What safeguards will be in place to manage the risk of nutrient rich water overflowing from the dam into the Serpentine River.*

Management practices and grazing pressure may need to be adjusted depending on the results of the monitoring.

Should the proposal be approved, it is recommended that the proposed development will be subject to a condition requiring the approval and implementation of drainage and nutrient management plan that including a soil and groundwater monitoring system. Officers were also of the view that to impose a monitoring program in the form of a log book to monitor annually all the strategies proposed by the applicant if the application were to be approved.

The potential for off-site impacts from the proposed development

The potential for off-site impacts from the proposed development needs to be considered in determining the application. The nearest sensitive land uses to the proposed development includes two existing residential homes. With respect to potential off-site impacts being noise, dust and odour from the proposed development, the applicant has provided the following information:

1. Waste Management

Stables are to be cleaned twice daily and paddocks and yards on a daily basis. All manure will be collected in solid containers on a small trailer and emptied into a manure holding facility, where it will be stored prior to either composting or removal from the property on a regular basis. The manure holding facility will be an enclosure with impermeable floor and walls and waterproof cover to prevent leaching, fly breeding and unpleasant odours. Consideration may be given to the use of compost in lieu of chemical based fertilisers.

Officers Comment

The information provided by the applicant regarding collection of manure from the paddocks is considered adequate to make a determination on the application at this stage. However, in view of the considerable amount of manure and urine expected (due to the increased stocking rate) and the need to minimise the potential export of nutrients to the Serpentine River, a detailed Nutrient Management Plan would be recommended if the development were to be approved.

2. Dust Management

Pasture cover of 95% in the reticulated paddocks will be achieved through efficient irrigation and proper paddock rotation and resting. Soil degradation, particularly in the form of soil erosion and dust nuisance, should consequently be minimised. Dust from the riverstone arena will be controlled through irrigation from the sprinkler system which is already installed. Any increased water allocation will be used for the irrigation of the proposed show jumping arena, however, should the amendment not be approved the dam and existing water tanks may be utilised as required.

Officers Comment

The information supplied by the applicant is considered adequate. It is also noted that the applicant's proposed strategies of dust management and irrigation of paddocks are largely dependent on the assumption that the application to increase water for irrigation would be approved by the Department of Water. The applicant has also provided information that he had been professionally advised that the current design of the reticulation system could efficiently irrigate approximately 3.3 hectares. Officers are of the view that if the application were to be approved, a full scale operation of the proposal to capacity (keeping twenty horses) would be subject to approval by the Department of Water of necessary water requirements and quantities outlined in the management plan attached.

Options

There are a number of options available to Council in determining the application, namely:

1. to approve the application, subject to conditions;
2. to defer consideration of the application; and
3. to refuse the application.

The applicant in support of his application provided in summary the critical actions required for compliance, as follows:

- *construction of additional stabling in the stable complex and existing paddocks;*
- *fencing and revegetation of the area between the main house and dam;*
- *restricting the number of horses being grazed to the recommended stocking rate;*
- *adherence to the daily program for each horse regarding the number of hours being grazed and stabled;*
- *proper rotation and resting of the irrigated horse paddocks; and*
- *effective waste, water and pasture management.*

The applicant provided the information that the principal's extensive experience in successfully managing high value performance horses on similar properties will, together with the intensive management plan discussed in the report, ensure the necessary controls are implemented to effectively manage twenty horses on the property and minimise the risk of any pasture degradation, pollution of nearby waterways or nutrient run-off into the Serpentine River.

In determine the proposals officers are to have due regard to the following factors:

- (i) The subject land is located within the Peel-Harvey Coastal Plain Catchment Area where nutrient management is the key issue which will determine stocking rates;
- (ii) Increase in the base stocking rates depends on pasture improvement, farm planning and nutrient management as well as statutory requirements;
- (iii) The subject land is within an Environmental Sensitive Area;
- (v) The subject land is within 100m-150 metres of the Serpentine River. Potential off site impacts of the proposal to the general locality; and
- (vi) The impact of the proposal on the zoning.

Conclusion

Due to the above factors and the discussion contained in the report, it is evident that if approval of the proposal was recommended, its implementation has to be carefully managed to minimise dominant environmental problems including nutrient pollution to ground and surface water, wetlands and estuaries. Based on the information provided by the proponent, Officers are of the view if the strategies proposed by the proponent (with expert advice) regarding storm water management, nutrient management and potential off site impacts were to be diligently implemented, it is recommended that the proposal be approved subject to appropriate conditions.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for approval to commence development for the rural use - extension of existing stables, construction of paddock stables and keeping of twenty horses on Lot 100 (12) Richardson Street, Serpentine be approved subject to the following conditions:

PLANNING

1. A maximum of twenty (20) horses are permitted to be kept on the property at any one time.
2. A maximum of eight (8) horses can be grazed in the paddocks at any given time with the remaining twelve (12) horses being intensively stabled in accordance with the approved management plan dated 19 April 2011.
3. Management of the property is to be in accordance with the approved management plan dated 19 April 2011.
4. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
5. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.
6. The proponent shall construct the extension to existing stables and paddock stables to the satisfaction of Director Development Services, prior to stocking of the property.
7. The proponent shall not stock the property prior to the additional water licence being granted by the Department of Water.

ENGINEERING

8. All existing drainage lines including the dam are to be fenced off from stock.
9. A Stormwater Management Plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan may include the provision of rain water tanks to collect stormwater from the roof. Once approved, the Stormwater Management Plan shall be implemented in its entirety.
10. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
11. A Dust Management Plan is to be prepared and approved by the Director Engineering, prior to work commencing on site, and shall thereafter be implemented.

ENVIRONMENT

12. All trees within the paddocks are to be fenced off from stock to prevent ring barking and root compaction.
13. All paddocks to be irrigated as required to maintain pasture coverage of at least 95 percent year round.
14. Stock is to be kept out of any paddock that is partially or completely inundated with water.
15. 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.
16. Flooring of the shelters and yards are to consist of an impermeable base to prevent nutrients leaching into the soil, with an absorbent topping to collect urine which shall be removed weekly and treated in a similar manner to manure.
17. All chemicals associated with the care of the land and stock is to be stored as to eliminate the possibility of spillage onto permeable surfaces.
18. No overgrazing of the paddocks or environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round. A self-monitoring system for pasture coverage is to be established and approved by the Shire, and available for periodical inspection.
19. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire prior to the commencement of development on the land. The plan shall include annual monitoring of nutrient levels in soil and surface and ground-water, with results to be provided to the Shire, and include appropriate maximum trigger values, the exceeding of which shall lead to adjustment of the property's management to the satisfaction of the Shire.

Advice Notes:

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. With respect to Condition 16, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Department of Water's Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.

SD002/07/11 Committee Recommended Resolution:

The application for approval to commence development for the rural use - extension of existing stables, construction of paddock stables and keeping of twenty horses on Lot 100 (12) Richardson Street, Serpentine be approved subject to the following conditions:

PLANNING

1. A maximum of twenty (20) horses are permitted to be kept on the property at any one time.
2. A maximum of eight (8) horses can be grazed in the paddocks at any given time with the remaining twelve (12) horses being intensively stabled in accordance with the approved management plan dated 19 April 2011.
3. Management of the property is to be in accordance with the approved management plan dated 19 April 2011.
4. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
5. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.

6. The proponent shall construct the extension to existing stables and paddock stables to the satisfaction of Director Development Services, prior to stocking of the property.
7. The proponent shall not stock the property prior to the additional water licence being granted by the Department of Water.

ENGINEERING

8. All existing drainage lines including the dam are to be fenced off from stock.
9. A Stormwater Management Plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan may include the provision of rain water tanks to collect stormwater from the roof. Once approved, the Stormwater Management Plan shall be implemented in its entirety.
10. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
11. A Dust Management Plan is to be prepared and approved by the Director Engineering, prior to work commencing on site, and shall thereafter be implemented.

