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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
 - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 25th MAY 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL NeedhamPresiding Member
JE Price
MJ Geurds
M Harris
WJ Kirkpatrick
EE Brown
S Twine
K Murphy
C Buttfield

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A HartDirector Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mr U Striepe Executive Manager Engineering
Mrs L FletcherMinute Secretary

APOLOGIES: Cr C Randall

GALLERY: 10

Public Question Time commenced at 7.01pm.

2. PUBLIC QUESTION TIME:

SD107/05/09 - Marion Best (Lot 804 Bournbrook Avenue, Cardup)

Regarding the proposed shed at the Riding for the Disabled (RDA) facility, the water from the roof of the building, which it is presumed will have a gutter, will be directed into a water tank which will overflow. The compensating basin will also overflow and the water cannot go into the main drain - how will it be contained?

Director Development Services advised as per recommended condition 3, an urban water management plan will be required. This will also include a site visit and assessment of site conditions.

Mrs Best advised that this occurred when the facility's structures were originally constructed and there was a drainage issue. Mrs Best has taken photographs of the site and her land being washed away. This could cause injury to her animals, if so who is responsible, RDA or Council?

The Shire President advised that this question would be taken on notice and advised there will be a rainwater tank (should the development application be approved), which will allow for capture of some runoff and the water management plan will ensure the catchment can cope with the amount of water.

Mrs Best advised that the drain running through the property overflowed, ran onto Council land, then onto her land and as a result, Council constructed another compensating basin.

The Shire President acknowledged that reactive action has been taken, however assured that if the application is approved tonight, officers have to ensure water runoff will be dealt with.

Mrs Best asked why Council has never taken notice of ratepayers that surround the RDA property? Council has asked for reports from residents on how it will affect their property.

The Shire President advised that we have a planning application for development on this land and requested that any questions asked relate to this development application.

Mrs Best advised that on one plan of the shed, elevation A shows three sides are covered in and on another plan it shows four sides are covered in, which is correct ?

The Shire President advised that this question would be taken on notice.

SD107/05/09 – Graeme Best (Lot 805 Bournbrook Avenue, Cardup)

Why did Council allow the block to be overfilled so that water runs onto their property?

Director Development Services advised that the original planning approval for use of this land included filling of the land to be developed for the purpose of a riding school. It has been inspected and has been deemed compliant.

The Shire President advised that the land is rocky and therefore had to be filled to ensure pasture growth.

Mr Best asked whether he could fill his property.

The Chief Executive Officer advised that Mr best would need to apply for a development approval.

Mr Best asked if Council will reimburse him for the reduction of the value of his property?

The Shire President advised that Council is dealing with a development application for a shed and how this affects your property is not related.

The Chief Executive Officer advised that Council has to make decisions on planning applications on planning grounds. It is an established fact in planning law that devaluation or otherwise is not a relevant planning consideration. Council cannot take this into account in terms of its decision making.

Mr Best asked that if water damages his property, who is responsible, the RDA or Council?

The Chief Executive Officer advised that this question would be taken on notice.

Mr Best asked which Council officer said that the drain was adequate?

Director Development Services advised that the property has been inspected on numerous occasions and was deemed to be compliant. The Director Development Services and Director Engineering visited the site last week and ascertained that the drains need to be cleaned out and this will be followed up with the leasee.

Mr Best asked who was qualified to advise that the drain was acceptable?

The Shire President advised that this was the Shire Engineer.

Mr Best asked if the drain being made of clay is adequate?

The Director Engineering advised that a site inspection showed that the drain requires maintenance.

The Chief Executive Officer re-stated that the Directors had advised that the drains require maintenance and when installed the drain was deemed adequate.

Mr Best stated that the compensating basin does not have an enclosure?

The Chief Executive Officer advised there is no legislation that requires that compensating basins be fenced.

Mr Best stated that as there are limited people attending the facility (three a day), why do they require another shed?

The Chief Executive Officer advised that it is not Council's position to determine why the shed is required, we have a duty to consider this application.

CGAM103/05/09 - Neil Eaton (CEO, Office & Industrial Cleaning)

Employs 100 staff from Geraldton to Esperance and was a Shire Councillor for ten years.

- Q1. What is the use of having a tender process when it is turned aside by a committee?
- Q2. What is the point of having an evaluation system when it is turned aside by committee?
- Q3. Why are the comments of the Shire Officers put aside?
- Q4. How can you assure that any successful tenderer will not employ local labour or contractors?

His company had the best evaluation criteria across the tender.

The Shire President advised that it was a recommendation from Committee to Council and would be considered by the full Council tonight.

CGAM100/05/09 - Thomas Hoyer (713 Nettleton Road, Karrakup)

- Q1. In the interests of transparency and openness, could a response be provided that explains the reasons for the insurance broker's and Manager of Environmental Services reports being confidential?
- Q2. While the officers, under the "disclosure of interest" part are not required to declare an interest, given that a confidential report from the Council's insurance broker, is attached, and such report has a defined and obvious commercial interest, does this interest need to be declared?
- Q3. Is it the opinion of Council that if a report is requested from its insurance broker, is the Council bound by the report content?
- Q4. In the context of this agenda item and arboriculturist's report, did the Manager of Environmental Services visit the site, is the confidential report from the Council's Manager of Environmental Services contrary to the expert advice indicated in the arboriculturist's report related to this agenda item? And how? What evidence is there to challenge the "Sound & Healthy" declaration by the expert? And what is the risk assessment eluded to in the supplementary information below?

The Shire President advised that most of these questions would be answered during the course of debate.

The Chief Executive Officer advised:

- A1. That the matter was a confidential attachment under section 5.23(2)(c) where the Local Government has entered into a contract with its insurers.
- A2. There is no relationship with officers disclosure and the contract with our insurers.
- A3. If a report is obtained from our insurers, Council is not bound however would take the report into account.
- A4. This question would be taken on notice.

2.1 Response To Previous Public Questions Taken On Notice

Colleen Rankin – Ordinary Council Meeting of 28 April 2009

- Q1. Why do we have subdivisions without verge trees? (Sunrays has none at all!)
- A1. In some cases trees that have been planted by the developer have been removed by residents once they have moved in. In other cases the Shire has had unsuccessful negotiations with some developers.
- Q2. Why do we have subdivisions where all verge trees were removed? (Larsen Road where the developer told us they could have kept quite a number if they had been asked to do so).
- A2. The Shire does not support the removal of verge trees in subdivisions, except where it is absolutely necessary. Sometimes it is unavoidable due to the fill requirements to achieve groundwater separation and similarly to provide vehicular access to finished lots. The Shire did not authorise the removal of any trees along Larsen Road. These were removed a number of years ago without Council approval.
- Q3. Best practice WSUD requires swales in most streets not just one waterway for the whole subdivision.
- A3. All subdivisions are required to embrace the principles of water sensitive urban design (WSUD) - the exact design of which needs to be site-specific. Swales are one of a number of different measures that may be incorporated into a subdivision to embrace WSUD principles. Alternative approaches include bio-retention pockets in public open space areas and integrated into multiple use corridors. Integration into major open space corridors minimises the amount of land required for drainage purposes and is cost effective for future maintenance. Swales are being incorporated into many subdivisions, on non-active street frontages.

The Shire does not consider it practical or cost effective to include swales in every street in a residential area.

The Shire is achieving considerable progress with various developers to achieve alternative landscape treatments, through landscaping packages, to embrace the principles of water sensitive urban design.

- Q4. Why do we have subdivisions where WSUD is either minimal or in a corridor remote from homes?

- A4. As outlined in the answer to question 3, WSUD principles may be implemented in a number of different ways and need to be site specific and cost effective.
- Q5. Byford Central's multiuse corridor on Thomas Road has never been developed - what is being done about it?
- A5. To date, it has not been possible to finalise a landscape concept design for this section of Thomas Road. Considerable work is being progressed by the Shire, in conjunction with the developers, to finalise the requirements for subdivision drainage, regional drainage and future road widening requirements. The required investigations and design work on each of these matters is nearing completion, which allow for stakeholder engagement and the ultimate progression of a landscape design, once the plans are approved by Council. The Shire is aiming to see the landscape designs for this area finalised and implemented at the earliest opportunity.
- Q6. Why do we have subdivisions in Byford with reticulated turfed verges?
- A6. Reticulated turf verges have resulted from the landholder extending their lawn area to include the verge and reticulation being installed by the landholder. The Shire has no policies or rules that prevent verges being planted with turf as this is common accepted practice throughout the metropolitan area.
- Q7. How can Council staff be so out of step with Council's philosophy on sustainability to recommend a reduction in private open space to allow bigger houses on small blocks?
- A7. The Residential Design Codes in Western Australia provide flexibility in the provision of open space on properties. The staff recommendation was based on achieving consistency with other subdivisions in the Byford area; consistency in the application of planning policy is an important consideration. Council staff are not out of step with Council's philosophy on sustainability and staff are working closely with the Shire's elected members to put in place policies to guide future subdivisions and development.
- Q8. No trees around homes or on verges and very few in the small areas of public open space. What is Council doing to address this issue?
- A8. The Shire has no legal ability to enforce the planting of vegetation on private property, however the Shire actively encourages residents to plant local native vegetation. The provision of vegetation in public open space areas and on verges is a matter that the Shire is seeking to address through the careful assessment of landscaping plans, combined with the development of new policies.

Public Question Time concluded at 7.22pm.

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.22pm

SD106/05/09 - Larry & Jill Mayo (Lot 613 Thomas Road, Oakford)

We honestly thought that we had applied for an equestrian centre when we put in our application for a commercial agistment centre. We mistakenly thought that an equestrian centre would cover a riding school. We have spent \$400,000 on fencing, a block of stables, a dressage arena, a lunge ring and parking areas. We also bought 12 well schooled ponies with our superannuation money. We have spent a lot of money on advertising and the income from the riding school is our livelihood. We have been operating 8 months now and have established quite a good clientele. We have been in the horse industry for thirty years

and as the business grows we hope to employ some local people. We have lived in Oakford for 14 years and love it very much and don't intend to move.

SD107/05/09 - Michael Hiding (President, Riding for the Disabled Association)

In regards to the proposed cover for the horse area for the Riding for Disabled facility on Lot 281 Gossage Road, Cardup.

First of all I would like to thank the Shire for its ongoing support of our facility over the past years. Without the co-operation we have received we would not have come as far as we have. Yes, some of the projects take a bit of time to fully complete, but we work as fast as the donations of money and time allow and always with a view to the planning processes required. We do thank you and your officers for the patience shown in this respect.

In regard to the covered area that we have proposed for this community facility; I would like to take this opportunity to draw your attention to the reasons for this covering. RDA Cardup facility is home to some 70 disabled children and adult riders every week (Wednesday, Thursday and Saturday mornings) and our main driver for this cover is to provide for and accommodate the needs of those people with a disability and make the work of all our great volunteers a little bit easier.

Last week was a great example of the need for a covered arena. Imagine having to tell the riders that they can't ride because of the weather. This is difficult enough if they can understand... but try doing it if they don't fully understand.

The covered arena is not about creating extra traffic, dust or land erosion but to ensure that the current facilities can be adequately utilised and the current 70 riders and dozens of volunteers can be favourably housed in all weather situations. The more time we can extend to the riders the more benefits that are realised.

Feedback from the local schools that utilise this facility for the disabled children that they care for, are full of praise for the program. We must remember, that while riding is fun, for disabled people it does mean much more than fun. The community and social benefits of this centre are enormous. The psychological, mental and physical wellbeing of the community members involved is immeasurable.

The report tabled by your Planning Officer and Director Development Services deals fairly with the issue and application at hand and we look forward to working with the Shire to ensure full compliance of any conditions of this application.

RDA will have the structure fully engineered and built by professional builders in accordance to Shire regulations.

We understand fully that we are only custodians of this Reserve, but we do feel that the community of the Shire of Serpentine Jarrahdale receives enormous benefit from what has grown out of that rocky plot of land.

The covered arena will only enhance this facility.

SD108/05/09 - Kerry Hadwiger (1765 Nettleton Road, Jarrahdale)

A living is made from the parking of trucks on this property. The trucks are not parked there all the time. The agenda item mentions tyres and a transportable which have both been removed.

Her father purchased this property when he returned from the war and she will not be driven from her land as people from Perth come to reside in this area and prefer the urban lifestyle.

CGAM100/05/09 - Thomas Hoyer (713 Nettleton Road, Karrakup)

Attended Committee Meeting last week and was impressed by the process that was followed through on a series of questions he raised. He is here to re-state matters that he thinks require clarification and to conclude by talking about cost and risk.

An explanation of some report items is necessary because the report responds to the Officer Recommended Resolution that denies the information required to make a decision.

Under Sustainability Statement, Effect on Environment, the arboriculturist's report demonstrates the need for the removal of three trees – this may be an opinion, however this is not substantial when this single statement is made. Mr Hoyer does not think it is in the interests of good decision making and information flow.

Under Sustainability Statement, Economic Viability, a professional has been engaged for tree assessment as staff do not possess suitable qualifications – if such expertise is not held by Council and the attachments are confidential, Mr Hoyer can only assume the these attachments support the Officer Recommended Resolution in some way. If such expertise is not held by Council, what expertise supports the Manager Environmental Services?

The statement - *It is the consultant's opinion that the 3 trees inspected will require annual inspection to monitor limb extension and limb loading. This will equate to an estimated \$400 annually* - is there another report he is unaware of, as there is nothing of this nature mentioned in the report. This statement extends itself to an annual cost of \$400 which is an essential part of the item as it relates to cost and risk.

Under Strategic Implications, Environment, Objective 1: Protect and repair natural resources and processes throughout the Shire - understands that Council has placed emphasis on future development with the planting of WA trees and native species – this is not what the reports states.

Under Governance, Objective 1: An effective continuous improvement program, Strategies: Identify and implement best practice in all areas of operation – suspects this is the challenge before Councillors today.

It should be a reflection of what is important to ratepayers when Shire policies are developed.

Mr Hoyer stands here in defence of these trees. The destruction of these trees rests on two issues – cost and risk. First is the normal part of managing the environment and verges. If the trees are sound and healthy, they should be protected and preserved even though they may cause a risk, as do many other trees in the Shire. This tree species is of good quality, they do not fall over or lose their limbs.

These trees should be included on a register, they are very powerful icons and should be protected. Council should consider carefully its philosophies and values.

SD107/05/09 - Marion Best (Lot 804 Bournbrook Avenue, Cardup)

What has previously been said at this meeting is not to do with the children and never has been. It is a wonderful thing that Riding for the Disabled are doing for the children.

The proposed 5.5m shed will create a wind tunnel and what happens if material comes off the shed and hits a person or animal?

When the Chief Executive Officer first visited the site, she advised they would have trees at the rear of the paddock, then a firebreak area, then a drain and six years later this has not happened.

Public Statement Time concluded at 7.39pm.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer declared an interest in item CGAM103/05/09 as she uses the services of JCW Superclean and has not been involved in assessment of this tender. The Chief Executive Officer advised that she will leave the Chamber whilst this item is being discussed.

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

COUNCIL DECISIONS

7.1 Sustainable Development Committee – 21 April 2009

Moved Cr Brown, seconded Cr Twine

The *attached (E09/2344)* minutes of the Sustainable Development Committee Meeting held on 21 April 2009 be confirmed.

CARRIED 9/0

7.2 Corporate Governance and Asset Management Committee – 21 April 2009

Moved Cr Brown, seconded Cr Twine

The *attached (E09/2518)* minutes of the Corporate Governance and Asset Management Committee Meeting held on 21 April 2009 be confirmed

CARRIED 9/0

7.3 Audit Committee Meeting – 21 April 2009

Moved Cr Murphy, seconded Cr Harris

The *attached (E09/2374)* minutes of the Audit Committee Meeting held on 21 April 2009 be confirmed.

CARRIED 9/0

7.4 Ordinary Council Meeting – 28 April 2009

Moved Cr Harris, seconded Cr Brown

The *attached (E09/1793)* minutes of the Ordinary Council Meeting held on 28 April 2009 be confirmed.

CARRIED 9/0

REPORTS OF COMMITTEES:

SD103/05/09 DEVELOPMENT SERVICES INFORMATION REPORT – BUILDING, HEALTH AND RANGERS & PLANNING		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services, Tony Turner – Manager Health and Rangers and Simon Wilkes – Executive Manager Planning	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 April 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

A) BUILDING

SD103/05/09 DELEGATED AUTHORITY – MARCH 2009 (A0039-02)

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

DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of March 2009 were numbers 681/08, 719/08, 749/08, 868/08, 881/08, 883/08, 887/08, 899/08, 907/08, 923/08, 09/1, 09/13, 09/15, 09/29, 09/33, 09/38, 09/44, 09/52 – 09/56, 09/59, 09/68, 09/72 – 09/74, 09/79, 09/81, 09/83, 09/85, 09/86, 09/89, 09/94, 09/97, 09/98, 09/104, 09/105, 09/110, 09/114, 09/117, 09/119, 09/131, 09/136, 09/138, 09/139, 09/141, 09/142, 09/148, 09/167 – 09/169, 09/171, 09/189 – 09/191 (56 approvals).

Month of March	2008/2009	2007/2008
Value of permits issued	\$5,114,854	\$7,209,283
Cumulative total for period	\$54,475,725	\$70,417,466
Number of permits issued	56	86
Number of dwellings approved	15	32
Number of applications received	72	72
Number of fast track applications	7	N/A

On 6 April 2009, 80 applications were pending.

B) HEALTH & RANGERS

SD103/05/09 DELEGATED AUTHORITY – APRIL (A0039-02)

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

DS21 – Effluent Disposal Applications

L236 Cardup Siding Road, Byford
L102 Mason Court, Serpentine
L91 Lefroy Street, Serpentine
L207 Aquanita Rise, Darling Downs
L23 Kowin Court, Cardup
L21 Baigup Loop Cardup
L330 Bournbrook Avenue, Cardup
L112 Gull Road, Serpentine
L223 Culham Vista, Byford
L103 Country Drive, Oakford

DS21 – Permit to Use Apparatus

L127 Leipold Road, Oldbury
L701 Henderson Road, Serpentine
L249 Cardup Siding Road, Byford
L60 Upton Close, Oakford
L247 Cardup Siding Road, Byford
L202 Bangap Place, Oakford
L1 Leipold Road, Oldbury
L109 Burgess Drive, Byford
L114 Bullich Retreat, Jarrahdale

C) PLANNING

SD103/05/09 SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is contained in the attachments marked SD103.1/05/09.

SD103/05/09 DELEGATED AUTHORITY DETERMINATIONS – DEVELOPMENT APPLICATIONS, SUBDIVISIONS, DETAILED AREA PLANS

Date Issued	Authority Ref.	Property & Development	Decision
31/03/09	DS-08	L295 Diamantina Boulevard, Byford – Single Dwelling	Approved
31/03/09	DS-15	L601 Bruns Drive, Darling Downs – Shed (outside envelope)	Approved
02/04/09	DS-08	L600 Bruns Drive, Darling Downs – Patio Enclosure and Shed	Approved
02/04/09	DS-08	L19 Wattle Road, Serpentine – Shed (with reduced side setback)	Approved
02/04/09	DS-05	L428 Plaistowe Boulevard, Byford – Patio (with reduced side setback)	Approved
03/04/09	DS-08	L62 Comic Court Circuit, Darling Downs – Stables and Keeping of Horses	Approved
03/04/09	DS-01	L256 Kargotich Road, Oldbury – Subdivision	Refused
09/04/09	DS-05	L254 Plaimar Ramble, Byford – Patio	Approved
15/04/09	DS-08	L15 Dairy Link, Mardella – Stables and Keeping of Horses	Approved
17/04/09	DS-08	L5 South Western Highway, Serpentine – Single Dwelling and Conversion of Existing Dwelling	Approved
20/04/09	DS-08	L165 Quiberon Link, Byford – Single Dwelling	Refused
22/04/09	DS-12	L41 King Road, Oakford – Clearance of Subdivision Conditions	Approved

Date Issued	Authority Ref.	Property & Development	Decision
22/04/09	DS-12	L227 Walters Road, Byford – Clearance of Subdivision Conditions (158-08)	Approved
22/04/09	DS-12	L227 Walters Road, Byford – Clearance of Subdivision Conditions (136890)	Approved
22/04/09	DS-15	L104 Yarri Mews, Jarrahdale – Shed (outside building envelope)	Approved
22/04/09	DS-15	L223 Culham Vista, Byford – Single Dwelling (outside building envelope)	Approved

Application Type	Authority	Number
Development Applications Received	N/A	22
Development Applications Approved	Delegated Authority Committee/Council	12 0
	Total	12
Development Applications Refused	Delegated Authority Committee/Council	1 Nil
	Total	1
Subdivision Referrals Received	N/A	3
<i>L9 Abernethy Road, Byford</i>		
<i>Lot 1 William Street, Byford</i>		
<i>Lot 309 Forest Avenue, Jarrahdale</i>		
Subdivision Approval Recommendation to WAPC	Delegated Authority	1
Subdivision Refusal Recommendation to WAPC	Delegated Authority	1
Subdivision Deferral Recommendation to WAPC	Delegated Authority	Nil
Subdivision Condition Clearances issued	Delegated Authority	3

CG05 – Prosecutions

1. Notice Under Planning and Development Act
Assessment No A321700 - Unauthorised Development Clearing and Storage of Transportable Buildings.
2. Enforcement under Town Planning Scheme No 2
Assessment No A173308 - Legal action to commence against the landowner for Unauthorised Commercial Vehicle and Storage of Mulch and Wood Piles.
3. Enforcement under Town Planning Scheme No 2
Assessment No A154100 - Failing to comply with a Section 214(2) Direction, the intent of the direction was to cease any further development of an equestrian facility (Horse Training Centre).

