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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 TUESDAY, 25 MARCH 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: JE Price Presiding Member
MJ Geurds
M Harris
WJ Kirkpatrick
C Randall
S Twine
KR Murphy
C Buttfield
E Brown

OFFICERS: Mr S Goode Acting Chief Executive Officer
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mrs S van Aswegen Director Strategic Community Planning
Mrs A Nolan Manager Executive Services
Mrs L Fletcher Minute Secretary

APOLOGIES: Cr D Needham (Leave of Absence)
Acting Director Engineering

GALLERY: 1

2. PUBLIC QUESTION TIME:

Nil

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

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

7.1 Ordinary Council Meeting - 25 February 2008

COUNCIL DECISION

Moved Cr Geurds, seconded Cr Buttfield
That the minutes of the Ordinary Council Meeting held on 25 February 2008 be confirmed.
CARRIED 9/0

7.2 Annual Electors Meeting - 6 February 2008

COUNCIL DECISION

Moved Cr Kirkpatrick, seconded Cr Brown
That the minutes of the Annual Electors Meeting held on 6 February 2008 be confirmed.
CARRIED 9/0

REPORTS OF COMMITTEES:

SD071/03/08 COMMUNITY FUNDING PROGRAM (A1173/08)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To update Policy CSP8 and nominate four Councillor representatives from separate wards to sit with the Community Development Officer on the 2008/09 Community Funding Program Working Group.
Owner:	Not applicable	
Officer:	Carole McKee – Manager Community Development	
Signatures Author:		
Senior Officer:	Suzette Van Aswegen – Director Strategic Community Planning	
Date of Report	28 February 2008	
Previously	CRD04/05 CRD20/03/04, CRD10/01/03, CRD43/03/02, CRD19/01/01, CRD17/06/00 SD101/03/06, SD087/03/07	
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

A review of Policy CSP8 was undertaken by Council at Policy Forum in March 2007. At that meeting, it was agreed that one Councillor from each Ward would review the Community Funding Program applications each year. The reviewed Policy is now being presented back to Council for formal endorsement.

A full copy of Policy CSP8 is with attachments marked SD071.1/03/08

Sustainability Statement

Effect on Environment: The program places high priority on projects that are environmentally responsible.

Use of Local, renewable or recycled Resources: The program supports the use of local, renewable or recycled resources.

Economic Viability: The program places high priority on projects that show potential to attract other funding and enable the groups to become more self sufficient.

Economic Benefits: The program supports a variety of projects that bring economic benefit to the community through employment of local contractors, events that attract locals and tourists to business areas and through the funding of small group projects that may not obtain funding elsewhere.

Social – Quality of Life: The program supports the local volunteers who run facilities and organise activities and projects which provide a rich quality of life in this area.

Social and Environmental Responsibility: The program is designed to be socially and environmentally responsible through building capacity in the community and enabling full participation in its implementation. The program creates opportunities for the community to participate and foster partnerships.

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

Statutory Environment: The program is advertised in January each year with a closing date of 31 March as per Policy CSP8 - Financial Assistance - Requests

Policy/Work Procedure Implications: Policy CSP8 Financial Assistance

Financial Implications: Up to \$20,000 to be requested in each year's budget as per Policy CSP8

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

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

4 Governance

Objective 1: An effective continuous improvement program

Strategy:

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

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

Strategy:

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

Community Consultation

Not Required

Comment

Policy CSP8 Financial Assistance – Requests, now includes the following amended statement for the selection of the members of the Shire's Community Funding Program Working Group:

4. *That one Council representative from each separate ward be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group."*

The High and Low Priority table has also been amended to correctly reflect 5(ii), (iv) and the new addition of 5(xiii)

The Working Group will meet in late April to review the applications submitted.

Voting Requirements: Simple Majority

SD071/03/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Brown

1. Council endorses the amended Policy CSP8 as per Attachment SD071.1/03/08
2. Council nominates Councillor Kirkpatrick, Councillor Murphy, Councillor Guerds and Councillor Buttfield representing each ward to sit with the Community Development Officer on the 2008/2009 Community Funding Program Working Group.

CARRIED 9/0

SD072/03/08 DISABILITY ACCESS AND INCLUSION PLAN 2007 - 2011 (A0216)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To endorse the Serpentine Jarrahdale Shire Disability Access and Inclusion Plan 2007 – 2011
Owner:	Not applicable	
Officer:	Carole McKee – Manager Community Development	
Signatures Author:		
Senior Officer:	Suzette Van Aswegen - Director Strategic Community Planning	
Date of Report	March 2008	
Previously	SD013/08/07	
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

Council at its meeting held on 21 August 2007 resolved:

SD013/08/07 COMMITTEE DECISION/Officer Recommended Resolution:

Council approves the release of the Draft Serpentine Jarrahdale Shire Disability Access and Inclusion Plan 2007 – 2011 at attachment SD013.1/08/07 for public comment for a period of 28 days.

CARRIED 7/0

Sustainability Statement

Effect on Environment: The implementation of the DAIP has the capacity to enhance our natural environment in the context of Serpentine Jarrahdale Shire reserves through the installation or upgrade of access ways/facilities that ensures that people with disabilities are able to actively participate in and access these facilities without the need to encroach on the natural environment.

Resource Implications: The DAIP will require a funding allocation to be considered in the 2008 – 2011 Forward Financial Plan and annual budget deliberations. Officers within a cross-functional team will need to adjust their business plans and work programs to accommodate the strategies prescribed by this plan.

Economic Viability: Costs incurred will relate to the provision and maintenance of elements to ensure ongoing compliance of related legislation. By addressing the related costs of implementation of the DAIP, Council will reduce the impact of financial cost that may arise from legal consequences in regard to failure to address duty of care pertaining to the needs of people with a disability.

Economic Benefits: The implementation of the plan has the capacity to increase tourism as facilities become more accessible to people with disabilities who travel from the wider community.

Social – Quality of Life: The implementation of the plan has the capacity to increase the quality of life for people with disabilities and/or their carers as facilities become more accessible. Greater accessibility has the capacity to engage people with disabilities, to participate as fully as other members of the community who do not have a disability.

Social and Environmental Responsibility: The implementation of the plan will also enhance the capacity of people with a disability to participate in community development through consultation processes, decision making through public participation mechanisms – quality assurance, community surveys and other feedback tools.

Social Diversity: The implementation of the plan will strengthen the capacity of people with disabilities to participate and contribute within the community, building the community's diverse character and spirit.

Statutory Environment: Disability Services Act (1993) and Regulations (2004)

The Disability Services Act (1993) ('Act') requires public authorities to develop and implement a Disability Access and Inclusion Plan (DAIP). The requirement of DAIP builds on Council's previous Disability Service Plan (DSP), so that people with disabilities can access services provided by public authorities in Western Australia in a way that promotes their independence.

The Act requires all public authorities to take all practical measures to ensure that the DAIP is implemented by its officers, employees, agents and contractors. Implementation of the DAIP requires a whole of organisation approach.

Policy/Work Procedure Implications:

Subject to the approval of this plan, a policy and related work procedures will be developed.

The plan will also action the updating of existing policies and work procedures to reflect the principles of access and inclusion.

Financial Implications:

Council will be asked to consider budget allocations through the 2008 – 2011 Forward Financial Plan and annual budget deliberations.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

3. Retain seniors and youth within the community.
 4. Respect diversity within the community.
 5. 6. Ensure a safe and secure community.
- Objective 2: Plan and develop towns and communities based on principles of sustainability*

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
3. Regularly update information services and IT capacity to support programs and projects.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The Draft Serpentine Jarrahdale Shire Disability Access and Inclusion Plan 2007 – 2011 (SJSDAIP) was advertised for public comment for 28 days from 24 August 2007. No comments were received.

Prior to community consultation the Disability Services Commission approved the Draft Plan as compliant, and congratulated Serpentine Jarrahdale Shire on the quality of the Plan.

Comments:

In accordance with the Disability Services Act, Council is requested to endorse the SJSDAIP 2007 – 2011.

A copy of the Serpentine Jarrahdale Shire Disability Access and Inclusion Plan is with attachments marked SD072.1/03/08 (TRIM E07/4455)

The SJSDAIP is a strategic document which outlines the overarching outcomes that will achieve access and inclusion. A separate implementation plan has been developed as an operational tool which will enable officers to determine how to best achieve the specified outcomes and the related resource requirements.

The document has also met the compliance requirements set by the Disability Services Commission.

Voting Requirements: Simple Majority

SD072/03/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Buttfeld, seconded Cr Harris
Council endorses the attached Serpentine Jarrahdale Shire Disability Access and Inclusion Plan 2007 – 2011.
CARRIED 9/0**

SD073/03/08 DRAFT ENERGY AND WATER EFFICIENCY POLICY (A0972)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	N/A	
Officer:	Chris Portlock - Manager of Environmental Services	To introduce the draft Energy and Water Efficiency Policy and request its adoption by Council for advertising.
Signatures Author:		
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	To achieve energy and water efficiency outcomes in urban and rural areas as part of the building and planning approvals process.
Date of Report	February 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The draft Energy and Water Efficiency Policy has been developed over a number of years and applies to both subdivisions and buildings. It is now extended to include water and efficiency as part of the Shire's integrated response to climate change. Designing building and subdivisions for reduction in energy and water consumption can mean less ongoing costs without necessarily increasing capital costs. Increasing overall cumulative energy and water efficiency will result in a positive response to climate change within the Shire.

The proposed Draft Energy and Water Efficiency Policy is with attachment marked SD073.1/03/08

Sustainability Statement

Effect on Environment:

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

Use of Local, renewable or recycled Resources:

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

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

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

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

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

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

Statutory Environment: Building Code of Australia.

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

Financial Implications: There are no financial implications to Council related to this policy, apart from advertising costs.

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Community Consultation:

The proposed Council Policy will be advertised for 21 days to invite submissions.

Government support

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

Voting Requirements: Simple Majority

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

Moved Cr Randall, seconded Cr Twine

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

CARRIED 9/0

SD074/03/08 REQUEST FOR RENEWAL OF PLANNING APPROVAL FOR PROPOSED CHILD MINDING CENTRE – LOT 76 (58) PATERSON STREET, MUNDIJONG (P01280/03)		
Proponent:	Sunil Varma	In Brief Approval for a Child Minding Centre on Lot 76 Paterson Street, Mundijong was issued on 4 April 2006. The Child Minding Centre has not been constructed and the approval will expire on 4 April 2008. The applicant now seeks to renew this approval. It is recommended that the application be approved subject to appropriate conditions.
Owner:	As Above	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	5 March 2008	
Previously	SD107/03/06	
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: 1 December 2007
 Advertised: Previously Advertised
 Submissions: NA
 Lot Area: 0.2023 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: NA
 Rural Strategy Policy Area: NA
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: October 2005 (as part of the original application)

Background

At the Ordinary Council Meeting held on 27 March 2006, Council resolved to conditionally approve an application for a Child Minding Centre Lot 76 (58) Paterson Street, Mundijong. The Form 2 Approval was subsequently issued on 4 April 2006.

A copy of the Form 2 Approval is with attachments marked SD074.1/03/08

A copy of the Site Plan is with attachments marked SD074.2/03/08

A copy of the Development application is with attachments marked SD074.3/03/08

As the planning approval is due to expire on the 4 April 2008, the applicant is seeking to renew this approval.

Sustainability Statement

Effect on Environment:

Vegetation The approved site plan preserves a majority of mature trees out the front of the building which will screen the development from the road and provide some shade within the car park area. The development will require landscaping and any condition in this

regard should require the use of plants that are either locally native or Western Australian natives.

Energy Efficiency

The indoor and outdoor play spaces are oriented quite well with regard to solar passive design. The outdoor play areas are located on the northern, western and southern sides of the building. Indoors the babies' sleeping area and play areas are located on the southern side of the building helping to keep these areas cool during summer.

Water Sensitive Design

No details have been provided with regard to the use of opportunities for stormwater capture and re-use for watering landscaping areas. There are opportunities for captured stormwater to be used in the proposed landscaping areas. It is recommended that the development be required to install rainwater tank/s for use in watering landscaping areas.

Energy Use

The location of the site near an existing primary school may have benefits for reducing car usage. For example parents with both school age and child care age children will only have to make one trip to drop off and pick up children.

Economic Viability: Transport or car dependence can be minimised by the development being located in the local community and being located near an existing primary school. Further, there will be opportunities to enhance the quality of life of residents through reduced reliance on resources (car travel) as a result of the location of the child care centre on a road that will provide the main vehicle and public transport route through Mundijong and which already is part of the existing pedestrian route to the Mundijong Primary School.

Economic Benefits: Under the current proposal, the child care centre will provide employment for up to 13 people and will enable parents to place their children in a local environment and go out to work. Also, the applicant advises that many of the junior unqualified staff employed will be local to the Mundijong area.

Social – Quality of Life: The child care centre will enable parents to have their children cared for in a location that is easily accessible on their way to and from work.

Statutory Environment:

Town Planning Scheme No.2 (TPS 2)
Planning & Development Act 2005
Children and Community Services (Early Childhood Care) Regulations 2006

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation was undertaken as part of the original application assessment process. Consultation is not required for this proposed renewal.

Comment:

Zoning

The approved centre is to be located on an 'Urban Development' zoned property within the Mundijong townsite, an area that is set aside for future structure planning. The finalisation of Amendment 152 which rezoned land within the Mundijong-Whitby cell to 'Urban Development' did not impact on this property as the land was already zoned 'Urban Development' prior to finalisation of the amendment.

When assessing development within the Urban Development zone before the adoption of a structure plan, clause 5.18.7.3 of Council's TPS 2 states the following:

"Council may approve the development or use for other than a single house within the 'Urban Development' zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:

- a) the preparation of a Structure Plan for, or*
- b) the orderly and proper planning of, or*
- c) the health, amenity, safety or convenience of the future occupants of,*

the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3".

As detailed above, clause 5.18.7.3 of the scheme gives the Council the power to approve developments or uses other than a single house within the Urban Development zone as long as they are satisfied that specific criteria can be met. It is considered that the proposed development will not have an adverse effect on the preparation of the Mundijong-Whitby District Structure Plan, orderly and proper planning or the health, amenity, safety or convenience of the future occupants within the structure plan area. The proposal is deemed to be a compatible use for the subject property.

Site

The subject site is regularly shaped and has frontage to Paterson Street. Therefore, any vehicles entering and exiting the site will do so via Paterson Street which is a distributor road. The site is also surrounded by single residential houses so amenity issues of noise and traffic need to be taken into consideration.

Colours & Materials

The proposed Child Minding Centre is to be constructed out of 'cream' brick and 'terracotta' coloured tiles.

Access & Car Parking

Under the approved site plan, entry and exit to and from the site is to be via two separate 3.0m wide crossovers. The one way traffic system provides an easier form of access for parents to drop off and pick up their children and reduces conflicts between cars and pedestrians.