ENVIRONMENT

12. All trees within the paddocks are to be fenced off from stock to prevent ring barking and root compaction.
13. All paddocks to be irrigated as required to maintain pasture coverage of at least 95 percent year round.
14. Stock is to be kept out of any paddock that is partially or completely inundated with water.
15. 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.
16. Flooring of the shelters and yards are to consist of an impermeable base to prevent nutrients leaching into the soil, with an absorbent topping to collect urine which shall be removed weekly and treated in a similar manner to manure.
17. All chemicals associated with the care of the land and stock is to be stored as to eliminate the possibility of spillage onto permeable surfaces.
18. No overgrazing of the paddocks or environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round. A self-monitoring system for pasture coverage is to be established and approved by the Shire, and available for periodical inspection.
19. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire prior to the commencement of development on the land. The plan shall include bi-annual monitoring of nutrient levels in soil and surface and ground-water, with results to be provided to the Shire, and include appropriate maximum trigger values, the exceeding of which shall lead to adjustment of the property's management to the satisfaction of the Shire.

Advice Notes:

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. With respect to Condition 16, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Department of Water's Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.

Committee Note: Condition 19 was amended to change the monitoring of nutrient levels from annual to bi-annual, due to the large number of horses proposed and environmental sensitivity of the area.

SD002/07/11 COUNCIL DECISION/NEW MOTION:

Moved Cr Brown, seconded Cr Hoyer

The application for approval to commence development for the rural use - extension of existing stables, construction of paddock stables and keeping of twenty horses on Lot 100 (12) Richardson Street, Serpentine be approved subject to the following conditions:

PLANNING

1. A maximum of twenty (20) horses are permitted to be kept on the property at any one time.
2. A maximum of eight (8) horses can be grazed in the paddocks at any given time with the remaining twelve (12) horses being intensively stabled in accordance with the approved management plan dated 19 April 2011.
3. Management of the property is to be in accordance with the approved management plan dated 19 April 2011.
4. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
5. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.
6. The proponent shall construct the extension to existing stables and paddock stables to the satisfaction of Director Development Services, prior to stocking of the property.
7. The proponent shall not stock the property prior to the additional water licence being granted by the Department of Water.

ENGINEERING

8. All existing drainage lines including the dam are to be fenced off from stock.
9. A Stormwater Management Plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan may include the provision of rain water tanks to collect stormwater from the roof. Once approved, the Stormwater Management Plan shall be implemented in its entirety.
10. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
11. A Dust Management Plan is to be prepared and approved by the Director Engineering, prior to work commencing on site, and shall thereafter be implemented.

ENVIRONMENT

12. All trees within the paddocks are to be fenced off from stock to prevent ring barking and root compaction.
13. All paddocks to be irrigated as required to maintain pasture coverage of at least 95 percent year round.
14. Stock is to be kept out of any paddock that is partially or completely inundated with water.
15. 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.
16. Flooring of the shelters and yards are to consist of an impermeable base to prevent nutrients leaching into the soil, with an absorbent topping to collect urine which shall be removed weekly and treated in a similar manner to manure.

17. All chemicals associated with the care of the land and stock is to be stored as to eliminate the possibility of spillage onto permeable surfaces.
18. No overgrazing of the paddocks or environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round. A self-monitoring system for pasture coverage is to be established and approved by the Shire, and available for periodical inspection.
19. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire prior to the commencement of development on the land. The plan shall include monitoring twice per year of nutrient levels in soil and surface and ground-water, with results to be provided to the Shire, and include appropriate maximum trigger values, the exceeding of which shall lead to adjustment of the property’s management to the satisfaction of the Shire.

Advice Notes:

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. With respect to Condition 16, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Department of Water’s Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.

CARRIED 10/0

Council Note: Condition 19 was amended to change the monitoring of nutrient levels from annual to twice per year, due to the large number of horses proposed and environmental sensitivity of the area.

SD005/07/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 58 BICYCLE FACILITIES (A1934)		
Author:	Lawrence Man – Senior Planner	In Brief Following advertising, Local Planning Policy No. 58 – Bicycle Facilities is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	30 May 2011	
Previously	SD080/02/11	
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 held on the 3 March 2011 draft Local Planning Policy (LPP) 58 Bicycle Facilities was deemed suitable for advertising and community consultation.

This policy seeks to encourage and enhance the cycling experience as well as support the provision of infrastructure and facilities for bicycle riders within Serpentine Jarrahdale Shire. The Shire recognises the sustainability benefits of cycling in our urban areas due to improved mental and physical health through active recreation, the reduction of fossil fuel use and increased community interaction. Key matters the policy seeks to address include:

- Encourage cycling and improve conditions for cyclists in proposed urban developments.
- Ensure the provision of appropriate bicycle facilities.
- Provide an alternative to private vehicle transport through provision of secure and effective end of trip cycling facilities.
- Provide guidance to developers on the design and requirements of bicycle end of trip facilities for both commuters and visitors.

A copy of the advertised LPP No. 58 – Bicycle Facilities is with attachments marked [SD005.1/07/11](#).

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 58 Bicycle Facilities for operation and implementation.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

Draft LPP 58 was advertised for public comment from the 4 April to the 2 May 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

A total of four submissions were received and the policy has been revised based on these comments.

A copy of the summary of submissions is with attachments marked [SD005.2/07/11](#).

Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 58 Bicycle Facilities is presented to Council for consideration and potential operation and implementation.

A copy of the revised LPP 58 Bicycle Facilities policy is with attachments marked [SD005.3/07/11](#).

Voting Requirements: Simple Majority

SD005/07/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Randall
That Council:**

- 1) **Note the submissions received during the advertising of draft Local Planning Policy No. 58 – Bicycle Facilities.**
- 2) **Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 58 – Bicycle Facilities as provided in attachment [SD005.3/07/11](#).**
- 3) **Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.**
- 4) **Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.**
- 5) **Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.**

CARRIED 10/0

SD007/07/11 NEW LOCAL PLANNING POLICY - LPP 69 - DOLEY ROAD PRECINCT PLANNING FRAMEWORK (A1998)		
Author:	Lawrence Man – Senior Planner	In Brief A new local planning policy has been drafted for the 'Doley Road Precinct', to establish a framework for future detailed planning. It is recommended that the draft policy be deemed satisfactory for advertising.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	27 June 2011	
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	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy suite. The Local Planning Policy (LPP) development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The Doley Road Precinct is an area characterised by fragmented landownership. A number of landowners have expressed a desire to see planning for the area progress. This could be achieved by Council initiated planning or a suitable framework for landowner initiated planning.

This report provides Council with the opportunity to consider a new local planning policy, as a framework for future detailed planning in the Doley Road Precinct.

A copy of the draft policy is with attachments marked [SD007.1/07/11](#).

Sustainability Statement

Effect on Environment: Each policy proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned.

Resource Implications: There are no direct resource implications attributed to the policy for Council.

Economic Benefits: The policy development program seeks to ensure new policies provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new policies seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new policies to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new policies can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2

Clause 9.3 requires that, following advertising of proposed local planning policies, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new local planning policies is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

The Shire has not allocated funds to progress a LSP for the Doley Road precinct but aims for the policy to facilitate landowner led development.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		25		The Shire will lead regional cooperation and resource sharing.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;

- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies;
- A letter being sent to all community groups; and
- A letter being sent to each landowner within the Doley Road Precinct.

Following the advertising period, Council will need to consider with the finalisation of the policy, with or without modification.

Comment:

The objectives of this Policy are to:

- Guide the orderly and proper planning for the Doley Road Precinct in Byford, so there is a clear framework to enable future subdivision and development;
- Clearly identify the matters that need to be addressed at each stage of the planning process, in an open and transparent manner;
- Assist stakeholders in understanding the planning system and in turn, assist with landowner-initiated planning and development; and
- Recognise that the process to enable future subdivision and development requires the engagement of consultants and various stakeholders who potentially may have different expectations.