SD103/05/09 SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
138922	Lot 5 Karnup Road, Serpentine	2	Rural	Refusal	Approval

Subdivision would create lots under the 4.0 hectare recommended minimum lot size for land identified in the Farmlot Policy Area of the Shire's Rural Strategy.

SD103/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Geurds, seconded Cr Buttfield
That Council accept the Development Services Information Report.
CARRIED 9/0**

SD104/05/09 PROPOSED SHED - LOT 722 SELKIRK ROAD, SERPENTINE (P06495/05)		
Proponent:	N Morrissey	In Brief Application for the construction of an oversize and overheight outbuilding, outside the building envelope. Approval subject to conditions is recommended.
Owner:	N Morrissey	
Officer:	Casey Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	15 April 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 26 February 2009
 Lot Area: 2.04 Hectares
 MRS Zoning: Rural
 TPS Zoning: Rural Living A
 Use Class & Permissibility: Single Residence – incidental development (outbuilding) - P Use
 Rural Strategy Policy Area: Rural

Proposal

An application was received for an oversized and overheight shed to be located outside the building envelope at Lot 722 Selkirk Road, Serpentine. The proposed location for the shed is abutting the outside edge of the building envelope, in order to minimise cut and fill for the construction of the outbuilding.

The proposed shed has been purchased as a second-hand structure and therefore has already been manufactured to size comprising of a wall height of 4.2 metres and an overall floor area of 165.93m². The colour of the shed is zinalume, however, as the property is located within Council's Landscape Protection Policy area, zinalume in this locality is not permitted. Accordingly the applicant has advised their intention to repaint the shed immediately upon completion of construction.

The location plan, an aerial photograph, site, floor and elevation plans, are with attachments marked SD104.1/05/09.

Variations requested

Local Planning Policy 17 (LPP17) states the maximum total combined floor area for outbuildings in the Rural Living A zone is 150m². Up to 20% variation, being 180m² can be approved under delegated authority, however, the proposal of 165.93² received objections and therefore determination by Council is required. As the shed is second-hand the existing wall height is 4.2m in lieu of the 3.5m allowed in the Rural Living A zone.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	Yes. Existing mature trees are scattered along the eastern boundary and verge.

Sustainable Element	Comment
Is remnant native vegetation to be retained or removed as a result of this proposal?	No removal is proposed.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Yes. Additional vegetation would be useful in screening the bulk of the outbuilding.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal is consistent with neighbouring properties in the locality.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	Due to the contours of the property, the proposal would not have any more impact than if it was located within the building envelope as it would still be visible from several adjoining properties. The proposed recolouring in “Bushland” paint would minimise the visual aspect of the structure.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	An additional rainwater tank is proposed to capture stormwater.

Statutory Environment:

Planning and Development Act 2005
Serpentine Jarrahdale Town Planning Scheme No. 2
Serpentine Jarrahdale Rural Strategy 1994

Policy/Work Procedure Implications:

LPP17 Residential and Incidental Development
LPP8 Landscape Protection Policy

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:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Advertising to adjoining properties was conducted. Two objections were received.

Affected Property (Assess No.)	Summary of Submission	Officer's Comment
A398743	The shed is oversized, overheight and outside the building envelope	The shed is overheight and oversized. The location of the effluent disposal system and an existing driveway limit the applicant's ability to contain the structure within the building envelope.
	The Council puts in restrictions to protect the benefits/assets/property of nearby residences this grossly exceeds these restrictions.	Building envelopes generally cluster buildings together however other structures and features of the land may constrain future development to be constructed within the building envelope.
	This shed will grossly impact on our view of this wonderful landscape and also affect the value of our home and property.	The shed would be visible whether it is built within the envelope or outside of the envelope. The gradient of the land is less outside the building envelope than the area just within the building envelope. While landscape, visual impact and amenity matters are relevant statutory planning considerations, impacts on property values are not.
	This shed is a proposal for a "Factory Shed" on the documentation. This is not an industrial area it is a semi rural area.	The plans supplied are from the previous owner of the shed. The term "Factory" may have been used for the previous owner however this does not grant any specific rights for use as a "Factory". The shed size is consistent with others in semi rural areas, not those in industrial areas.
A398744	The size of the proposed building looks excessive for the semi-rural, environment we have chosen to retire in. The height appears to be over 5m high and apart from the area looks physically invasive.	The overall floor area exceeds the maximum allowable limit by approximately 16m ² which is not considered excessive, particularly as the 20% variation that can be approved under delegated authority is 180m ² . The wall height is only 4.2m being 20% variation.
	The drawing states it is a factory and apart from the question of what business and subsequent, noise will emanate, the building design looks downright ugly.	The proposed use is for general vehicle and household storage as the existing dwelling does not have a garage or carport.
	Why does the building have to be outside the building envelope?	An existing dwelling, swimming pool, effluent disposal system and vehicle access road take up the majority of the envelope.

Planning Assessment:

Policy Requirements

Policy: LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments (Complies / Variation Supported / Condition Required)
Setbacks			
Primary Street	15 m	83 m	Complies.
Rear	7.5 m	150 m	Complies.
Side	7.5 m	30 m	Complies.

Policy Requirement	Required	Proposed	Comments (Complies / Variation Supported / Condition Required)
Side	7.5 m	35 m	Complies.
Floor Area (combined total floor area of all outbuildings)	Max. 150 m ²	165.93 m ²	Does not comply.
Wall Height	Max. 3.5 m	4.2 m	Does not comply.
Roof Height	Max. 5.0 m	4.7 m	Complies.

Options for Council

There are primarily two options available to Council in consider the proposal, as follows:

1. to approve the application, with or without conditions; and
2. to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Conclusion

The proposed shed has been purchased second-hand and therefore the size and height of the shed has been previously manufactured to a size consistent with the allowable 20% variation to Council's LPP17. The existing structures such as dwelling, swimming pool and effluent disposal system cover the majority of the building envelope area and it is considered the proposed location outside the building envelope is appropriate considering the gradient of the land. Therefore it is recommended the shed be approved subject to conditions.

Voting Requirements: Simple Majority

SD104/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Geurds

That the Application for Approval to Commence Development for an Oversize and Overheight Shed be approved subject to the following conditions:

1. **Within 28 days of construction of the shed, the zincalume walls and roof are to be repainted in the colour Bushland as identified on the schedule of colours and materials, attached to and forming part of this approval.**
2. **Prior to the issue of a building licence, a revised site plan demonstrating two rows of native screening vegetation are to be planted on both the eastern and southern sides of the proposed shed to the satisfaction of the Director Development Services by 30 November 2009 and maintained at all times.**
3. **The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.**
4. **All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
5. **The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.**

6. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

Advice Note:

1. A building licence is to be obtained prior to commencement of any works on site.

CARRIED 9/0

SD105/05/09 PROPOSED USE NOT LISTED (FAMILY DAY CARE) – LOT 352 MINTBERRY GARDENS, BYFORD (P06627/02)		
Proponent:	F J Park	In Brief Application has been received for a Family Day Care business from Lot 352 Mintberry Gardens, Byford. It is recommended that the application be approved.
Owner:	F J Park	
Officer:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	15 April 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 16 April 2009
 Advertised: Yes
 Submissions: No
 Lot Area: 0.051ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20
 Date of Inspection: 15 April 2009

Background

An application for a Home Business (Family Day Care) was received on 16 March 2009. This report provides Council with the opportunity to make a determination on the application.

A copy of the location, site and floor plan are with attachments marked SD105.1/05/09.

Sustainability Statement

Effect on Environment: The proposal has some potential to reduce car and transport use by way of offering a locally accessible provision for family day care to nearby residents.

Resource Implications: The layout of the existing dwelling provides good solar access for inside play areas.

Economic Benefits: A home based business provides an opportunity for income to the applicant and also provides a service to the local community who are seeking family day care for their children.

Social – Quality of Life: The proposal will allow for several residents to place their children in family day care as an alternative care option in the situation when local commercially run centres may not have a vacancy. The proposal also allows for the applicant to gain

employment without having to travel outside of the Shire. The residence is located within one of the new urban estates therefore providing a child care service in a populated area.

Social and Environmental Responsibility: The proposal will provide children the opportunity to participate in supervised care with their peers.

Social Diversity: The proposal does not disadvantage social or community groups. The proposal has the ability to offer personalised care for a small number of children which may benefit children who have difficulty socialising in larger commercial centres.

Statutory Environment: Town Planning Scheme No.2 (TPS 2)
Child Care Services (Family Day Care) Regulations 2006
Community Services Act 1972

The proposed family day care centre will be operating under the Lady Forest Scheme, which has stringent guidelines and requirements for family day care centres. Under the Lady Forest Scheme the applicant is applying for a licence to care for seven children. These numbers adequately meet the Child Care Services regulations. The applicant has specified that the operation of the family day care centre would be in accordance with the above regulations.

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.
3. Retain seniors and youth within the community.
6. Ensure a safe and secure community.

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The proposal was referred to surrounding landowners for comments. No objections were received.

Comment:

Zoning and permitted uses

The land is zoned Urban Development under Council's TPS 2. Under TPS 2 a "Home Business" is defined as the following:

"means a business, service or profession carried out in a dwelling or on land around a dwelling which:

- a) *does not employ more than two people not members of the occupiers household;*
- b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) *does not occupy an area greater than 50m²;*
- d) *does not entail the retail sale, display or hire of any goods of any nature;*
- e) *in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) *does not involve the use of an essential service of greater capacity than normally required in the zone."*

The proposal is generally consistent with the requirements for a Home Business with the exception that the floor area to be used totals more than 50m². It would not be practical to limit child supervision and associated activities to 50m² as the children and supervisor would need to access and utilise several rooms in the dwelling such as the kitchen, bathroom and toilet facilities.

The area to be used for activities and supervision of children will be the main living areas of the dwelling which include a meals, family and toy room area. The kitchen adjoins the main living areas and will be used for the food preparation for the children's meals. The laundry, toilet and bathroom will be available for use by the children. The children will be given supervised access to the lawn area at the rear of the residential lot to allow for outdoor activities.

Whilst the Child Care Regulations restrict the number of hours to 18 consecutive hours, the single bedroom in the dwelling which is proposed for use as a daytime sleep room will also be made available for occasional overnight supervision as required by some parents, such as shift workers.

As the proposed family day care activities will use an area greater than 50m² the application must be dealt with as a 'Use Not Listed', therefore a determination is required to be made by Council.

Clause 3.2.5 of the Scheme states:

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

b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for the planning consent."

It is considered that this proposal addresses the general intent of a Home Business and is classified as a Use Not Listed in TPS 2, and is consistent with the objectives and purpose of the zone.

Options for Council

There are primarily two options available to Council in consider the proposal, as follows:

1. to approve the application, with or without conditions; and
2. to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Conclusion:

The applicant has undertaken the necessary requirements to satisfy Child Care Services (Family Day Care) Regulations 2006 and accordingly, if approved, this Family Day Care centre can be carried out without detrimental impact to surrounding landowners in the residential estate and as nearby commercial centres are generally open from 6am on weekdays this proposal is consistent with similar service providers in the community. It is recommended the proposal be approved subject to conditions.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

The proposed Family Day Care at Lot 352 Mintberry Gardens, Byford be approved subject to the following conditions:

1. The applicant is to obtain a licence to operate a “Family Day Care Centre” from Lot 352 Mintberry Gardens, Byford as required under the Child Care Services (Family Day Care) Regulations 2006.
2. A license to operate as a Family Day Care Centre under the Child Care Services (Family Day Care) Regulations 2006 is to be maintained at all times during the operation of the family day care centre.
3. Premises to be subject to occasional inspection by Council’s Environmental Health Services department.
4. Pick up and drop off hours be restricted to no later than 7.00pm in the evening or before 6.00am in the morning.
5. Advertising signage for the land use is prohibited.
6. Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.
7. Compliance with Health (Food Hygiene) Regulations 1993.
8. Compliance with Australian New Zealand Food Standards Code.
9. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
10. No vehicle in connection with the operation of the family day care centre is to be parked on the road verge.

SD105/05/09 COUNCIL DECISION:

Moved Cr Brown, seconded Cr Twine

The proposed Family Day Care at Lot 352 Mintberry Gardens, Byford be approved subject to the following conditions:

1. **The applicant is to obtain a licence to operate a “Family Day Care Centre” from Lot 352 Mintberry Gardens, Byford as required under the Child Care Services (Family Day Care) Regulations 2006.**
2. **A license to operate as a Family Day Care Centre under the Child Care Services (Family Day Care) Regulations 2006 is to be maintained at all times during the operation of the family day care centre.**
3. **Premises to be subject to occasional inspection by Council’s Environmental Health Services department.**
4. **Pick up and drop off hours be restricted to no later than 7.00pm in the evening or before 6.00am in the morning.**
5. **Any proposed signage on the property in relation to the Family Day Care requires written approval from the Director Development Services.**
6. **Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.**
7. **Compliance with Health (Food Hygiene) Regulations 1993.**
8. **Compliance with Australian New Zealand Food Standards Code.**
9. **The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.**
10. **No vehicle in connection with the operation of the family day care centre is to be parked on the road verge.**

CARRIED 9/0

Note: The Committee/Officer Recommended Resolution was amended by changing condition 5 to state that any proposed requires written approval from the Director Development Services.

SD106/05/09 RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR EQUESTRIAN ACTIVITY (RIDING SCHOOL) – LOT 10 (1613) THOMAS ROAD, OAKFORD (P05380/04)		
Proponent:	Larry Mayo	In Brief The applicant seeks retrospective planning approval for an Equestrian Activity (Riding School) on the subject property. It is recommended that the application be approved
Owner:	Larry Mayo	
Author:	Michael Daymond – Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	28 April 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 10 February 2009
 Advertised: Yes
 Submissions: Yes
 Lot Area: 7.31 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural
 Date of Inspection: April 2009

Background

On 22 January 2009, a letter was sent to the owner of Lot 10 (1613) Thomas Road, Oakford advising that a report had been made to the Shire relating to the operation of a Riding School from the property and advising that Planning Approval is needed for this activity. Subsequently, a development application for retrospective approval for a Riding School was received and is the subject of this report.

Sustainability Statement

Effect on Environment: It is considered that the operation of a riding school on the property will not detrimentally impact on the environment. On the 18 May 2007, planning approval was issued by the Shire for stables and commercial agistment on the property. This approval included a maximum of thirty (30) horses and a number of conditions relating to the management of the property to help minimise impacts on the environment. The addition of a riding school to the property is unlikely to result in additional impacts on the environment.

Due consideration needs to be given to waste management to ensure that the potential for nutrients to leach into the groundwater is not increased. This will be covered by conditions of approval.

Use of Local, renewable or recycled Resources: It is considered that the application may use locally and regionally available resources.

Economic Viability and Benefits: The riding school will provide employment for one riding instructor who resides on the property. It is considered that the proposal may increase tourism within the Shire by attracting residents from surrounding localities into the Shire to learn how to ride.

Social – Quality of Life: This proposal could potentially impact on the quality of life for residents of adjacent properties with odours, noise, dust and traffic being generated and impacts on the visual amenity of the streetscape. Accordingly, any approval should be conditional to reduce any impacts to surrounding landowners.

Social and Environmental Responsibility: It is considered that the proposal creates opportunities for the community to participate in the activities on the property.

Statutory Environment:

Town Planning Scheme No. 2
Rural Strategy 1994
Metropolitan Region Scheme (MRS)

The application was required to be referred to the Western Australian Planning Commission (WAPC) for comment under the MRS as the subject property abuts Thomas Road, which is a Regional Road under the MRS. No comment was received.

Policy/Work Procedure Implications:

State Planning Policy No.2.1 –Peel-Harvey Coastal Plain Catchment Policy

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

The application was referred to eight (8) surrounding properties for comment. As a result of advertising, one (1) letter of ‘no objection’ was received.

Affected Property	Summary of Submission	Officer’s Comment	Action
A320111	<p>No objection but provides the following comment:</p> <p>I have no objection to the proposal as long as the activities of the riding school are kept within the boundary of Lot 10, the property under discussion.</p>	<p>Comment noted.</p> <p>Any land use that operates from the property has to be contained within the boundaries of the lot.</p>	<p>Comment supported.</p>

Comment

Proposal

The applicant seeks retrospective approval for a riding school, which has been operating from the property under the name of ‘Giddy Up’ riding school. In relation to the requirement to obtain planning approval from Council for such a use, the owner provided the following information:

“We had somebody help us to do the initial approval and we honestly thought we had applied for approval of an Equestrian Centre which would have included a Riding School”.

The approval that was granted to the owner in May 2007 was for the construction of a stable and the commercial agistment of up to thirty (30) horses on the property. The approval did not cover the operation of a riding school, and hence a retrospective application was lodged in February 2009. A summary of the proposal, as detailed by the applicant, is as follows:

- *On average, between 2 to 6 people attend the property each day;*
- *The business operates between 4:00pm to 8:00pm Monday to Friday and 8:00am to 2:00pm on Saturdays. The business does not operate at all on Sundays.*
- *A limestone parking area has been constructed to cater for twenty (20) vehicles, including one (1) disabled bay;*
- *Beginner riders start off in the round yard then progress to the dressage arena;*
- *One riding instructor is employed who resides on the property;*
- *The owners have workers compensation for the instructor and a \$10,000,000 public liability for the business.*
- *The owners of the property run the business and carry out all the work required on the land;*
- *A concrete entrance is provided from Thomas Road to access the site; and*
- *A sign is already erected on the property measuring 1.2m by 1.2m, 20 metres from the property boundary.*

A location plan, aerial photograph, site and development plans are with attachments marked SD106.1/05/09.

The existing sign is defined as a 'Hoarding' sign under Council's Local Planning Policy No.5 – Control of Advertisements (LPP5). The existing sign complies with the stipulations under LPP5 with the exception of the following requirements:

- The overall height (including supports) is less than the signs width, (horizontal dimension); and
- The sign shall not be less than 1.2m or greater than 6.0m from ground level.

The overall height of the existing sign (2.0m) is greater than its width (1.2m) and the sign is only 0.8m from the ground. The existing sign will need to be modified to comply with LPP5 and this is included as a condition of approval. The current sign is also located on the Thomas Road road reserve and will need to be located in the property boundary.

TPS 2 & Rural Strategy

The subject site is zoned 'Rural' under Council's TPS 2 and is identified within the 'Rural' policy area within the Rural Strategy. A Riding School falls under the definition of an 'Equestrian Activity' under the scheme which is defined as:

"means any land or buildings used for the showing, competition or training of horses and includes a riding school".

An 'Equestrian Activity' is identified as an 'AA' use within the Rural zone which means that the Council may, at its discretion, permit the use.

Unauthorised Development

As approval has not been granted previously for the existing Equestrian Activity (Riding School), the carrying out of an unauthorised development constitutes an offence under the Scheme as per clause 8.3 of the Shire's TPS 2 below:

8.3 OFFENCES

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

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

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

In accordance with the scheme, planning approval is required for all commercial activities within the Shire. The landowner did not obtain the prior planning consent of the Council and therefore has committed an offence under the scheme.