Under TPS 2 the minimum number of car parking spaces required for a child minding centre is 1 space per 5 children accommodated. Therefore, based on the above requirement and as the centre was originally proposed to accommodate 80 children, a minimum of 16 parking spaces would have been required. If the maximum number of children at the premises is set at 65, then 13 bays are only required, with 3 additional bays available for staff/customers. On the approved site plan 16 bays have been accommodated.

Right-of-Way (ROW)

The rear of the subject property abuts an existing ROW that is approximately 4.0 metres wide. In terms of the future structure planning and subdivision of the Mundijong townsite, consideration needs to be given to whether this ROW will be widened and constructed as a proper road. When comparing the current proposal with the situation that is now occurring in Byford, the Byford Detailed Area Plan (DAP) states that *"where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10 metres total with the widening being shared by lots on both sides of the laneway"*. If something similar is to occur under the Mundijong - Whitby Structure Plan, the widening should be planned for now rather than waiting until the structure plan is finalised as the widening will affect outdoor play areas and child ratios. Further, if a solid wall is to be constructed along the rear boundary as recommended in the conditions, this would have to be removed and reinstated along the new alignment. As the laneway is currently only 4.0 metres wide, 3.0 metres needs to be taken off the back of the subject property to allow for the widening to eventually occur (for a ultimate row width of 10 metres). The reduction in outdoor play areas by 95.34m² as a result of the widening, will still allow for a maximum of 65 children on site as recommended in the conditions.

A condition is included on the planning approval to widen the ROW by 3.0 metres where it abuts the subject property to allow for future widening of the ROW between Richardson Street and Livesey Street under the Mundijong – Whitby Structure Plan.

Setbacks, Plot Ratio, Site Coverage & Landscaping

These were assessed against the requirements as stipulated in TPS 2. All areas of assessment comply.

Fencing

The applicant proposes to use colorbond fencing along the side and rear boundaries of the lot and open style fencing along the front boundary. Under the Children and Community Services (Early Childhood Care) Regulations 2006, it states that “*child care premises shall be enclosed by a fence, or an equivalent approved by the Director General, of not less than 1200mm in height.*” At other existing child minding centres throughout the metropolitan area, Council's have received complaints of children throwing things from the play areas over the fence into adjoining residential yards, invading the privacy of the adjoining yards through children on climbing frames and continual banging on metal fencing by children. Accordingly, it is the general policy of other Council's to require masonry walls a minimum of 2.0 metres high between the outdoor play areas of a child care centre and adjoining residential properties. Under Council's fencing local law, fences above 1.8m in height behind the building line are permitted with the approval of Council. It is therefore recommended that this requirement be required as a condition of planning approval.

Although the requirement for these walls to be erected around three sides of the property may be considered out of place in the current post and rail environment of Mundijong, this type of fencing will be needed to help limit disturbance to adjoining neighbours. The fencing will abut two properties on the northern and southern sides of the block and the existing right of way at the rear. Residential properties can currently install colorbond or solid fencing in accordance with the Council's Fencing Local Law. Therefore, although the fencing may seem out of place at the moment, it will comply with the Fencing Local Law for residential areas and will eventually be surrounded by similar fencing in the future.

Fencing in front of the building line between the car park areas and neighbouring properties is recommended to be colorbond sheeting a maximum of 1.8m height. Fencing of this style is considered appropriate for the subject property. It is recommended that details of all proposed fencing be submitted with the building licence application. Conditions can be imposed on the approval to this effect.

Ancillary Facilities

Screened clothes drying and bin storage areas are included in the development and are adequate for the proposed centre.

Health Services Comments

Food Preparation Area

Child Minding centres have changed over the past five years, with the Eat Right Start Right promotion the ranges of foods and level of food preparation and storage at these facilities is now as per a restaurant. Environmental Health Services are now assessing child minding centres in the same way as any Class 1 food outlet. Under the Food Hygiene Regulations this type of operation is defined as a Class 1 food outlet. Under the new Food Safety Standards a child minding centre prepares food for at risk customers (ie children under the age of 6) and as such is assessed as a High Risk food business.

As such, the applicant will be required to complete an application for the construction of a food premises and submit detailed drawings as per the *Guide to the Construction of a Class 1 Food Premises Food Hygiene Regulations 1993*, and in accordance with the Food Safety Standards standard 3.2.3, design and construct a food preparation area that is appropriate for the activities for which it is proposed, provide adequate space for the activities to be conducted and for the fixtures, fittings and equipment used for those activities.

Effluent Disposal

The subject site is not connected to reticulated sewerage and thus will need to rely on on-site effluent disposal methods. Council's Health Services has advised that due to the size of the system that will be required and the lack of space on-site to accommodate such a system, the applicant should consider an Aerobic Treatment unit (ATU) with subsurface and/or below ground irrigation. A below ground and subsurface irrigation systems have reduced separation distances to boundaries and structures and may also provide some reductions to water usage if located under lawns or in garden beds. The proposed irrigation area for the ATU system can be accommodated within the landscaping areas and partially encroach into the play areas. As the system is an approved sub-strata system which is chlorinated, there is unlikely to be any health risks.

Environmental Comments

Under the approved site plan, impacts on existing vegetation will be minimal.

Planning Comments

The subject site contains an existing weatherboard cottage which will need to be demolished prior to construction of the child minding centre. The date of construction of the existing cottage is uncertain as there is no documentation on Council records relating to this cottage. Also, the cottage is not listed in Council's Municipal Inventory or in the Scheme.

No details of proposed signage have been submitted and will therefore be subject to a separate planning application.

The number of children previously approved for this development was 65 children, rather than the 80 children originally proposed.

Clause 6.9 of Council's TPS 2 relates to the term of a planning approval and covers the issue of planning approval renewals. Clause 6.9 states:

6.9 TERM OF PLANNING APPROVAL

6.9.1 Where the Council grants approval, that approval:

- (a) shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and*
- (b) lapses if the development has not substantially commenced before the expiration of that period.*

6.9.2 A written request may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in sub-clause 6.9.1 (a).

The applicant submitted a request for renewal on the 1 December 2007, thereby complying with the timeframe specified in clause 6.9.2 above.

Conclusion

The applicant has requested that the current planning approval for a Child Minding Centre on Lot 76 Paterson Street be renewed as, due to market factors and investor difficulty, work was not able to commence within the two year time frame. It is considered that the proposal will not impact upon the preparation of the Mundijong – Whitby structure plan or the orderly planning of the area and is a compatible use on the subject property. The health and amenity of existing residents may be impacted upon by the centre but these have been addressed through the implementation of appropriate planning conditions.

It is considered that the proposal can be catered for on the subject site, at a slightly smaller scale (65 children). The reduction in the number of children, the preparation of a landscape plan and the requirement for all parking to be on site will ensure the development is compatible with existing surrounding land uses and residents.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for the renewal of planning approval for a Child Minding Centre on Lot 76 (58) Paterson Street, Mundijong be approved subject to the following conditions:

1. The maximum number of children on the premises at any one time shall not exceed 65.
2. Operating hours are to be restricted to a drop off time of no earlier than 7.00am and a pick up time of no later than 6.00pm Monday to Friday unless with the prior written approval of the Shire.
3. The right of way abutting the rear of Lot 76 Paterson Street shall be widened by 3.0 metres to allow for the widening of the right of way between Livesey Street and Richardson Street under the future Mundijong – Whitby Structure Plan. An endorsed diagram of survey should be issued by Landgate prior to the issue of a building licence.
4. Only materials identified in the schedule of colours, materials and finishes, submitted on 22 April 2005, are to be used in the construction of the Child Minding Centre unless the prior written approval of the Shire is obtained.
5. Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of any proposed additional structures (including shade sails) shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.
6. The vehicle parking area, accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
7. Vehicle parking in association with the operation of the Child Minding Centre is not permitted on Paterson Street. All parking is to be contained on site.
8. The provision of 6 on site car parking bays for the exclusive use of centre staff and shall be sign posted accordingly.
9. The provision of 10 on site car parking bays for the drop-off or pick-up of children, marked as such and located as close as possible to the main entrance to the building.
10. A minimum of one car parking bay to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.8 metres.
11. Traffic flow within the car parking area shall be restricted to one-way only with access via one separate crossover on Paterson Street (entry) and one crossover to Paterson Street (exit). The crossovers shall be sign posted to show entry and exit signs to the satisfaction of the Shire.
12. Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Shire.
13. Any outdoor security lighting be so located or shielded that no additional light is cast on adjoining residential land or so as to cause a distraction to traffic.
14. Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil

- permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being provided to store runoff from the roof of the Child Minding Centre. Such captured water to be used for the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.
15. The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.
 16. Manufacturer's noise rating specifications or an Acoustic Consultants report must be submitted to the Shire's Manager Health and Ranger Services prior to the installation of air conditioning units, compressors, extraction systems or machinery likely to emit excessive noise.
 17. Only the trees shown in red on the approved site plan are to be removed unless the prior written approval of the Shire is obtained.
 18. A landscape plan must be submitted for approval by Director Strategic Community Planning, prior to the issue of a building licence. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed and existing trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.Plants used to landscape the site shall comprise species indigenous to the Mundijong area or the south-west of Western Australia.
 19. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
 20. Fencing between the outdoor play areas and any adjoining residential property and along the rear boundary shall be a minimum standard of masonry constructed with a minimum height of 2.0 metres measured from the finished ground level within the outdoor play area. Details to be submitted with the building licence application.
 21. Fencing between car parking areas and any adjoining residential property shall be a minimum standard of powder-coated coloured metal sheeting with a maximum height of 1.2 metres for the first six metres from the front boundary, then a maximum height of 1.8 metres to the edge of the outdoor play area. Details to be submitted with the building licence application.
 22. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3.0 metres of a vehicular accessway unless such wall or fence is constructed with a 3 metre truncation.
 23. No front fencing is permitted.

Advice Notes:

1. For the Shire to licence and register the food preparation area of the proposed centre the applicant is required to:
 - a) Make an application for the registration of a food handling premises and licence to conduct the same and will be registered as a Class 1 Food Premises, as defined in Schedule 3 of the Health (Food Hygiene) Regulations 1993;
 - b) Complete a Food Premises Notification Form as required under Standard 3.2.2 Food Safety Practices and General Requirements of the Food Safety Standards and will be classified as a High Risk Food Premise.
2. To facilitate the hygienic design, construction and fit-out of the food handling and storage sections of the centre, the applicant is required to submit the following premises and operational details with the building application:

- a) Three copies of a floor plan scale 1:100 for all the food handling and associated storage areas identifying all equipment fixtures, fittings and finishes as per the Australian Standard AS 4674 – 2004 Design, Construction and Fit-out of Food Premises; and
 - b) Details of proposed range of foods to be served or a copy of a typical menu.
3. The applicant is advised to submit a food safety plan or procedure manual outlining safe food handling practices and procedures.
 4. It is recommended that the applicant consider an Aerobic Treatment Unit with subsurface and or below ground irrigation. The below ground and subsurface irrigation systems have reduced separation distances to boundaries and structures and may also provide some reductions to water usage if located under lawns and or garden beds. Please contact the Environmental Health Services section for further information.
 5. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
 6. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development.
 7. A demolition licence for the removal of the existing cottage is to be obtained prior to removing the cottage from site.
 8. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
 9. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, fencing materials, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
 10. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater.
 11. Approval is required for a Class 1 Food Premise in accordance with the Health (Food Hygiene) Regulations 1993.
 12. Noise emissions generated as a result of the operation of the premises are to comply with the assigned noise levels contained in the Environmental Protection (Noise) Regulations 1997 when measured at neighbouring properties at all times.
 13. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
 14. The applicant is to maintain at all times a licence to operate the premises as a "Child Care Premises" as required under the Children and Community Services (Early Childhood Care) Regulations 2006.
 15. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the issue of a building licence.
 16. No signs to be displayed in the road reserve at any time.

Committee Recommended Resolution:

The application for the renewal of planning approval for a Child Minding Centre on Lot 76 (58) Paterson Street, Mundijong be approved subject to the following conditions:

1. The maximum number of children on the premises at any one time shall not exceed 65.
2. Operating hours are to be restricted to a drop off time of no earlier than 7.00am and a pick up time of no later than 6.00pm Monday to Friday unless with the prior written approval of the Shire.
3. The right of way abutting the rear of Lot 76 Paterson Street shall be widened by 3.0 metres to allow for the widening of the right of way between Livesey Street and Richardson Street under the future Mundijong – Whitby Structure Plan. An endorsed

- diagram of survey should be issued by Landgate prior to the issue of a building licence.
4. Only materials identified in the schedule of colours, materials and finishes, submitted on 22 April 2005, are to be used in the construction of the Child Minding Centre unless the prior written approval of the Shire is obtained.
 5. Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of any proposed additional structures (including shade sails) shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.
 6. The vehicle parking area, accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
 7. Vehicle parking in association with the operation of the Child Minding Centre is not permitted on Paterson Street. All parking is to be contained on site.
 8. The provision of 6 on site car parking bays for the exclusive use of centre staff and shall be sign posted accordingly.
 9. The provision of 10 on site car parking bays for the drop-off or pick-up of children, marked as such and located as close as possible to the main entrance to the building.
 10. A minimum of one car parking bay to be provided and marked for the exclusive use of vehicles displaying an ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.8 metres.
 11. Traffic flow within the car parking area shall be restricted to one-way only with access via one separate crossover on Paterson Street (entry) and one crossover to Paterson Street (exit). The crossovers shall be sign posted to show entry and exit signs to the satisfaction of the Shire.
 12. Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Shire.
 13. Any outdoor security lighting be so located or shielded that no additional light is cast on adjoining residential land or so as to cause a distraction to traffic.
 14. Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being provided to store runoff from the roof of the Child Minding Centre. Such captured water to be used for the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.
 15. The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.
 16. Manufacturer's noise rating specifications or an Acoustic Consultants report must be submitted to the Shire's Manager Health and Ranger Services prior to the installation of air conditioning units, compressors, extraction systems or machinery likely to emit excessive noise.
 17. Only the trees shown in red on the approved site plan are to be removed unless the prior written approval of the Shire is obtained.
 18. A landscape plan must be submitted for approval by Director Strategic Community Planning, prior to the issue of a building licence. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed and existing trees and shrubs;

- b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
- Plants used to landscape the site shall comprise species indigenous to the Mundijong area or the south-west of Western Australia.
- 19. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
 - 20. Fencing between the outdoor play areas and any adjoining residential property and along the rear boundary shall be a minimum standard of masonry constructed with a minimum height of 2.0 metres measured from the finished ground level within the outdoor play area. Details to be submitted with the building licence application.
 - 21. Fencing between car parking areas and any adjoining residential property shall be a minimum standard of masonry fencing with a maximum height of 1.2 metres for the first six metres from the front boundary, then a maximum height of 1.8 metres to the edge of the outdoor play area. The side boundary fence for the first six metres from the front property boundary shall be open style fencing only. Details to be submitted with the building licence application.
 - 22. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3.0 metres of a vehicular accessway unless such wall or fence is constructed with a 3 metre truncation.
 - 23. No front fencing is permitted.