Parallel local planning policies

In parallel with LPP 69, and as part of the overall policy development program, a considerable number of new planning policies are being developed. Some of these policies may assist in providing further guidance to landowners and other stakeholders in considering the planning for the Doley Road Precinct, including but not limited to policies for:

- Local structure plans
- Landscape and vegetation management
- Community engagement
- Traffic impact assessments
- Urban Water Management.

These existing and upcoming policies should be read in conjunction with draft LPP 69.

Options

There are three options available to Council in respect of each policy, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Conclusion

Having regard to the objectives of the draft LPP, the issues at hand and the options available to Council, it is recommended that the draft LPP be adopted pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 for the purpose of advertising.

Voting Requirements: Simple Majority

SD007/07/11 COUNCIL DECISION / NEW MOTION:

Moved Cr Geurds, seconded Cr Harris
That Council:

- 1) Adopt the Draft Local Planning Policy 69 – Doley Road Precinct Planning Framework as provided in attachment SD007.1/07/11 for advertising purposes subject to the following:
 - i) Headings and legends to be provided on the figures as per the Byford District Structure Plan map.
- 2) Advertise the draft Local Planning Policy 69 – Doley Road Precinct Planning Framework for a period of not less than 21 days by way of:
 - a) A notice being placed in a local newspaper circulating within the district.
 - b) A notice being placed in the Shire’s Administration Centre.
 - c) A notice being placed on the Shire’s internet website.
 - d) A letter being sent to key developers which may be affected by the new policies;
 - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
 - f) A letter being sent to relevant state government agencies;
 - g) A letter being sent to all community groups; and
 - h) A letter being sent to each landowner within the Doley Road Precinct.

CARRIED 10/0

Council Note: The officer recommended resolution was altered to ensure that adequate information was provided with the figures, to reduce any potential misinterpretation by readers of the policy.

COUNCIL DECISION

Moved Cr Lowry, seconded Cr Buttfild

That items SD008/07/11, SD009/07/11 AND SD010/07/11 be moved en bloc

CARRIED 10/0

SD008/07/11 NEW LOCAL PLANNING POLICY – LPP 61 LOCAL STRUCTURE PLANS (A1984)		
Author:	Lawrence Man – Senior Planner	In Brief A local structure plan policy has been prepared to outline the requirements for the preparation, lodgement and assessment of Local Structure Plans. The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 June 2011	
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	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient

planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

Local Structure Planning (LSP) is an important part of the land use planning process. LSPs translate the vision and objectives of District Structure Plans and provide detailed guidance in how subdivision and development is to take place. LSPs are primarily prepared by landowners and their consultant teams or can be done by Council. The contents of LSPs can vary greatly.

This policy seeks to outline content and requirements for the preparation of LSPs to ensure the information provided is sufficiently comprehensive, structured appropriately, and features the content necessary to address site related matters. This report provides Council with the opportunity to consider the Local Structure Plans policy, ahead of formal stakeholder engagement.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the

light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

In accordance with the provisions of Clause 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

Comment:

LSPs are required to be prepared and approved prior to lodgement of any application of subdivision and or development consistent with TPS 2. The Policy seeks to integrate the additional requirements of the Shire's LPP suite.

The Policy provides information indicating that LSPs must address the following requirements:

- Site Context
- Landscape, Vegetation and Biodiversity
- Urban Water Management
- Hazards and Natural Disasters
- Heritage
- Activity Centres
- Urban Form
- Movement Network
- Public Open Space
- Community Facilities and Services
- Infrastructure
- Developer Contributions
- Sustainability

The objective of this policy is to:

- Detail the minimum requirements and assessment criteria for LSPs in order to ensure a consistent approach to structure planning and improve planning outcomes in the Shire; and
- Refine and clarify the structure plan preparation and structure plan modification processes to support a robust, streamlined and consistent assessment process.

A copy of the proposed Local Structure Plans policy is with attachments marked [SD008.1/07/11](#).

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

Voting Requirements: Simple Majority

SD008/07/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Lowry, seconded Cr Buttfield
That Council:**

- 1) **Adopt the Draft Local Planning Policy 61 – Local Structure Plans as provided in attachment [SD008.1/07/11](#) for advertising purposes.**
- 2) **Advertise the draft Local Planning Policy 61 – Local Structure Plans for a period of not less than 21 days by way of:**
 - a) **A notice being placed in a local newspaper circulating within the district.**
 - b) **A notice being placed in the Shire’s Administration Centre.**
 - c) **A notice being placed on the Shire’s internet website.**
 - d) **A letter being sent to key developers which may be affected by the new policies;**
 - e) **A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
 - f) **A letter being sent to relevant state government agencies; and**
 - g) **A letter being sent to all community groups.**

CARRIED 10/0 EN BLOC

SD009/07/11 NEW LOCAL PLANNING POLICY – LPP 68 SUSTAINABILITY ASSESSMENT (A1990)		
Author:	Lawrence Man – Senior Planner	In Brief A sustainability assessment policy has been developed to achieve more sustainable development
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 June 2011	
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	outcomes within the Shire. The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.
Delegation	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The Sustainability Assessment Policy sets out current and recommended sustainability practice requirements for planning applications. The Policy also seeks to incorporate the various sustainability assessment tools recognised by the built environment profession, for use in the land use planning process by the Shire. The LPP seeks to provide guidance to assist Homeowners and Builders to inform them of current best practice to ensure liveable communities that are balanced economically, environmentally and socially, and adapt to climate change.

This report provides Council with the opportunity to consider the Sustainability Assessment LPP, ahead of formal stakeholder engagement.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to	Ensure the full costs are known before decisions are made.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			inform decision making	

Community Consultation:

In accordance with the provisions of Clause 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

Comment:

The Shire seeks to provide guidance on sustainability based on the following elements:

- Governance
- Ecosystems
- Water
- Energy
- Waste
- Economy
- Community
- Materials

The policy represents a desire by the Shire to achieve development that improves on current practice and strives to 'go beyond' conventional outcomes to deliver leading and innovative development solutions and vibrant and sustainable communities. Within each of these elements, there are both standard sustainable outcomes that must be achieved to satisfy existing sustainability requirements and practices. The policy has been prepared to reflect latest practices and will need to be updated from time to time reflect latest technological improvements and assessment rating tools.

The objectives of this policy are to:

- Encourage the achievement of more sustainable development outcomes as part of planning and development within the Shire; and
- Provide guidance to developers regarding the requirements for addressing sustainability as part of planning and development within the Shire.

A copy of the proposed Sustainability Assessment policy is with attachments marked [SD009.1/07/11](#).

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making

criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

Voting Requirements: Simple Majority

SD009/07/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Lowry, seconded Cr Buttfield
That Council:**

- 1) **Adopt the draft Local Planning Policy 68 – Sustainability Assessment as provided in attachment SD009.1/07/11 for advertising purposes.**
- 2) **Advertise the draft Local Planning Policy 68 – Sustainability Assessment for a period of not less than 21 days by way of:**
 - a) **A notice being placed in a local newspaper circulating within the district.**
 - b) **A notice being placed in the Shire's Administration Centre.**
 - c) **A notice being placed on the Shire's internet website.**
 - d) **A letter being sent to key developers which may be affected by the new policies;**
 - e) **A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
 - f) **A letter being sent to relevant state government agencies; and**
 - g) **A letter being sent to all community groups.**

CARRIED 10/0 EN BLOC

SD010/07/11	NEW LOCAL PLANNING POLICY – LPP 36 NON-URBAN OUTBUILDINGS (A1721)
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Author:	Lawrence Man – Senior Planner	In Brief A new local planning policy has been prepared to guide the development of non-urban outbuildings. The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	30 May 2011	
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	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

Outbuildings are often a necessary requirement for landowners within the Shire, in particularly those within rural areas. Under the Shire's Town Planning Scheme No.2 (TPS 2), planning approval is required for outbuildings under many circumstances.

This policy seeks to deal with outbuildings in a non-urban context as outbuilding requirements within urban and suburban environments are covered under the Residential Design Codes. Detailed guidance for non-urban outbuildings will ensure applicants are fully aware of the information requirements necessary for lodgement and reduce unnecessary delays in the assessment and determination of these applications.