Retrospective Application

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

6.8 UNAUTHORISED EXISTING DEVELOPMENT

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

As no delegation currently exists for Shire staff to deal with retrospective applications, the proposal is presented to Council for determination. It is considered that the proposal complies with the provisions of the scheme.

State Planning Policy No. 2.1 – The Peel Harvey Coastal Plain Catchment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in State Planning Policy No. 2.1. Therefore, due regard needs to be given to how the proposal may impact on the existing environment. Specific management practices relating to the land can be enforced through stringent planning conditions.

Impacts on Surrounding Neighbours

The scale of development and commercial nature of the existing riding school is unlikely to have a significant impact on surrounding properties. It is considered that the tuition of a small number of riders at a time will not result in any significant noise impacts on neighbours, as the nearest adjoining dwelling is approximately 190 metres away. However, if the number of riders at any one time increases into the future, then there may be potential for the operation to impact on surrounding properties. To help address this potential issue, the number of riders attending the property will be managed through conditions of approval.

During the week, traffic will not pose a great concern to neighbours or decrease the quality of life for residents if a small number of students are being given instruction on the property at a time. With a maximum of six (6) people attending the property each day, this will involve a maximum of six (6) additional cars entering and leaving the property during the day for the purpose of the lesson. This increase in traffic is considered negligible given that the property abuts Thomas Road, which carries thousands of vehicles per day anyway.

Options for Council

There are primarily two options available to Council in consider the proposal, as follows:

1. to approve the application, with or without conditions; or
2. to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Conclusion

The scale of commercial operation that the applicant currently operates, through the running of the riding school on weekdays and on Saturdays, is considered relatively minor given the location and size of the property. The existing operation is unlikely to impact on surrounding

land owners through noise generation, traffic flow or visual amenity. This is supported by the fact that no letters of objection were received during the advertising period of the application.

Through the imposition of a number of conditions on the approval, Council can be assured that the existing use will not negatively impact on the locality within which the property is located. A community that is focussed around horse and equestrian facilities will benefit from the establishment of a controlled and regulated Riding School in the local area.

As such, it is recommended that the retrospective application for planning approval for an 'Equestrian Activity' (riding school) be conditionally approved.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for retrospective planning approval for an Equestrian Activity (Riding School) at Lot 10 (1613) Thomas Road, Oakford be approved subject to the following conditions:

1. The keeping of horses and the management of land is to be in accordance with the previous approval for 'Stables (Commercial Agistment)' dated 18 May 2007.
2. A maximum of up to six (6) students are permitted on the property during the day for lessons Monday to Saturday.
3. No lessons are permitted to be undertaken on Sundays.
4. Hours of operation are to be Monday to Friday 4:00pm to 8:00pm and Saturday 8:00am to 2:00pm.
5. This approval is granted to the applicant only and is not transferable.
6. All customer parking is to be contained wholly within the boundaries of the lot in the location shown on the approved site plan. No parking on the adjacent road or verge is permitted.
7. No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time.
8. All activities associated with the operation of the Equestrian Activity (Riding School) are to be contained on site.
9. Proposed signage on the property shall be in accordance with the requirements for 'Hoarding' signs as stipulated within Shire's Local Planning Policy No.5 – Control of Advertisements. The sign shall be located within the property and not on the Thomas Road road reserve.
10. No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained.
11. The development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise.
12. Toilet facilities are to be provided in accordance with the requirements of the Building Code of Australia and the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. Toilet facilities are to be accessible for people with disabilities.
13. The car parking area is to be constructed to the satisfaction of the Director Engineering.
14. All traffic associated with the Equestrian Activity (Riding School) shall enter and exit the property via the constructed crossover on Thomas Road.

LOST 2/3

During debate Cr Murphy foreshadowed that he would move the Officers Recommended Resolution with deletions to the conditions if the motion under debate is defeated.

SD106/05/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Brown, seconded Cr Price

The application for retrospective planning approval for an Equestrian Activity (Riding School) at Lot 10 (1613) Thomas Road, Oakford be approved subject to the following conditions:

1. The keeping of horses and the management of land is to be in accordance with the previous approval for 'Stables (Commercial Agistment)' dated 18 May 2007.
2. A maximum of up to six (6) students are permitted on the property during the day for lessons Monday to Saturday.
3. No lessons are permitted to be undertaken on Sundays.
4. This approval is granted to the applicant only and is not transferable.
5. All customer parking is to be contained wholly within the boundaries of the lot in the location shown on the approved site plan. No parking on the adjacent road or verge is permitted.
6. No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time.
7. Proposed signage on the property shall be in accordance with the requirements for 'Hoarding' signs as stipulated within Shire's Local Planning Policy No.5 – Control of Advertisements. The sign shall be located within the property and not on the Thomas Road road reserve.
8. No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained.
9. The development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise.
10. Toilet facilities are to be provided in accordance with the requirements of the Building Code of Australia and the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. Toilet facilities are to be accessible for people with disabilities.
11. The car parking area is to be constructed to the satisfaction of the Director Engineering.
12. All traffic associated with the Equestrian Activity (Riding School) shall enter and exit the property via the constructed crossover on Thomas Road.

CARRIED 6/3

Committee Note: The Officer Recommended Resolution was changed by deleting conditions 4 and 8.

Cr Murphy foreshadowed that he would move that conditions 2, 3 and 4 be deleted if the motion under debate is defeated.

SD107/05/09 PROPOSED COVER FOR HORSE ARENA FOR THE DISABLED FACILITY ON LOT 281 (RESERVE 46398) GOSSAGE ROAD, CARDUP (RS0177/07)		
Proponent:	Riding for the Disabled Oakford	In Brief The applicant seeks planning approval for development of a cover for the existing Horse Arena. It is recommended that the application be conditionally approved.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Helen Maruta – Planning Officer	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 April 2009	
Previously	C002/08/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 15 January 2009
 Advertised: Yes
 Submissions: 3 Objections and 1 letter of support
 Lot Area: 3.5 hectares
 L.A Zoning: Local Reserve Public Open Space
 MRS Zoning: Rural
 Date of Inspection: 21 April 2009

Background

In August 2003 the Riding for the Disabled (RDA) organisation obtained in-principle support from the Council to lease Reserve 46398 to set up a horse riding facility. In August 2004, the Shire signed an agreement to lease the subject property to the RDA.

RDA is an incorporated, voluntary, not for profit organisation that provides riding instruction and other activities associated with horse riding for people with disabilities. The activities provide both physiological and psychological benefits for the participants.

Proposal

The Shire received a planning application to cover an existing horse arena on the property. The cover is to be 25m by 60m in size with a wall height of 4m. The cover is predominantly proposed to be all open except on the south western corner and north eastern corner. The roof sheeting and wall panels are proposed to match existing buildings on the property which have colourbond 'Willow' and zincalume roof. The covered arena will enable riding and associated activities to be carried out in all weather conditions.

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

A location plan, aerial photograph, elevations and site plans are with the attachments marked SD107.1/05/09.

Sustainability Statement

Effect on Environment: The proposal will not result in the removal of any vegetation as the shed is to cover an existing dressage arena on the property. However, a facility of this nature needs to be managed carefully to ensure that its operation does not impact on the

amenity of neighbouring properties (ie. dust, odour, flies, weeds, noise, and appearance) or the environment (water quality, quantity, runoff, erosion, and vegetation).

Resource Implications: Due to the size of the proposed cover, stormwater will need to be suitably catered for on site to prevent direct discharge onto adjoining properties or into existing drainage lines. The proponents have proposed that stormwater collected by the arena roof will be directed to the water tank, as per the existing stormwater management plan approved by the Shire. However, the Shire's Environmental Services advised that the proposal to capture all stormwater from the covered arena roof in the rainwater tank may not be effective. If the tank is full all the water will overflow into stormwater drains that lead to the south east detention basin. It is recommended that an Urban Water Management Plan be required as a condition of approval to ensure that stormwater will be adequately addressed.

Economic Viability: If the land is managed appropriately, particularly with regard to issues such as erosion, dust, odour, water capture and re-use then the proposal should be economically viable with regard to sustainability principles.

Economic Benefits: There are opportunities for re-use of stormwater runoff, effective use of a Shire asset (the reserve) and the provision of a community resource for the community.

Social – Quality of Life: There is wide scope for this development to enhance the quality of life for the people with disabilities who use the facilities, the volunteers who run the organisation and the families of the riders. These kinds of activities, particularly the element of interaction with animals, have been proven to have significant physiological, social and psychological benefits for the people who participate in them.

Social Diversity: The proposed development achieves social diversity by providing recreational opportunities for people with disabilities and interaction between non-disabled people and people with disabilities through their volunteer programs.

Statutory Environment: Town Planning Scheme No. 2 (TPS 2)

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:-

People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
5. Develop towns and communities based on principles of sustainability

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

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

4 Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Community Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period 3 objections and one letter of support were received from adjacent neighbours. Two of the objection letters were identical and therefore will be assessed together.

Affected Property	Summary of Submission	Officer's Comment
A398360	<p>The area to be covered is very large and therefore objects to living next to this eyesore which will be visible from all adjoining neighbours everyday. The RDA from the outset has never done as they proposed in their initial application. They have only just planted lawn and trees which they said they will four years ago.</p> <p>This Arena covered will bring extra traffic, and this will create more dust. The traffic movements through the Emergency Fire Exit is already a pain and with extra usage this will become a heavily trafficked route, which is only supposed to be an emergency fire exit.</p> <p>We moved for here for peace and quiet which we don't get with the comings and goings from the RDA, setting up before 7am on Saturdays, you don't get to sleep in, let alone the extra traffic from cars and a four wheel drive motor bike that is constantly going back and forth.</p> <p>The winds in this area are very strong and the covering of this arena may be dangerous if the roof ever gets lifted off by strong winds.</p> <p>This facility is supposed to be used for RDA purposes only but the number of people who bring horses in to ride around at their own leisure is increasing all the time.</p>	<p>Noted – Revegetation on the block is on going with some areas of good survival. In particular the Casuarina obesa (bull oaks) will provide valuable screening to the western end of the arena and all attempts must be made to ensure that they are not damaged during the construction processes.</p> <p>Noted – The Riding for the Disabled activities are generally restricted between one and eight people riding people at a time.</p> <p>Noted – The proposal is in keeping with the use of the property. It is meant to provide shelter from the weather for those who ride at the site.</p> <p>Noted – The proposed will be structurally built by professional and registered builders.</p> <p>Noted – This is a compliance issue, not an issue associated with this application.</p>
A130306 and	I do oppose to having the shed being	Noted - Revegetation on the

Affected Property	Summary of Submission	Officer's Comment
A130307	<p>put up. I brought my property for the quiet location and for the view of the hills, I do not wish to look at anymore sheds being put up on the property behind me as I did not buy in an industrial area.</p> <p>Am I going to get more water run off onto my property? My land is still recovering from the clay water run off when they raised the land 2 feet higher than mine a couple of years ago, as the drainage was insufficient back then. RDA nor the council cared about that!</p> <p>The children only ride for 1 day, and for only a couple of hours, which they haven't done for the last couple of weeks. They have paying customers on the property for lessons, or her children ride on the property. The property is to be used for disabled children /persons only, not anybody else.</p> <p>They keep going against council rules, and don't care about the neighbours. They never do as they say that they will. They continually keep putting sheds on the property. They are never seen doing anything on the property themselves, nor do they clean up the manure from the paddocks.</p>	<p>block is ongoing and will eventually screen the cover from the adjoining neighbouring properties. The existing vegetation plan proposes at least 25% revegetation of the site.</p> <p>Noted – Refer above comment.</p> <p>Noted – Refer above comment.</p> <p>Noted – All the existing sheds on the property have planning approval from the shire.</p>
A398365	<p>We realise that this building might be visible for some time but with the growing trees and vegetation on our own block and also on the RDA block we do not see any major problems in the construction of this building.</p> <p>The RDA organisation provides a service to our community and especially to those with a disability. RDA is the only organisation where people with a disability can enjoy themselves and ride a horse. The SJ Shire promotes rural living. Horses and horse activities are part of rural living. It is even greater that there is a RDA organisation within the SJ Shire.</p> <p>It would be great for the RDA riders to have sun and rain protection</p>	<p>Noted.</p>

Affected Property	Summary of Submission	Officer's Comment
	during their lessons. A second benefit is that the volunteers who give up their free time are protected as well. Being the neighbours who probably live the shortest distance from the proposed building we don't have any objections to the construction of this roof. Vegetation has been planted on the RDA block and together with our own vegetation the visibility of this building will be minimal.	

Comment:

The subject land is reserved as Public Open Space in TPS 2. Clause 2.3 of Council's TPS 2 states the following:

“Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent”.

The Public Open Space reserve is currently being leased and used for the purposes of riding for the disabled providing riding instruction and other activities associated with horse riding for people with disabilities. It is considered that the application for the cover of the existing horse arena is in accordance with the ultimate purpose of the reserve.

The locality is predominantly occupied by people who own horses. As such, the proposed development and the ultimate use are in keeping with the character of the area. As the Reserve is vested in the Shire there are opportunities for the Shire to work with the organization to ensure that the reserve is developed in an appropriate manner and managed so as not to adversely impact on the amenity of adjoining properties.

Options for Council

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

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

Conclusion

The proposed development of the cover for the existing horse arena on the reserve is consistent with the provisions of TPS 2 on a Public Open Space reserve. The proposed development is associated with the predominant use of the reserve for riding for the disabled. Approval of the proposal will enable the development of a valuable community resource for the community. The facility will also provide favourable opportunities for volunteers within the community and provides shelter from weather for those who ride at the site. It is therefore, recommended that approval be granted for the development.

Voting Requirements: Simple Majority

SD107/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Buttfield

The application for approval to commence development for the construction of a cover for the existing horse arena on Lot 281 (Reserve 46398) Gossage Road, Cardup be approved subject to the following conditions:

1. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this approval.
2. Only materials identified in the approved plans are to be used in the construction of the buildings unless the prior written approval of the Director Development Services is obtained.
3. An urban water management plan is required to be submitted and approved by the Director Engineering prior to the commencement of works. This plan shall include the provision of rain water tanks to collect stormwater from the roof.
4. The urban water management plan shall be implemented in its entirety.
5. Revegetation/landscaping shall be maintained in accordance with the approved existing vegetation management plan amended and dated 18 July 2005.
6. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed in accordance with the Land Management Plan attached to and forming part of this approval to the satisfaction of the Director Development Services.
7. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Director Development Services.

Advice Note:

1. A building licence is to be obtained prior to commencement of any works on site.

CARRIED 6/3

Cr Brown foreshadowed that she would move that condition 3 includes a water tank on each corner of the shed if the motion under debate is defeated.

Cr Harris foreshadowed that she would move that this item be deferred until Council has been provided with an engineering evaluation as to drainage constraints on the property if the motion under debate is defeated.

SD108/05/09 RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR TRANSPORT DEPOT – LOT 2 (1765) NETTLETON ROAD, JARRAHDAL (P00914/04)		
Proponent:	C & K Hadwiger	In Brief The applicant seeks retrospective planning approval for a Transport Depot on the subject property. It is recommended that the application be conditionally approved.
Owner:	C & K Hadwiger	
Author:	Michael Daymond – Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	28 April 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	23 September 2008
Advertised:	Yes
Submissions:	Yes
Lot Area:	0.64 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Rural Strategy Policy Area:	Farmlet
Townscape/Heritage Precinct:	Jarrahdale Townscape Precinct
Date of Inspection:	December 2008

Background

In November 2007 and March 2008, letters were sent to the owners of Lot 2 (1765) Nettleton Road, Jarrahdale advising that a complaint had been made to the Shire relating to the parking of commercial vehicles on the property and advising that Planning Approval is needed for this activity. Following this, a development application was lodged with the Shire in March 2008 that was eventually refused on 16 September 2008 due to insufficient information being provided for the application to be assessed.

A subsequent development application was then received on the 23 September 2008 which is the subject of this report. Further information from the applicant was requested and the application was subsequently advertised for public comment. The subject property has been used for the parking of commercial vehicles for approximately 20 years. The commercial vehicles are contracted out to cart limestone and bluemetals for various jobs throughout the state and over east. Although the use has been carried out on the property for a number of years, this report provides Council with the opportunity to make a formal determination on the application.

The letters sent to the owners in 2007 and 2008 also raised two other ancillary issues being the storage of tyres and other materials and the storage of a transportable building. However, as these issues are considered separate to the current application before Council for a 'Transport Depot', they will be followed up through the relevant compliance channels.

Sustainability Statement

Effect on Environment: There is the potential for localised soil and groundwater contamination through oil spills if the vehicles are not managed properly on site.

Resource Implications: The proposal would assist in minimising resource use, compared to the traditional approach of the vehicles being stored at an alternative location as the operator would not have to drive to another site to pick up the vehicles.

Use of Local, renewable or recycled Resources: If the vehicles are parked on the property then there is the potential for fuel, oils etc. to be obtained locally (within the Shire). If the vehicles were garaged at an industrial area elsewhere in the Metropolitan area then it is less likely that local businesses would benefit.

Economic Viability & Benefits: There is limited economic benefit to the local community in the possibility of the vehicles fuelling up in the local area or being repaired by local mechanics. The proponent will receive an economic benefit through reduced travel time to work (ie. the extra time that it would take to drive to a depot to collect the vehicles). Additionally, not having to store the truck off-site would reduce the applicant's costs.

Social – Quality of Life: The proposal has the potential to impact on surrounding properties by way of noise and odour. However, strict adherence to any conditions of approval will be required in order to ensure that the keeping of commercial vehicles on this property does not impact on the amenity of the neighbourhood.

Statutory Environment:

Town Planning Scheme No.2 (TPS 2)
Rural Strategy 1994

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:-

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

The application was referred to four (4) adjoining properties for comment. One (1) letter of 'no objection' was received.

Comment

Proposal

The applicant currently keeps the following commercial vehicles on site:

- A Western Star - registration Bunga 33;
- A Western Star - registration 1CSR 730; and
- A Scania - registration CBH 001.

All three (3) commercial vehicles are 2.5 metres wide, 4.1 metres high, 7.0 metres long and weigh 9.5 to 10.5 tonnes and are all parked towards the rear of the property.

A location plan, an aerial photograph and a photograph of one of the vehicles is with attachments marked SD108.1/05/09.

The applicant has provided the following information as part of their application to Council:

- *The reason for parking our trucks on Lot 2 (1765) Nettleton Road, Jarrahdale is because we own them;*
- *When we get rung up for jobs, the trucks are gone for approximately 4 to 5 days at a time.*
- *Therefore the trucks are parked on site for a maximum of 3 days at a time.*

Due to the relatively sporadic nature of the parking of the commercial vehicles, the applicant has not provided any approximate times that the trucks enter or leave the property or the average number of vehicle movements that are expected per day. However if approved, conditions will be imposed restricting the movements of the vehicles to and from the property. It is understood that the vehicles undertake work, when required, outside of the property for the cartage of materials.

Statutory Context

The subject property is zoned 'Rural' under Council's TPS 2 (the scheme) and identified as 'Farmlet' under the Rural Strategy. The scheme states that the purpose and intent of the Rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area.

The applicant has applied for retrospective planning approval for a 'Transport Depot'. Within the scheme, a 'Transport Depot' is defined as:

Transport Depot - means land or buildings used for one or more of the following purposes:

- a) *The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- b) *The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- c) *The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

A 'Transport Depot' is identified as a 'SA' use in the Rural zone, which means that the proposal can be considered by Council subject to it being advertised for public comment in accordance with the provisions of the scheme. If approved, this application is unlikely to set a precedent for any other application that follows, as each application is treated on its merits subject to consultation with affected property owners.

Unauthorised Development

As an approval has not been granted previously for the existing 'Transport Depot', the carrying out of an unauthorised use is an offence under the Scheme as per clause 8.3 of the Shire's TPS 2 below:

8.3 OFFENCES

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

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

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

In accordance with the scheme, planning approval is required for all commercial uses within the Shire. The landowner did not obtain the prior planning consent of the Council.

Retrospective Application

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

6.8 UNAUTHORISED EXISTING DEVELOPMENT

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

As no delegation currently exists for Shire staff to deal with retrospective applications, the proposal is presented to Council for determination. It is considered that the proposal complies with the provisions of the scheme.