Advice Notes:

- 1. For the Shire to licence and register the food preparation area of the proposed centre the applicant is required to:
 - a) Make an application for the registration of a food handling premises and licence to conduct the same and will be registered as a Class 1 Food Premises, as defined in Schedule 3 of the Health (Food Hygiene) Regulations 1993;
 - b) Complete a Food Premises Notification Form as required under Standard 3.2.2 Food Safety Practices and General Requirements of the Food Safety Standards and will be classified as a High Risk Food Premise.
- 2. To facilitate the hygienic design, construction and fit-out of the food handling and storage sections of the centre, the applicant is required to submit the following premises and operational details with the building application:
 - a) Three copies of a floor plan scale 1:100 for all the food handling and associated storage areas identifying all equipment fixtures, fittings and finishes as per the Australian Standard AS 4674 – 2004 Design, Construction and Fit-out of Food Premises; and
 - b) Details of proposed range of foods to be served or a copy of a typical menu.
- 3. The applicant is advised to submit a food safety plan or procedure manual outlining safe food handling practices and procedures.
- 4. It is recommended that the applicant consider an Aerobic Treatment Unit with subsurface and or below ground irrigation. The below ground and subsurface irrigation systems have reduced separation distances to boundaries and structures and may also provide some reductions to water usage if located under lawns and or garden beds. Please contact the Environmental Health Services section for further information.
- 5. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
- 6. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development.
- 7. A demolition licence for the removal of the existing cottage is to be obtained prior to removing the cottage from site.
- 8. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a

- building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
9. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, fencing materials, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
 10. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater.
 11. Approval is required for a Class 1 Food Premise in accordance with the Health (Food Hygiene) Regulations 1993.
 12. Noise emissions generated as a result of the operation of the premises are to comply with the assigned noise levels contained in the Environmental Protection (Noise) Regulations 1997 when measured at neighbouring properties at all times.
 13. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
 14. The applicant is to maintain at all times a licence to operate the premises as a "Child Care Premises" as required under the Children and Community Services (Early Childhood Care) Regulations 2006
 15. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the issue of a building licence.
 16. No signs to be displayed in the road reserve at any time.

Committee Note: The Officer Recommended Resolution was changed to modify Condition 21 to read "masonry fencing" instead of "powder-coated coloured metal sheeting". The side boundary fence for the first six metres from the front property boundary was also required to be open style fencing only.

SD074/03/08 COUNCIL DECISION:

Moved Cr Kirkpatrick (proforma), seconded Cr Harris

The application for the renewal of planning approval for a Child Minding Centre on Lot 76 (58) Paterson Street, Mundijong be approved subject to the following conditions:

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4. **Only materials identified in the schedule of colours, materials and finishes, submitted on 22 April 2005, are to be used in the construction of the Child Minding Centre unless the prior written approval of the Shire is obtained.**
5. **Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of any proposed additional structures (including shade sails) shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.**
6. **The vehicle parking area, accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.**

7. **Vehicle parking in association with the operation of the Child Minding Centre is not permitted on Paterson Street. All parking is to be contained on site.**
 8. **The provision of 6 on site car parking bays for the exclusive use of centre staff and shall be sign posted accordingly.**
 9. **The provision of 10 on site car parking bays for the drop-off or pick-up of children, marked as such and located as close as possible to the main entrance to the building.**
 10. **A minimum of one car parking bay to be provided and marked for the exclusive use of vehicles displaying an ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.8 metres.**
 11. **Traffic flow within the car parking area shall be restricted to one-way only with access via one separate crossover on Paterson Street (entry) and one crossover to Paterson Street (exit). The crossovers shall be sign posted to show entry and exit signs to the satisfaction of the Shire.**
 12. **Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Shire.**
 13. **Any outdoor security lighting be so located or shielded that no additional light is cast on adjoining residential land or so as to cause a distraction to traffic.**
 14. **Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being provided to store runoff from the roof of the Child Minding Centre. Such captured water to be used for the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.**
 15. **The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.**
 16. **Manufacturer's noise rating specifications or an Acoustic Consultants report must be submitted to the Shire's Manager Health and Ranger Services prior to the installation of air conditioning units, compressors, extraction systems or machinery likely to emit excessive noise.**
 17. **Only the trees shown in red on the approved site plan are to be removed unless the prior written approval of the Shire is obtained.**
 18. **A landscape plan must be submitted for approval by Director Strategic Community Planning, prior to the issue of a building licence. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) **The location, name and mature heights of proposed and existing trees and shrubs;**
 - b) **Any lawns, paved areas, decks, water features, shade structures and the like to be established; and**
 - c) **Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.**Plants used to landscape the site shall comprise species indigenous to the Mundijong area or the south-west of Western Australia.**
19. **Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.**
20. **Fencing between the outdoor play areas and any adjoining residential property and along the rear boundary shall be a minimum standard of masonry**

- constructed with a minimum height of 2.0 metres measured from the finished ground level within the outdoor play area. Details to be submitted with the building licence application.
21. Fencing between car parking areas and any adjoining residential property shall be a minimum standard of masonry fencing with a maximum height of 1.2 metres for the first six metres from the front boundary, then a maximum height of 1.8 metres to the edge of the outdoor play area. The side boundary fence for the first six metres from the front property boundary shall be open style fencing only. Details to be submitted with the building licence application.
 22. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3.0 metres of a vehicular accessway unless such wall or fence is constructed with a 3 metre truncation.
 23. No front fencing is permitted.

Advice Notes:

1. For the Shire to licence and register the food preparation area of the proposed centre the applicant is required to:
 - a) Make an application for the registration of a food handling premises and licence to conduct the same and will be registered as a Class 1 Food Premises, as defined in Schedule 3 of the Health (Food Hygiene) Regulations 1993;
 - b) Complete a Food Premises Notification Form as required under Standard 3.2.2 Food Safety Practices and General Requirements of the Food Safety Standards and will be classified as a High Risk Food Premise.
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 - b) Details of proposed range of foods to be served or a copy of a typical menu.
3. The applicant is advised to submit a food safety plan or procedure manual outlining safe food handling practices and procedures.
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5. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
6. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development.
7. A demolition licence for the removal of the existing cottage is to be obtained prior to removing the cottage from site.
8. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
9. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including

- pavement type, fencing materials, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
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 12. Noise emissions generated as a result of the operation of the premises are to comply with the assigned noise levels contained in the Environmental Protection (Noise) Regulations 1997 when measured at neighbouring properties at all times.
 13. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
 14. The applicant is to maintain at all times a licence to operate the premises as a “Child Care Premises” as required under the Children and Community Services (Early Childhood Care) Regulations 2006
 15. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the issue of a building licence.
 16. No signs to be displayed in the road reserve at any time.
 17. The applicant be advised that if the development is not substantially commenced within a two year period, future renewal of the approval may not be granted.

CARRIED 9/0

Council Note: The Committee Recommended Resolution was changed by removing the words ‘government issued’ from condition 10 and replacing it with ‘ACROD issued’ in relation to disabled parking permits and adding Advice Note 17 to state that the applicant be advised that if the development is not substantially commenced within a two year period, future renewal of the approval may not be granted.

Cr Geurds declared an interest of impartiality in item SD075/03/08 as he previously sold this property and left the meeting at 7.14pm.

SD075/03/08 PROPOSED REMOVAL OF TREES – LOT 221 (2) AQUANITA RISE, DARLING DOWNS (P06920/01)		
Proponent:	Daniel Kennedy	In Brief The applicant seeks planning approval for the removal of two (2) trees within the Building Exclusion Zone on the property. It is recommended that approval be granted for the removal of one (1) tree only.
Owner:	As Above	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	6 March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 5 November 2007
 Advertised: No
 Submissions: NA
 Lot Area: 0.4011 ha
 L.A Zoning: Rural Living A
 MRS Zoning: Rural
 Byford Structure Plan: NA

Rural Strategy Policy Area: Rural Living A
Rural Strategy Overlay: NA
Municipal Inventory: NA
Townscape/Heritage Precinct: NA
Bush Forever: NA
Date of Inspection: 20 February 2008

Background

The applicant seeks planning approval for the removal of two (2) trees within the building exclusion zone on Lot 221 Aqanita Rise, Darling Downs.

As part of the application to Council, the applicant states:

I would like to ask permission to remove the two trees within the building exclusion zone and for building to be permitted within this zone. This zone extends over half the width of the block.

It is very difficult to build a north facing house outside of the exclusion zone. To build a house in front (north) of this zone would have to front of the house very close to the edge of the block at Aqanita Rise. To build a house to the rear (south) of this zone would result in very little space available for a shed and pool due to the close proximity of the larger building exclusion zone at the rear of the property.

There are only two trees located within the smaller exclusion zone, both of which are proposed to be removed.

A copy of the location plan is with attachments marked SD075.1/03/08

A copy of the site plan showing the location of the two trees proposed to be removed by the applicant is with attachments marked SD075.2/03/08

Sustainability Statement

Effect on Environment: The proposal to remove the trees within the smaller building exclusion zone will have an effect on the environment by virtue that two trees are proposed to be removed. It is difficult to build a dwelling on the property outside of both exclusion zones and is therefore considered that either some vegetation within the smaller exclusion zone or the larger rear exclusion zone will need to be removed. The rear exclusion zone includes three (3) Marri trees that provide essential habitat for Red-Tail, Black and Baudin Cockatoos and therefore any removal of vegetation in this area would not be supported. The removal of one tree within the small exclusion zone is considered to be the best environmental outcome whilst still providing additional area for the applicant within which to build.

The applicant proposed to plant a large number of native plants on the block once a building licence is issued for the dwelling. This will help improve the environmental characteristics of the site.

Resource Implications: It is considered that by allowing a tree within the exclusion zone to be removed that the future dwelling can be built facing north, along an east-west axis, maximising the use of solar energy.

Economic Viability: The proposal will result in the removal of biodiversity from the property, but is considered essential if the applicant is able to construct a dwelling. This removal may be partially off set by the planting of native vegetation across the lot by the applicant.

Social – Quality of Life: An approval to remove one tree, as per the officer recommendation, will not impact on any adjoining neighbours and will allow the applicant to construct a dwelling on his property, thereby improving his quality of life.

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

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

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

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

2. Environment

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation was not required to be undertaken for this application.

Comment:

TPS 2

Under Council's Scheme, Special Provision No.2 for the Marri Fields Estate (RLA21) states:

No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate or landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the permitted or discretionary uses identified under special provision 1.

The applicant has complied with the above provision as is seeking approval from Council to remove the trees for the purpose of constructing a dwelling on the property.

Further, with specific reference to vegetation within the building exclusion zones, Special Provision No.2 for the estate states:

Notwithstanding special provision 2, vegetation within the areas designated as 'Strategic Revegetation' and/or 'Building Exclusion' on the endorsed Subdivision Guide Plan are not permitted to be removed. This strictly includes the 13 Marri (Eucalyptus calophylla) trees identified across the subject land as significant in the feeding cycle of the Red-Tail, Black and Baudin Cockatoos (Calyptorhynchus

funereus latirotris). Lots which contain these trees, or any areas of 'Strategic Revegetation' and/or 'Building Exclusion' are to have a suitable notification placed on the certificate of title (prior to creation) advising of this requirement to the satisfaction of the Council.

Although the scheme states that no vegetation within the building exclusion zones are permitted to be removed at all, it is considered that some of the exclusion zones need to be more flexible to allow owners to build on their property.

Marri Fields Estate - Building Exclusion Zones

The building exclusion zones for the Marri Fields Estate, within which the subject property is located, were determined at the time of subdivision. The intent of the exclusion zones is to help preserve the vegetation that is considered to be the most worthy of retention. However, it is acknowledged that not all exclusion zones are workable when it comes to building on the property.

As the applicant stated, the location of the smaller exclusion zone makes it difficult for a dwelling to be built on the property, without it being pushed up next to Aquanita Rise or extending into the rear exclusion zone. The rear exclusion zone cannot be touched at all, as it contains three (3) of the thirteen (13) Marri trees from which the estate gained its name.

A copy of the site plan showing the location of the building exclusion zones and the three (3) Marri Trees is with attachments marked SD075.3/03/08

A photo of the two trees is with attachment SD075.4/03/08

As the applicant has to build outside of the rear exclusion zone, the location of the smaller exclusion zone makes it very difficult for a dwelling to fit on the property. The applicant has supplied a working site plan of the property to give an indication of the dwelling that is proposed to be built on the lot.

A copy of the site plan showing location of proposed dwelling & existing building exclusion zones is with attachments marked SD075.5/03/08

In keeping with sustainable development and solar orientation principles, the proposed dwelling is to be located on an east-west axis and will face north to maximise the effect of winter sun. In order to build entirely outside both exclusion zones it is considered that the dwelling would have to be rotated to run north-south, with the long section of the dwelling facing east and west. This orientation would not be supported.

A site visit to the property indicated that only one (1) tree, closest to the proposed residence, would need to be removed in order for the dwelling to fit on the land. There is no need for both trees to be removed as agreed to by the applicant on site. By removing this one tree (shown as tree 1 on the site plan), the proposed dwelling could be moved approximately 7.0 metres north, providing enough room between the dwelling and the rear exclusion zone for further developments (eg shed and pool).

It is therefore recommended that approval be granted for the removal of one (1) tree only.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for the removal of trees on Lot 221 Aquanita Rise, Darling Downs be approved subject to the following conditions:

1. This approval is for the removal of tree number 1 only, as identified in red on the attached site attached to and forming part of this approval.
2. Felled trees are not permitted to be burnt and are to be disposed of in an environmentally sustainable manner such as mulching.

Advice Notes

1. The applicant is advised that any hollowed logs shall be retained on site for the purpose of maintaining wildlife habitats.
2. The Shire advises that no approvals will be issued for any development within the rear exclusion zone on the subject property or for the removal of any further vegetation.

SD075/03/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Twine, seconded Cr Murphy

The application for the removal of trees on Lot 221 Aquanita Rise, Darling Downs be refused for the following reasons:

1. It involves the removal of two trees from the designated front building exclusion zone.
2. It would adversely impact the amenity of the area through removal of significant mature trees.

Advice Notes:

1. Council formed the view that the removal of only one tree, would likely result in the death of the second nearby tree. Therefore the application for removal of any trees was refused.
2. The Shire advises that no approvals will be issued for any development within the rear exclusion zone on the subject property or for the removal of any further vegetation.

CARRIED 8/0

Committee Note: The Officer Recommended Resolution was changed to refuse the removal of trees on Lot 221 Aquanita Rise, Darling Downs as it would adversely impact upon the amenity of the area through removal of significant mature trees.

Council Note: The Committee Recommended Resolution was changed to remove the word 'As' from the first reason for refusal. The Presiding Member considered this to be a minor change which did not affect the intent of the Committee Recommended Resolution.

Cr Geurds returned to the meeting at 7.16pm.