This report provides Council with the opportunity to consider the Non-Urban Outbuildings Policy, ahead of formal stakeholder engagement.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to

ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment: Planning and Development Act 2005
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

TPS 2
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications: The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications: Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

In accordance with the provisions of Clause 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

Comment:

The Non-Urban Outbuildings Policy seeks to improve guidance to proponents of non-urban outbuilding structures by detailing what needs to be provided to accompany an application. The Policy outlines the requirements for the construction of outbuildings in the Rural, Special Rural, Rural Living A, Rural Living B and Farmlet zones that are a non compliant application that departs from 'Acceptable Development' provisions of this policy. The Policy also seeks to detail land use, design and siting requirements, and adopts a 'track based' approach outlining Acceptable Development, Performance Based and Unacceptable Development to explain when planning applications are required with the Shire.

The objectives of this policy is to

- Ensure that the siting, design and scale of outbuildings are site responsive and respect the character of an area;
- Ensure outbuildings contribute towards the efficient use of water resources within the Shire; and
- Facilitate development that supports the intended function of an outbuilding.

A copy of the proposed Non-Urban Outbuildings policy is with attachments marked [SD010.1/07/11](#).

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

It is intended that existing LPP 17 will be revoked once this policy and LPP 35 Residential Development – Interim are finalised.

Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

Voting Requirements: Simple Majority

SD010/07/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Lowry, seconded Cr Buttfield
That Council:**

- 1) **Adopt the Draft Local Planning Policy 36 – Non-Urban Outbuildings as provided in attachment SD010.1/07/11 for advertising purposes.**
- 2) **Advertise the draft Local Planning Policy 36 – Non-Urban Outbuildings for a period of not less than 21 days by way of:**
 - a) **A notice being placed in a local newspaper circulating within the district.**
 - b) **A notice being placed in the Shire's Administration Centre.**
 - c) **A notice being placed on the Shire's internet website.**
 - d) **A letter being sent to key developers which may be affected by the new policies;**
 - e) **A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
 - f) **A letter being sent to relevant state government agencies; and**
 - g) **A letter being sent to all community groups.**

CARRIED 10/0 EN BLOC

SD011/07/11	NEW LOCAL PLANNING POLICY – LPP 39 ANCILLARY ACCOMMODATION (A1769)
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Author:	Lawrence Man – Senior Planner	In Brief A new local planning policy for Ancillary Accommodation has been prepared as part of the Shire's overall policy development program. The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	30 May 2011	
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	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The Ancillary Accommodation policy seeks to provide guidance on the development of independent additional dwellings which may or may not be physically attached to the primary existing dwelling. Provision 7.1 of the Residential Design Codes of Western Australia provides for development of ancillary accommodation in urban zoned areas of the Shire, however no provisions exist for rural and semi-rural areas. As a result, it is particularly important for the Shire to provide such requirements.

The primary purpose of this Policy is to adopt planning controls that avoid land use conflict, to minimise the risk of incremental subdivision and prevent de-facto rural lifestyle developments.

This report provides Council with the opportunity to consider the Ancillary Accommodation policy, ahead of formal stakeholder engagement.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

In accordance with the provisions of Clause 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

Comment:

The Ancillary Accommodation Policy seeks to provide design requirements for ancillary accommodation including:

- Separation distance;
- Access and parking;
- Health;
- Services;
- Design and External Finish;
- Landscaping and Screening;
- Siting; and
- Guidance on transportable dwellings

Applications will be assessed against Acceptable, Performance Based and Unacceptable Development criteria for each of these elements. The Policy details maximum floor area allowances.

The objectives of this Policy are to:

- Provide direction on the establishment of ancillary accommodation in association with a single house;

- Ensure that ancillary accommodation is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location; and
- Ensure that ancillary accommodation is secondary to the primary dwelling on the property.

A copy of the proposed Ancillary Accommodation policy is with attachments marked SD011.1/07/11.

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

Voting Requirements: Simple Majority

SD011/07/11 Committee/Officer Recommended Resolution:

That Council:

- 1) Adopt the Draft Local Planning Policy 39 – Ancillary Accommodation as provided in attachment *SD011.1/07/11* for advertising purposes.
- 2) Advertise the draft Local Planning Policy 39 – Ancillary Accommodation for a period of not less than 21 days by way of:
 - a) A notice being placed in a local newspaper circulating within the district.
 - b) A notice being placed in the Shire's Administration Centre.
 - c) A notice being placed on the Shire's internet website.
 - d) A letter being sent to key developers which may be affected by the new policies;

- e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- f) A letter being sent to relevant state government agencies; and
- g) A letter being sent to all community groups.

CARRIED 6/1

Supplementary Information

The new Local Planning Policy No.39 – Ancillary Accommodation, has been prepared to formalise existing assessment criteria and processes. Further to the 19 July 2011 Sustainable Development Committee Meeting, input was received from elected members concerning this policy.

It is proposed that existing LPP No.17 – Residential and Incidental will be substituted in the future. As a result of the preparation of this LPP for Ancillary Accommodation and additional *Draft LPP No.34 – Non-Urban Outbuildings and draft LPP No.35 – Residential Development (Interim)*.

The following observations and a supplementary recommended resolution is presented.

Caravan or Park Homes are not permitted as Ancillary Accommodation

This provision has been incorporated to protect the character of area as the quality, material and finishes of transportable dwellings, caravans or park homes do not take on the appearance of main dwellings such as pitched roofs, windows or eaves. By definition also, Park Homes must only be located within Caravan Parks in accordance with the *Caravan Parks and Camping Grounds Regulations, 1997*. The policy is considered to adequately address this matter.

Conversion of Outbuildings (sheds, garages etc.) to Ancillary Accommodation shall generally not be permitted

The Shire has historically had many unapproved pseudo-shed homes in which residents have sought to be kept following the completion of the main dwelling. Shed accommodation can only be approved under the *Caravan Parks and Camping Grounds Regulations, 1997* as temporary accommodation. However, if an outbuilding has been upgraded to be fit for human habitation in accordance with BCA requirements and in keeping with the materials and finishes of the main dwelling, conversion of outbuildings to ancillary accommodation may be granted under those circumstances. The policy is considered to adequately address this matter.

Effluent Disposal

Applicants are required to submit an application for a suitable effluent disposal system at the development application stage as part of any proposal for ancillary accommodation. This is to be in accordance with the requirements outlined in Schedule 2 – Design Requirements, under ‘Servicing’ of the policy. The policy is considered to adequately address this matter.

Adaptive Reuse of Small Cottages

On occasion the shire has reclassified small cottages as ancillary accommodation when in keeping with its assessment criteria. This is to ensure the retention of existing built form for the purposes of cultural heritage, place making and adaptive reuse. Subdivision applications on these grounds will not be and has consistently not been supported by the Shire under these circumstances. The policy is considered to adequately address this matter.

Member of the Family

Ancillary accommodation is required to be tenanted by a family member of the occupier of the main dwelling in accordance with Clause 4.1.1 of the Residential Design Codes. The Residential Design Codes are currently under review. Within the draft Residential Design Codes issued for public comment, an additional category of ‘supplementary accommodation’ is proposed to allow for the occupation of ancillary accommodation by non-family members. The policy is considered to adequately address this matter.

Health Facilities

In accordance with Part 3.8.3 of the Building Codes of Australia, a kitchen sink along with cooking facilities, shower or bath, toilet, and clothes washing facilities are required as part of Class 1 buildings (buildings for human habitation). As such it is recommended that, these requirements be specified within Schedule 2 – Design Requirements, under the ‘Health’ section of the policy. A supplementary recommended resolution has been prepared to incorporate this modification.

Recommendation

The following recommended resolution is provided for Council consideration.