Council's TPS 2 contains the following provisions relating to the parking of commercial vehicles on a lot used for residential purposes:

5.5.5 *Notwithstanding the generality of the preceding subclause, the Council shall not grant its approval for parking of a commercial vehicle on a lot used for residential purposes, or on a lot where any adjoining lot is used for residential purposes unless:*

(a) *provision is made for the vehicle to be housed in a garage, or parked behind the building line;*

(b) *the vehicle together with its load does not exceed the following dimensions and mass:*

<i>width</i>	<i>2.5m</i>
<i>height</i>	<i>4.3m</i>
<i>length</i>	<i>12.5m rigid truck or trailer 19.0m articulated vehicle</i>

maximum mass including load 42.5 tonnes

(c) *in the Council's opinion the parking of the vehicle will not prejudicially affect the amenity of the neighbourhood due to emission of light, noise, vibration, smell, fumes, smoke or dust.*

(d) *the vehicle is predominantly used by a person who is an occupier of a dwelling on the lot where the vehicle is parked, as an essential part of the lawful occupation or business of that person.*

The three (3) commercial vehicles are parked out in the open at the rear of the property but are located behind the property line complying with (a) above. The southern and western boundaries of the property are quite heavily vegetated which helps to screen the commercial vehicles from view. The commercial vehicles are 2.5 metres wide, 4.1 metres high, 7.0 metres long and weigh 9.5 to 10.5 tonnes, thereby complying with (b) above. The inclusion of strict conditions on the planning approval will ensure that the proposal complies with part (c) above with part (d) also compliant as the applicant resides on the property.

The purpose and intent of the Rural zone, as defined by clause 5.10.1 of TPS 2, is to:

Allocate land to accommodate the full range of rural pursuits and associated activities conducted in the scheme area.

Although the proposal could be considered as not being a rural pursuit, it is considered appropriate in this instance given the sporadic nature of the use and the location in which the property is situated.

Options for Council

The following options, and associated implications, are available to Council when dealing with this application.

Option

- Approve the application subject to conditions.
- Refuse the application due to the existing non-compliance of the property.

- Refuse the application based on amenity reasons, potential impacts on neighbours and unsuitable nature of this use within the Rural zone.

Implications

- Possibility of impacts (noise, odour) on the amenity of the existing area.
- Possibility of an appeal.
- Previous non-compliance is not a valid planning reason to refuse the current application.
- The proposed use is a discretionary use which has received no objections from neighbours.
- Possibility of an appeal.
- The proposed use is a discretionary use which has received no objections from neighbours.
- The existing rural nature of the area can be retained.

Conclusion

Although there have been previous issues relating to non-compliance on the subject property, regarding the storage of a variety of different materials, it is considered that these issues are not relevant to the current application before Council. Previous legal advice provided to Council has advised that if there are any current issues of non-compliance on a property, then these shall be treated as separate issues and should not be considered as part of current development application. This is provided that the current application complies with the requirements of the scheme and other policies and/or laws. In other words, the current non-compliance of the subject property is not a valid reason alone to refuse the retrospective application for the 'Transport Depot'. Each application needs to be considered separately and on its merits. In addition, the Shire has provisions in its scheme to address compliance matters.

The current application before Council for a retrospective 'Transport Depot', which complies with the provisions of Council's scheme, is a discretionary use that can be approved within the 'Rural' zone and has not received any objections from adjoining landowners. In addition, the use of the land for the parking of commercial vehicles has been undertaken for approximately 20 years.

It is recommended that the retrospective application for planning approval for a 'Transport Depot' be conditionally approved.

Voting Requirements: Simple Majority

Manager Executive Services left the meeting at 8.36am and returned at 8.39pm.

SD108/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Twine, seconded Cr Brown

The application for retrospective planning approval for a Transport Depot at Lot 2 (1765) Nettleton Road, Jarrahdale be approved subject to the following conditions:

1. Approval is for the parking of three (3) commercial vehicles, registration numbers BUNGA 33, 1CSR 730 and CBH 001 only.
2. Only three (3) commercial vehicles are permitted on the property at any given time. No other prime movers or trailers are permitted on the property.
3. Approval is specific to the applicant only and does not run with the land.
4. The owner of the commercial vehicles must reside on the property.
5. No commercial activities are to be undertaken from the property.
6. The proposed commercial vehicles are to comply at all times with the requirements for 'parking of commercial vehicles' as stipulated by clause 5.5.5 of Council's Town Planning Scheme No. 2.
7. The commercial vehicles are not to enter or leave the property between 9.00pm and 6.00am Monday to Saturday and no commercial vehicle movements on Sunday are permitted.
8. The commercial vehicles are to be parked in the location shown on the approved site plan and are not permitted to be parked in front of the dwelling or on the adjacent road or verge at any time.
9. No mechanical servicing or repairs of the commercial vehicles is permitted on the subject land without the prior written approval of the Shire.
10. Panel repairs, painting, wash down or degreasing of the commercial vehicles, in part or whole, shall not occur on site.

CARRIED 9/0

SD109/05/09 PROPOSED ADDITIONS AND MODIFICATIONS TO THE BRUNO GIANATTI HALL & CLEM KENTISH HALL – LOT 6 (RESERVE 14609) JARRAHDAL ROAD, JARRAHDAL & LOT 57 (RESERVE 9157) WELLARD STREET, SERPENTINE (RS0032 & RS10109)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief
Owner:	As above.	
Author:	Michael Daymond – Acting Coordinator Planning Services	For Council to consider proposed additions and modifications to the Bruno Gianatti Hall and Clem Kentish Hall.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	26 April 2009	
Previously	NA	It is recommended that Council grant delegation to Council staff to deal with the Development Applications and Building Licence Applications for these two proposals.
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 has recently engaged consultants to prepare drawings and plans for additions and modifications to the Bruno Gianatti Hall in Jarrahdale and the Clem Kentish Hall in Serpentine. These plans are in the process of being finalised and will be lodged with the Shire shortly for formal approval. It is recommended that delegation be given from Council to the Director Development Services to determine the required development applications and building licence applications once lodged.

Sustainability Statement

Effect on Environment: The projects will be environmentally sensitive in terms of the additions to both halls, as defined by the Building Code of Australia.

Use of Local, Renewable or Recycled Resources: All materials and components will be sourced locally wherever possible.

Economic Benefits: It is considered that the additions and modifications to both halls may result in extended facility hire and may attract more visitors to the Shire.

Social – Quality of Life: The proposed additions to both halls will help to continue to provide multipurpose facilities which will encourage local residents and community groups to come together for a range of activities, functions and potential services for seniors, youth and the general community.

Social Diversity: The proposals will not disadvantage any social groups and will foster the opportunity for diverse groups within the community to benefit from the facilities.

Statutory Environment: Planning and building approvals are required for the projects.
Town Planning Scheme No.2

Policy/Work Procedure Implications: There are no work procedures or policy implications directly related to these issues.

Financial Implications: There will be ongoing costs to Council for the maintenance of these two halls.

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.

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.

2. Environment

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

Strategies:

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

Community consultation is not required.

Comment

Details of the proposed additions to both the Bruno Gianatti Hall and Clem Kentish Hall are detailed below:

Bruno Gianatti Hall

The proposed modifications to the Bruno Gianatti Hall include the following:

- The addition of a new consultation room of approximately 23.2m²;
- The addition of a new store of approximately 41.8m²;
- Additions and modifications to the existing roof to fit in with the construction of the new rooms; and
- Minor remedial works, both external and internal, to the existing building.

A location plan and aerial photograph are with attachments marked SD109.1/05/09.

A copy of the development plans for the Bruno Gianatti Hall are with attachments marked SD109.2/05/09.

The materials and finish used in the construction of the additions are proposed to match with the existing building.

Clem Kentish Hall

The proposed modifications to the Clem Kentish Hall include the following:

- The addition of new offices, training room and gym of approximately 100.8m²;
- Removal of six (6) existing car bays as required to build the above new rooms;
- Additions and modifications to the existing roof to fit in with the construction of the new rooms; and
- Minor remedial works, both external and internal, to the existing building.

A location plan and aerial photograph are with attachments marked SD109.3/05/09.

A copy of the development plans for the Clem Kentish Hall are with attachments marked SD109.4/05/09.

The materials and finish used in the construction of the additions are proposed to match with the existing building.

Delegations

Both proposals are located on land that are Shire reserves which are under the control and management of the Shire. With respect to these proposals, existing delegation DS-04 'Endorsement of Planning Applications' delegates authority to the Chief Executive Officer to:

Endorse the following applications on behalf of the Shire of Serpentine Jarrahdale for land owned or under the care, control and management of the Shire, subject to a preliminary assessment being undertaken to ensure that the application can be considered favourably by the relevant approval authority:

- *Town Planning Scheme No 2 Planning Application Form; and*
- *Building Licence Application.*

The delegation includes a number of other application types that can be endorsed by the Chief Executive Officer, but only the two listed above are applicable for both these current proposals. In accordance with the above delegation, once the relevant planning application and building applications are lodged for these two proposals, the Chief Executive Officer is able to sign these forms.

Through this report, delegation is also sought to be given by Council to the Director Development Services to deal with the development applications and building licence applications once lodged. The purpose of seeking this delegation is to speed up the process in order to get the relevant approvals in place within a timely manner so that work on both these buildings can start as soon as possible. If delegation is not given to the Director Development Services to deal with these applications, then once the applications are lodged they will need to be presented back to Council for a determination. This is likely to extend the process and may potentially delay the start of construction works.

Once the relevant applications are lodged for both proposals, the applications will be subject to a rigorous planning and building assessment by Council staff against relevant policies, standards and TPS 2 prior to any approvals being granted. Council can be assured that all relevant issues will be examined through this process, with relevant conditions placed on the approvals that are given.

Voting Requirements:

ABSOLUTE MAJORITY

SD109/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Twine

That Council:

- 1. Pursuant to Section 374 of the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989, authorise the Director Development Services to determine building licence applications for alterations and additions to the Bruno Gianatti Hall on Lot 6 (Reserve 14609) Jarrahdale Road, Jarrahdale and the Clem Kentish Hall at Lot 57 (Reserve 9157) Wellard Street, Serpentine; and**
- 2. Pursuant to Clause 8.2 of Town Planning Scheme No. 2, authorise the Director Development Services to determine applications and grant development approval for alterations and additions to the Bruno Gianatti Hall on Lot 6 (Reserve 14609) Jarrahdale Road, Jarrahdale and the Clem Kentish Hall at Lot 57 (Reserve 9157) Wellard Street, Serpentine.**

CARRIED 9/0 ABSOLUTE MAJORITY

SD110/05/09 PROPOSED REMOVAL OF THREE TREES ADJACENT TO LOTS 539 AND 545 WARRINGTON ROAD, BYFORD (P01964)		
Proponent:	LWP Property Group	In Brief An application to remove three trees from the verge of Warrington Road has been received, adjacent to a proposed display village. The removal of the three trees is supported.
Owner:	Tangent Nominees (Lot 539) BGC Residential Pty Ltd (Lot 545)	
Author:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	13 May 2009	
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: 1 May 2009
 Lot Area: 561m² (lot 545) and 544m² (lot 539)
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20
 Detailed Area Plan: The Glades Stage 1

Background

A detailed area plan (DAP) was adopted by Council on 27 November 2007 for Stage 1 of The Glades Estate in Byford. The DAP was further considered at a Special Council Meeting on 6 May 2008 and ultimately substituted by way of consent orders from the State Administrative Tribunal on 20 June 2008

A copy of the adopted DAP is with attachments marked SD110.1/05/09.

In parallel with the assessment and approval of the DAP, Development Approval for a display village at Stage 1 of The Glades was granted on 8 April 2008.

Following the completion of subdivision works, titles have been issued for Stage 1 of the Glades. Construction on a number of sites within the display village have progressed development on-site in recent weeks. It is understood that the display village is scheduled for opening in November 2009.

Two individual proposals have been submitted to the Shire for Lots 539 and 545 Warrington Road, for the construction of two dwellings that will form part of the display village. A request has been made to the Shire to remove two trees from the verge of Warrington Road, in order to facilitate vehicular access for the two lots.

Clause 5L of the adopted DAP states the following:

‘All crossovers in streets that contain trees in the street verge shall be constructed to ensure that the trees are not damaged or removed unless approved by the Shire.’

The proposed removal of the three trees therefore needs to be considered by Council.

It should be noted development approval for the two individual houses is not required at this time and as such, this report does not provide Council with the opportunity formally consider

the actual house/lot designs. The relationship between the two house designs and the existing trees is, however, a relevant consideration that needs to be considered by Council.

A copy of the proposed house designs for Lots 539 and 545 is with attachments marked SD110.2/05/09 and SD110.3/05/09 respectfully.

Sustainability Statement

Effect on Environment: There is limited vegetation within the Byford Area and what vegetation exists is predominantly located along the boundaries of existing large properties. The retention of vegetation within the Byford Area is a key element in maintaining landscape

Resource Implications: It is understood that the removed trees could be mulched and used as part of the materials for the landscaping within The Glades Estate.

The proposed house designs are seeking to achieve the energy efficiency criteria established by LWP for The Glades, particularly focusing on utilising the northerly aspect of each lot.

Social – Quality of Life: The retention of existing trees within Byford, combined with the landscaping treatment of new development, is a critical consideration for achieving attractive and functional streetscapes and contributing towards to the sense of place.

Social and Environmental Responsibility: The retention of existing trees within new estates should be achieved to the maximum extent practical, to meet the expectations of the community and to protect the natural environment.

Statutory Environment:

Town Planning Scheme No. 2 (TPS 2)
The Glades Stage 1 DAP.

The proposed removal of trees constitutes ‘development’ under TPS 2 and is outside of the scope of ‘subdivision works’; formal approval is therefore required.

Policy/Work Procedure Implications:

Council Policy AP29 – Requests for the Removal of Dangerous Trees.

Financial Implications:

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

Strategic Implications:

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

1. People and Community

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

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

Strategies:

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

Community Consultation:

Not required.

Comment:

There are three separate trees that are proposed to be removed, one adjacent to Lot 539 and two adjacent to Lot 545. With respect to both Lot 539 and Lot 545, LWP Property Group has advised that it is proposing to plant four new replacement trees, each being a 45ltr *Corymbia Calophylla* tree of approximately 1.5 metres in height, consistent with their proposed landscaping for Warrington Road and Mead Street.

Lot 539

An existing marri tree is located adjacent to Lot 539, approximately 4.2 metres from the roadway. The approximate trunk diameter is 470 mm. LWP commissioned an arboricultural report to be prepared, to assess the condition of the tree. The report provides the following conclusion:

'this specimen of Corymbia calophylla revealed that this tree was displaying an infestation by the fungal pathogen Marri Canker, which has subsequently resulted in the development of inverted wounds upon the main trunk which was of a size and depth to reduce the mechanical structural strength of the trunk, and therefore represents a potential risk factor to property and to persons'

A copy of the full arboricultural report for Lot 539 is with attachments marked SD110.4/05/09.

A site visit by Council officers confirmed the findings of the arboricultural report and it is considered that sufficient justification has been provided to support the removal of the tree. This recommendation is consistent with Council Policy AP 29 – Request for the Removal of Dangerous Trees.

Lot 545

The second proposal is for the removal of two marri trees adjacent to Lot 545. The existing trees are located approximately 4.2 metres from the road kerbing.

A photograph of the existing trees adjacent to Lot 545 is with attachments marked SD110.5/05/09.

A site visit by Council officers confirmed that the two trees in the road verge adjacent to Lot 545 are in good condition and should be retained, if possible. There are three relevant considerations that Council needs to consider, as follows:

- (i) the potential impact that the tree retention has on achieving the established energy efficiency criteria;
- (ii) the potential location of the proposed crossover, in relation to the adjacent lane;
- (iii) the potential to achieve an alternative crossover design.

With respect to the first dot point, LWP Property Group has provided the following rationale/justification for the proposed removal:

'The implications of not removing the trees will significantly comprise the energy efficient design of each home, and the builders have been advised they must meet our energy efficiency design criteria which may not be possible if the trees are retained... The design of Lot 545 could be modified however it would again comprise the energy efficiency of the home as it limits the ability to make use of the northern aspect of the lot, and the house may not comply with our energy efficient design criteria'

With respect to the second dot point (crossover location), the Shire's engineering team has raised concern regarding potential conflict between vehicle movements utilising the adjacent lane. Although the potential for vehicular conflicts can be minimised through detailed design, it is a relevant consideration.

With respect to the final dot point, an alternative design solution could be progressed, being the provision of a single crossover (instead of a double) and for the crossover to be located further away from the existing trees. Wherever possible, the minimum recommended distance between a crossover and a significant verge tree is 2.5 metres. It should be recognised that such a design outcome would not satisfy the expectations of the proponent.

On balance, the proposed removal of the two trees adjacent to Lot 545, while unfortunate, is considered sufficiently justified.

Options for Council

There are primarily two options available to Council in respect of the proposal, namely:

1. to approve the removal of some (or all) of the existing trees, with or without conditions;
2. to refuse the application.

Voting Requirements: Simple Majority

SD110/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Geurds
That Council,**

- 1. Pursuant to The Glades Stage 1 Detailed Area Plan clause 5L, approve the removal of the three trees on the road verge adjacent to Lot 539 and Lot 545 Warrington Road, Byford.**
- 2. Grant Development Approval pursuant to Town Planning Scheme No. 2 for the proposed removal of the three trees on the road verge adjacent to Lot 539 and Lot 545 Warrington Road, Byford.**

CARRIED 9/0

SD111/05/09 PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 2 – INTEGRATION OF THE BYFORD TOWNSITE DRAINAGE AND WATER MANAGEMENT PLAN (A0827-02/01)		
Proponent:	Serpentine Jarrahdale Shire	In Brief The Amendment proposes to delete reference to the Byford Urban Stormwater Management Strategy and insert reference to the Byford Townsite Drainage and Water Management Plan (2008) in Town Planning Scheme No 2. It is recommended that the Amendment be initiated.
Owner:	Not Applicable	
Author:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	14 March 2009	
Previously	SD100/04/07; SD27/09/06; SD141/06/06; SD123/04/06;	
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	

Background

In January 2001, the Western Australian Planning Commission (WAPC) approved the draft Byford Structure Plan (BSP) subject to the completion of an urban stormwater management strategy. Council adopted the Byford Urban Stormwater Management Strategy (BUSMS) in September 2003. The BSP was adopted by Council in 2005 and subsequently approved by the WAPC in 2005.

In February 2006, a Local Structure Plan (LSP) was lodged for the Byford 'Main Precinct'. In March 2006, the Shire commenced a review of the BSP to consider the impacts of the proposed Main Precinct LSP. The review of the BSP was ultimately discontinued in February 2007, with a number of individual modifications instead being progressed and ultimately determined by the WAPC.

During the course of the BSP review, the Water Corporation in September 2006 raised a number of concerns regarding regional drainage planning for the Byford Area. In November 2006, a 'round-table' forum was convened with the Department for Planning and Infrastructure, Department of Water (DoW), the Shire and Water Corporation to discuss regional drainage requirements and to determine an appropriate path forward. The DoW subsequently engaged consultants SKM to prepare the Byford Flood Plain Management Strategy and then later engaged consultants GHD to further progress this work in the form of a Drainage and Water Management Plan (DWMP). In February 2008, a draft DWMP for the Byford Townsite was released by the DoW for public comment. The DWMP was published as a final document in September 2008.

Amendments 113 and 152

In parallel with the abovementioned structure planning and drainage planning processes, two separate Scheme amendments (113 and 152) were progressed in order to achieve effective integration into the Shire's statutory planning framework.

Amendment 113 achieved the following:

- the formal establishment of the Byford area as a 'Development Area';
- the identification of precincts for the progression of more detailed planning, recognising that the Byford Structure Plan was established as a district structure plan; and
- the identification of the Byford Urban Stormwater Management Strategy, as a framework for stormwater management.

Amendment 113 was published in the Government Gazette on 30 January 2007.

Following the gazettal of Amendment 113, Amendment 152 was initiated by Council for the purposes of:

- Adjusting the references to the Byford Area, to allow for the insertion of provisions relating to the Mundijong and Whitby Urban Areas;
- Correcting a number of typographical matters; and
- Inserting a clearer plan illustrating the different precincts within the Byford Area.

The Amendment was finalised and published in the Government Gazette on 15 February 2008.

Since the publishing of the final DWMP by the DoW in September 2008, all LSP's, detailed area plans, subdivision and engineering drawing applications have been assessed against the water quantity and quality design objectives outlined in the DWMP.