SD077/03/08 PROPOSED AUTOMOTIVE VEHICLE WASH – LOT 22 SOUTH WESTERN HIGHWAY, BYFORD (P00011/05)		
Proponent:	Planning Solutions (Aust) Pty Ltd	In Brief The applicant seeks approval for an Automotive Vehicle Wash on the Caltex Service Station site in Byford. It is recommended that the application be refused.
Owner:	Bazan Pty Ltd	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	10 March 2008	
Previously	SD064/12/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 16 August 2007
 Advertised: Yes
 Submissions: Yes
 Lot Area: 0.6448 ha
 L.A Zoning: Urban Development and No Zone
 MRS Zoning: Urban
 Byford Structure Plan: NA
 Rural Strategy Policy Area: NA
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: December 2007

Background

A previous application for an 'Automotive Vehicle Wash' on the same site was considered by the Sustainable Development Committee at its meeting of 12 December 2006. At this meeting it was resolved as follows:

“SD064/12/06 Committee Decision/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Scott

The application for a proposed Automotive Vehicle Wash on Lot 22 South Western Highway, Byford be refused for the following reasons:

1. *The applicant has provided insufficient information with respect to the capacity of the site to adequately cater for the disposal of waste water on site.*
2. *The applicant has not demonstrated that the site is able to cope with the projected volumes of waste water for the proposed development without a direct connection to the deep sewerage network.*

CARRIED 7/0”

Sustainability Statement

Effect on Environment: The application proposes to recycle a majority of the waste water from the development to minimise impacts on the existing drainage system and surrounding

environment. The waste water is proposed to be stored in underground storage tanks and discharged onto the landscaped areas within the development.

The location of the proposed automotive vehicle wash will necessitate the removal of a number of significant gum trees on the property.

Resource Implications & Use of Local, renewable or recycled Resources: Locally available resources may be utilised in the construction of the car wash.

Economic Viability & Benefits: The proposal will incorporate a significant amount of water recycling.

Social – Quality of Life: The proposal will provide a service to the community that is not currently available. However, the proposal will also impact on existing and future residents by way of noise.

Statutory Environment:

Planning & Development Act 2005
Town Planning Scheme No.2 (TPS 2)
Byford Detailed Area Plan
Environmental Protection (Noise) Regulations 1997

Policy/Work Procedure Implications:

Department of Water 'Water Quality Protection Note'

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The application was referred to adjoining landowners for comment. Two submissions were received.

Affected Property	Summary of Submission	Officer's Comment	Action
A307702	<p>Objects to one aspect of the proposal:</p> <p>Positioning of the underground treatment tank appears to be too close to the boundary of Lot 21 and could possibly cause damage to existing buildings or hinder any future development at the rear of Lot 21. We suggest that the underground tank be located a minimum of 3.0 metres from the boundary.</p>	<p>It is considered that the location of the underground tank is suitable for this proposal, subject to it being suitably designed and certified by a qualified engineer that it will not impact on adjoining land or buildings.</p>	<p>Comments noted.</p>
A273800	<p>Supports the proposal in principle as it will add considerably to the amenity of the area. Has concerns with the following components of the proposal:</p> <p><u>Waste Water Disposal</u> A significant part of the landscaped area, for waste water disposal, is located in shaded areas. Combined with clay type soil and high water table, much of this area will be constantly wet or saturated. This is not desirable as the saturated soil area is located adjacent to the footings of the industrial unit walls to the east.</p> <p>Although there will be an increase in the usage of existing facilities, no additional toilet facilities are proposed putting pressure on existing effluent disposal systems.</p> <p>The report does not detail how the site will cope after the three year</p>	<p>Council officers have had some concerns over the size of the existing irrigation area and its ability to cope with the amount of waste water discharged into it. With the proposed extension to the irrigation area to cater for the increase in waste water, Council Officers can conditionally support the waste water disposal methodology.</p>	<p>Comments noted.</p> <p>Appropriate conditions could be imposed to address these concerns if the application is approved.</p>

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>period or if predicted patronage numbers increase.</p> <p><u>Landscaping</u> As a lot of the landscaped areas will be saturated from waste water, plants that have a high water requirement should be used in the landscaping.</p> <p><u>Noise Impacts</u> We note that residences along Nettleton Road to the east were not acknowledged in the application. We believe that the 7m high walls of our industrial units will help shield any noise from the proposed development.</p> <p>Our concerns about the proposal would disappear if the site was connected to reticulated mains sewerage.</p>	<p>If the application is approved, a landscaping plan requirement will be imposed as a condition of approval to address this matter.</p> <p>Information as provided in the Noise Impact Assessment details that the proposal will negatively impact on existing and future surrounding residences by way of noise.</p> <p>The applicant has sufficiently demonstrated how waste water can be catered for on site. Although a connection to sewer would be preferable, it is not viable or practical at this time as the nearest mains sewer is distant to the site.</p>	

Comments from Government Agencies

Main Roads WA (MRWA)

The application was referred to MRWA for comment as the subject site abuts South Western Highway (Primary Regional Road). And they advise:

The proposed development is acceptable to Main Roads subject to the following conditions being imposed:

1. *No earthworks shall encroach onto the South Western Highway reserve.*
2. *No stormwater drainage shall be discharged onto the South Western Highway reserve.*
3. *All vehicle access shall be restricted to the existing driveway.*
4. *No development, other than landscaping or car parking shall be permitted on the land shown required for future road purposes on the enclosed extract of Main Roads drawing 8321-29-2.*
5. *The applicant shall make good any damage to the existing verge vegetation within the South Western Highway reservation.*
6. *Redundant driveways shall be removed and the verge and its vegetation made good at the applicants cost.*

Comment:

The subject application proposes the installation of an 'Automotive Vehicle Wash' use, ancillary to the existing 'Service Station' use, and involves the installation of vehicle washing equipment and facilities with associated landscaping.

The development proposes the construction of automotive washing facilities consisting of four drive-in 'wash bays' with hand held user operated washing facilities and one drive in 'automatic wash bay' which will incorporate automatic vehicle washing machinery. The facility will also incorporate an associated plant room containing maintenance equipment and machinery, and an office. Additionally, three separate freestanding 'vacuum bays' will be installed as well as associated parking and landscaping.

A copy of the site and development plans is with attachments marked SD077.1/03/08 & SD077.2/03/08

Statutory Context

Metropolitan Region Scheme (MRS)

The majority of the subject site is zoned 'Urban' under the provisions of the MRS. An irregular portion of Lot 22 fronting South Western Highway, in the north western corner of the site is shown as a Primary Regional Roads reservation. In terms of the reservation, Main Roads WA has advised that it will not be resumed until funding is available for improvements to South Western Highway. No funds have been identified for the next four years.

TPS 2

A majority of the site is zoned 'Urban Development' under TPS 2. The proposed use is classified as 'Automotive Vehicle Wash' under the scheme which is defined as follows:

Automotive Vehicle Wash – means a building or portion of a building wherein vehicles are washed and cleaned by or primarily by mechanical means.

The proposed use fits the definition as the washing facilities are primarily mechanical, even those that involve some requirement for human operation.

In terms of the permissibility of uses within the Urban Development zone, Clause 5.18.7.3 of Council's TPS 2 states the following:

"Council may approve the development or use for other than a single house within the 'Urban Development' zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:

- a) *the preparation of a Structure Plan for, or*
- b) *the orderly and proper planning of, or*
- c) *the health, amenity, safety or convenience of the future occupants of,*

the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3"

Although the subject property is not covered by the adopted Byford Structure Plan, it is considered that the proposed development would not negatively impact on the preparation of any other structure plan that may cover the site. However, it is considered that as the proposal does not comply with b) or c) above, as the noise produced by the development is likely to impact on future residents and the surrounding environment.

The site is also located within character area K under the Byford Townsite Detailed Area Plan which contains specific building and development guidelines for the area south of

Nettleton Road. These guidelines need to be followed for any proposal on the subject site if the development was to be approved.

Report from Environmental Health Team

Environmental Impacts

Waste Water

The waste water disposal information that was submitted as part of the original application did not satisfy Council requirements for a number of reasons. The original proposal could not guarantee that there is enough capacity on the site to adequately address both water quality and quantity issues affecting both the existing and proposed development, without there being adverse water quality or public health outcomes. Essentially, without a connection to sewer, the site could not cater for the projected volumes of waste water produced from the proposed development. As such, the applicant was requested to provide additional information detailing how the proposed increase in waste water could be disposed of on site. This further information was received on 27 February 2008.

Supplementary Information

The application proposes to dispose of the waste water from the development into the proposed landscape areas around the automotive vehicle wash. This will be achieved by extending the existing irrigation area into the automotive vehicle wash landscaped area and increasing the disposal area of the existing effluent disposal system.

The application proposes to use a recycling system to reduce the amount of waste water discharging from the automotive vehicle wash into the onsite irrigation area. To ensure that the discharge of the automotive vehicle wash waste water does not adversely affect the disposal of the effluent from the existing system, a soil moisture monitor is proposed to be installed. This soil moisture monitor will be designed to stop the discharge from the automotive vehicle wash entering the irrigation area when the soil moisture reaches a predetermined level. When the soil moisture reaches this set level, the waste water will be diverted into to an 18,000L storage tank. This tank will then be pumped out as required. Council's Asset Services department have expressed concerns with regard to the monitoring ability of this equipment, and the ability of the system to then re-direct the water appropriately to the storage tank. It is considered that the applicant has provided enough information to demonstrate that this process can work efficiently, although the pumping out of the tanks will be required more often through the winter months when the soil reaches its maximum moisture level at a faster rate.

The application states that water from the automotive vehicle wash is to be recycled and will produce a total discharge of 616L per day in the first year, increasing to 1,232L in the third year. The application originally shows that these calculations are based on the total water discharge from both the automatic and self serve bays. However, the accompanying diagrams and supplementary information to support these calculations are based on the recycling of water from the automatic bay only. Therefore, there is confusion over whether the amount of waste water discharged as mentioned in the report refers to all bays in the vehicle was or to the automatic bay only. If the recycling of waste water is only for the automatic bay, then the total daily discharge of waste water on site has been calculated at 2,656L.

Officer Comment

Council Officers have previously had some concerns over the size of the existing irrigation area and its ability to cope with the amount of effluent discharged into it. However, through the provision of the supplementary information to help address these concerns, specifically the details on the size of the irrigation area compared to the amount of waste water, the

changes to the waste water management of the proposed automotive vehicle wash is supported in principle by Council's Health Services department.

Although there is discrepancy over the actual amount of waste water that is to be discharged into the irrigation area, 1232L versus 2656L, Council's Health Services department have indicated that even the higher amount of waste water can be accommodated on site. This would obviously require the tanks to be pumped out at more regular intervals as it is calculated that the tank would fill in less than a week, depending on the soil moisture level of the irrigation area.

Health Services have requested that further information be submitted to clarify the exact amount of waste water that will be produced from the automotive vehicle wash. Regardless of the amount of waste water that is produced, approval will still be required from the Department of Health for extensions to the existing effluent disposal system. In summary, the proposed management practice of the waste water disposal is supported subject to clarification on the exact amount of waste water produced and approval from the Department of Health.

Noise

A site specific Noise Impact Assessment (NIA) prepared by Lloyd Acoustics for the proposed automotive vehicle wash was received on 8 November 2007. Further information and clarification was requested from the acoustic consultant regarding predicted noise contours, the noise criteria under the Environmental Protection (Noise) Regulations 1997 and the adjustment and application of these criteria. A supplementary report, clarifying the above, was received on 7 December 2007. From the information contained within the NIA and the subsequent supplementary report, it was shown that the automotive vehicle wash was unlikely to be able to comply with the Regulations.

The NIA demonstrated that the noise emissions from the proposed automotive vehicle wash will project across Nettleton Road to the north and predicted noise levels will significantly exceed calculated assigned noise levels for residential premises. The subject land to the north of the automotive vehicle wash site (Lot 2 South Western Highway) is zoned Urban Development and residential development is likely to occur in the near future.

Although the layout of this development is unknown, the acoustic consultant has offered a site plan within the NIA, with examples of where lots may be placed. Two existing residences, one on South Western Highway and one on Soldiers Road (R1 & R2) and three assumed residences (R3, R4 & R5) have been shown on the site plan. The assigned levels and influencing factors for each have been calculated, dependant on proximity to major roads (South Western Highway) and the existing light industrial area.

A copy of the site plan showing the location of these five (5) receivers is with attachments marked SD077.3/03/08

From the above calculations, the noise data and contours show that without any controls, some of these residences (R2-R5) would potentially be exposed to noise levels of up to 13dB(A) above assigned levels. The acoustic consultant recommends several noise control measures, including equipment insulation and roller doors on the automatic bay, which would reduce the emissions from the automotive vehicle wash equipment. With these controls, exceeded noise levels are still received at R3-R5, although reduced at R3 & R4.

In the NIA it is noted that the assigned levels for noise from the automotive vehicle wash *"have been reduced by 5dB since existing industries result in an exceedance and a new industry cannot significantly contribute to this exceedance"*. The acoustic consultant has suggested that if the existing industry reduced its noise output, the 5dB(A) reduction would not be necessary and there would be only a marginal exceedance at R3 and compliance at R4. Using the assumed locations for the residences on Lot 2, the consultant has also suggested that it is likely that R3 and R4 will have boundary fencing, which will provide up to

7-8dB(A) reduction in noise, therefore achieving compliance irrespective of existing industry noise levels.

Under the assumed development layout in the NIA, a boundary fence at R5 is unlikely to be of any acoustic benefit and therefore, even with noise control measures, would still be exposed to noise levels up to 12dB(A) above the calculated assigned level. It is noted in the NIA, that to achieve a 12dB(A) reduction, a 6m high wall would be required along a portion of the northern boundary of the automotive vehicle wash lot. However, this is not a practical solution. In the NIA it is suggested that a 2.7 metre wall, which is more practical, would achieve a reduction of 7dB(A). The acoustic consultant has further suggested that if the existing industry was to reduce its noise emissions (removing the 5dB(A) reduction of assigned levels), combined with the 7dB(A) reduction from the 2.7 metre wall, then compliance would be achieved at R5.

At the conclusion of the NIA, the comment is made that the above noise measurements and controls are calculated to achieve compliance with the Regulations at all locations, other than R5, irrespective of the noise from existing industry. It is stated that at R5, compliance can only be achieved if the existing industry reduces its noise output and that this is likely to be required as the noise emissions exceed the assigned levels at existing residences. It is also suggested in the NIA that, as part of the development of Lot 2, *“houses adjoining Nettleton Road will need to be built to a higher acoustic standard to provide a satisfactory internal noise level”*.

Officer Comment

With the recommended control measures, the equipment insulation, roller doors and 2.7 metre wall, compliance is achieved at most locations on Lot 2. However, there is still one assumed location where compliance cannot be achieved. In the NIA, the consultant has indicated that the only way that compliance can be achieved is through existing industry reducing its noise emissions and by assuming the orientation and layout of the future development on Lot 2 South Western Highway.