Voting Requirements: Simple Majority

SD011/07/11 COUNCIL DECISION/Revised Officer Recommendation:

Moved Cr Hoyer , seconded Cr Randall
That Council:

- 1) Adopt the Draft Local Planning Policy 39 – Ancillary Accommodation as provided in attachment SD011/07/11 for advertising purposes subject to:
 - q) A modification within “Schedule 2 – Design Requirements” under the line item ‘Health’, be amended as follows:

Health	A minimum of a kitchen sink with associated food preparation facilities, shower or bath, toilet, and clothes washing facilities be provided in accordance with Part 3.8.3of the Building Codes of Australia (as amended).	A minimum of a kitchen sink with associated food preparation facilities, shower or bath, and toilet be provided.	No health facilities provided.
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- 2) Advertise the draft Local Planning Policy 39 – Ancillary Accommodation for a period of not less than 21 days by way of:
 - a) A notice being placed in a local newspaper circulating within the district;
 - b) A notice being placed in the Shire’s Administration Centre;
 - c) A notice being placed on the Shire’s internet website;
 - d) A letter being sent to key developers which may be affected by the new policies;
 - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
 - f) A letter being sent to relevant state government agencies; and
 - g) A letter being sent to all community groups.

CARRIED 9/1

Cr Geurds voted against the motion

SD012/07/11 COMMUNITY FUNDING PROGRAM (A1928)		
Proponent:	Various Community Groups	In Brief Council consider the recommendations of the Byford & Districts Community Bank® Branch of Bendigo Bank Board and the Community Funding Program Working Group in relation to the 2011/12 Budget allocation for the Community Funding Program.
Owner:	Not Applicable	
Author:	Julie Sansom – Community Development Officer	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	22 June 2011	
Previously	SD011/07/10; SD126/06/09; SD092/05/08; SD106/05/07	
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

The Serpentine Jarrahdale Shire and the Byford & Districts Community Bank® Branch of Bendigo Bank's community funding partnership agreement is now in its second year for the Community Funding Program (CFP). The purpose of the partnership is to enable increased funding within the Shire for the benefit of the community.

Forty two (42) funding applications, requesting a total of \$58,942 were received for the 2011/2012 CFP and assessed by the CFP Working Group and Bendigo Bank Board in line with the assessment criteria outlined in *Council Policy PC102 Financial Assistance to Community*. This compares to thirty one (31) funding applications, requesting a total in excess of \$52,896 received for the 2010/2011 CFP.

Council Policy PC102 states:

“All applications are to be assessed by both the Byford & Districts Community Bank® Branch of Bendigo Bank Board and the Community Funding Program Working Group which is to make recommendations to Council as to how the total Community Funding Program budget allocation be divided between the selected groups.”

“The nominal provision for this program is \$20,000 per annum to be maintained and matched by the Bank with \$20,000. However Council will determine the actual budget provision in the annual budget process.”

A copy of the policy PC102 Financial Assistance to Community is with attachments marked [SD012.1/07/11](#).

Sustainability Statement

Resource Implications: It is proposed that thirty three of the forty two applications be funded through the CFP. A Council contribution of \$20,000 along with the Byford & Districts Community Bank® Branch of Bendigo Bank's contribution of \$20,000 will enable approximately \$153,539 worth of projects to be accomplished across the community.

Use of Local, Renewable or Recycled Resources: The CFP works through a capacity building model that encourages partnerships and use of local and regional resources (including volunteer labour). The CFP is only available to local groups and many projects use local resources both human and material to achieve their project outcomes.

Effect on Environment: The CFP relates to the social and cultural environment in which we live. The CFP selection criteria rates more highly projects that are: based in or relevant to Serpentine Jarrahdale Shire; Shire (community) facilities; high community benefit; value for money; matched by other funds (cash or in-kind); urgent in need; material in nature (as opposed to operational) and sustainable in nature (environmentally, economically and/or socially).

Economic Viability: The process encourages the development of business plans to justify funding requests – which should lead to more strategic applications and planning in future. The CFP process also enables Council to identify where groups may be able to work together or share resources to accomplish outcomes.

Economic Benefits: The Program aims to build the capacity of the community to apply for funding from other sources – through skill development as well as assisting with seeding or matching funds to increase their chances of drawing more funds to this community. One of the applicants was asked to apply to another funding body after the Community Development Officer scoped the possibility of funding through the funding body. Another applicant was referred to the Shire’s Locality Funding Program which enabled another group to be funded. Many of the projects utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

Social – Quality of Life: The program encourages partnerships that enable progress towards achieving sustainability. The process has been designed to build the capacity of the community to put together funding applications for this and other programs. The Community Development team works with the groups to this end.

Social Diversity: The program is holistic and aims to be inclusive of all social groups.

Social and Environmental Responsibility: This process involves a holistic approach encouraging groups to be socially, environmentally and economically responsible.

Statutory Environment: Local Government Act 1995 as amended

Policy/Work Procedure Implications: Council Policy PC102 Financial Assistance to Community linked with a signed community funding partnership agreement with Byford & Districts Community Bank - Bendigo Bank for the 2011/2012 round of the Community Funding Program.

Financial Implications: The Community Funding Program in 2011/2012 is being co-funded in partnership with the Byford & Districts Community Bank® Branch of Bendigo Bank. Council and the Bendigo Bank will each contribute \$20,000 towards these worthwhile community driven projects. As per this policy, this is subject to annual budget deliberations.

Strategic Implications:

This proposal relates to the following Focus Areas through the numerous projects that the funding will enable as well as through the partnership being developed with the Byford & Districts Community Bank ® Bendigo Bank:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
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Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning	29	Landscape	Plan and develop community gardens.
NATURAL ENVIRONMENT	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
		12	Biodiversity	Prevent the further loss of "local natural areas"
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
PEOPLE AND COMMUNITY				
	Wellbeing			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		6	Happy	Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		12		Encourage youth participation in community activities, groups and networks.
		13	Safe	Achieve a high level of community safety
	Relationships			
		16		Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
	Places			
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		40	Innovative	Encourage the use of the arts to express our cultural identity.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		42	Distinctive	Foster the sense of belonging and pride of place in our community.
SUSTAINABLE ECONOMIC GROWTH				
		8	Tourism	Maximise the tourism and recreation potential of our natural environment.
		9		Develop and maintain our heritage assets to encourage visitors.
	Industry Assistance			
		18	Information	Provide support and guidance for local activities, events and community groups.

Community Consultation:

All community groups were given equal opportunity to apply for the CFP 2011/2012. The community groups represent the interest of their membership community. It was a compulsory requirement that all community groups consult with a Community Development Officer prior to submitting their written application. This requirement ensured groups were not disadvantaged by submitting an application for which a grant could not be considered.

Comment:

Of the forty two applications, thirty three are recommended for funding through the 2011/2012 CFP, with requested funds scaled down in twenty six cases in order to assist all recommended applications within the budget of up to \$40,000. Four of these, although compliant, have conditional recommendations (Table B in recommendation). Nine applications received have not been recommended for funding, although one application has been referred to the Locality Funding Program. Seven of the nine applications are second or third priorities for the groups who have had an application recommended in either Table A or B. The remaining applicant's project is still in the early development stage and it is recommended that they apply for the CFP 2012 / 2013 funding round.

A table detailing the Community Funding Program applications recommended for funding through CFP528 in the 2011/2012 Budget is with attachments marked [SD012.2/07/11](#).

A table detailing the Community Funding Program applications not recommended for funding through CFP528 in the 2011/2012 Budget is with attachments marked [SD012.3/07/11](#).

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A) That Council endorses the recommendations as per attachment *SD012.2/07/11* of the Byford & Districts Community Bank® Branch of Bendigo Bank Board and the Community Funding Program Working Group in relation to the 2011/12 Budget allocation for the Community Funding Program.
- B. Council acknowledge the valued partnership and contribution to the Community Funding Program from the Bendigo Bank.