A copy of the summary plan from the Byford Townsite Drainage and Water Management Plan is with attachments marked SD111.1/05/09.

This report provides Council with the opportunity to initiate an amendment to TPS 2 to formally substitute references to the BUSMS with references to the Byford Townsite DWMP.

Sustainability Statement

Effect on Environment: The DWMP establishes a framework for new urban development, such that established stormwater water quantity and quality design objectives can be achieved and the concerns and risks identified by the Department of Water and the Water Corporation can be addressed. The DWMP reinforces Council's commitment to ensuring that water sensitive urban design principles are incorporated into new urban development.

Resource Implications: The DWMP provides a framework for the efficient and effective use and re-use of water as a valuable resource within the Byford Structure Plan Area. There are considerable opportunities for continuous improvement and embracing best practice.

Use of Local, Renewable or Recycled Resources: Promotion of the use of local, renewable and recycled resources will be carried out during the local structure planning, subdivision and development processes.

Economic Viability: The integration of the DWMP into the statutory planning framework will ensure that drainage planning is effectively progressed with land use planning in the most cost efficient and effective manner – ensuring that issues are addressed to the appropriate level of detail at the right stage in the planning process.

Economic Benefits: The DWMP seeks to protect the natural environment, through the establishment of water quality and quantity design objectives. The implementation of the DWMP should enable the Shire to minimise the likelihood of environmental harm into the future, with associated remediation and/or rectifications costs.

Social – Quality of Life: The DWMP retains many of the key features for drainage established under the BUSMS, including an interconnected network of multiple-use corridors and public open space areas that will provide opportunities for community appreciation and recreation.

Social and Environmental Responsibility: The incorporation of the DWMP into the Shire's statutory planning framework is a further demonstration of the Shire's commitment to continuous improvement and best practice for the protection of the natural environment.

Statutory Environment:

Planning and Development Act 2005

Town Planning Scheme No. 2

**Policy/Work Procedure
Implications:**

Local Planning Policy No. 22 – Water Sensitive Urban Design.

Financial Implications:

The costs associated with the formal advertising of the Amendment are likely to be in the order of \$300 and are within existing operational budgets.

The costs associated with the assessment of LSP's and associated Local Water Management Strategies (against the DWMP) generally form part of the application fees paid by the proponent.

There are a number of on-going costs to Council associated with the implementation of the DWMP, for example water monitoring. It is envisaged that many of these costs will be recovered through the Developer Contribution Arrangement that is currently being finalised for the Byford Structure Plan Area.

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

2. Environment

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

Strategies:

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 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
- Objective 3: Effective management of Shire growth*
Strategies:
2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

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:

The DWMP was advertised by the DoW for public comment prior to finalisation. If the scheme amendment is initiated, advertising will be carried out in accordance with the requirements of the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). It is envisaged that public comment will be invited by way of the following:

- (a) a notice being placed in the Shire's Administration Centre;
- (b) a notice being placed on the Shire's website;
- (c) a letter being sent to all relevant state government agencies, including but not limited to Main Roads WA, the Department of Water and the Water Corporation; and
- (d) a letter being sent to all landowners within the Byford Structure Plan Area.

Comment:

There are key issues that need to be considered within the proposed Amendment:

- assessment processes for structure plans and subdivisions;
- integration of the DWMP into the provisions of the Byford Structure Plan; and
- Other initiatives that will support the implementation of the DWMP.

Each of these issues is discussed further in the following sections.

Assessment of planning proposals

The integration of water as a relevant consideration for statutory planning processes is a matter that has been progressing in Western Australia over the last few years, culminating in the release of a document by the WAPC titled 'Better Urban Water Management'. The document clearly outlines an orderly and proper approach to planning, with the following key components:

- District Structure Plans being progressed in conjunction with DWMP's;
- LSP's being progressed in conjunction with Local Water Management Strategies; and
- Subdivision applications being progressed in conjunction with Urban Water Management Plans.

The DWMP incorporates the framework outlined in Better Urban Water Management to ensure efficient and comprehensive assessment of planning proposals. This approach is also intended to achieve consistency in approach across various different Local Government Areas for the assessment of such urban water management schemes.

There may be instances that a particular landowner/s is aggrieved by a requirement of the DWMP. In such instances, landowners (through the appointment of suitably qualified consultants) have the opportunity to progress an alternative proposal in the context of a local water management strategy in parallel with a LSP. In accordance with the provisions outlined in the Shire's TPS 2, there are 'appeal' rights should a landowner be aggrieved by a determination of either the Shire or the WAPC.

Integration into the BSP

In addition to TPS 2, the BSP currently makes references to the BUSMS, as a framework for future planning. It is important that the planning framework for the Byford Area is robust, clear and consistent. A number of modifications to the BSP may need to be progressed to ensure this is achieved. A review of the BSP is currently being progressed; a report will be brought to Council in the near future on this matter.

One particularly notable matter that will need to be addressed in the review of the BSP is the depiction on the DWMP of the drainage to the West of the existing Byford Town Centre being 'modelled piped drainage'. It is understood that potential piping of this part of the drainage network was identified in the BUSMS, which in turn was used as a foundation for the DWMP. This indicative depiction is in conflict with notation 18 on the BSP, which states that '*the existing waterway will be subject to water sensitive urban design principles at the detailed engineering design stage. The specific width of the water way will be determined at the Local Structure Plan stage*'. It is important that as the BSP review progresses, including the integration of the DWMP into the planning framework, that the Shire's intentions for this part of the drainage network are clearly articulated.

Other initiatives to support the implementation of the DWMP

Subdivision and development applications and detailed engineering drawings are assessed by the Shire's Technical officers on a daily basis. The Shire maintains a set of engineering standards that inform detailed decision-making; the standards are read in conjunction with Council policies and other statutory planning documents. There are a number of changes that need to be made to the engineering standards to ensure consistency with the DWMP. A review of the engineering standards is currently underway. It is anticipated that a report will be presented to Council in coming months to consider the recommendations from the review process.

Also being progressed in parallel with the integration of the DWMP into the statutory planning framework is further drainage modelling, to assist with the assessment of future detailed designs. The work is referred to as a 'Gap Analysis' and in the Byford context will

seek to provide guidance on the amount of 'restricted use' and 'unrestricted use' public open space that may be available in Multi Use Corridors after considering detention requirements and regional flow channel widths for the one year and five year storm events. The outcomes from the Gap Analysis will ultimately inform the preparation and assessment of new local structure plans. The gap analysis is anticipated to progress over the next 6 to 9 months.

Conclusion

The DWMP provides a robust framework for ensuring that water is considered as a relevant planning consideration in the Byford Area, in an orderly and proper manner. The DWMP also supports Council's commitment to incorporating water sensitive urban design principles into new urban developments. The proposed Amendment will ensure that the DWMP is effectively incorporated into the existing statutory planning framework for the Byford Area.

Voting Requirements: Simple Majority

SD111/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

That

- 1. Council, pursuant to Section 72 of the Planning and Development Act 2005 (the Act), amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
 - (a) Deleting from Appendix 15, DA 3, 2(b) the following words: 'Demonstrate that the provisions of the Byford Urban Stormwater Management Strategy adopted by Council on 22 September 2003 have been complied with.'; and**
 - (b) Inserting into Appendix 15, DA 3, 2(b) the following words: 'Demonstrate that the provisions of the Byford Townsite Drainage and Water Management Plan (2008) have been complied with.'****
- 2. The amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.**
- 3. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days by way of:
 - (a) A notice being placed in the Shire's Administration Centre.**
 - (b) A notice being placed on the Shire's website.**
 - (c) A letter being sent to all relevant state government agencies, including but not limited to, the Main Roads WA, the Department of Water and the Water Corporation.**
 - (d) A letter being sent to all relevant landowners.****

CARRIED 9/0

SD112/05/09 SUBMISSION ON CONSULTATION PAPER – BUILDING A BETTER PLANNING SYSTEM (A0845)		
Officer:	Simon Wilkes – Executive Manager Planning	In Brief A consultation paper was released by the Department for Planning and Infrastructure on the future of the planning system in Western Australia. This report provides Council with the opportunity to formally endorse a submission on the consultation paper.
Senior Officer:	Brad Gleeson – Director Development Services.	
Date of Report	4 May 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In late March, the Department for Planning and Infrastructure (DPI) released a consultation paper for public comment, inviting submissions until 1 May 2009. The intention of the paper was to set out a planning agenda for reform and improvement of the planning system. A number of recommended priority actions were outlined in the consultation paper.

The Director General of the DPI, Mr Eric Lumsden, PSM, writes in the foreword of the consultation paper:

“A good planning system should be invisible but accommodating and stimulating. Instead there have been complaints about delays in obtaining planning approvals, uncertainty as to processes and outcomes, a lack of capacity to deliver strategic outcomes and poor infrastructure coordination. As a result there is now a lack of community and business confidence in the planning system. Western Australia cannot afford to have such a fundamental part of the State’s institutional framework holding back development and investment decision. I hope that this document will encourage debate, result in sound advice and build a consensus for change.”

The discussion paper identifies the current deficits of the Western Australian planning system as including:

- *“Complaints of lengthy approval delays;*
- *Lack of reporting timelines;*
- *Complexity of the approvals processes;*
- *Multiple layers in the approvals process;*
- *A focus on processes rather than outcomes;*
- *Lack of transparency in decisions;*
- *Poor quality development application information;*
- *Inconsistent decisions on proposals;*
- *Lack of coordination between different approval authorities;*
- *Lack of certainty of application outcomes; and*
- *Lack of clarity as to application assessment criteria.”*

Owing to the brief period of time allowed for the preparation of submissions prior to the closing date a submission was lodged, expressing the views of Shire officers.

A copy of the lodged submission that was lodged on the consultation paper is with attachments marked SD112.1/05/09.

Sustainability Statement

Effect on Environment: The consultation paper outlines a number of possible actions to review and reform the integration of environmental impact assessment processes with planning processes. While efforts to improve integration and improve effectiveness are supported, any reduction in the importance given to the protection of the environment would be of significant concern.

Resource Implications: The planning system in Western Australia and the outcomes it delivers has a significant bearing on the use of resources. There are significant opportunities to improve the integration of resource management into the planning system.

Use of Local, renewable or recycled Resources: The consultation paper focuses on potential reforms to the planning system, state-wide. A significant matter for the Shire is the extent to which matters of local significance are taken into consideration at different stages in the planning process. The use of local, renewable and recycled resources has not historically been a key feature of the Western Australian Planning System. Innovation, leadership and improved coordination are considered to be critical to reduce future resource consumption.

Economic Viability: The planning system has the potential to deliver significant benefits and outcomes for the community but if ineffective has the potential to impose significant costs to stakeholders. Effective strategic planning, strong integration of policy initiatives in statutory processes and coordination of infrastructure delivery with development are critical to ensure economic viability and that costs are minimised and responsibly shared.

Economic Benefits: An ineffective and inefficient planning system benefits few people. Timely and responsible planning and decision making contributes to maximising economic benefits including the creation of employment and support tourism.

Social – Quality of Life: The outcomes of the planning system have a fundamental impact, both positive and negative on the quality of life for both existing and future populations. Any reform to the planning system needs to focus not only on efficiency and effectiveness, which is generally recognised in the consultation paper.

Social and Environmental Responsibility: The reform of the planning system, focusing on both effectiveness and efficiency, has the potential to improve the integration of social and environmental matters into the planning decision-making processes. Depending on how various initiatives are progressed, some really positive social and environmental outcomes could be achieved. Any lessening of the priority given to social and environmental matters in planning processes would be of concern.

Social Diversity: Delivering outcomes for a diverse population, with respect to housing, transport, community and commercial opportunities, needs to be an important feature of the planning system into the future. The planning system in Western Australia has not effectively facilitated the meeting of needs for an increasingly diverse population.

Statutory Environment:

Planning and Development Act 2005
Environmental Protection Act 1996
Town Planning Scheme No. 2

Policy/Work Procedure Implications:

All current and future shire local planning policies. The consultation paper seeks to ensure that policy development and review is a priority of all planning authorities, with a focus on clarity and integration of strategic initiatives into statutory decision making processes.

Financial Implications:

There are potentially both direct and indirect financial implications for the Shire associated with the reform of the planning system and the initiatives and decisions that may result. Due to the broad-ranging nature of the priority actions, it is difficult to accurately quantify the financial implications for the Shire at this time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Develop good services for health and well being.

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. Encourage protection and rehabilitation of natural resources.
3. Reduce green house gas emissions.
4. 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.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required nor achievable within the short time-frame available to comment on the consultation paper.

Comment

The paper establishes nine principles for better planning:

“Timeliness - The planning system needs to have timelines to provide certainty and avoid delays.

Efficiency - The planning system should not only be affordable and at reasonable cost to the proponent and the community but be efficient in an economic sense – that is, it should encourage optimal investment outcomes for the economy as a whole.

Simplicity - The planning system should be user friendly, understandable and avoid over-lapping or conflicting requirements.

Transparency - The planning system needs to be clear, open and accessible.

Sustainability - A sustainable planning system integrates economic, social and environmental outcomes to protect the natural and built environments and recognise that future generations are stakeholders in the planning process.

Accountability - There needs to be clear and enforceable accountabilities and responsibilities in planning processes.

Fairness - The planning system needs to be considered fair by all stakeholders to ensure equity, minimize disputes and ensure confidence in decision-making. A process for an independent review of decisions is an important part of a fair planning system.

Consistency - Uniform and standard planning requirements and processes ensures certainty, effectiveness, transparency and simplicity.

Suitability - Planning requirements and processes should be appropriate to the need.”

The proposed focus on building both a more efficient and more effective planning framework is considered appropriate and indeed essential. The nine fundamental principles outlined in the consultation paper are sound.

A key focus for the Shire in any reform is ensuring that the local attributes and characteristics of the area are able to be properly recognised and incorporated into all future statutory and strategic planning, particularly with respect to the protection of environmental, landscape and heritage values. The continued roll-out of “traditional suburban development” is not meeting the expectations of the community.

Any reform of the planning system needs to enable the Shire to remain committed to, and support, the exploring of alternative/innovative approaches for future development and to continuously ‘raise the bar’. The development of effective working relationships with the state, industry and the local community will be essential to ensure that mutually beneficial outcomes can be achieved with development approvals, residential land release and the protection of agricultural and rural lands.

Voting Requirements: Simple Majority

SD112/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Harris

That Council receive the Building a Better Planning System Consultation Paper and endorse the submission outlined as provided in Attachment SD112.1/05/09, advising the Department for Planning and Infrastructure accordingly.

CARRIED 9/0

SD113/05/09 ROAD VERGE POLICY (A1595)		
Officer:	Councillor Twine	In Brief Request from Councillor Twine that a Road Verge Policy be prepared by Shire Officers.
Senior Officer:	N/A	
Date of Report	15 May 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Councillor Twine advises:

“At the Road Verge Committee meeting today, there were some concerns raised about the SJ Road Verge policy. I understand it is in need of review so that new subdivisions are catered for adequately in the verge plant distribution. Currently, it appears that only larger acreages qualify for verge plant distribution. I have not read the policy so am unaware of the details.”

Comment

The policy development program identified the need to develop a number of local planning policies, in a series of batches. As discussed at an earlier Policy Forum, it was agreed that a new local planning policy will be developed in the future to advance the “Leafy Green” character with specific reference to streetscapes. This policy will be presented for consideration by the Leadership Team and the elected members and will deal with matters relating to the protection of the “Leafy Green” character of the urban areas (ie. Byford) and if necessary rural areas. The intention is that the review of the current council verge policy will be a part of this new policy as it is closely related in many respects.

Strategic Community Planning has already compiled a draft policy using the information presented by Councillors in the past few weeks and it is currently being fine-tuned for first impression feedback from elected members and officers.

Voting Requirements: Simple Majority

Committee/Councillor Recommended Resolution:

That Council Officers prepare a draft Local Planning Policy relating to streetscapes.

SD113/05/09 COUNCIL DECISION/New Motion:

Moved Cr Twine, seconded Cr Price

That Council Officers prepare a draft Local Planning Policy relating to streetscapes including existing verges in already constructed suburbs.

CARRIED 9/0

**Moved Cr Murphy, seconded Cr Brown
Items CGAM095 – CGAM098 inclusive be moved ENBLOC
CARRIED 9/0**

CGAM095/05/09		MONTHLY FINANCIAL REPORT – MARCH 2009 (A0924/07)
Proponent:	Not Applicable	In Brief To receive the Monthly Financial Report as at 31 March 2009.
Owner:	Not Applicable	
Officer:	Belinda van der Linde – Acting Manager Finance Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	31 March 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Background

As per Regulation 34, each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under Regulation 22(1)(d), for that month with the following detail -

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 31 June 2009 for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Sustainability Statement

This review provides an indication of current allocation of resources to provide services as adopted in the 2008/2009 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

Statutory Environment:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d) for that month. The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

Policy Implications:

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

Financial Implications:

As provided within the report.

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not Required

Comment:

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts for the purpose of keeping Council abreast of the current financial position.

A copy of the Financial Report is included with the attachments and marked CGAM095.1/05/09 (E09/2157).

Voting Requirements: Simple Majority

CGAM095/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved ENBLOC

Moved Cr Murphy, seconded Cr Brown

Council receives the Monthly Financial Report, as at 31 March 2009, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 9/0

CGAM096/05/09 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period of 21 March 2009 to 30 April 2009.
Owner:	Not Applicable	
Author:	Joanne Egitto – Finance Officer	
Senior Officer:	Belinda van der Linde – Acting Manager Finance Services	
Date of Report	4 May 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

In accordance with Local Government (Financial Management) Regulations 1996 13(1) Schedules of all payments made through the Council's Bank Accounts are presented to the Committee and to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name

- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

Invoices supporting all payments are available for the inspection of the Committee and Council. All invoices and vouchers presented to the Committee and to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

Summary of creditor accounts paid and payable for the period of 23 February 2009 to 20 March 2009.

A copy of the vouchers numbered Chq 39112 – Chq 39209 and EFT 17173 – EFT 17472 totalling \$1,386,082.32 for the period of 23 February 2009 to 20 March 2009 is included with the attachments and marked CGAM096.1/05/09 (IN09/5155).

Voting Requirements: Simple Majority

CGAM096/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved ENBLOC

Moved Cr Murphy, seconded Cr Brown

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for period of 21 March 2009 to 30 April 2009, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 9/0

CGAM097/05/09		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)
Proponent:	Not Applicable	In Brief To receive the sundry debtor balances as at 4 May 2009.
Owner:	Not Applicable	
Author:	Melissa Armitage - Finance Officer (Debtors)	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	4 May 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

CURRENT	130,767.22
30 DAYS	17,698.76
60 DAYS	82,347.80
90 DAYS +	8,797.66
TOTAL	239,611.44

Below are outstanding Debtors over 90 days with amounts greater than \$1000.00.

Dr Number	Amount	To	For	Details
462	\$1331.00		Detailed Area Plans	Invoice resent 11/0309
769	\$2038.50		Reimbursement of property insurance	Payment of \$400 to be made by 8/5 then 4 x \$425 payments thereafter to be cleared out by 30 th June 2009

Voting Requirements: Simple Majority

CGAM097/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved ENBLOC

Moved Cr Murphy, seconded Cr Brown

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 4 May 2009.