It is not a part of this application process to assess the noise levels of existing industry surrounding the proposed car wash site. Even so, the noise emissions of such are irrelevant. Regardless of the emissions of the existing industry, the 5dB(A) reduction of the assigned levels still apply to the proposed automotive vehicle wash. If there is more than one noise source contributing to the level of noise received by a premises, such as existing and/or future residences, that noise emission is considered to significantly contribute to the level of noise if it exceeds 5dB(A) below the calculated assigned level.

It is also not appropriate to restrict the design and layout of a residential subdivision on land already zoned Urban Development, to assist another premises in complying with statutory requirements. As the layout of the development on Lot 2 is unknown, orientation of future subdivided lots, and therefore fencing location, cannot be used as a noise control measure.

From the information provided in the NIA, it is demonstrated that the proposed automotive vehicle wash cannot comply with the assigned noise levels under the Regulations, measured at future residential premises on Lot 2 South Western Highway. The proposal cannot be approved subject to the actions of other land users, namely the developers of Lot 2 South Western Highway and irrespective of their actions, the responsibility to comply with the assigned levels belongs to the individual premises, that is, the proposed automotive vehicle wash.

It is recommended that the proposed automotive vehicle wash be refused as it cannot comply with the Environmental Protection (Noise) Regulations 1997.

Conclusion

There are two main issues that have been of concern for Council staff with respect to this application. Firstly, the disposal and catering of waste water on site and secondly, noise impacts on existing and future residents.

As there is no sewer connection to the property, the disposal of waste water is an important issue. The application for an Automotive Vehicle Wash on the subject property was refused in 2006 as it could not demonstrate how waste water could be disposed of in an environmentally sound manner. Since the time that the current application was lodged, the applicant has undertaken further studies to address this issue. It is the opinion of Council staff that the latest waste water management solution proposed by the applicant can be supported.

The NIA prepared by Lloyd Acoustics demonstrates that the proposed automotive vehicle wash cannot comply with the assigned noise levels as stipulated under the Environmental Protection (Noise) Regulations 1997, measured at the future residential site on Lot 2 South Western Highway. It is not reasonable to approve the application subject to surrounding properties, being required to comply with certain requirements. The application needs to be assessed on its own merits and whether or not it meets specific statutory and legislative requirements.

As the proposal does not comply with the Environmental Protection (Noise) Regulations 1997, it is recommended that the application be refused.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for a proposed Automotive Vehicle Wash on Lot 22 South Western Highway, Byford be refused for the following reasons:

1. The noise report submitted to Council indicates that the noise produced from the automotive vehicle wash will exceed assigned or maximum levels under regulation 8 of the Environmental Protection (Noise) Regulations 1997.
2. The proposal is considered detrimental to the amenity of the future occupiers of adjacent residential zoned properties, by reason of noise impacts arising from the proposed use of the land.

SD077/03/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

That item SD077/03/08 be deferred to the April Sustainable Development Committee meeting to allow further negotiations between the applicant, Council officers and the adjoining land owners.

Committee Note: The Officer Recommended Resolution was changed to defer the item to the April Sustainable Development Committee meeting to allow for further discussion on the proposal, prior to making a decision on the application.

CARRIED 9/0

SD079/03/08 USE OF OLD BUNNING'S MILL JARRAHDAL (P00576)		
Proponent:	Jarrahdale Community Association	In Brief To receive a progress report from the Jarrahdale Multi Purpose Facilities Working Group (JMPFWG) that has investigated the costs involved in refitting the Old Bunnings Mill Office to be utilized as a temporary Youth Centre
Owner:	Council	
Officer:	R. Brown - Community Development Officer	
Signatures Author:		
Senior Officer:	Suzette Van Aswegan, Director Strategic Community Planning	
Date of Report	March 2008	
Previously	CGAM039/11/07	
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

Council, at its meeting held on 26 November 2007, resolved the following:

That Council:

- 1) *Participate in the Jarrahdale Multi Purpose Facilities Working Group in order to investigate permanent locations for a youth centre.*
- 2) *Nominate two (2) Councillors to join with representatives of the Jarrahdale Community Association and a Community Development Officer on this existing sub group of the Jarrahdale Community Association (JCA); and ask that the group report back to the March 2008 meeting of the Corporate Governance & Asset Management Committee.*
- 3) *Until the sale of the land on which it stands, permit the use of the Old Bunnings' Mill Office as a temporary youth centre subject to funds being made available either through a budget review within this financial year or an allocation is approved as part of the 2008/2009 budget, which ever is the sooner, for the reinstatement of power and water supplies and any other modifications required for the building to be used for that purpose.*
- 4) *That Councillors Kirkpatrick and Twine are the two Councillors nominated to join in with the Jarrahdale Multi Purpose Facilities Working Group.*

CARRIED 10/0

As a result of Council resolution CGAM039/11/07, the Jarrahdale Multi Purpose Facilities Working Group was formed on 13 December 2007 with members as follows:

Community Representative /Chair Person	Melissa Matheson
Community Representative/Deputy Chairperson	Adrian Smith
Council Representative /Secretary	Sheila Twine
Council Representative	John Kirkpatrick
Community Development Officer	Robyn Brown

The JCA propose to maintain this working group for the duration of the project along with the addition of several other volunteers/positions to assist with activities and general daily management of the centre. These extra anticipated roles would be:

Roster Officer
Youth Representative

Property officer
Activities officer

A copy of the minutes from the 13 December meeting of the Jarrahdale Multi Purpose Facilities Working group is with attachments marked SD079.1/03/08 (E07/5600).

Sustainability Statement

Heritage and Culture: The Old Bunnings Mill Office is listed as a heritage building within a heritage precinct and is subject to Town Planning Scheme Number 2, Clause 5.16, "Jarrahdale Heritage and Townscape Policy for a Heritage Precinct.

Economic Viability: The initial and apparent ongoing costs would appear (at this stage) to make the refurbishment of this building very costly and perhaps uneconomic.

Economic Benefits: The proposal has the potential to provide training for youth which in turn can lead to employment opportunities.

Social – Quality of Life: The youth of Jarrahdale feel quite isolated from the rest of the Shire through physical separation. This proposal has the capacity to create youth networks that don't exist and engage the youth in worthwhile recreational and educational pursuits. It has the potential to engage the wider community through their volunteer involvement and it will also help to portray the youth in a positive image

Social and Environmental Responsibility: The proposal has the potential to engage the wider community through volunteer participation in the centre, general daily management and activity coordination.

Social Diversity: Through involvement of local youth, families and seniors in the development of the project and ongoing operation of the Youth Centre more understanding between the two groups will be achieved and hence the development of a more harmonious community.

Statutory Environment:

The Old Bunnings Mill Office is subject to Town Planning Scheme Number 2, Clause 5.16, "Jarrahdale Heritage and Townscape Policy for a Heritage Precinct.

This proposal will require a Development Application and a Building Application.

Financial Implications:

Council will incur considerable costs with the proposed Jarrahdale Youth Centre. See section entitled "Comments" for details of these costs.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

4. Promote info-technology and telecommuting opportunities.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Outcomes of the initial meeting of the JMPFWG on 13 December 2007:

- JMPFWG advised Shire Representative of the general enthusiasm and anticipation by locals who had willingly participated in a general tidy up of the premises.
- JMPFWG and Council representative anticipated much of the estimated costs could be secured by donation/in kind of materials or labour.
- Shire Representative advised JMPFWG of the need for an appointment of a Project Manager to oversee the project and that this person would need to be a registered builder. The services of this builder could be included in the overall costs as either in kind or actual fees. This would help overcome the human resource challenges currently experienced by the Shire.
- JMPFWG nominated David Richer as a “caretaker” Project Manager who could prepare a report on proposed improvements to the Old Bunnings Mill Office. JCA also understood the legalities/Shire requirement of obtaining a registered builder who could submit drawings/ plans required for Developmental, Building and Planning approval.

JMPFWG also met on 30 January 2008 to discuss the general management of a youth organization and to address issues such as public liability. This consultation is ongoing with the JMPFWG.

Comment:

Costs (as prepared by Shire officers) likely to be incurred to make the building safe to use for a youth centre will be as follows:

Connection of water	\$4,000
Power supply-Green Dome	\$8,000
Western Power connection	\$350
Repair of internal switchboard and wiring from green dome	\$9,088
Consultancy fee for Project Management (nominated builder/surveyor)	\$10,000
Recoating or replacement of asbestos roof (depending on further investigation)	\$2,000-\$10,500
Disabled access and modification of existing facilities	unknown

Sub Total 1 **\$33,088- \$41,938 (Approx)**

Shire Building/Planning Application costs

Building	\$105
Builders Registration	\$35
Building and Construction Industry Training Levy	\$66
Planning Application	\$123

Sub Total 2 **\$329**

Anticipated annual operating costs

Year 1

Electricity	\$800
Water	\$800
Grounds maintenance	\$3,000
Building maintenance (repairs, vandalism etc)	\$8,000

Sub Total 3 **\$12,600**

TOTAL ANTICIPATED COST FOR COUNCIL - YEAR ONE \$46,017- \$54,867(Approx)

Year 2

Electricity	\$1,200
Water	\$800
Grounds maintenance	\$4,000
Building maintenance (repairs, vandalism etc)	\$10,000

TOTAL ANTICIPATED COST FOR COUNCIL YEAR TWO \$16,000(Approx)

Ongoing annual operating costs as identified by JCA (to be paid by JCA)

Phone	\$360.00
Internet	\$480.00
Postage	\$100.00
Advertising	\$500.00
Police Clearances	\$480.00
Paper	\$ 80.00
Pens	\$ 50.00
Cartridges	\$250.00
Computer media	\$200.00
Light globes	\$100.00
Cleaning Products	\$200.00
Paint	\$300
Maintenance	\$5-\$10,000

TOTAL OPERATING COSTS PAYABLE BY JCA.....\$3,105- \$13,105

It was suggested by JMPFWG to reduce costs significantly it might be possible to use a overhead power connection to the building rather than a green dome/underground

connection. Asset Services advised that Western Power insisted on all new power connections being underground and that overhead connection only be considered for true “temporary” situations, such as a building site.

Health Services and Building Services Report:

Re: - Conversion of the Old Bunning’s Mills Office to a youth centre.

A site visit was undertaken by the Manager Building Services and the Manager Health and Ranger Services to ascertain the building’s suitability to have remedial works undertaken for a reclassification to be utilised as a temporary youth centre.

The building was previously used as an office; under the Building Code of Australia (BCA) such buildings are given a classification of “Class 5”. A building serving as a youth centre is by definition a Public Building, and under the BCA would be given a classification of “Class 9b”.

The building is approximately 100m² in total floor area, with the portion being designated for “public access” being approximately 56m².

The building is constructed having a timber frame (including floor, walls, and door frames) with a timber pergola to the front elevation.

The roof covering is asbestos. The internal cladding (wall) would appear to be asbestos also. Given the age of the building, this assumption is viable. The only concern will be in regard to as and when the building is removed from the site. It may be that testing be undertaken to ascertain whether the internal lining is in fact asbestos at this stage. Currently, it presents no immediate health risk.

There was no evidence of termite infestation, however the existing pergola is in a state of disrepair and remedial works will be required if it is to remain.

PCB’s (fluorescent lighting) was noted; however no concern, as the lighting complies with the requirements of the Public Building Regulations. An evaporative A/c unit was also noted in the main room.

Generally, the condition of the building is consistent with its age and with minor remedial works can be considered for occupation as a public building.

The above building will require some works to be undertaken to comply with the requirements of the Health (Public Buildings) Regulations 1992 (the regulations) and the Building Code of Australia (BCA). Please find these items listed below:

1. Electrical/ Wiring

- 1. All electrical works carried out on the building require a Certificate of Electrical Work (Form 5) to be provided to Council’s Health Services upon completion of the works;*
- 2. Electrical installations and residual current devices will be required to be regularly tested (in accordance with AS3760);*
- 3. Telephone exchange switches on south wall are currently exposed to the public and must be protected from access by the public;*
- 4. External areas of the building are required to be illuminated, in accordance with the regulations. There is currently provision for a light on the rear verandah of the building, however no external lighting is provided to the external sanitary convenience or the front entry of the building;*

2. Exit/ Egress

- 1. At least one (1) door is to be a designated exit, with an exit sign to be installed and maintained in accordance with AS2293;*

2. *Currently both external doors in the building open inwards. Designated exit doors are required to open towards the direction of egress and at least one (1) door will be required to be re-hung;*
 3. *Latches on designated exit doors require a single action release mechanism. Currently the front and rear doors of the building are fitted with automatic deadlatches with twist knob and do not comply with the BCA;*
3. *Ventilation/ Heating*
1. *The existing evaporative air-conditioning system is required to be maintained in accordance with AS1668.2;*
 2. *The cast iron wood heater existing in the premises does not comply with the requirements of the regulations. This heater cannot be used in the premises and must be rendered ineffective prior to the building's use as a public building;*
4. *Sanitary facilities*
1. *Two (2) sanitary facilities currently exist on the premises. These facilities will require signs to indicate gender;*
 2. *As stated in 1.4 above, external lighting is to be provided to the external sanitary facilities;*
5. *Fire precautions*
1. *All fire extinguishers on-site are to be maintained in accordance with AS1851.1;*

As Council needs to consider this report in the context of the larger picture – ie how this proposal fits into strategic planning for community facilities and services across the shire – the following points are offered for consideration.

- Potential safety /health issues

It is highly likely some vandalism will occur once the Youth Centre commences and as the roof is constructed from asbestos with a strong possibility of the external and internal walls also being constructed of asbestos, a serious threat to the health of the user group and wider community is foreseen when damage occurs. This needs to be further investigated to address costs and potential risk to the Shire.

This building is in a “temporary” location as it is situated on Shire land that will be sold. Not only are there high costs involved but also strict planning guidelines.

- Bruno Gianatti Hall

Modifying/fitting out Bruno Gianatti Hall storeroom for computer/training/meeting use by youth/seniors and wider community was investigated by a few members of the original JMPFWG in 2007 as a means of making this facility more user-friendly and a true Multi Purpose Facility.

This proposal involve removing the chairs to a garden shed situated on the west side of the building, adjacent to the kitchen and fitting out the store room with a dropped ceiling, powerpoints and phone connection. A quote for \$15 000 was provided in 2007 to divide the store room into a consulting room and general room. Another quote of \$30 000 was also provided to build a brick multi purpose room in the “missing” south east corner of the complex. This would compliment the whole building and further increase its multi purpose use for the community.

The suggested expenditure is in alliance with the Draft Serpentine Jarrahdale Community Facilities and Services Plan to 2020 (CFSP), February 2008, which at this stage is recommending the upgrade of Bruno Gianatti Hall in 2010 through an allocation of \$88,510.