Alternate Motion:

Moved Cr Petersen seconded Cr Hoyer (proforma)

A) That Council endorses the recommendations as per attachment *SD012.2/07/11* of the Byford & Districts Community Bank® Branch of Bendigo Bank Board and the Community Funding Program Working Group in relation to the 2011/12 Budget allocation for the Community Funding Program subject to the following changes:

- 1) In the recommended projects include the application for the Clare Morris Estate DEC Bench Seats and Table; and
- 2) In the not recommended projects include the Basketball/Netball Stand for Forest Green for Jarrahdale Community Association

B. Council acknowledge the valued partnership and contribution to the Community Funding Program from the Bendigo Bank.

LOST 2/5

SD012/07/11 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Ellis, seconded Cr Geurds

A) That Council endorses the recommendations as per attachment *SD012.2/07/11* of the Byford & Districts Community Bank® Branch of Bendigo Bank Board and the Community Funding Program Working Group in relation to the 2011/12 Budget allocation for the Community Funding Program.

B. Council acknowledge the valued partnership and contribution to the Community Funding Program from the Bendigo Bank.

CARRIED 10/0

CGAM002/07/11 COUNTRY LOCAL GOVERNMENT FUND – FUNDING ASSISTANCE AGREEMENT (A1745)		
Proponent:	Not applicable	In Brief Council endorse the 2010/2011 Country Local Government Funding Assistance Agreement.
Owner:	Not applicable	
Officer:	Alan Hart - Director Corporate Services	
Signatures Author:	Not applicable	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	30 June 2010	
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	Council	

Background

On December 16, 2008, the Liberal-National Government announced funding of \$400 million over four years to assist country local governments build and maintain community infrastructure.

Local governments within the nine regions as defined by the Regional Development Commissions Act 1993 are eligible for funding.

The fund acknowledges the findings of a number of studies regarding sustainability and infrastructure backlogs across the local government sector. As a result, the fund targets asset management and renewal and also enables the creation of new assets and infrastructure. Local decision making will ensure that the CLGF is directed to local infrastructure priorities.

The State Government distributed the 1st year allocation of these funds in late 2008 and those funds were utilised to upgrade the Mundijong Pavilion change rooms and the Byford Hall.

Prior to the 2nd year funding allocation, the Shire was required to produce a forward capital works program, identifying potential projects under this program. The forward capital works program was submitted to the Department of Regional Development and Lands has now been accepted and based on this document, the Funding Assistance Agreement has been prepared.

A copy of the financial assistance agreement is with attachment marked [CGAM002.1/07/11 \(E11/3339\)](#).

Sustainability Statement:

Council will decide which projects will provide the greatest overall economic, social and environmental outcomes. Council will also consider which assets it acquires and manages and that it has the capacity to fund the ongoing operational, maintenance and renewal costs. It is a requirement of funding that detailed asset management plans be prepared for each project, this will ensure that the Council considers the lifecycle cost of each asset prior to construction/acquisition.

Statutory Environment:

Various approvals may be required to comply with planning, building, health and other legislation depending on each project.

Policy/Work Procedure Implications:

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

Financial Implications:

Each project identified in the Financial Assistance Agreement is included in the 2011/12 budget.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Infrastructure			
		32	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		56		Shire's vision and innovative concepts.
				Continue to work with funding agencies to secure grants for projects.

Community Consultation:

No community consultation is required.

Comment:

Once the Funding Assistance Agreement is signed, the Department of Regional Development and Lands will forward the Shire's allocation of the Country Local Government funding for the year 2 programme and works can commence on the projects identified in the Funding Assistance Agreement

The funding assistance agreement is required to be signed by the Chief Executive Officer and the President.

Voting Requirements: ABSOLUTE MAJORITY**CGAM002/07/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris

That Council authorises the Shire President and Chief Executive Officer to sign the Financial Assistance Agreement with the Department of Regional Development and Lands for the Royalties for Regions projects, Country Local Government Fund 2010/11.

CARRIED 10/0

CGAM003/07/11 MANAGEMENT AGREEMENT FOR THE SERPENTINE JARRAHDAL RECREATION CENTRE (1844)		
Proponent:	Not applicable	In Brief To seek Council approval for the Chief Executive Officer and President to sign the deed of extension for the Management of the Serpentine Jarrahdale Recreation Centre for a period of 3 years expiring on 30 June 2013.
Owner:	Not applicable	
Author:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	30 June 2011	
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	Council	

Background

The YMCA have been managing the Serpentine Jarrahdale Recreation Centre since its opening in 2005. The management agreement was for a period of 5 years with an option to extend the agreement for a further 3 years.

The management agreement for the Serpentine Jarrahdale Recreation Centre expired on the 30 June 2010. In accordance with that agreement the YMCA exercised their option to extend the Management Agreement for a further three (3) years expiring on the 30 June 2013.

A copy of the Management Agreement is with attachments marked [CGAM003.1/07/11 \(E11/3336\)](#).

Sustainability Statement

Economic Viability: The Serpentine Jarrahdale Community Recreation Centre provides many different sporting facilities and other health related activities to the local community. It actively promotes healthy lifestyles and is an example to the community on how an environmentally sustainable building can be operated by using renewal resources, such as wind and solar power.

Economic Benefits: The Serpentine Jarrahdale Community Recreation Centre is a major employer in Byford as it employs a number of permanent and casual staff to run the Centre.

Social Diversity: The Centre runs programs and events that target specific social and community groups in the Shire and is continually looking at how these services can be expanded for the betterment of the residents of the shire.

Social and Environmental Responsibility: The Serpentine Jarrahdale Community Recreation Centre has a high profile within the Shire. Centre staff attend as many events as possible, promoting the centre and the facilities it has to offer the community. It also encourages new residents of SJ to visit the centre and offers various incentives to participate in the activities that are on offer.

Statutory Environment: Not applicable

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

Financial Implications: The shire provides an annual budget to operate the Serpentine Jarrahdale Community Recreation Centre. The Centre operates with a deficit each year and they are in line with the estimates that were made at the time of opening the Centre. The shire pro-actively encourages the management of the Centre to minimise those deficits and the management agreement provides incentives to both the YMCA and Shire to minimise the operating deficits.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
	Leadership			
		4	Leadership throughout the	We are realistic about our capacity to deliver.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			organisatio n	
	Success and Sustainability			
		44	Achieving Sustainability	Address the barriers to doing business in a positive way.
	Customer and Market Focus			
		52	Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
		55		Improve the accessibility of Shire services.
		56		Use marketing and promotional tools to inform and manage customer expectations.
		60	Customer perception of value	Address the barriers to doing business in a positive way.
		63		Strive to continually improve customer satisfaction and stakeholder relationships.
		90		Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.
		91		Fully utilise the skills and knowledge of elected members and staff
		92		Achieve outcomes whilst minimising use of Council resources.
		93		Capitalise on IT through enabling technology to assist staff in doing their job
		94	Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.
		95		Actively pursue the learning experiences of other high and hyper growth Councils.
PEOPLE AND COMMUNITY				
	Wellbeing			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		11		Actively engage youth in local decision making.
		12		Encourage youth participation in community activities, groups and networks.
		13	Safe	Achieve a high level of community safety

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		14		Develop and implement crime prevention strategies.
	Relationships			
		17	Encourage	Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		22		Achieve a sense of belonging through active networks and community groups.
		28	Celebrate	Engage existing and new residents in sharing neighbourly and community values.
	Places			
		29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		38		Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		40		Encourage the use of the arts to express our cultural identity.
		42	Distinctive	Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.

Community Consultation:

Community consultation is not required

Comment:

As stated above, the YMCA have exercised their option under the contract to manage the Serpentine Jarrahdale Recreation Centre for a further three (3) years, to the 30th June 2013. The original term expired on the 30th June 2010 and over the last 12 months, the Shire has been working with the YMCA to make the management agreement less complicated and to provide some incentives for both the YMCA and the Shire to actively reduce the annual deficit.

The management agreement reinforces community involvement in the management of the Centre by re-stating community participation in the management committee.

It is recommended that the Chief Executive Officer and President sign this agreement.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM003/07/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Brown

That Council authorise the Chief Executive Officer and President to sign the agreement between the Shire of Serpentine Jarrahdale and the YMCA of Perth (Inc.) for the management of the Serpentine Jarrahdale Community Recreation Centre for the period 1 July 2010 to 30 June 2013.