CARRIED 9/0

CGAM098/05/09		RATE DEBTORS REPORT (A0917)	
Proponent:	Not Applicable	In Brief To receive the rates report as at 30 April 2009.	
Owner:	Not Applicable		
Author:	Kellie Bartley - Finance Officer		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	30 April 2009		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Comment:

Below are the rates debtors as at 30 April 2009;

	Levied	Receipts	Balance
Rates - Current	7,767,474.35	7,391,511.55	375,962.80
Rates - Arrears	302,767.36	166,003.32	136,764.04
Interest	68,821.37	34,888.98	33,932.39
Legal Charges	49,795.55	20,589.59	29,205.96
Prepayment of Rates (excess)	0.00	80,517.04	-80,517.04
Back Rates 07/08	757.95	653.14	104.81
Bushfire Levy	444.00	162.00	282.00
Collection Admin Fee - Current	81.00	45.00	36.00
Collection Admin Fee - Arrears	1,672.85	357.35	1,315.50
ESL Penalty Interest Current	2,003.29	879.63	1,123.66
ESL Penalty Interest Arrears	840.15	603.81	236.34
Installment Admin Fee	55,815.00	55,755.00	60.00
Installment Interest	40,133.94	40,095.29	38.65
Payment Arrangement Admin Fee - Current	2,467.81	487.45	1,980.36
Payment Arrangement Admin Fee - Arrears	674.44	589.44	85.00
Rubbish Collection Rate - Current	1,129,099.61	1,100,094.36	29,005.25
Rubbish Collection Rate - Arrears	24,128.84	15,602.89	8,525.95

	Levied	Receipts	Balance
Rubbish Collection Rowley Road	1,337.60	1,254.00	83.60
Rubbish Collection Subsequent - Current	75,584.14	70,928.18	4,655.96
Rubbish Collection Subsequent - Arrears	2,257.90	2,191.83	66.07
Rubbish Disposal Site Rate - Arrears	53.00	0.00	53.00
Swimming Pool Inspection - Current	14,688.65	14,461.41	227.24
Swimming Pool Inspection - Arrears	200.75	173.25	27.50
Emergency Services Levy - Current	402,582.48	388,699.24	13,883.24
Emergency Services Levy - Arrears	10,904.49	6,244.40	4,660.09
Spec Area Rate - Chestnuts	9,194.08	8,478.19	715.89
7842 Properties	9,963,780.60	9,401,266.34	562,514.26
Less Deferred Rates - GL Account 10115010			-82,348.40
BALANCE OF COLLECTIBLE RATES AS AT 30 APRIL 2009			480,165.86
TOTAL % OF COLLECTIBLE OUTSTANDING RATES AS AT 30 APRIL 2009			4.82%
TOTAL % OF COLLECTIBLE OUTSTANDING RATES AS AT 30 APRIL 2008			4.82%
TOTAL GRV VALUATIONS = \$67,859,439	TOTAL UV VALUATIONS = \$1,968,639,459		

Voting Requirements: Simple Majority

CGAM098/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved ENBLOC
Moved Cr Murphy, seconded Cr Brown
That Council receive and note the report on the Rate Debtors accounts as at 30 April 2009.
CARRIED 9/0

CGAM099/05/09 CONDUCT OF POSTAL ELECTION – OCTOBER 2009 (A0047-02)		
Proponent:	Not Applicable	In Brief To appoint the WA Electoral Commissioner to conduct the October 2009 Elections and it be conducted as a postal election.
Owner:	Not Applicable	
Officer:	Louisa Loder – PA to Director Corporate Services	
Signatures Author:		
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	29 April 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Local Government Act 1995 and associated Regulations require that local government elections are held each 2 years, the next election is due to be held on 17 October 2009. Section 4.20 (4) of the Local Government Act 1995, requires Council to declare who will be responsible for the conduct of an election, with the nomination made at least 80 days before election day.

Local governments, under Section 4.61 (2), may choose to conduct the election as a postal election. The last five elections for the Shire have been conducted as postal voting elections and have been conducted by the WA Electoral Commission.

Statutory Environment:

Section 4.20(4) – A local government may, having first obtained the written agreement of the electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

Section 4.61(2) The Local Government may decide* to conduct the election as a postal election.

* *Absolute majority decision required.*

Policy/Work Procedure Implications:

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

Financial Implications:

An allocation has been made in the draft 2009/2010 budget for election expenses, based on an estimate provided by the WA Electoral Commission to conduct a postal election for the Shire. The estimate is \$30,000.

Strategic Implications:

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

1. People and Community

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation is required for this issue.

Comment:

The Council is required to declare who will be responsible for conduct of the election before 1 August 2009.

The Council must also decide whether the election will be a postal election before 1 August 2009.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM099/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

That Council:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of the ordinary local government elections to be held on 17 October 2009 for the Shire of Serpentine Jarrahdale; and
2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the ordinary local government elections to be held on 17 October 2009 be as a postal election.

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM100/05/09		REMOVAL OF THREE LARGE TASMANIAN BLUE GUMS AT LOT 713 NETTLETON ROAD, KARRAKUP (P01514)
Proponent:	Not Applicable	In Brief It is recommended that Council endorse the removal of three Tasmanian Blue Gums on the Council verge in front of L713 Nettleton Road, Karrakup.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Richard Gorbunow – Director Engineering	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	11 May 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Since November 2006 negotiations between the Shire and the resident of L713 Nettleton Road have taken place, and to date this matter has not been resolved and the purpose of this report is to seek Council's directive.

A copy of the Arboricultural Report is with attachments marked CGAM100.1/05/09 (IN06/13867).

Sustainability Statement

Effect on Environment: The arboriculturist report demonstrates need for the removal of three trees.

Resource Implications: The engagement of a qualified arboriculturist has incurred a cost of \$410 to Council.

Use of Local, renewable or recycled Resources: Where possible tree loppings are mulched and reused by the Shire in revegetation or garden maintenance activities.

Economic Viability: A professional has been engaged for tree assessment as staff do not possess suitable qualifications. It is the consultant's opinion that the 3 trees inspected will require annual inspection to monitor limb extension and limb loading. This will equate to an estimated \$400 annually.

Economic Benefits: The one off cost of removing the trees provides security for Council in providing a safe and secure environment for resident and vehicular traffic movement on Nettleton Road.

Social – Quality of Life: The aesthetic and amenity value of the streetscape can improve the general atmosphere, appearance and character of the street making it a more comfortable and amenable place to live. Preservation of road amenity provides economic benefit to land owners in the area.

Statutory Environment: Town Planning Scheme No.2
Local Government Act (1995)

Policy/Work Procedure Implications: AP29 Request for Removal of Dangerous Trees

Financial Implications: The expected cost for annual tree inspection is approximately \$400. If pruning is required by Western Power the cost would be in the order of \$500 per hour. The removal of trees and pruning of trees is estimated to cost \$1,500 which can be accommodated within MOR798 (tree pruning).

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

A rigorous consultative process between the adjoining landowner and Shire staff has taken place.

Comment:

In March 2007 an on site meeting was held at the above location between Shire Officers and the resident of L713 Nettleton Road to discuss the future of the three Tasmanian Blue Gum trees which are situated on the verge in front of the property. At that meeting it was agreed

that these trees would be retained for a period of two years from the date of the meeting and after that period the trees would be removed. In the interim the trees would be replaced with three new native trees and parks staff would advise the adjoining land owner as the time drew closer for the removal of the Blue Gums. It was confirmed in writing to the resident outlining the resolutions:

1. It is agreed to retain the above mentioned trees for a period of two years and after this period the trees will be removed and stump ground;
2. In the interim period it is agreed that the Shire will maintain adequate power line clearances whilst the trees are in situ;
3. It was agreed that the Shire will supply free of charge three new native trees of a species suitable for planting under power lines before the winter enable them to be established prior to the removal of the existing trees; and
4. Contact will be established with the landowner/occupier prior to the delivery of new trees(those trees have been planted and have grown considerably)

Correspondence received from the resident to the Shire states that our correspondence does not reflect the resolution that was discussed on the 22nd March 2007. The resident's understanding is that the issue of the removal of the three Tasmanian Blue Gum trees would be determined at some future time when these trees pose an unacceptable threat. The resident believes that the growth is moving away from the power lines and falls outside the prescribed envelope as required by Western Power.

The trees are in excess of 20 metres and possibly will grow another 10 metres, and are located approximately 3.5 metres from the edge of the overhead power lines, whereas other nearby trees are situated 4.5 metres from the power lines.

The resident also states that the existing trees are valuable environmentally and they provide a security statement for their dwelling and have offered amenity, shade and barrier protection over the last two decades.

Non indigenous trees of this size are protected within the Town Planning Scheme No2. unless exempt within clause 7.13.4. As the removal of the trees was requested on the basis of the trees being considered a risk to life and property and are costly to maintain, staff have engaged a qualified arboriculturist to carry out a detailed inspection of all trees along the verge of L713 Nettleton Road, Karrakup and to provide an arboricultural report.

The report recommends that the three subject trees are unsuitable for retention, as they are within the 4m exclusion zone of domestic overhead power lines and will require continual expensive pruning maintenance, particularly as they have not yet reached their peak in height, girth and crown spread.

The existing species originate in Tasmania, although are found in many areas of Perth as introduced species.

The arboricultural report recommends the removal, however the final decision lies with Council.

Advice Note: Council be advised that there is a risk management issue of liability if not acted upon and the possibility of being sued should the trees damage power lines, property, or loss of lives.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

1. That Council staff proceed with the removal of three Tasmanian Blue Gum trees on the verge of L713 Nettleton Road, Karrakup.

2. All costs associated with the removal of trees are to be borne by Council.

SUPPLEMENTARY INFORMATION

The Director Engineering sought advice from the Shire's insurance broker concerning liability and risk. The Director also received comment from the Manager Environmental Services regarding risk assessment.

A copy of the CONFIDENTIAL attachment including the Insurance broker's response is with attachments marked CGAM100.2/05/09.

A copy of the CONFIDENTIAL attachment including the Manager Environmental Services comment is with attachments marked CGAM100.3/05/09.

COUNCIL DECISION

Moved Cr Murphy, seconded Cr Twine

That Council go behind closed doors to discuss item CGAM100/05/09 which contains confidential attachments.

LOST 0/9

CGAM100/05/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price, seconded Cr Brown

That no further action be taken with regards to item CGAM100/05/09.

CARRIED 5/4

Cr Needham foreshadowed that she would move a motion that neighbours are to observe and monitor the trees, the proponent be requested to enter into an agreement to monitor the trees and if they become dangerous, agree to them being removed if the motion under debate is defeated.

CGAM101/05/09		TENDER NUMBER 001/2009	SUPPLY OF GENERAL TREE PRUNING SERVICES (A1623)
Proponent:	Not Applicable	In Brief Council is requested to approve the recommended Tenderer for the Supply of General Tree Pruning Services for the two (2) year period from 1 July 2009 to 30 June 2011 inclusive.	
Owner:	Not Applicable		
Officer:	Uwe Striepe – Executive Manager Engineering		
Senior Officer:	Richard Gorbunow– Director Engineering		
Date of Report	24 April 2009		
Previously	CGAM151/06/06		
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		

Background

This Tender forms part of Serpentine Jarrahdale Shire's Annual Supply Tenders and the supply of general tree pruning services is essential to facilitate the completion of the 2009/2010 maintenance program.

The initial term of the Contract will be for two (2) years from 1 July 2009 to 30 June 2011, with a mutually agreed option to extend the Contract for a further one (1) year period. The

extension of the one (1) year term however will be based on the Contractors performance over the preceding two (2) year period, level and quality of service, value for money, and community satisfaction with the services provided.

A Request for Tenders was recently called for the 'Supply of General Tree Pruning Services'. Tender 001/2009 was advertised in the West Australian on 21, 23 March and 4 April 2009 and closed on 7 April 2009.

At the close of Tenders, five (5) submissions were received from the following registered companies:

- R & G Tree Services
- Tree Care Pty Ltd
- WA Treeworks
- Mandurah Tree Lopping and Stump Grinding
- Aardvark Tree Services

A copy of the CONFIDENTIAL attachment outlining the Schedule of Rates is with attachments marked CGAM101.1/05/09 (E09/2586).

Sustainability Statement

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

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

Effect on Environment: Effect on Environment: The proposal minimises environmental damage through best practice in its field by keeping vegetation disturbances to a minimum while carrying out the works.

Resource Implications: The Officer recommend actively pursue a Tender in compliance with all Engineering Services' works and services projects and programs delivery in order to achieve best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: It is Shire policy to make use of local companies and resources thus supporting local business.

Economic Benefits: Use of local resources. It has potential benefits in reduced maintenance costs and value for money in service provision.

Social – Quality of Life: Tenderers resources will be utilised to provide a quality and safe environment for the residents of our community.

Social and Environmental Responsibility: The proposal is designed to be environmentally responsible for all pruning works. All such works have to be authorised and carried out under strict supervision.

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

Statutory Environment:

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

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

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

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

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

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 28 May 2007 OCM (CGAM120/05/07).

Financial Implications:

Use of contract services will be within budget constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Executive Manager Engineering, Manager Operations and Parks, and Works Coordinator. Following the review, the Tenders were ranked according to the criteria outlined in the Request for Tenders. The table provided below shows the rankings and scores of the conforming Tenders.

CRITERIA						
	Relevant Experience	Relevant Skills	Methodology	Price	TOTAL	RANK
TENDERER	15%	15%	10%	60%	100%	
Tree Care	7.7	9	8	8	81	1
R&G Tree Services	6.3	6	6	8.6	76	2
Aardvark Tree Service	2	2	2	3	26	5
Mandurah Tree Lopping	7.3	6.7	6.7	1	35	4
WA Treeworks	7	7	6	5	27	3

All of the Tender submissions were of the highest quality and received from suitably qualified and highly skilled companies. However, the submission from Tree Care stands out as having highly competitive rates combined with the ability to provide an efficient and effective service. Accordingly, it is recommended that the Tender for general tree pruning services be awarded to Tree Care for the 2009/2010 and 2010/2011 financial years.

Voting Requirements: ABSOLUTE MAJORITY

Cr Brown left the meeting at 9.19pm and returned at 9.21pm.

CGAM101/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Geurds

That Council;

- 1. Accept the Tender submitted by Tree Care for the supply of General Tree Pruning Services in accordance with Tender Number 001/2009 for the period of 1 July 2009 to 30 June 2011.**
- 2. Authorise the Chief Executive Officer to approve a possible one (1) year extension in accordance with the Tender.**

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM102/05/09 TENDER NUMBER 002/2009 DRY HIRE OF STEEL DRUM ROLLERS (A1624)		
Proponent:	Not Applicable	In Brief To approve the recommended Tenderers for the Dry Hire of Steel Drum Rollers for the period 1 July 2009 to 30 June 2010.
Owner:	Not Applicable	
Officer:	Uwe Striepe – Executive Manager Engineering	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	24 April 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

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

A Request for Tender was recently called for the 'Dry Hire of Steel Drum Rollers.' Tender 002/2009 was advertised in the West Australian on 21, 28 March and 4 April 2009 and closed on 7 April 2009.

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

- Rex Rentals
- P.H.S. Pty LTD
- A 1 Plant Hire
- Kwinana Hire
- Conplant Pty LTD
- Mayday Earthmoving

A copy of the CONFIDENTIAL attachment outlining the Schedule of Rates is with attachments marked CGAM102.1/05/09 (E09/2584).

Sustainability Statement

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

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

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

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

Use of Local, renewable or recycled Resources: It is Shire policy to make use of local companies and resources thus supporting local business.

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

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

Social and Environmental Responsibility: This proposal is designed to be socially responsible.

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

Statutory Environment:

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

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

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

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

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 28 May 2007 OCM (CGAM120/05/07).

Financial Implications:

Use of contract services will be within budget constraints.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required for this tender.

Comment:

The Tenders were reviewed by an evaluation panel that comprised the Shire's Manager Operations and Parks, and Works Coordinator. Following the review, the Tenders were ranked according to the criteria outlined in the Request for Tenders. The table provided below shows the rankings and scores of the conforming Tenders.

	Relevant Experience	Relevant Skills	Price	TOTAL	RANK
TENDERER	15%	15%	70%	100%	
Rex Rental	4	4	4	40	4
Kwinana Hire	6	6	6	60	1
A1 Plant Hire	4	4	5	42	3
Conplant Pty Ltd	6	6	6	60	1
P.H.S Pty Ltd	6	6	5	53	2
Mayday Earthmoving	6	6	6	60	1

As the availability of plant varies throughout the year, it is recommended that Council award several contracts. If several contracts are awarded, plant will be hired through the contractor able to supply.

In accordance with the above, and based on experience and capacity to supply plant, it is recommended that a contract be awarded to Mayday Earthmoving, Kwinana Hire and Conplant Pty LTD, in accordance with the rates supplied in their Tender.

Voting Requirements: Simple Majority

CGAM102/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Kirkpatrick
That Council accept the Tenders submitted by Mayday Earthmoving, Kwinana Hire and Conplant Pty Ltd in accordance with Tender 002/2009 for the Dry Hire of Steel Drum Rollers.
CARRIED 9/0**

The Chief Executive Officer declared an interest in item CGAM103/05/09 and left the meeting at 9.23pm.

CGAM103/05/09 TENDER NUMBER 003/2009 PROVISION OF GENERAL CLEANING SERVICES (A1625)	
Proponent:	Not Applicable
Owner:	Not Applicable
Officer:	Uwe Striepe – Executive Manager Engineering
Senior Officer:	Richard Gorbunow– Director Engineering
Date of Report	24 April 2009
Previously	CGAM152/06/06
Disclosure of Interest	The Chief Executive Officer uses the services of JCW Superclean and has not been involved in the assessment of the tenders. Other staff have used the services of JCW Superclean in the past and have not been involved in the assessment of the tenders.
Delegation	Council

In Brief
The Council is requested to endorse the recommended Tenderer for the Provision of General Cleaning Services to the Serpentine Jarrahdale Shire for the two (2) year period from 1 July 2009 to 30 June 2011 inclusive with the option to extend for a further twelve (12) months until 30 June 2012.

Background

This Tender forms part of Serpentine Jarrahdale Shire’s Annual Supply Tenders and the provision of general cleaning services is required to facilitate the 2009/2010 and 2010/2011 building maintenance program.

The initial term of the Contract will be for two (2) years from 1 July 2009 to 30 June 2011, with a mutually agreed option to extend the Contract for a further one (1) year period. The extension of the one (1) year term however will be based on the Contractors performance over the preceding two (2) year period, level and quality of service, value for money, and community satisfaction with the services provided.

A Request for Tenders was recently called for the ‘Provision of General Cleaning Services.’ Tender 003/2009 was advertised in the West Australian on 21 and 28 March and 4 April 2009 and closed on 7 April 2009.

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

- Office & Industrial Cleaning (WA) Pty Ltd
- Eco Care
- Jani King
- JCW Super Clean

A copy of the CONFIDENTIAL attachment outlining the Schedule of Rates is with attachments marked CGAM103.1/05/09 (E09/2610).

Sustainability Statement

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

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

Effect on Environment: Effect on Environment: There is very little impact on the environment as a result of this awarding of Tender. Best practice cleaning methodologies will be employed to minimise environment effects.

Resource Implications: To actively pursue all Engineering Services' works and services projects and programs delivery in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives.

Use of Local, renewable or recycled Resources: The Shire encourages the use of local companies and resources thus supporting local business.

Social – Quality of Life: Tenderers resources will be utilised to provide a quality and safe environment for the residents of our community.

Social and Environmental Responsibility: The proposal is designed to be environmentally responsible as all cleaning activities are to be carried out to best practice guidelines.

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

Statutory Environment:

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

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

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

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

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

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council at its 28 May 2007 OCM (CGAM120/05/07).

Financial Implications:

The costs associated with the provision of general cleaning services will be contained within the proposed 2009/2010 and 2010/2011 annual budgets.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

1. Accept the Tender submitted by JCW Superclean for the Provision of General Cleaning Services in accordance with Tender Number 003/2009 for the period of 1 July 2009 to 30 June 2011 at the following schedule of lump sum tender prices.
2. Authorise the Chief Executive Officer to approve a possible one (1) year extension in accordance with the Tender.

SUPPLEMENTARY INFORMATION

Given that the Chief Executive Officer has disclosed a conflict of interest in relation to JCW Superclean, it is recommended that part 2 of the Committee Recommended Resolution be deleted and any extension of contract is determined by Council.

CGAM103/05/09 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Kirkpatrick

That Council accept the Tender submitted by JCW Superclean for the Provision of General Cleaning Services in accordance with Tender Number 003/2009 for the period of 1 July 2009 to 30 June 2011 at the following schedule of lump sum tender prices.

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed by accepting an alternative tender as this current tenderer has provided a very good service for the Shire in the past years, are a local family firm and their tender was more cost effective.

The Chief Executive Officer returned to the meeting at 9.28pm.

CGAM104/05/09		TOWNSCAPE FUNDING PROGRAM (A1631)
Proponent:	Council	In Brief Council is asked to approve amendments to the 2008/09 Budget to allow the allocation of funds to projects from the Townscape Funding Program and the creation of reserve accounts for unspent funds under this program.
Owner:	Not Applicable	
Author:	Carole McKee - Manager Community Development	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	11 May 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council resolved through the 2008/09 budget process to allocate \$35,000 per town per annum to a reserve account to enable each community being, Jarrahdale, Mundijong, Byford, Serpentine, Oakford and Keysbrook to apply for seed funding for townscape projects. A policy is currently in the process of being developed for the Townscape Funding Program.