- Byford Youth Facility:

Given the current population explosion in Byford there is an urgent need to provide a youth/multi purpose centre in Byford. There is a funding assisted allocation of \$10 000 in 2007/2008 budget to enable this facility to be used by seniors and youth. It would also enhance a Council asset, as other groups could also make use of this facility. There is evidence from new suburbs, such as Ellenbrook, of a need to assist youth in basic needs such as food, develop social skills and provide facilities/programs that will prevent boredom because of the financial and emotional strain experienced by parents in a “mortgage belt”.

Council needs to consider developing facilities timely in Byford to avoid potential youth anti social behaviour, despite the recommendation in the CFSP Draft report February 2008, recommending a youth centre be built in Byford in 2016 with a estimated costing of \$1.3mil. Although Council has allocated \$10,000 in the 2007/2008 budget, this amount will not cover human resources needed to provide the youth programs.

- Mundijong Youth Facility:

The Shire has been recently approached by a group of parents looking to establish a youth Centre in Mundijong and have asked for help to initially locate a building suitable for this group. They also require help with the establishment and set up of the management group. Council will also be asked in the near future for some financial assistance to help assist this emerging group and to possibly provide a Council facility. It should be noted the Draft CFSP Report (February 2008) recommended a youth centre be built in Mundijong in 2014 at an estimated cost of \$899,000. The pressure to develop youth centres in both Byford and Mundijong will build immensely in the near future.

- Current budget allocation:

There is currently \$10 000 (unspent) in the account JHP 730. This was allocated for connection of power and water (by Asset Services) in the current 2007/2008 budget.

At this stage the JMPFWG group has only addressed the costs involved to refit the Old Bunnings Mill Office in the current location of Lot 200 and Lot 801, Jarrahdale Road, Jarrahdale (as per resolution item number 3) and has not had time to look at:

- Possible alternative sites for the existing building; and
- Costs of relocation of the existing building.

A number of technical officers will be required to spend time addressing these issues in the future.

Conclusion:

Although there are several possibilities that Council can consider for this project, officers are extremely concerned about the safety and health issues associated with using this facility for a youth purpose.

It is strongly advised to defer occupancy of this proposed Youth Centre until officers can further investigate options, including health and safety and the risk of public liability associated with the project.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That:

1. Council receives the March 2008 Progress report from the JMPFWG and officers.
2. The proposal to reinstate power, water and other modifications at the Old Bunnings Mill Office be deferred until further officer investigation into the presence of and risks associated with asbestos located in a building to be used for youth purposes.
3. Technical officers be assigned the task to investigate the feasibility of relocating the building to another site.
4. Officers report to be presented in June 2008 Sustainable Development Committee meeting.

During debate Cr Kirkpatrick foreshadowed that he would move that this item be deferred if the motion under debate is defeated.

Committee Recommended Resolution:

That item SD079/03/08 be deferred to April Sustainable Development Committee meeting, to allow consultation between the Acting Chief Executive Officer, Council Officers, Ward Councillors and representatives of the Jarrahdale Community Association prior to the report being presented back to Sustainable Development Committee.

Committee Note: The Officer Recommended Resolution was changed to defer the item to the April Sustainable Development Committee meeting to allow for further discussions with all parties on this matter.

SD079/03/08 COUNCIL DECISION:

Moved Cr Kirkpatrick, seconded Cr Murphy

1. That item SD079/03/08 be deferred to April Sustainable Development Committee meeting, to allow consultation between the Acting Chief Executive Officer, Council Officers, Ward Councillors and representatives of the Jarrahdale Community Association prior to the report being presented back to Sustainable Development Committee.
2. Council requests that the Chief Executive Officer investigate vesting of the reserve between Brady Street and Forest Avenue that is currently vested in the Department of Environment and Conservation to allow consideration for relocation of the skatepark to this reserve.

CARRIED 9/0

Council Note: The Committee Recommended Resolution was changed by adding a part 2 to state that Council requests the Chief Executive Officer to investigate vesting of the reserve between Brady Street and Forest Avenue that is currently vested in the Department of Environment and Conservation to allow consideration for relocation of the skatepark to this reserve.

CGAM066/03/08		OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 6 GOSSAGE ROAD, OLDBURY (A0512-03)
Proponent:	Dawson Contracting	In Brief An application has been made by Dawson Contracting for Council consent to use long vehicle (pocket road trains) to cart timber product to Lot 6 Gossage Road, Oldbury. Conditional approval is recommended.
Owner:	Not applicable	
Officer:	Claire Garner Engineering Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 th March 2008	
Previously	CGAM090/03/07	
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

In March 2007 Council supported an application by Dawson Contracting to use oversize permit vehicles (Pocket Road Trains) up to 27.5 metres in length. The purpose of the application was for the efficient transportation of timber products to the Inglewood Products site, located at Lot 6 Gossage Road Oldbury, and to the property at Lot 2 Kargotich Road, Mundijong. The support given by Council was conditional and for a period of twelve (12) months in accordance with the resolution below.

CGAM090/03/07 Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick Seconded Cr Harris

That:

1. *Consent is conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Dawson Contracting for a period of twelve (12) months for access to the following properties:*
 - (a) *Inglewood Products, Lot 6 Gossage Road, Oldbury via Thomas Road (South Western Highway to Kargotich Road), Kargotich Road (Thomas Road to Gossage Road) and Gossage Road (Kargotich Road to Lot 6 Gossage Road).*
 - (b) *C. Atwell, Lot 2 Kargotich Road, Mundijong via Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).*

Consent being granted subject to the following conditions:

2. *(a) Vehicle speeds on Kargotich Road to not exceed 90 km/hr.*
- (b) Vehicle speeds on Gossage Road to not exceed 60 km/hr*
- (c) Vehicles are to operate during daylight hours only between Monday and Saturday*
- (d) Vehicles are not to operate during school bus travel times.*
- (e) Any application for extension to the permit(s) being referred to Council.*
- (f) Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.*
- (g) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closures as prescribed in Section 3.50 of the Local Government Act 1995;*
- (h) The Shire being advised by Dawson Contracting of any bitumen seal failures in the vicinity of the driveway access to Lot 6 Gossage Road Oldbury and Lot 2*

Kargotich Road Mundijong within twenty four (24) hours of damage occurring and that such damage be rectified by and at the expense of Dawson Contracting and/or its haulage Contractor(s).

- (i) Council reserves the right to revoke its support if any of the above conditions are not adhered to, or road conditions and user safety is compromised.*
3. *Main Roads Western Australian be advised in writing of the Council's decision in relation to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5 metres in length) by Dawson Contracting, to deliver goods and services to Lot 6 Gossage Road Oldbury and Lot 2 Kargotich Road Mundijong.*

The permit to service these properties expired in March 2008.

As Kargotich Road and Gossage Road are not included in the Notice Network for oversize vehicle use, any application to use oversize vehicles on these roads would require Council support to obtain permits issued by Main Roads WA.

Dawson Contracting have recently submitted an application for an extension of a further twelve (12) months seeking Council support for the use of oversize permit vehicles (Pocket Road Trains) to transport jarrah sawlogs and timber products to Lot 6 Gossage Road, Oldbury. They will not be transporting to Lot 2 Kargotich Road, Mundijong. It is expected that road train movements will be limited to one trip per day, three days a week.

Sustainability Statement:

Effect on Environment: The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service. The use of medium size trucks would be minimized resulting in less vehicle trips.

Resource Implications: Properly managed permit vehicle operations would minimize road resource use.

Use of Local, renewable or recycled Resources: The proposal utilizes regionally available resources.

Economic Viability: The proposal is economically viable as the use of oversize vehicles can result in real cost savings of 25% of freight transport tonnage costs. A reduction in heavy vehicle numbers, combined with suitable axle configurations on oversized vehicles will assist in slowing the deterioration of road pavements through reduced loading.

This proposal should also not incur any ongoing costs or requirement of funding in the future for Council above routine maintenance.

Economic Benefits: Properly managed permit vehicle operations have potential sustainability benefits in reduced transport and road maintenance costs.

Social – Quality of Life: By creating endorsed heavy haulage routes, while retaining the ability to issue permits for other routes, the movement of freight vehicles can be controlled and, in the case of as-of-right vehicles, encouraged onto fit for purpose routes. This will assist in ensuring the local road network is safer for general traffic movements.

Social and Environmental Responsibility: Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport vehicles and reduced environmental emissions.

Social Diversity: This proposal does not directly affect any social or community groups.

Statutory Environment: Motor Vehicle Act and Regulations

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No consultation is required to be undertaken for this report.

Comment:

Officers have received no complaints from the public regarding the use of these larger vehicles. It should be noted, however, that the operation of trucks results in accelerated deterioration of roads. This deterioration of road pavements increases as loads on individual vehicle axels increase. For this reason it is recommended that Council limit the vehicle axel loadings in accordance with Main Roads standard axel limits. Where this cannot be achieved compensation should be negotiated with the applicant.

It is recommended that conditional approval be granted for a period of twelve (12) months.

Voting Requirements:

Simple Majority

CGAM066/03/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Brown

That:

1. Support is conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Dawson Contracting for a period of twelve (12) months for access to Inglewood Products, Lot 6 Gossage Road, Oldbury via Thomas Road (South Western Highway to Kargotich Road), Kargotich Road (Thomas Road to Gossage Road) and Gossage Road (Kargotich Road to Lot 6 Gossage Road).
2. Support being granted subject to the following conditions:
 - (a) Vehicle speeds on Gossage Road to not exceed 60 km/hr.

- (b) Vehicles are to operate during daylight hours only between Monday and Saturday and should be limited to one vehicle movement per day, three days per week.
- (c) Vehicles are not to operate during school bus travel times.
- (d) Any application for extension to the permit(s) being referred to Council.
- (e) Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.
- (f) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closures as prescribed in Section 3.50 of the Local Government Act 1995;
- (g) The Shire being advised by Dawson Contracting of any bitumen seal failures in the vicinity of the driveway access to Lot 6 Gossage Road Oldbury within twenty four (24) hours of damage occurring and that such damage be rectified by and at the expense of Dawson Contracting and/or its haulage Contractor(s).
- (h) Vehicle axel loads are not to exceed Main Roads allowable axel limits. The applicant is to forward copies of weighbridge dockets to the Shire on a monthly basis.
- (i) Council reserves the right to revoke its support if any of the above conditions are not adhered to, or road conditions and user safety is compromised.

3. Main Roads be advised of the Council's decision.
CARRIED 9/0

CGAM067/03/08 TRAILS POLICY (A1048)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	Not applicable	
Officer:	Stephen Goode – Acting Chief Executive Officer	This report presents a framework for implementing trails projects within the Shire.
Signatures Author:		
Senior Officer:		
Date of Report	6 th March 2008	
Previously		Its focus is to recognise and support volunteer efforts while ensuring a proper level of transparency and accountability for the expenditure of public funds.
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 15 February 2008, the Acting Chief Executive Officer met with Councillors Murphy, Brown, Twine and Needham to discuss the issues surrounding implementation of trails within the Shire. The development of this policy and supporting management practices is to provide a framework for implementing trails projects within the Shire.

A copy of the following documents is with the attachments:

- [CGAM067.1/03/08 \(E08/772\)- Trails Policy \(Relevant Management Practise\)](#)
- [CGAM067.2/03/08 \(E08/908\)- Delegation of Authority \(Administration of the Trails Policy\)](#)
- [CGAM067.3/03/08 \(E08/771\)- Trails Administration Procedures \(Trails Policy\)](#)
- [CGAM067.4/03/08 \(E08/770\)- Trails Administration Procedures \(Schedule of Approved Standards\)](#)

Cr Murphy subsequently presented a petition to the February Ordinary Council meeting regarding multiple use trails. It is believed that this report will assist in addressing the matters presented to Council through the petition.

Sustainability Statement

Trails are to be built to minimise impact on bushland and especially mature trees. Clearing is to be minimised to ensure preservation of the natural vegetation is maximised. An assessment of vegetation and a report of proposed clearing is to be undertaken before clearing and presented to the Shire before approval of path construction. The Shire may require revegetation to be undertaken after construction works as a condition of authorisation.

Statutory Environment:

All statutory approvals must be obtained before approval of trail works by the Shire.

Financial Implications:

Council's financial involvement will be limited to the budget approved on an annual basis. The report proposes a small operating grant to the new incorporated organisation which is to be formed. The operating grant is suggested as being from the annual budget and therefore has no net affect. By minimising officer involvement in the implementation of trails projects, considerable officer time will be saved and redirected.

Strategic Implications:

The creation of this Policy will further enhance Council's commitment to provide a trails network throughout the Shire.

Community Consultation:

This policy establishes a framework within which the Shire can work in a co-operative partnership with community volunteers so that an exceptional network of trails can be established and maintained to a sustainable and safe standard.

Comment:

The Council is committed to the establishment of a comprehensive network of trails throughout the Shire. An annual budget has been allocated and in the more recent years when funds have not been expended they have been preserved in a reserve fund for expenditure in a future year.

The proposed policy provides:

- The Council will nurture and utilise volunteer organisations as an integral part of its trails implementation program. The formation of new incorporated "umbrella" organisation is proposed to be known as SJ Trails Incorporated and as a consequence of this the current Serpentine Jarrahdale Trails Working Group will be disbanded.
- An annual budget will be considered by Council based on recommendations from recognised community based volunteer organisations. Organisations will liaise with the Shire through SJ Trails Incorporated and that group will recommend priorities based on the Trails Master Plan 1999 (or a subsequent plan approved by the Council).
- Where Council approves a budget allocation and funds are not expended within that financial year, it is proposed that the funds will be transferred to a reserve fund for expenditure in a future year.
- All trails must be constructed in accordance with approved standards. The standards have been included as part of the supporting documentation but may be refined and improved as the policy is implemented.

- It is recognised that there will be different standards for different circumstances and the standards are proposed on the basis of being “fit for purpose”, public safety (including measures to mitigate risk) and maintenance requirements.
- All public funds allocated to community organisations must be properly accounted for and acquitted in accordance with the Trails Administration Procedure.

A small operating budget is proposed to be paid annually to SJ Trails Incorporated. This would be drawn from the annual budget approved for trails. Allowing an administration or operating cost recovery for grant programs is not unusual practice and would be appropriate in this approach which removes an existing administrative requirement from Shire officers. This group is a volunteer organisation with no income source. The maximum proposed is 5% of the annual budget (\$2,500 based on a \$50,000 budget) from which the organisation’s insurance cover should be funded as well as other minor operating costs. The actual allowance should be considered annually and it is proposed that the Chief Executive Officer determine this under delegated authority.