CARRIED 10/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

OCM001/07/11		WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2011 ANNUAL GENERAL MEETING (A1164)	
Proponent:	Western Australian Local Government Association	In Brief Council delegates voting requirements for the 2011 Annual General Meeting of the Western Australian Local Government Association.	
Owner:	As above		
Officer:	Trish Kursar – PA to the Chief Executive Officer		
Signatures Author:			
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	6 July 2011		
Previously	CGAM004/07/08		
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	Council		

Background

Agendas for the Western Australian Local Government Association (WALGA) Annual General Meeting to be held on 6 August 2011 have been distributed.

A copy of the WALGA Annual General Meeting Agenda is included with the attachments marked [OCM001.1/07/11 \(IN11/8975\)](#).

Sustainability Statement Not applicable

Statutory Environment: Individual Association Constitution.

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

Financial Implications: Nil

Strategic Implications: There are no strategic implications related to this matter.

Community Consultation:

Required: No

Comment:

Serpentine Jarrahdale Shire, under the single association structure has voting rights as a member of the South East Metropolitan Zone, Council's voting delegates (Councillors Twine and Randall) will attend the 2011 Annual General Meeting on Saturday, 6 August 2011 at 1.00pm.

The Annual General Meeting of WALGA has a number of Agenda Items, which Council will need to provide direction to their nominated delegates on. These items are as follows:

- 3.1 Proposed Amendments to the Western Australian Local Government Association Constitution
- 3.2 Container Deposit Legislation
- 3.3 Local Government Amendment (Regional Subsidiaries) Bill 2010
- 3.4 Licensing of Scrap Metal Yards
- 3.5 Review of Dog Registration Fees
- 3.6 Rate Exemptions Charitable Bodies
- 3.7 Local Government Award Coverage

Voting Requirements: Simple Majority

OCM001/07/11 Officer Recommended Resolution:

Council delegates are to vote the following way on items on the 2011 Local Government Association Annual General Meeting Agenda:

- A.
 - 3.1 Proposed Amendments to the Western Australian Local Government Association Constitution– Support or Not Support
 - 3.2 Container Deposit Legislation - Support or Not Support
 - 3.3 Local Government Amendment (Regional Subsidiaries) Bill 2010 – Support or Not Support
 - 3.4 Licensing of Scrap Metal Yards - Support or Not Support
 - 3.5 Review of Dog Registration Fees - Support or Not Support
 - 3.6 Rate Exemptions Charitable Bodies - Support or Not Support
 - 3.7 Local Government Award Coverage - Support or Not Support
- B. Items that have not been given an indication of voting direction are to be left to the discretion of the delegates.

COUNCIL DECISION

Moved Cr Brown, seconded Cr Harris

That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.18pm.

CARRIED 10/0

COUNCIL DECISION

Moved Cr Geurds, seconded Cr Brown

That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at .9.23pm

CARRIED 10/0

OCM001/07/11 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Hoyer

Council delegates are to vote the following way on items on the 2011 Local Government Association Annual General Meeting Agenda:

- A.
 - 3.1 Proposed Amendments to the Western Australian Local Government Association Constitution – Support

- 3.2 Container Deposit Legislation - Support**
- 3.3 Local Government Amendment (Regional Subsidiaries) Bill 2010 – Support**
- 3.4 Licensing of Scrap Metal Yards - Support**
- 3.5 Review of Dog Registration Fees - Support**
- 3.6 Rate Exemptions Charitable Bodies - Support**
- 3.7 Local Government Award Coverage – Not Support**

B. Items that have not been given an indication of voting direction are to be left to the discretion of the delegates.

CARRIED 10/0

OCM002/07/11 NEW LOCAL PLANNING POLICY – LPP 67 LANDSCAPE AND VEGETATION (A1989)		
Author:	Lawrence Man – Senior Planner	<p>In Brief</p> <p>A landscape and vegetation policy has been developed to incorporate the Shire’s landscape and vegetation requirements into the statutory planning process.</p> <p>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.</p>
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	23 May 2011	
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	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The Landscape and Vegetation LPP seeks to provide stakeholder guidance when considering development with respect to landscape and what is expected within the Shire. The Policy contributes towards achievement of vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant urban places for the Shire’s communities. This policy will assist in integrating the Shire’s landscape and vegetation requirements into its land use planning system.

This report provides Council with the opportunity to consider the Landscape and Vegetation policy, ahead of formal stakeholder engagement.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire’s urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

In accordance with the provisions of Clause 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

Comment:

Landscaping provides an opportunity to enhance environmental amenity, civic pride and return biodiversity that has been lost due to development. Visual landscape planning helps

us to understand and articulate the character of the landscape and identify those features that contribute to scenic quality and sense of place.

The objective of this policy is to deliver on the Shire's Plan for the Future and will:

- Provide guidance to stakeholders regarding the consideration of landscape and the standard of landscaping expected by the Shire
- Ensure the effective integration of landscape and vegetation into land use planning processes, so that the right level of information and detail is provided and assessed, at each stage of the planning process
- Facilitate the effective integration of both State government and Shire planning and environmental documents, in a way that facilitates efficient and effective decision making
- Contribute towards achievement of vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant urban places for our communities

A copy of the proposed Landscape and Vegetation policy is with attachments marked [OCM002.1/07/11](#).

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what are we trying to achieve?
3. Is it clear when is a planning application required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

Voting Requirements: Simple Majority

OCM002/07/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Petersen

That Council:

- 1) Adopt the Draft Local Planning Policy 67 – Landscape and Vegetation as provided in attachment *OCM002.1/07/11* for advertising purposes.
- 2) Advertise the draft Local Planning Policy 67 – Landscape and Vegetation for a period of not less than 21 days by way of:
 - a) A notice being placed in a local newspaper circulating within the district.
 - b) A notice being placed in the Shire’s Administration Centre.
 - c) A notice being placed on the Shire’s internet website.
 - d) A letter being sent to key developers which may be affected by the new policies;
 - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
 - f) A letter being sent to relevant state government agencies; and
 - g) A letter being sent to all community groups.

CARRIED 10/0

OCM003/07/11 NEW LOCAL PLANNING POLICY – LPP 60 PUBLIC OPEN SPACE (A1983)		
Author:	Lawrence Man – Senior Planner	In Brief A new local planning policy to provide guidance on the provision of public open space and the standards associated with their provision. The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	30 May 2011	
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	Council	

Background

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The planning and development process within Western Australia has traditionally provided a minimum of 10% public open space (POS) through the structure planning and subdivision

process. The Shire's policy remains consistent with this requirement and those as outlined within the State Government policy document *Liveable Neighbourhoods*. Through the development of a POS Policy, the Shire seeks to provide guidance on how POS is to be provided. The Policy responds to the landscape and environmental characteristics of the Shire and the development requirements for POS.

This report provides Council with the opportunity to consider the Public Open Space policy, ahead of formal stakeholder engagement.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

In accordance with the provisions of Clause 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

Comment:

The Policy clarifies the Shire's expectations with regard to the provision of POS as part of the structure planning and subdivision process. Due to the multiple use corridors that feature within the Shire and the desire to protect remnant vegetation, additional functional

classes of POS have been provided along with Active Open Space (District), Passive Open Space, Community Sites and Community Gardens. Each functional class of POS is supported with details including their provision and distribution, minimum areas, walkable catchments, drainage functionality and developer maintenance periods.

The Policy sets out development requirements for each functional class and provides minimum standards, preferred standard and additional facilities that require approval of the Shire.

The objectives of this policy are to:

- Deliver the balanced provision of POS with appropriate location, amenity, functionality and facilities which meets the needs all users within the community and is able to be maintained by the Shire into the future;
- Provide a framework to plan for the creation of multi-functional open spaces; and
- Give guidance on the expectations of the Shire in the development of open space including requirements for location, sizing, functionality, facilities and ongoing management and maintenance.

A copy of the proposed POS policy is with attachments marked [OCM003.1/07/11](#).