To ensure the funds are either allocated to projects or preserved for future use, it is necessary for the Council to amend the 2008/09 Budget.

Sustainability Statement

Use of Local, Renewable or Recycled Resources: Townscape projects often enable participation of local volunteers and use of local and recycled materials where possible.

Economic Viability: Townscape projects increase quality of life for local residents and can be funded through multiple funding partners, including Alcoa, Bendigo Bank, Lotterywest and the Shire (through the Townscape Funding Program).

Economic Benefits: The types of projects to be funded are likely to increase the number of visitors and locals using the area – and consequently should provide additional custom for local businesses

Social – Quality of Life: The types of projects to be funded are likely to provide new and improved destinations accessible by walking, cycling and car for families and visitors, and some outdoor venues at which to host events like music in the park etc.

Social and Environmental Responsibility: The types of projects to be funded aim to foster a number of partnerships which would be designed to be socially and environmentally responsible through enabling participation of community members in their implementation.

Social Diversity: The types of projects to be funded are likely to cater for all sectors of the community and not disadvantage anyone.

Statutory Environment: Section 6.8 of the Local Government Act applies where the Council cannot incur expenditure from the municipal fund except where is approved in advance by a resolution of Council.

Policy/Work Procedure Implications: There are no work procedures/policy implications directly related to this application/issue. A policy is being developed to administer the Townscape Funding Program.

Financial Implications: There are no financial implications in relation to this issue. The funds have been allocated in the 2008/09 Budget and this item proposes to reallocate funds with no impact on the municipal surplus at year end.

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.
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.

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.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies:

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

Community Consultation:

The type of projects to be funded through the Townscape Funding Program are the result of community needs that have been identified through community consultation.

Comment:

During this financial year, community projects have been identified as a suitable use of these funds. Where projects have not been identified for each community or the projects do not total \$35,000 per community, the unspent funds will be transferred to a reserve account for future projects.

The following lists projects by Community:

Mundijong

The upgrade of the Railway reserve in Mundijong has been identified as a project where these funds can be allocated. At this point in time there is no scope of works or costings. It is therefore proposed that \$35,000 be transferred to a reserve account.

Jarrahdale

The development of Forest Green (Brady Street Reserve) in Jarrahdale has been identified, as a project where \$32,000 of these funds can be allocated.

It is proposed that \$10,000 is initially allocated to the project in 2008/09 year to enable works to commence before winter, the remaining \$25,000 be transferred to a reserve account and the balance of the works (\$22,000) will be included in the 2009/10 financial year budget.

Byford

It is proposed that the funds be transferred to reserve and in the 2009/10 budget the funds be allocated to the upgrade of the Byford Hall as per Council's previous resolution, due to commence work in the second quarter of the 2009/10 financial year.

Oakford

The construction of a storage shed at the Oakford Community Centre has been identified as a project to allocate part of these funds towards, enabling the current store room to be converted to a meeting room. It is proposed that \$35,000 be transferred to a reserve account and the construction of the storage shed be included in the 2009/10 Budget.

Serpentine

It is proposed that the funds be transferred to reserve and in the 2009/10 budget the funds be allocated to the upgrade of the Clem Kentish Hall, due to commence work in the first quarter of the 2009/10 financial year.

Keysbrook

No community projects have been identified for Keysbrook, it is therefore recommended that all the money for Keysbrook should be transferred to a reserve account

General comment

The Townscape Funding Program requests align with the concept of this evolving program and future policy, where funds will be allocated to each town to help local groups to bring in external funding (where it is available) for a project. The project outcomes will be clearly visible to the rest of the community in terms of improvements to the townscape.

It is recommended that for each community a separate reserve be created and by the end of the 2008/09 financial year all funds be transferred to their respective reserve (with the exception of \$10,000 for the Jarrahdale project as it will commence in 2008/09). In the 2009/10 Budget, it is proposed that the projects detailed in this report be included and be funded from the reserve accounts. This process is required to preserve the funds across financial years and different budgets and as the projects will not be completed in this financial year, it is prudent to include them in the 2009/10 budget and fund them from the respective reserve account as part of the budget process.

Voting Requirements: ABSOLUTE MAJORITY

Director Engineering left the meeting at 9.29pm and returned at 9.31pm.

CGAM104/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Murphy
That Council;**

- 1. Amend the 2008/09 Annual budget as follows;**
 - a. Establish the following reserve accounts with a purpose of providing funds for community purposes as per the Townscape Funding Program Policy (to be developed)**
 - i. Mundijong Community Reserve**
 - ii. Byford Community Reserve**
 - iii. Oakford Community Reserve**
 - iv. Jarrahdale Community Reserve**
 - v. Serpentine Community Reserve**
 - vi. Keysbrook Community Reserve**

- b. Transfer \$35,000 to each reserve account, funded from CFSP900, Town Centre Improvements per town, except the Jarrahdale Community Reserve.
- c. Allocate \$10,000 towards the development of Forrest Green (Brady Street Reserve), with any unspent funds at the 30th June 2009 to be transferred to the Jarrahdale Community Reserve.

CARRIED 8/1 ABSOLUTE MAJORITY

During debate Cr Geurds foreshadowed that he would move that this matter be deferred for one month in order to allow further discussion to take place if the motion under debate is defeated.

CGAM105/05/09		PROPOSED LEASE DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND SERPENTINE JARRAHDAL SHIRE – BRADY STREET RESERVE (A0840-05)
Proponent:	Not Applicable	In Brief For Council to endorse the Shire to lease a portion of Reserve 16634 (State Forest 22) otherwise known as Brady Street Reserve, Jarrahdale from the Department of Environment and Conservation for public recreation purposes. It is recommended that Council authorize the Chief Executive Officer and the Shire President to execute the Lease Agreement.
Owner:	Not Applicable	
Officer:	Louisa Loder – PA to Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	24 April 2009	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Due to considerable public interest in the Brady Street Reserve (the Reserve), it is requested that Council consider the benefits of leasing the Reserve from the Department for Environment and Conservation (DEC) for public recreation purposes.

A copy of the proposed lease agreement between DEC and the Shire of Serpentine Jarrahdale is with attachments marked CGAM105.1/05/09 (IN09/5298).

Sustainability Statement

Effect on Environment: The proposed lease will have minimal effect on the built and natural environments in either a residential or a natural capacity. The community has plans to develop the park which will affect the natural environment. The plans outline the development of playground areas and picnic/communal areas. The plans as they are currently drafted do not infringe on any of the natural bushland on the park.

Biodiversity: The plans to develop the park will highlight the biodiversity aspects of the Reserve by protecting the natural bushland and development will be limited to parkland that has previously been cleared.

Economic Benefits: The proposed lease will assist the Shire in providing more community facilities for residents and tourists.

Social and Environmental Responsibility: The Jarrahdale Community Association (JCA) is fully supportive of the Shire leasing this park for the purpose of public open space. The

JCA has developed plans to improve the infrastructure in the park so it is better utilised by current and future users.

Policy/Work Procedure

Implications:

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

Financial Implications:

There will be additional costs for Council by entering into a lease arrangement with the Department of Conservation and Land Management. The annual lease fee is \$500.00 per annum (adjusted for inflation) and the Shire will be responsible for the maintenance and outgoings for the park. It is estimated that basic maintenance of the park will cost approximately \$10,000 per annum.

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.
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.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
6. Value, protect and develop biodiversity.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

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

Community Consultation:

Community consultation is not required for the consideration of the lease agreement.

Comment:

The proposed lease agreement has the support of the Jarrahdale Community Association and plans are already underway to develop the reserve into a focal point for the town site.

It is therefore recommended that the President and Chief Executive Officer be authorized to sign this lease agreement.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM105/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Twine

That Council:

1. **Endorse the terms and conditions of the lease agreement between the Department for Environment and Conservation and Shire of Serpentine Jarrahdale for the use of part Reserve 16634, Kingsbury Drive in Jarrahdale for the purpose of public usage with a term of five (5) years.**
2. **Authorise the Shire President and Chief Executive Officer to execute the lease agreement.**

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM106/05/09		PROPOSED SUB LEASE SERPENTINE JARRAHDAL SHIRE AND OPTUS MOBILE PTY LTD (A0840-05/03)
Proponent:	Not Applicable	In Brief For Council to endorse a sublease and with Optus Mobile Pty Ltd for space on the Communications Tower in Jarrahdale to install a mobile phone transmitter. It is recommended that Council authorise the Chief Executive Officer and the President to sign the Lease Agreement
Owner:	Not Applicable	
Officer:	Louisa Loder – PA to Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	30 March 2009	
Previously	CGAM090/04/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Optus Mobile Pty Ltd has approached the Shire with a request to lease space on the communications tower in Jarrahdale to install equipment to enhance their mobile phone network in the area. Council resolved in April to advertise the disposition of property in accordance with Section 3.58 of the Local Government Act (1995). The disposition was advertised in the local press on 30 April 2009 and no submissions were received.

A copy of the draft Lease Agreement is with CONFIDENTIAL attachments marked CGAM106.1/05/09 (IN09/3629).

Sustainability Statement

Effect on Environment: The proposed sublease will have no effect on either the built or natural environment. The communications equipment will be housed in an existing structure and will be located on the existing tower. The location of the facility is such that it is not easily visible by the surrounding community and any additional equipment installed on the tower will not change the appearance of the communications tower.

Biodiversity: As the equipment will be installed on existing infrastructure, there will be no disturbance of existing vegetation on the site.

Economic Viability: The proposed sublease will result in an additional income stream for the Shire.

Economic Benefits: The proposed sublease will assist Optus Mobile Pty Ltd in providing a higher quality mobile phone network in the general locality.

Social and Environmental Responsibility: Mobile phone use is becoming the preferred method of communication within Australia. New technologies are emerging where data communications via the mobile phone networks are becoming the preferred method of communications and it is becoming more critical for Mobile Phone providers that they have the infrastructure in place to be able to offer the high quality service their customers demand. This sublease will enable this and provide a level of service to the Jarrahdale community and surrounds that is not being met by this service provider.

Statutory Environment: Section 3.54 of the Local Government Act 1995 applies.

Section 3.58 – Disposal of Property by way of selling, leasing or otherwise applies and Council is required to advertise the proposed disposition in accordance with the provisions of this section of the Act. In addition, Council must consider all submissions made during the advertising period prior to Council disposing of the property.

Policy/Work Procedure Implications:

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

Financial Implications:

There is an annual lease fee payable by the lessee for the use of the property. All costs in relation to the preparation of the lease will be paid by the lessee.

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.
6. Ensure a safe and secure community.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Community Consultation:

In accordance with the Local Government Act (1995), the proposed disposition was advertised in the local press on 30 April 2009 for a 2 week period and no submissions were received.

Comment:

The proposed sub-lease is a standard document used by Optus Mobile for leasing communications sites throughout Australia. The document has been verified by Council's solicitors and all changes that the solicitor has recommended to protect the Shire's interest has been agreed to and incorporated into this document.

Optus are keen to have this agreement endorsed by Council as quickly as possible, all preliminary work associated with installing their equipment onto the Tower has been completed and subject to this sub lease being endorsed by Council all statutory approvals are waiting to be lodged.

The site on which the communications tower sits is owned by the Department of Environment and Conservation and they have advised the Shire they have no objections to the installation of the communication equipment on this site.

An independent valuation to obtain a rental figure has been obtained and it is recommended that an annual rent be set at \$10,000.00 (excluding GST). The proposed lease is subject to annual increments of 4% per annum.

The term of the proposed lease is for 5 months, commencing on the 1 May 2009 and then a 5 year renewal option is being offered. The reason for the lease being structured in this way is so that it is aligned with the head lease between the Department of Environment and Conservation and the Serpentine Jarrahdale Shire.

It is therefore recommended that Council endorse the lease and authorise the President and Chief Executive Officer to sign the lease agreement.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM106/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris

1. That Council endorse the terms and conditions of the lease agreement between Shire of Serpentine Jarrahdale and Optus Mobile Pty Ltd, for the use of part reserve 16634, Kingsbury Drive Jarrahdale for the purpose of installing communications equipment on the communications tower for a period of 5 months commencing on 1 May 2009 with a further 5 year option to renew.
2. The proposed lease fee be set at \$10,000.00 per annum (excluding GST) and be subject to annual increases of 4% per annum.
3. That Council authorise the President and Chief Executive Officer to sign the lease agreement.

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM107/05/09		PROPOSED SUB LEASE SERPENTINE JARRAHDAL SHIRE AND MINISTER FOR WORKS (A0840-05)
Proponent:	Not Applicable	In Brief For Council to consider a sublease with Minister for Works (West Australian Police) for space on the Communications Tower in Jarrahdale to extend their police radio communication network. It is recommended that Council commence the advertising process in accordance with Section 3.58 of the Local Government Act (1995).
Owner:	Not Applicable	
Officer:	Louisa Loder – PA to Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	24 April 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Minister for Works have approached the Shire with a request to lease space on the communications tower in Jarrahdale to install equipment to extend their radio communications network in the area.

A copy of the draft Lease Agreement is with CONFIDENTIAL attachment marked CGAM107.1/05/09 (IN09/4209).

Sustainability Statement

Effect on Environment: The proposed sublease will have no effect on either the built or natural environment. The communications equipment will be housed in an existing structure and will be located on the existing tower. The location of the facility is such that it is not easily visible by the surrounding community and any additional equipment installed on the tower will not change the appearance of the communications tower.

Biodiversity: As the equipment will be installed on existing infrastructure, there will be no disturbance of existing vegetation on the site.

Economic Viability: The proposed sublease will result in an additional income stream for the Shire.

Economic Benefits: The proposed sublease will assist Minister for Works in providing a higher quality communications network in the general locality.

Social and Environmental Responsibility: The telecommunications network is an essential resource of the West Australian Police force. The expansion of their radio communications network is intrinsic to the operation of the West Australian Police, and it is essential that they have the infrastructure in place to be able to offer the high quality service their community demands. This sublease will enable this and provide a higher level of service to the Jarrahdale community and surrounds.

Statutory Environment: Section 3.54 of the Local Government Act 1995 applies.

Section 3.58 – Disposal of Property by way of selling, leasing or otherwise applies and Council is required to advertise the proposed disposition in accordance with the provisions of this section of the Act. In addition, Council

must consider all submissions made during the advertising period prior to Council disposing of the property.

Policy/Work Procedure

Implications:

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

Financial Implications:

There is an annual lease fee of \$3000.00 payable by the lessee for the use of the property. All costs in relation to the preparation of the lease will be paid by the lessee.

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.
6. Ensure a safe and secure community.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Community Consultation:

In accordance with the Local Government Act (1995), there will be a 2 week public consultation period where members of the public can make submissions to Council regarding this proposed sub-lease. The Council must consider all submissions made before disposing of the property.

Comment:

The proposed sub-lease has been drafted by the Shire's solicitors in accordance with the head lease already in operation between the Department of Environment and Conservation and the Shire of Serpentine Jarrahdale.

The Minister for Works is keen to have this agreement endorsed by Council as quickly as possible, all preliminary work associated with installing their equipment onto the Tower has been completed and subject to this sub lease being endorsed by Council all statutory approvals are waiting to be lodged. The officer has been advised that this is the last point required to update the radio communications network.

The site on which the communications tower sits is owned by the Department of Environment and Conservation and they have advised the Shire they have no objections to the installation of the communication equipment on this site.

An independent valuation to obtain a rental figure has been obtained and it is recommended that an annual rent be set at \$3,000.00 (excluding GST).

The term of the proposed lease is for 5 months, commencing on the 1 May 2009 and then a 5 year renewal option is being offered. The reason for the lease being structured in this way is so that it is aligned with the head lease between the Department of Environment and Conservation and the Serpentine Jarrahdale Shire.

It is therefore recommended that Council endorse the lease and approve administration to commence the advertising process in accordance with the Local Government Act (1995).

Voting Requirements: Simple Majority

CGAM107/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Twine
That Council advertise the disposition of property in accordance with Section 3.58 of the Local Government Act (1995) in the local press for a period of two weeks inviting submissions from the public.
CARRIED 9/0**

CGAM108/05/09		INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report to 4 May 2009.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	4 May 2009	
Previously	CGAM068/02/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM108.1/05/09 INTEREST ON INVESTMENTS (A0073)

A copy of the Interest on Investments for 24 March 2009 is with attachments marked CGAM108.1/05/09 (E09/2659).

CGAM108.2/05/09 DELEGATED AUTHORITY (A0039-02)

Date Used	Delegated Authority Reference No.	Details	Amount	Officers Signature
23/03/2009	AF-8	Payment of EFT 17173	50.00	CM & AH
26/03/2009	AF-8	Payment of EFT 17174 - 17175	30,451.59	CM & AH
26/03/2009	AF-8	Payment of EFT 17176	82,766.87	CM & AH
26/03/2009	AF-8	Payment of EFT 17177	77,865.61	CM & AH
26/03/2009	AF-8	Payment of EFT 17178 - 17239	156,561.02	CM & AH
26/03/2009	AF-8	Payment of Cheques 39112 - 39125	6,016.30	CM & AH
01/04/2009	AF-8	Payment of Cheques 39126 - 39129	1,500.00	CM & RG
02/04/2009	AF-8	Payroll	157,782.73	CM & AH
02/04/2009	AF-8	Payment of Cheques 39130 - 39139	5,205.38	CM & AH
02/04/2009	AF-8	Payment of EFT 17240 - 17282	54,119.96	CM & AH
07/04/2009	AF-8	Payment of EFT 17283	4,550.01	BL & SV
07/04/2009	AF-8	Payment of EFT 17284 - 17339	403,707.28	BL & SV
08/04/2009	AF-8	Payment of Cheques 39140 - 39159	36,278.63	BL & AH
16/04/2009	AF-8	Payment of EFT 17340 – 17399	226,843.41	BL & AH
16/04/2009	AF-8	Payment of Cheques 39160 - 39191	43,306.10	BL & AH
16/04/2009	AF-8	Payroll	166,172.51	BL & AH
20/04/2009	AF-8	Payment of Cheques 39192	200.00	BL & AH
23/04/2009	AF-8	Payment of EFT 17400 – 17437	174,307.62	BL & AH
23/04/2009	AF-8	Payment of Cheques 39193 - 39198	12,251.99	BL & AH

30/04/2009	AF-8	Payroll	161,406.05	BL & BG
30/04/2009	AF-8	Payment of Cheques 39199 - 39209	6,397.28	BL & RG
30/04/2009	AF-8	Payment of EFT 17438 – 17439	18,897.22	BL & RG
30/04/2009	AF-8	Payment of EFT 17440 – 17472	45,306.05	BL & JA
31/3/09	ENG08	Oversize Vehicle Permit – Tutt Bryan Project Services (OC09/2432)		NARG
3/4/09	Eng22	L630 Blackberry Rbl- Crossover Subsidy	150.00	RS
7/4/09	Eng22	L362 Daran Way- Crossover Subsidy	150.00	US

CGAM108/05/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Murphy
That the Information Report to 4 May 2009 be received.
CARRIED 9/0**

CGAM109/05/09		TREE FELLING – LOT 11 MUNDIJONG ROAD (CNR KARGOTICH ROAD), MUNDIJONG (P03702)	
Proponent:	Cr Sheila Twine	In Brief	
Owner:			
Author:			
Senior Officer:			
Date of Report	19 May 2009		
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		

Councillor Twine advised that she contacted the relevant Directors in relation to tree felling on eastern verge of Kargotich Road, between Mundijong and Bishop Roads (distance 0.4km).

Questions were presented to the Committee as follows:

1. Who has done the felling and why?
2. On whose authority was the felling done?
3. Does the Shire have redress on this matter?
4. Could an Officer investigate and inform Councillors of result of the site visit?

CGAM109/05/09 COUNCIL DECISION/Committee Recommended Resolution:

**Moved Cr Twine, seconded Cr Murphy
That:**

1. The Shire write a letter to the landowner of Lot 11 Kargotich Road where a large number of trees have been removed reminding the landowner of the requirements of Town Planning Scheme No.2 relating to tree preservation and accepts the landowners offer of replanting this winter with appropriate native species.
2. A presentation be made at the next available Policy Forum meeting in relation to matters associated with tree preservation and a possible education program.