Voting Requirements: ABSOLUTE MAJORITY

CGAM067/03/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Murphy, seconded Cr Brown
That Council**

1. **Adopts the Trails Policy as at *attachment CGAM067.1/03/08 (E08/772)*.**
2. **Delegates authority to the Chief Executive Officer to implement and administer the Trails Policy as at *attachment CGAM067.2/03/08 (E08/908) & CGAM067.3/03/08 (E08/771)*.**
3. **Notes the Trails Administration Procedures including the standards which support the Trails Policy as at *attachment CGAM067.4/03/08 (E08/770)*.**
4. **Endorses the formation of an independent incorporated volunteer association to be known as SJ Trails Incorporated as the organisation which will have prime recognition from the Shire for the purposes of the Trails Policy and disbands the current Serpentine Jarrahdale Trails Working Group.**
5. **Approves an annual operating allowance of up to 5% of the approved annual trails budget, with the actual allowance determined by the Chief Executive Officer under Delegated Authority.**

CARRIED 9/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM025/03/08 ADOPTION OF DEED OF AMENDMENT TO BECOME FULL MEMBER OF SOUTH EAST METROPOLITAN REGIONAL COUNCIL (A0283)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to adopt the Deed of Amendment to complete the process of becoming a full member of the South East Metropolitan Regional Council.
Owner:	Not Applicable	
Officer:	Doug Elkins - Manager Engineering	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	19 March 2008	
Previously	CGAM001/07/07	
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

In July of 2007, the Ordinary Council (CGAM001/07/07) resolved to become a full member of the South East Metropolitan Regional Council (SEMRC), in order to participate in the feasibility study for a regional resource recovery facility for member Councils and to provide opportunities for further regional waste management partnerships. In its resolution, the Council noted the need to endorse the requirements of a revised Establishment Agreement to complete the process of entry. In addition to noting the requirements of the Establishment Agreement to the SEMRC, Council is required to adopt a Deed of Amendment in order to complete the process of becoming a regional Council member.

The Shire of Serpentine-Jarrahdale is one of three Councils invited to become a member of the SEMRC. The Councils that have been invited and resolved to become a member of the SEMRC are Shire of Murray and the City of Mandurah. On adoption of the Deed, the Shire of Serpentine-Jarrahdale will join the Shire of Murray as a new member and the existing members of the Cities of Gosnells, Armadale and South Perth. The other proposed member is the City of Mandurah, who have to date, agreed to become a full member, but are yet to adopt the Deed.

Additional to the Deed of Amendment, which will provide entry into the SEMRC, there is a revised Establishment Agreement. The Establishment Agreement has been adopted by the SEMRC and the existing member Councils and includes a provision for the SEMRC to be known as the Rivers Regional Council on approval of the revised Establishment Agreement by the Minister. ***A copy of the Draft Deed of Amendment (IN08/3315) and the Draft New Establishment Agreement (IN08/3307) is with attachments marked OCM025.1/03/08 and OCM025.2/03/08.***

Sustainability Statement

Effect on Environment: The intent of membership of the SEMRC (to be known as the Rivers Regional Council) is to reduce waste to landfill and to find opportunities for waste re-use. The current feasibility study is to consider the viability of a resource recovery facility to manage member Council waste. The current proposal is expected to divert 70% of general residential waste from landfill and to create reusable high quality garden mulch.

Biodiversity - Reduction of waste to landfill will extend the life of currently available landfill sites and will delay any need to develop new sites.

Energy Use / Greenhouse Gas Emissions - It is likely that future landfill sites will be further from the metropolitan area than currently available sites. The use of a central resource recovery facility will delay the need to develop new landfill sites and will minimize the transport of waste to these sites.

Resource Implications: The proposal will create generate a high quality garden mulch from currently wasted residential waste.

It is expected that the use of such a facility will reduce the use of non-renewable fossil fuels by extending the life of closer landfill sites and reducing waste to be transported to landfill if they are located further from the metropolitan area.

It is expected that the resource recovery facility will extend the life of existing landfill sites, preventing clearing of additional land for new sites.

Economic Viability: Joining the SEMRC provides the opportunity to participate in the management of waste at a regional level. The combination of the funding capacity of a number of Councils provides opportunities that are not otherwise available to a Council. Importantly, membership to the SEMRC does not commit any member to current resource

recovery project, rather it provides opportunity to participate if this or future project are considered economically viable and acceptable in terms of the triple bottom line.

Adopting the Deed has no immediate financial implication.

Social and Environmental Responsibility: The current proposal provides an opportunity to divert waste from landfill and to prevent waste that generates greenhouse gasses and leachate from entering landfill. As such, the current proposed project has a direct benefit in reducing waste generated greenhouse gases and the degradation of groundwater supplies around landfill locations

Importantly, membership to the SEMRC will enable the Shire of Serpentine Jarrahdale to participate in other waste management strategies, which could provide further environmental benefit.

Statutory Environment:

In order to become a member of the SEMRC (to be known as the Rivers Regional Council), the Council has to adopt the Deed of Amendment. The process of establishing and becoming a member of a regional Council is governed by the Local Government Act.

Financial Implications:

Adopting the Deed has no immediate financial implication, with any future financial commitment requiring Council approval.

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Comment:

The adoption of the Deed completes the process of becoming a member of the SEMRC to be known as the Rivers Regional Council. A significant reason to join the SEMRC is to enable participation in the current process of developing a resource recovery facility for member Councils and enable use of such a facility in essence an owner rather than a customer. It is important to note, however, adoption of the Deed does not bind the Council to ultimately participate in the project, but it does provide the opportunity for participation should the Council consider appropriate in the knowledge of all the relevant information. It is also important to note that if the Council does not become a member of the SEMRC, the opportunity to participate in the project may not be available in the future, or may require the negotiation of a fee as a normal commercial customer. Furthermore, membership to the SEMRC will provide further opportunities for regional management of waste and other regionally significant resources.

It is recommended that the Council adopt the Deed of Amendment and note the change of name from the South East Regional Council to the Rivers Regional Council.

Voting Requirements: Simple Majority

OCM025/03/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Murphy

1. Council adopt the Deed of Amendment as shown in *attachment OCM025.1/03/08* and authorises the Shire President and the Chief Executive Officer to evidence the adoption by signing the Deed and affixing the Shire's common Seal.
2. Council note the change of name from South East Regional Council to the Rivers Regional Council.

CARRIED 9/0

OCM026/03/08 REVIEW OF SHIRE OF SERPENTINE JARRAHDAL STANDING ORDERS LOCAL LAW 2002 (A0090/13)		
Proponent	Serpentine Jarrahdale Shire	In Brief Amend the current Serpentine Jarrahdale Standing Orders Local Law 2002 (as per government Gazette, WA, 7 May 2003) to enable elected members to ask a question without notice at Ordinary Council Meetings
Owner	Serpentine Jarrahdale Shire	
Officer	Anna Nolan - Manager Executive Services	
Signatures - Author:		
Senior Officer:		
Date of Report	18 March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Council	

Background

This matter has been raised by a council member in a letter to the Chief Executive Officer on the 30 September 2007 in which discussion is requested to amend the gazetted standing orders. The proposed amendment will enable a council member to ask a question without notice at Ordinary Council Meetings.

Other Local government Authorities provide for questions without notice from council members. Examples of these were discussed at Policy Forum on 4 March 2008. The committee recommendation is to accept the following example from the Local Government Act 1995 City of Mandurah Standing Orders Local Laws 4.32 Questions Without Notice which states:

“QUESTIONS BY MEMBERS

1.2 Questions without notice

- (1) *A Member who wishes to seek general information from the CEO at a Council meeting may, without notice:*
 - (a) *ask the CEO a question; and*
 - (b) *with the consent of the Presiding Member, ask the CEO one or more further questions.*

- (2) *Where possible, the CEO, or the CEO’s nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO’s nominee may ask that:*
 - (a) *the question be placed on notice for the next meeting of the Council; or*
 - (b) *the answer to the question be given within 7 days to the Member.*

1.3 Questions during debate

At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.”

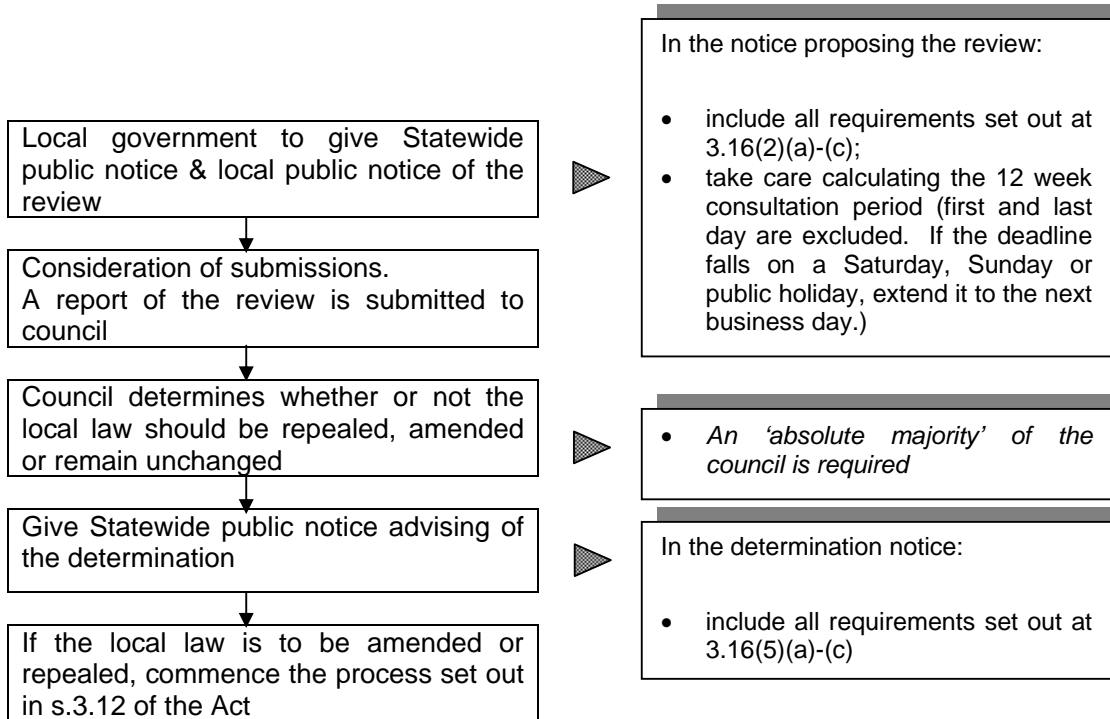
Social – Quality of Life: This proposal will improve the quality of life for the community by allowing ratepayers who are also elected members to be involved in asking questions on agenda items before Council.

Social and Environmental Responsibility: The proposal is designed to be socially responsible through engagement by community and enabling full participation in matters before Council.

Statutory Environment:

- a) Advertising is required in accordance with Serpentine Jarrahdale ‘Management/Service Team Work Procedures CSWP 19 ‘Local Laws Procedure Checklist and Eight Year Review’.
- b) Absolute majority of the Council to vote in support of the recommendation.
- c) Referral to another government agency or comment is required.

The procedural matters that are prerequisites to the valid making of a local law under the Local Government Act 1995 may be found under section 3.16, the statutory process for reviewing a local law is:



The Department of Local Government keeps a register of all local laws made, amended or repealed by each local government. This information is accessible on the Department's website at www.dlgrd.wa.gov.au/legislation.htm or by using the link located towards the bottom right of the Department's home page.

Policy/Work Procedure

Implications:

There is work procedures/policy implications directly related to this issue as set out in the diagram above.

Financial Implications:

There are financial implications to Council related to this issue with regard to legal advice and advertising, however this will be minimal.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Respect diversity within the community.

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

Public advertising of the proposal to consider any submissions is required prior to a final decision whether or not the local law is to be amended.

Comment:

Council members wish to ask a question without notice at Ordinary Council Meetings. In amending the Standing Orders to allow this activity, council members believe that the new process will:

1. Indicate to ratepayers that their questions were delivered to Council in a timely manner.
2. Raise ratepayer confidence in Council processes.
3. Provide council members with the same opportunity to ask questions at Ordinary Council Meetings as given to members of the public.

Voting Requirements:

ABSOLUTE MAJORITY

OCM026/03/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Harris
Council endorses the amendment to the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 Clause 3.11 to include the following:**

1.2 Questions without notice

(1) A Member who wishes to seek general information from the CEO at a Council meeting may, without notice:

- (a) ask the CEO a question; and**
- (b) with the consent of the Presiding Member, ask the CEO one or more further questions.**

(2) Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that:

- (a) the question be placed on notice for the next meeting of the Council; or**
- (b) the answer to the question be given within 7 days to the Member.**

1.3 Questions during debate

At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further question.

CARRIED 9/0

OCM027/03/08		REVIEW OF DELEGATED AUTHORITY (A1047)
Proponent:	Serpentine Jarrahdale Shire	In Brief It is recommended that additions / alterations be made to the existing Delegation of Authority.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Lisa Fletcher – PA to the Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	13 March 2008	
Previously	CGAM064/02/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The following recommendation was adopted at the Ordinary Council meeting of 25 February 2008:

“CGAM064/02/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Kirkpatrick (proforma)

That having reviewed the delegations made by the Council in accordance with section 5.46(2) of the Local Government Act 1995:

1. *Council revokes all previous delegations.*
2. *Council authorises and grants the delegations of authority, powers and duties as listed and detailed in the schedule at attachment CGAM059.1/02/08 and entitled:*
 - *Committees of Council*
 - *Organisational Structure and Staff*
 - *Freedom of Information*
 - *Prosecutions – Legal Proceedings*
 - *Infringement Notices*
 - *Caveats - Withdrawal*
 - *Payments from Municipal or Trust Fund*
 - *Lodgement of Objections with the Mining Warden for Mineral Sand Mining*
 - *Disposition of Council Owned Property in Staff Street: Jarrahdale Heritage Park*
 - *Waiver of Fees for Community Organisations*
 - *Write Off of Rates*
 - *Acceptance of Tenders*
 - *Prohibited Burning Times*
 - *Variation to Firebreak Order*
 - *Emergency Services*
 - *Light Vehicle Fleet*
 - *Making Recommendations to the Western Australian Planning Commission on Subdivision/Amalgamation Referrals*
 - *Detailed Area Plans*
 - *Extractive Industry Licence Renewals*
 - *Endorsement of Planning Applications*
 - *Variations to Residential Design Codes*
 - *Outbuildings*
 - *Setback Variations In Industrial and Commercial Zones*
 - *Power of Approval and Refusal for some Land Uses and Development*

- *Applications within the Urban Development Zone*
- *Determination of applications for Some Minor Land Uses*
- *Amendments or Extension/Additions to Planning Approvals*
- *Dealing with Subdivision Clearances*
- *Enforcement under Town Planning Scheme*
- *Orders for Breach of Building Requirements*
- *Building Envelopes – Local Variations*
- *Building Applications and Licences*
- *Issue of Strata Title Certificates*
- *Verandahs in Local Road Reserves*
- *Classification of Buildings*
- *Demolition Licence*
- *Health Act Section 26 Delegations*
- *Health Act Administration, Enforcement and Prosecution*
- *Temporary Accommodation*

CARRIED 6/1 Cr Randall voted against the motion

Council Note: The Officer Recommended Resolution was amended by adding 'including the amendments' to part 2 as various minor amendments were made to attachment CGAM059.1/02/08.

Comment

Further to this recommendation, the Acting Chief Executive Officer has identified a number of delegations that were not included with the February report or will be improved by minor modification. These requested changes are based essentially on continuing current practice and allowing the officers to operate effectively.