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what are we trying to achieve?
3. Is it clear when is a planning application required?
4. Is it clear what an Applicant need to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

Voting Requirements: Simple Majority

OCM003/07/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Randall

That Council:

- 1) **Adopt the draft Local Planning Policy 60 – Public Open Space as provided in attachment OCM003.1/07/11 for advertising purposes.**
- 2) **Advertise the draft Local Planning Policy 60 – Public Open Space for a period of not less than 21 days by way of:**
 - a) **A notice being placed in a local newspaper circulating within the district.**
 - b) **A notice being placed in the Shire’s Administration Centre.**
 - c) **A notice being placed on the Shire’s internet website.**
 - d) **A letter being sent to key developers which may be affected by the new policies;**
 - e) **A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
 - f) **A letter being sent to relevant state government agencies; and**
 - g) **A letter being sent to all community groups.**

CARRIED 10/0

COUNCIL DECISION

Moved Cr Petersen, seconded Cr Buttfield

That the meeting be closed to members of the public at 9.25pm to allow Council to discuss confidential item OCM004/07/11 as per the Local Government Act 1995 section 5.23(2)(c).

CARRIED 10/0

OCM004/07/11		CONFIDENTIAL ITEM - SALE BY TENDER - 2 STAFF STREET, JARRAHDALÉ (A2020)
Proponent:	Serpentine Jarrahdale Shire	In Brief Council advertised for sale by tender, 2 Staff Street, Jarrahdale. There were two tenders received. It is recommended that Council accepts one of the tenders received.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	17 February 2011	
Previously	CGAM006/07/09	
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	

OCM004/07/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Petersen, seconded Cr Brown

That Council accept Tender 1 for the sale of 2 Staff Street.

1. **Accepts the tender offer of \$207,950 (tender number RFT004/2011) received for 2 Staff Street Jarrahdale;**

CARRIED 10/0

COUNCIL DECISION

Moved Cr Brown, seconded Cr Harris
That the meeting was re-opened to the public at 9.29pm
CARRIED 10/0

COUNCIL DECISION

Moved Cr Brown, seconded Cr Harris
That the meeting be closed to members of the public at 9.30pm to allow Council to discuss confidential item SD015/07/11 as per the Local Government Act 1995 section 5.23(2)(d).
CARRIED 10/0

SD015/07/11 CONFIDENTIAL ITEM - RETROSPECTIVE APPLICATION FOR FILLING OF LAND – LOT 12 MALEK DRIVE, MARDELLA (P03712/05)		
Proponent:	Cameron Gow	In Brief Application submitted to Council in accordance with instruction from the State Administrative Tribunal further to an appeal against a directions notice issued against the unauthorized importation of material to the site. It is recommended that the application be approved conditionally.
Owner:	As above.	
Author:	Louise Hughes - Senior Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 June 2011	
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	

SD015/07/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Brown

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to issue a directions notice against the landowner for the unauthorised importation of fill at Lot 12 Malek Drive, Mardella.
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.
- C. The application for retrospective planning approval for filling of land at Lot 12 Malek Drive, Mardella be approved subject to the following conditions:
 - 1. 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.
 - 2. All material shall be clean, free draining, with a low clay/silt content to the satisfaction of Director Strategic Community Planning.

3. The submitted plan is to be amended to show dimensions indicating that no fill will to be applied within 40m of the western boundary or 30 metres of the southern boundary as these areas contain revegetation required as part of the approval of subdivision S99668 to the satisfaction of Director Strategic Community Planning.
4. A revegetation plan is to be submitted for approval and then implemented replacing vegetation that has been damaged or previously destroyed within the vegetation areas along the southern and western boundaries to the satisfaction of Director Strategic Community Planning. The plan is to involve the planting of 300 plants of the species *Melaleuca uncinata*, *Melaleuca lateriflora* and *Melaleuca teretifolia* in these areas to the satisfaction of Director Strategic Community Planning.
5. No vegetation is to be removed or damaged in the process of this development.
6. The submitted plan is to be amended to show how floodwaters on the subject lot will drain into the regional drainage system to prevent ponding around vegetation and to ensure water is discharged at pre-development discharge rates to the satisfaction of Director Engineering.
7. The bund is to be contoured with a grade between 1:4 and 1:6 to the satisfaction of Director Engineering.

CARRIED 10/0

COUNCIL DECISION

Moved Cr Brown, seconded Cr Buttfield
The meeting was re-opened to the public at 9.36pm
CARRIED 10/0

10. CHIEF EXECUTIVE OFFICERS REPORT:

OCM005/07/11		INFORMATION REPORT
Proponent	Not applicable	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	22 July 2011	
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	

OCM005.1/07/11 COMMON SEAL REGISTER REPORT – JUNE 2011

The Common Seal Register Reports for the month of June 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the ***attachments marked [OCM005.1/07/11](#)***.

OCM005.2/07/11 POLICY FORUM – 6 July 2011

The following items were discussed at the 6th July 2011 Policy Forum:

Hester Property Solutions presentation
Draft Compliance Policy
YouthCARE Council – School Chaplaincy presentation
Cardup Church and SJ & Districts Golf Club
Peel Away the Mask
Austral Bricks WA Pty Ltd - Lots 7, 50 & 101 Kiln Road, Byford (for July OCM)
New Local Planning Policies (for July OCM)
Signage Proposals – Karnup Rd and Henderson Road and Hugh Manning Tractor Museum - Wellard Street, Serpentine
DCA Matters
Rural Land Strategy (Michael Taylforth – Land Insights)
Urban Growth Management Strategy (Brian Curtis)
Activity Centres Strategy (Stephen Davies – Macroplan)

OCM005.3/07/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA – 27 JULY 2011 (A1164-02)

In the attachments marked [OCM005.3/07/11](#) (IN11/9995) is the agenda of the WALGA South East Metropolitan Zone Meeting to be held on 27 July 2011.

OCM005.4/07/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA – 7 AUGUST 2011 (A1164-02)

In the attachments marked [OCM005.4/07/11](#) (IN11/9913) is the agenda of the WALGA State Council meeting to be held on 7 August 2011.

OCM005/07/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Buttfield
That Council receive the Information Report to 22 July 2011.
CARRIED 10/0

11. URGENT BUSINESS:

Nil

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

There being no further business, the meeting closed at 9.40pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 22 August 2011.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD013/07/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT	
Proponent:	N/A
Owner:	N/A
Author:	Various
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning
Date of Report	23 June 2011
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

In Brief
To receive the Information Report for June 2011.

Voting Requirements: Simple Majority

SD013/07/11 Committee Decision/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Hoyer
That Council accept the Strategic Community Planning Information Report.
CARRIED 7/0**

SD014/07/11 DEVELOPMENT SERVICES INFORMATION REPORT	
Proponent:	N/A
Owner:	N/A
Author:	Various
Senior Officer:	Brad Gleeson - Director Development Services
Date of Report	23 June 2011
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

In Brief
To receive the Information Report for June 2011.

Voting Requirements: Simple Majority**SD014/07/11 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Brown
That Council accept the Information Report.
CARRIED 7/0**

CGAM001/07/11 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To confirm the creditor payments made during the period 24 May to 22 June 2011.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	22 June 2011	
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	

CGAM001/07/11 Committee Decision/Officer Recommended Resolution:

**Moved Cr Hoyer, seconded Cr Randall
That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 24 May to 22 June 2011, presented as per the summaries set out above include Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0**

CGAM004/07/11 CORPORATE SERVICES INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the information report for 20 June 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	30 June 2011	
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	

CGAM004/07/11 Committee Decision/Officer Recommended Resolution:

**Moved Cr Hoyer, seconded Cr Twine
That the Corporate Services Information Report for June 2011 be received.
CARRIED**

CGAM005/07/11		ENGINEERING SERVICES INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report for 23 June 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	23 June 2011	
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	

CGAM005/07/11 Officer Recommended Resolution:

**Moved Cr Hoyer, seconded Cr Buttfeld
That the Engineering Services Information Report for June 2011 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.