CARRIED 9/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM026/05/09	REQUEST FOR LEAVE OF ABSENCE – CR CHRISTINE RANDALL (A0024)	
Proponent	Councillor Christine Randall	<p>In Brief</p> <p>Councillor Christine Randall has requested a leave of absence from 18 May to 12 June 2009.</p> <p>It is recommended that Cr Randall's leave of absence be granted from 26 May to 12 June 2009.</p>
Officer	Joanne Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 May 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Under Section 2.25 of the Local Government Act 1995 if a Councillor is absent from three consecutive Ordinary Council meetings they are disqualified.

A Council can, by resolution, grant leave of absence to a member for not more than six consecutive meetings. Unfortunately Council is unable to grant leave of absence from the Ordinary Meeting at which the leave of absence motion is considered as the business of the meeting has already been commenced. It also cannot apply retrospectively, or in this case back to 18 May. However, as Cr Randall is only to be absent from this Ordinary Council meeting there will be no negative impact and her absence can simply be noted as an apology. Council can then grant a leave of absence from 26 May to 12 June 2009 and should any Special Council meetings be held in that time then Cr Randall's absence will be recorded as a leave of absence.

OCM026/05/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Murphy, seconded Cr Buttfield
Council approves Leave of Absence for Councillor Randall from 26 May until 12 June 2009.
CARRIED 9/0**

OCM027/05/09 LOCAL GOVERNMENT STRUCTURAL REFORM – SHARED SERVICES AND APPOINTMENT OF A PROJECT TEAM (A1633)	
Proponent	Serpentine Jarrahdale Shire
Officer	Joanne Abbiss - Chief Executive Officer
Signatures - Author:	
Senior Officer:	
Date of Report	22 May 2009
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995
Delegation	Council

In Brief

It is recommended that Council apply for \$10 000 worth of funding from the Department of Local Government toward a combined business case for a shared services model for the Peel.

It is also recommended to establish a Project Team in accordance with the Department of Local Government Structural Reform Guidelines to consist of the Chief Executive Officer, the Shire President and another Councillor.

Background

In October 2008, the WA Government announced the formation of a Steering Committee to advise on the implementation of the 39 recommendations of the Western Australian Local Government Association's 4-year *Systemic Sustainability Study*.

The Government subsequently announced further reform based on a voluntary reduction in the number of individual Councils, and a reduction in the number of Elected Members to between six and nine per Council. The Minister for Local Government advised in February 2009 that Councils would have six months to determine their intentions for structural reform.

Sustainability Statement

The Minister for Local Government has indicated that he wants to achieve improved sustainability for the local government sector as a result of his reform strategies. The Serpentine Jarrahdale Shire has long acknowledged the seriousness with which all local governments need to embrace reform and be proactive in investigating all options that will allow them to better deliver on their community's needs now and into the future.

Statutory Environment:

Local Government Act 1995

Policy/Work Procedure

Implications:

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

Financial Implications:

Council is able to apply for financial assistance of \$10,000 to assist in the preparation of a business case for a shared services model. Any further costs incurred will have to be sourced from existing budgets.

Strategic Implications:

Every element of the Shire's Strategic Plan is dependent on the Shire's ability to maximise its sustainability in order that community expectations for service delivery can be met.

Community Consultation:

The Project Team will be responsible for undertaking the appropriate level of community consultation.

Comment:

The guidelines' structural reform timeframe is as follows:

- 30 April - submit completed Local Government Reform Checklist.
- April/May - establish project team (two to three members of each Council) to consider Local Government reform options; undertake community consultation.
- May/June - project team to develop reform submission.
- June/July - project team to finalise reform submission, and circulate to affected Councils; each
- Council to pass resolution to proceed with proposed reforms, and to determine dates for amalgamation and Elected Member reductions to occur.
- 31 August - Councils to provide reform submission to Minister.
- Submissions will subsequently be referred to the Local Government Reform Steering Committee for assessment, before being forwarded to the Local Government Advisory Board for consideration and recommendations, and subsequently returned to the Local Government Minister for pronouncement.
- The guidelines state that each Council project team should consist of two to three members, including the Mayor/President and the Chief Executive Officer. No minimum period for public consultation is stipulated; however the guidelines note that 'it is expected that Elected Members, staff and the community will be given an opportunity to contribute to open discussions on amalgamation, and that their views will be represented in the reform submission'.

The WA Government has announced financial assistance payments of up to \$10,000 per Council to assist with preliminary preparations for structural reform.

Conclusion

There are really only three forms of structural reform measures that can be investigated: amalgamation, boundary adjustments or shared services. It is the officer's opinion that the "do nothing" option is not an option, particularly as Council will need to achieve maximum sustainability in order to deal with the added financial pressures brought about by rapid growth.

On 13 May 2009, Elected Members attended a presentation on shared services from representatives from the New England Strategic Alliance of Councils. The presentation was attended by elected members and senior staff from across the Peel Region. A shared service model is believed to contribute the maximum benefits for the community in terms of improved services and maintenance of local identity and representation.

Council are requested to:

- Endorse the submission of the Local Government Reform Checklist
- Approve the formation of a Project Team comprising the Shire President, Chief Executive Officer and a nominated Councillor to investigate structural reform options and elected member representation.
- Endorse the investigation of a shared services business case for the Peel utilising the \$10,000 financial assistance available per Council toward structural reform.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

1. Council endorses the submission of the Local Government Reform Checklist to the Department of Local Government and Regional Development by the Chief Executive Officer.
2. Council approves the formation of a Project Team, comprising the Shire President, Chief Executive Officer and Cr, tasked with engaging the community and other Peel Region Councils with structural reform options and assessing elected member representation.
3. Council approves contributing \$10,000, obtained from the Department of Local Government and Regional Development Structural Reform Assistance Grants, towards a joint business case with the other Peel local governments for a regional shared services model.

OCM027/05/09 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Kirkpatrick

1. **Council endorses the submission of the Local Government Reform Checklist to the Department of Local Government and Regional Development by the Chief Executive Officer.**
2. **Council approves the formation of a Project Team, comprising the Shire President, Chief Executive Officer and Councillors Twine and Harris tasked with engaging the community and other Peel Region Councils with structural reform options and assessing elected member representation.**
3. **Council approves contributing \$10,000, obtained from the Department of Local Government and Regional Development Structural Reform Assistance Grants, towards a joint business case with the other Peel local governments for a regional shared services model.**

CARRIED 9/0

OCM028/05/09 TENDER NUMBER 004/2009 TRUCKS FOR BULK CARTAGE (A1626)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Tender 004/2009 Trucks for Bulk Cartage was advertised in error as a current contract is in place. It is recommended that the tender process be discontinued.
Owner:	Not Applicable	
Officer:	Uwe Striepe - Executive Manager Engineering	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	24 April 2009	
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

A Request for Tenders was recently called for the Supply of Trucks for Bulk Cartage.

Tender 004/2009 was advertised in the West Australian on 21 and 28 March and 4 April 2009. Tenders closed on 7 April 2009.

It was subsequently discovered that the current tender approved by Council on 23 June 2008 is valid until 30 June 2010.

Statutory Environment:

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

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

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

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

Policy/Work Procedure Implications:

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

Financial Implications:

Contained within the proposed 2009/2010 budget.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was undertaken for this report.

Comment:

Tender 008/2008 for the supply of bulk cartage and individual trucks for general cartage was accepted at the Ordinary Council Meeting held on 23 June 2008 for the period 1 July 2008 to 30 June 2010.

Tender 004/2009 was advertised in error as the abovementioned tender is still active. It is recommended that explanatory letters be addressed to affected tenderers and Council withdraw from the tender process.

Voting Requirements: Simple Majority

OCM028/05/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Price
Council withdraws from the tender process with regard to Tender no 004/2009 and continues with the current tender as approved by Council on 23 June 2008.
CARRIED 9/0**

OCM029/05/09		PROPOSED USE NOT LISTED (TOURIST FACILITY) – LOT 23 KARNUP ROAD, SERPENTINE (P02883/01)
Proponent:	P Jasprizza	In Brief The applicant seeks approval to reopen Turner Cottage with additional uses. Delegated authority to the Director Development Services is recommended to determine the application, upon receipt of advice from the Heritage Council.
Owner:	I McKay	
Officer:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 May 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 20 March 2009
Advertised: Yes
Submissions: Yes

Lot Area: 2.12 ha
L.A Zoning: Rural
MRS Zoning: Rural
Rural Strategy Policy Area: Rural

Background

An application for reopening of Turner Cottage Tearooms has been received. The owner of the property previously operated the tearooms which involved the serving of limited preparation food items primarily catering for passing tourists. In 2006, the tearooms ceased to operate and subsequently a fresh application with additional uses was lodged with Council. An assessment of the application and advertising for public comment has subsequently occurred.

It is recommended that the proposal be considered as a 'use not listed' under the provisions of Town Planning Scheme No. 2 (TPS 2). As an objection was received during the advertising period, the matter is required to be presented to Council for a determination, as the matter is outside authority delegated to officers.

A copy of the location, site and floor plans is with attachments marked OCM029.1/05/09.

Sustainability Statement

Effect on Environment: The proposal has potential to showcase existing Heritage buildings located on the site and protect these through ongoing management plans.

Resource Implications: Reopening the operation is more likely to lead to ongoing maintenance of the property.

Use of Local, Renewable or Recycled Resources: The proposal can utilise existing buildings and structures and upgrade them to a standard to ensure continued reuse.

Economic Benefits: The proposal provides an opportunity for additional visitors to the Serpentine area and local employment.

Social – Quality of Life: The proposal is likely to employ local people and provide both residents and tourists with a family venue to enjoy recreational activities.

Social and Environmental Responsibility: The proposal will give the applicant ability to forge social relationships with other residents and possibly value add to other local businesses.

Social Diversity: The proposal does not disadvantage social or community groups.

Statutory Environment: Planning and Development Act 2005
TPS 2
Heritage of Western Australia Act 1990

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.
3. Retain seniors and youth within the community.
6. Ensure a safe and secure community.

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

One submission received.

The proposal was referred to surrounding landowners and other Government agencies for comments. One letter of objection was received during the comment period. The Heritage Council acknowledged receipt of the referral, advising that it would provide comment in due course.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Note)
A41500	We have been informed that the owners propose to open for breakfast and lunches in direct competition with us. We have significant and justifiable concerns that such a venture would have a serious impact on the viability of our business and request that you note our concerns and objection and further that we be kept informed of the status of this proposal.	Object	Consumer competition is not a relevant planning consideration.	Note.

Comment:

As assessment of the application by the Shire's Technical Officers and a review of the submission received during the advertising period, identified the following issues are being particularly relevant and requiring careful consideration:

- The permissibility of the proposed uses under TPS 2;
- Potential competition with other commercial operations; and
- The protection of heritage values.

Each of these issues is discussed further in the sections below.

Zoning and permitted uses

The land is zoned Rural under Council's TPS 2. The applicant proposes the following uses and provides a brief description of the intent of these activities.

"Museum" - Turner Cottage is a heritage listed cottage built and furnished in the style of the mid-19th century when the Turner family lived there.

"Restaurant" – Tea Rooms built in the style of stables reflecting the equine history of the property; expected to cater for approximately 40 people providing breakfast, morning tea, lunch and afternoon tea.

"Function / Reception Centre" – Pavilion style room adjacent to lawn area on the banks of the Serpentine River expected to cater for events such as weddings and parties of 100 – 200 people and with meals to be provided by caterers. Regular Country and folk music nights are also intended. These are to be organised and managed by a related family business.

"Gift / Book Shop" – Also to be operated by a related family business, the purpose of the gift shop is to stock and sell a variety of items including historical books, equine related gifts, folk music, pottery and jewellery items.

"Sound Gardens" – Located throughout the lawn areas, these gardens will consist of acoustic style instruments such as chimes made from a variety of materials tuned to a pentatonic scale to provide educational amusement to school children, bus tours and general tourist entertainment.

TPS 2 provides the following definitions and permissibility which can assist in the assessment of the proposal.

Proposed use	TPS 2 Appendix 1 Definition	TPS 2 Part III – Zones / Zoning Table – Permissibility	Rural Zone
“Museum”	<i>means any land or buildings used to exhibit cultural or historical artefacts.</i>	Not Listed	Not Listed
“Restaurant / Tea Rooms”	<i>means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.</i>	Use Class 51 - “Restaurant”	SA Use
“Function Reception Centre”	<i>means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes</i>	Use Class - “Reception Centre”	SA Use
“Gift / Book Shop”	<i>means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry</i>	Use Class - “Shop”	Not Permitted
“Sound Gardens”	Use Not Listed	Use Not Listed	In accordance with Clause 3.2.5 Council has the discretion to approve uses not listed subject to advertising.

Rather than considering the specific individual land uses that are proposed, it is appropriate that the uses be considered collectively as the uses are complimentary to each other and a number of the uses may be considered to be incidental to a predominant use.

In order to encapsulate the previous historical uses for Turner Cottage and allow the additional proposed new uses, the proposed uses may be considered to be a “Tourist Facility” or similar. Based on the practices adopted by some other Local Governments, a possible definition for a ‘Tourist Facility’ could potentially be the following:

“Tourist Facility – means facilities used or intended to be used by visitors, and includes the provision of food and refreshments and provide reception, historic and recreational activities and may include an incidental component such as a gift or souvenir shop”

At this stage, the above definition (or similar) has not been formally established in the Shire’s TPS 2 nor policy framework; Council may wish to give consideration to this in the future.

Clause 3.2.5 of TPS 2 states the following

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

b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for the planning consent.”

It is considered that this proposal addresses the intention of a Tourist Facility and therefore the proposal as a Use Not Listed – Tourist Facility, is consistent with the objectives and purpose of the zone. It is recommended that the application be determined, upon receipt of advice from the Heritage Council.

Competition between commercial operations

The submission received during the advertising identified competition between businesses as an area of concern. In Western Australia, it is accepted that competition is not a relevant planning consideration, with the exception of matters of public interest. This approach is consistent with the direction established under the National Competition Policy. In respect of this particular proposal, competition is not considered to be a relevant matter for Council in making a determination.

Protection of Heritage Values

The subject property is listed on the State Register of Heritage Places, established under the Heritage of Western Australia Act 1990. The Register provides the following description:

‘Turner Cottage, a single-storey brick and shingle farmhouse, its location alongside the bridge crossing the Serpentine River will help future generations to focus on the enormous difficulties experienced by the settlers of the locality and the progress of development following the successful bridging of the rivers.’

The application was referred to the Heritage Council for comment during the advertising period. Section 78 of the Heritage of Western Australia Act 1990, includes the following text:

‘...(b) applications for approval under section 135, 136 or 162, or approvals for the purposes of section 147, of the Planning and Development Act 2005;

... then before a decision-making authority in respect of that land shall, except in so far as the [Heritage] Council may otherwise in writing agree with the decision-making authority, not be further proceeded with until the application in question has been referred by the decision-making authority to the [Heritage] Council and the advice of the [Heritage] Council received.’

The Act also establishes a definition for land, as ‘(a) any estate in land; and (b) any works or building on or in the land:’

At the time of writing this report, advice had not been received from the Heritage Council in respect of the current application. In accordance with Section 78 of the Act, Council is not able to determine the application at this time. This limitation, however, does not prevent Council from delegating its authority to determine the application to Officers, upon the receipt of advice from the Heritage Council. The delegating of authority would enable the application to be determined in a timely manner.

The subject land is also listed on the Shire's Municipal Inventory and Heritage List. Based on the proposed usage of the land, Council Officers are of the opinion that the application, if implemented, would not compromise the local or State's heritage values of the place.

Options

There are primarily two options available to Council in consider the proposal, as follows:

- (1) to defer consideration of the application until such time as the advice has been received from the Heritage Council
- (2) to delegate authority to officers to determine the application, upon the receipt of the advice from the Heritage Council.

Upon a determination on the application and in the instance that an applicant is aggrieved by the determination, an application for review could be lodged with the State Administrative Tribunal.

Conclusion

The application is considered to be consistent with the Rural zoning of the land and with the Shire's aspirations of facilitating tourist-related activities and it is recommended that the Director Development Services be authorised to determine the application, upon receipt of advice from the Heritage Council, to enable matters to be finalised at the earliest opportunity.

Voting Requirements:

ABSOLUTE MAJORITY

OCM029/05/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Buttfield, seconded Cr Harris

Council, pursuant to Clause 8.2.1 of Town Planning Scheme authorise the Director Development Services to determine the development application and impose planning conditions for a Tourist Facility at Lot 23 Karnup Road, Serpentine, as lodged with Council on 20 March 2009, upon the receipt of formal advice from the Heritage Council.

CARRIED 9/0 ABSOLUTE MAJORITY

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM030/05/09		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	14 May 2009	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM030.1/05/09 COMMON SEAL REGISTER REPORT – APRIL 2009

The Common Seal Register Report for the month of April 2009 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM030.1/05/09**.

OCM030.2/05/09 POLICY FORUM – 5 MAY 2009

The following items were discussed at the 5 May 2009 Policy Forum:

Topic / Subject
Presentations
Visit to Point Cook, Melbourne
Proposal to lease premises at Pony Club (Lot 427 King Road, Oldbury)
Ward Update
<ul style="list-style-type: none"> Report on progress of Council and Committee resolutions Report on Councillor correspondence
Planning Reform briefing
Corporate and Asset Services Delegations
Statutory Planning
Planning Training
DAP / Byford Central Estate workshop
Developer contributions
Western Power works in the Shire
Planning Policy update

OCM030.3/05/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 26 MARCH 2009 (A1164)

In the attachments marked OCM030.3/05/09 (IN09/6133) is the minutes of the Peel Zone Meeting held on 26 March 2009.

OCM030.4/05/09 WALGA PEEL ZONE AGENDA – 28 MAY 2009 (A1164)

In the attachments marked OCM030.4/05/09 (IN09/6133) is the agenda of the Peel Zone Meeting to be held on 28 May 2009 and associated attachments marked OCM030.4a/05/09, OCM030.4b/05/09, OCM030.4c/05/09 and OCM030.4d/05/09.

OCM030.5/05/09 WALGA SOUTH EAST METROPOLITAN ZONE AGENDA –
27 MAY 2009 (A1164)

In the attachments marked OCM030.5/05/09 (IN09/5986) is the agenda of the South East Metropolitan Zone Meeting to be held on 27 May 2009.

OCM030.6/05/09 WALGA STATE COUNCIL AGENDA – 3 JUNE 2009 (A1164)

In the electronic attachments is the State Council Agenda marked OCM030.6/05/09 (IN09/5835), Appendices marked OCM030.6a/05/09 and OCM030.6b/05/09 (IN09/5874) and President's Report marked OCM030.6c/05/09 (IN09/6000).

Please note the following change to the recommendation of Item 5.1 of the State Council Agenda:

- 5.1 Building a Better Planning System – Consultation Paper by Department for Planning and Infrastructure (05-036-03-0020 BF) (Appendices Page 101)

Recommendation

That:

1. The State Council note that an interim submission on the Building a Better Planning system - Consultation Paper has been made to the Department of Planning and Infrastructure (DPI), which included comments received from Local Governments regarding the Consultation Paper and endorsed the principles within the Consultation Paper while reserving local governments position until a greater level of detail is available.
2. WALGA seek to work in partnership with DPI to clarify the detail and progress planning reform in Western Australia.

OCM030.7/05/09 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING –
24 FEBRUARY 2009 (A0202)

In the attachments marked OCM030.7/05/09 (OC09/3266) is the minutes of the Local Emergency Management Committee meeting held on 24 February 2009.

OCM030.8/05/09 WALGA ANNUAL GENERAL MEETING - 8 AUGUST 2009
(A0163-06)

A copy of the correspondence from WALGA dated 24 April 2009 regarding registration of voting delegates is with the attachments marked OCM030.8/05/09 (IN09/5048).

A copy of the WALGA Local Government Convention and Exhibition information is with the attachments marked OCM030.8a/05/09.

Officer Recommended Resolution:

1. The Information Report to 22 May 2009 is received.
2. Council nominates Councillor and Councillor as voting delegates to the Western Australian Local Government Association Annual General Meeting to be held on 8 August 2009.

OCM030/05/09 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Brown

- 1. The Information Report to 22 May 2009 is received.**
- 2. Council nominates Councillor Needham and Councillor Price as voting delegates to the Western Australian Local Government Association Annual General Meeting to be held on 8 August 2009.**

CARRIED 9/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the meeting closed at 9.53pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 June 2009.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

Nil

- 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.