The following changes and additions are to be made to the Delegation of Authority:

Administration

Addition of delegation CG12 - Execution of Documents.

Asset Services

The following previous delegations are to be reinstated:

AS-3, AS-4, AS-6 - AS-21 inclusive have now been renamed ENG06 - ENG23.

The reason for these delegations is that although it is arguable that delegations are not necessary on the basis that the Director carries them out as a normal role and duty, to be sure there can be no challenge to an action or decision based on whether the Director is acting within power it may be preferable to remove any doubt by formally recording the delegation of authority.

Development Services

1. Adding a new delegation DS01(A) - Subdivision Civil Works Conditions.

The reason for this delegation being separately presented is that it was not clear in the previous delegation DS01 that this authority has been granted. Although it is arguable that a delegation is not necessary on the basis that the Director carries out this function as a normal role and duty, legal advice is that to be sure there can be no challenge to a condition based on whether the Director is acting within power it may be preferable to remove any doubt by formally recording the delegation of authority.

2. DS05 – Variations to Residential Design Codes is currently delegated only to the Director Development Services. The Co-ordinator Planning Services and Senior Planner are to be added to the delegation.
3. DS15 – Building Envelopes - Local Variations is currently delegated to the Director Development Services and Co-ordinator Planning Services. Senior Planner is to be added to the delegation.
4. The previous delegation PS-26 - Management of Reserves Created Under Section 152 of the Planning and Development Act 2005 is to be reinstated with the delegation being given to the Director Engineering not the Chief Executive Officer.

A copy of all of the new and amended delegations as listed above are with the attachments marked OCM027.1/03/08.

Sustainability Statement

Council delegated authorities are in place to assist the day to day management of Council in the delivery of its Strategic Plan and Vision.

Statutory Environment:

The Local Government Act 1995:

- Provides power to delegate
- Requires annual review
- Places some limits on what can be delegated

Other legislation includes:

- Bushfires Act 1956
- Health Act 1911
- Freedom of Information Act 1995

Town Planning Scheme No. 2 also provides a power to delegate.

Policy/Work Procedure Implications:

The delegations of Authority are an integral part of the Shire's governance framework. They are supported by and conditioned by policies adopted by Council.

Financial Implications:

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

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

In order for these delegations to be enacted by the relevant officers it is recommended that Council authorise their use.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

That having reviewed the delegations made by the Council in accordance with section 5.46(2) of the *Local Government Act 1995*, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in the schedule at *attachment OCM027.1/03/08* and entitled:

- Execution of Documents
- B-Double and Long Vehicle Permits
- Road Closures
- Main Roads WA – Oversize Load Permits
- Gates Across Public Thoroughfares
- Obstructing Public Thoroughfare
- Encroaching on Public Thoroughfare
- Separating Land From Public Thoroughfare
- Dangerous Excavation In Or Near Public Thoroughfare
- Crossing From Public Thoroughfare To Private Land Or Private Thoroughfare
- Protection of Thoroughfares From Water Damage
- Private Works On, Over or under Public Places
- Protection of Watercourses, Drains, Tunnels and Bridges
- Removal of Dangerous Trees
- Sand Drift
- Works in Drainage Easements
- Disturbing Local Government Land And Anything On That Land
- Requirement To Construct Or Repair Crossing
- Reciprocal Works
- Making Recommendations To The Western Australian Planning Commission On Subdivision/Amalgamation Referrals
- Variations To Residential Design Codes
- Envelopes – Local Variations
- Management of Reserves Created under Section 152 Of The Planning and Development Act 2005

OCM027/03/08 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Buttfield

1. That having reviewed the delegations made by the Council in accordance with section 5.46(2) of the *Local Government Act 1995*, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in the schedule at *attachment OCM027.1/03/08* and entitled:

- Execution of Documents

- Road Closures
- Main Roads WA – Oversize Load Permits
- Gates Across Public Thoroughfares
- Obstructing Public Thoroughfare
- Encroaching on Public Thoroughfare
- Separating Land From Public Thoroughfare
- Dangerous Excavation In Or Near Public Thoroughfare
- Crossing From Public Thoroughfare To Private Land Or Private Thoroughfare
- Protection of Thoroughfares From Water Damage
- Private Works On, Over or under Public Places
- Protection of Watercourses, Drains, Tunnels and Bridges
- Removal of Dangerous Trees
- Sand Drift
- Works in Drainage Easements
- Disturbing Local Government Land And Anything On That Land
- Requirement To Construct Or Repair Crossing
- Reciprocal Works
- Making Recommendations To The Western Australian Planning Commission On Subdivision/Amalgamation Referrals
- Variations To Residential Design Codes
- Building Envelopes – Local Variations
- Management of Reserves Created under Section 152 Of The Planning and Development Act 2005

subject to Delegation DS15 being amended to the effect that *'if any objections are received, the proposal is to be referred to Council'*

2. Delegation ENG06 be resubmitted as a separate report so that justification for the delegation can be put to Council.

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed by updating delegation DS15 Building Envelopes - Local Variations to advise that if any objections are received, the proposal is to be referred to Council and adding a part 2 to state that delegation ENG06 B-Double and Long Vehicle Permits be resubmitted as a separate report so that justification for the delegation can be put to Council.

OCM028/03/08		LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2007 (A1212)
Proponent:	Department of Local Government and Regional Development	In Brief To adopt the information to be provided in the 2007 Annual Compliance return to be forwarded to the Department of Local Government and Regional Development.
Officer:	Alan Hart – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	18 March 2008	
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 1995	
Delegation	Council	

Background

Each year the Department of Local Government and Regional Development forward an Annual Compliance Return to local governments for completion. The aim of the Compliance Audit Return is to highlight any issues of non-compliance by the Council.

A consultant was appointed to assist in its completion, to ensure an independent audit was obtained on all the compliance areas of the return.

Sustainability Statement

Not applicable.

Statutory Environment:

In accordance with Section 7.13 (i) of the Local Government Act 1995 and Regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996 a Local Government is to carry out a compliance audit for the period ended 1 January to 31 December in each year. After carrying out the compliance audit the Local Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be:

1. Presented to the Council at a meeting of the Council,
2. Adopted by the Council, and
3. Recorded in the minutes of the meeting which it is adopted.

After the compliance return has been presented to Council it is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

Policy/Work Procedure Implications:

There is no work procedure/policy implications directly related to this issue. However, the policies and procedures do assist in ensuring compliance with the requirements of the Act and Regulations.

Financial Implications:

Not applicable

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation not required.

Comment:

The Return this year focuses on;

- a) Local Laws,
- b) Executive Functions
- c) Thoroughfares,
- d) Tenders for Providing Goods or Services,
- e) Commercial Enterprises by Local Governments,
- f) Meeting Processes,
- g) Delegation of Power/Duty
- h) Disclosure of Interest
- i) Finance
- j) Elections,
- k) Local Government Employee's,
- l) Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property,
- m) Swimming Pools, Cemeteries and caravan parks, camping grounds.

The completed Compliance Audit Return and the Consultants Report is with the attachments marked OCM028.1/03/08 and OCM028.2/03/08.

The Acting Chief Executive Officer and Shire President are required to jointly certify the completed Return, confirming that it has been completed to the best of the Local Government's knowledge, that the Return was considered by Council prior to completion and that each Councillor has had the opportunity to review the Return. Council engaged and independent Consultant to review the return and has completed the investigative work for the majority of the Compliance Audit Return, with Officers completing the Return.

Research to complete this Return included reviewing the minutes of all Ordinary meetings for 2007, the tender register, the annual report and annual financial statements, the adoption of the annual budget and related correspondence, the disclosure of interest register, senior employee personnel files and contracts, the delegated authority register and Council's general records.

The following areas of non compliance were identified by the Consultant during the investigative phase of the Compliance Audit review process:

- Caravan Parks and Camping Grounds inspections
- Delegation of Powers/Duty in relation to Committees of Council and Annual Returns
- Elections
- Gifts Register and Token Gifts Register
- Tenders for Providing Goods and Services

It must be noted that these areas of non compliance are all procedural in nature. There were no issues in relation to serious breaches of the Local Government Act. In order to ensure best practice and full compliance with the Local Government Act, the report will be forwarded to the relevant officers requesting they provide action plans to rectify the areas of non compliance.

Voting Requirements: Simple Majority

OCM028/03/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Harris

1. **That Council adopt the completed Local Government Compliance Audit Return for the period 1 January 2007 to 31 December 2007 and the President and Acting Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required; and**

2. Council note the non-compliance matters and request that the Chief Executive Officer ensure the areas of non compliance are addressed.
CARRIED 9/0

9. ACTING CHIEF EXECUTIVE OFFICER'S REPORT

OCM029/03/08		INFORMATION REPORT
Proponent	Stephen Goode - Acting Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	18 March 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM029.1/03/08 COMMON SEAL REGISTER REPORT – FEBRUARY 2008 (A1128)

The Common Seal Register Report for the month of January 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the *attachments marked OCM029.1/03/08.*

OCM029.2/03/08 POLICY FORUM – MARCH 2008 (A0429/05)

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

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Draft Environmental Services Management Plan –March 2008
2.	Review of Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (A0090/13)
3.	Bureau of Meteorology Radar Tower - rental and term

OCM029/03/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Kirkpatrick
The Information Report to 20 March 2008 is received.
CARRIED 9/0

COUNCIL DECISION

Moved Cr Murphy, seconded Cr Brown
That the meeting go behind closed doors to discuss item OCM030/03/08 in accordance with Section 5.23(2)(d) of the Local Government Act.
CARRIED 9/0

OCM030/03/08		CONFIDENTIAL ITEM - POULTRY FARM – LOT 701 HENDERSON ROAD, HOPELAND (P02435/02)
Proponent:	Proten Ltd	In Brief
Owner:	Proten Ltd	
Officer:	Doug Elkins - Manager Design & Assets	
Signatures Author:		
Senior Officer:	Markus Botte - Acting Director Engineering	
Date of Report	25 March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

COUNCIL DECISION:

Moved Cr Twine, seconded Cr Harris
 That item OCM030/03/08 POULTRY FARM – LOT 701 HENDERSON ROAD, HOPELAND remain confidential until the legal process has been completed.
CARRIED 9/0

COUNCIL DECISION:

Moved Cr Randall, seconded Cr Harris
 That the meeting resume with doors open.
CARRIED 9/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 7.52pm.

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

.....
 Presiding Member

.....
 Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD068/03/08 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	05.03.08	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD068/03/08 Committee Decision/Officer Recommended Resolution

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

SD069/03/08 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner – Manager Health & Ranger Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD069/03/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the February 2008 Health Information Report.
CARRIED 7/0**

SD070/03/08 KEYSBROOK MINERAL SANDS MINE (A0338/01)		
Proponent:	Olympia Resources Limited	<p>In Brief</p> <p>The Environmental Assessment by the EPA is for a mineral sands mine that will produce 4.25 million tonnes of raw material per annum and will progressively, clear, mine and rehabilitate in 8 stages over an area of approximately 1234 hectares on land within the Shires of Serpentine – Jarrahdale and Murray.</p> <p>In 2005 the Environmental Protection Authority (EPA) applied a Public Environmental Review (PER) for this project. At that point the Shire moved to advise the EPA that it would appose the application.</p> <p>In October 2007 the EPA released its report and recommendations to the Minister for the Environment as Bulletin 1269.</p> <p>On 12 November 2007 the Shire submitted a detailed written appeal against the Bulletin with recommended amendments to the draft conditions.</p> <p>It is recommended that the Shire continue to appose the application but also consider the implications of the extensive Ministerial and SAT process on resources.</p>
Owner:	Various landowners	
Officer:	Tony Turner Manager Health and Ranger Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	March 2008	
Previously	10 August 2006	
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	

SD070/03/08 Committee Decision/Officer Recommended Resolution:

That the Shire continue its current opposition to the proposed Mineral Sands Project within the Keysbrook area of the Serpentine Jarrahdale Shire for the reasons outlined in the Officer's report and the Shire's appeal dated 12 November 2007 against the EPA's Bulletin 1269.

CARRIED 7/0

SD076/03/08 PROPOSED ARENA LIGHTING - LOT 19 (8) TIARA COURT, DARLING DOWNS (P02057/05)		
Proponent:	Margaret Barnesby-Johnson	In Brief The applicant seeks planning approval to erect arena lighting on the property. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	6 March 2008	
Previously	Concept Forum 08/01/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD076/03/08 Committee Decision /Officer Recommended Resolution:

The application for Arena Lighting on Lot 19 (8) Tiara Court, Darling Downs be approved subject to the following conditions:

1. The location of the lights to be in accordance with the site plan dated 12 February 2007 attached to and forming part of this approval.
2. All lighting shall be designed and installed (by way of hooding and orientation) to the satisfaction of the Director Development Services so that minimal light will be cast onto any adjoining property or road reserve. Lighting shall not cause a nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under Australian Standard AS4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting'.
3. The light cast onto the arena shall be a maximum of 123 Lux measured at any specific point on the arena, with an average of 21.55 Lux. Any proposed increase in the illuminance of the lights shall be approved in writing by the Director Development Services.
4. Lights are not to be operated between the hours of 10:00pm and 5:00am Monday to Sunday.
5. The lights are not to be used in conjunction with any commercial business unless the prior written approval of the Shire is obtained.

CARRIED 7/0

SD078/03/08 PLANNING INFORMATION REPORT		
Proponent	Director Development Services	In Brief Information Report.
Officer	Nadine Ellis – Development Services Support Officer	
Signatures – Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	6 March 2008	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD078/03/08 Committee Decision/Officer Recommended Resolution

The Planning Information Report to 6 March 2008 be received.
CARRIED 7/0

CGAM068/03/08 MONTHLY FINANCIAL REPORT – FEBRUARY 2008 (A0924/07)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 29 th February 2008
Owner:		
Officer:	Casey Mihovilovich - Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	6 th March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM068/03/08 Committee Decision/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 29th February 2008, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM069/03/08		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during February 2008	
Owner:	N/A		
Officer:	Tracy Mladenovic – Coordinator Finance Services		
Signatures Author:			
Senior Officer:			
Date of Report	6 th March 2008		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

CGAM069/03/08 Committee Decision/Officer Recommended Resolution:

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of February 2008, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 7/0

CGAM070/03/08		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)	
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 29 th February 2008	
Owner:	Not Applicable		
Officer:	Casey Mihovilovich - Manager Finance Services		
Signatures Author:			
Senior Officer:			
Date of Report	4 th March 2008		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

CGAM070/03/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 29th February 2008.

CARRIED 7/0

CGAM071/03/08 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 29 th February 2008
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Coordinator Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	4 th March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM071/03/08 Committee Decision/Officer Recommended Resolution:

**That Council receive and note the report on the Rate Debtors accounts as at 29th February 2008.
CARRIED 7/0**

CGAM072/03/08 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 29 th February 2008.
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report	7 th March 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM072/03/08 Committee Decision/Officer Recommended Resolution:

**The information report to 29th February 2008 to 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.