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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 26<sup>TH</sup> MARCH, 2007. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham ..... Presiding Member  
JE Price  
AW Wigg  
K Murphy  
JC Star  
JA Scott  
EE Brown  
WJ Kirkpatrick  
MJ Geurds  
M Harris

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr D Long ..... Director Corporate Services  
Mr S Bell ..... Director Engineering  
Mr B Gleeson Executive Manager Planning & Regulatory Services  
Ms S van Aswegen Executive Manager Strategic Community Planning  
Mrs S Langmair ..... Minute Secretary  
Ms M Khadpekar ..... Strategic Planning Consultant

**APOLOGIES:**

**GALLERY:** 13

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice

Public Question Time commenced at 7.01pm

Mr Salmeri, Hopelands Road

Q How are Council going with the progress on the buffer zone?

A The Chief Executive Officer (CEO) advised the matter of buffer zones had been pursued with the Western Australian Local Government Association (WALGA). WALGA had provided advice that it was not illegal at this time.

Mr Salmeri believed that the initiation was from Council. This was the most important issue at the public meeting.

The Executive Manager Planning & Regulatory Services (EMPRS) advised that the WA Government ie Western Australian Planning Commission would need to make the decision.

The CEO advised that a copy of the advice from WALGA would be provided to all attendees of the meeting where the buffer zone was discussed.

The Presiding Member advised that she would follow this up with WALGA based on the question this evening.

Q Has the Council adopted a firm policy for the minimum requirement regarding poultry farms based on the SAT decision?

A The EMPRS advised that no policy has been adopted, but similar conditions are likely to be imposed on all future poultry farm applications, with some variations, as each application is considered on its merits and certain site specific issues differ with each application.

Q Regarding Lot 368 Henderson Road development, why during the whole process did nobody mention the Dirkbrook Catchment area relating to that development?

A The Presiding Member pointed out that Dirkbrook is a sub-catchment of the Peel Harvey Catchment. The whole of the Shire is part of the Peel Harvey Catchment and Dirkbrook is just a small part of that catchment.

The CEO advised that the Department of Environment had assessed all environmental aspects of the proposal at the time.

Q There is a rumour about a pelletisation plant to be developed on 368 Henderson Road. Is the Shire aware of these plans?

A The EMPRS advised the Shire was not aware of plans for development of such a plant at this stage.

Q Regarding pushbikes on Hopeland Road, they hold up the traffic and ride 2 to 3 a breast which is very dangerous and there will be an accident if Council does not get involved.

A The Director Engineering advised that pushbike riders and other groups seek permission at various times throughout the year to use these roads for events and that Council would generally not stop these individuals or groups from using the roads provided the activities were conducted safely. Part of the approval process involves the preparation of a Traffic Management Plan to advise Council of the routes to be used, proposed signage and assesses whether the group has addressed road safety.

The Presiding Member noted that Bikewest grant money was received a number of years ago for the purpose of upgrading Hopelands Road.

Mrs Bond, Stockmans Close

Q Are all Council and committee meetings properly recorded?

A The Chief Executive Officer (CEO) advised yes.

Q What is an agenda?

A The CEO advised that an agenda was a notice of items to be discussed at a meeting.

Q When is the agenda made available for the public?

A The CEO advised that the agenda for committee and Council meetings is available to the public on the Friday before the meeting. A hard copy can be found at the Administration Office and the Mundijong Library. The agenda is also placed on the Shire's website on the Friday before the meeting (usually late in the afternoon/early evening).

Q Does Council have the power to make people plant trees for the purpose of screening on their properties?

A The EMPRS advised that under the powers of the Town Planning Scheme, Council can require screening of properties.

Mrs Bond requested a copy of her questions and answers to be provided.

Public Question Time concluded at 7.13pm.

### **3. PUBLIC STATEMENT TIME:**

Public Statement Time commenced at 7.13pm.

David Andrews – 15 Stockmans Close

Regarding item SD088/03/07 Proposed Stables Outside Building Envelope – Lot 104 (15) Stockmans Close, Oakford. Offered by way of an explanation clarifying some of the buildings on his property. He highlighted the points of screening, advising that he found it an acceptable solution to screen along the side boundary. He advised that he has undertaken roadside verge planting. He advised he has a tree planting plan which he intended to be completed by 31 August this year. Mr Andrews was prepared to provide a written undertaking confirming his intentions.

Tom Carey, Lot 105 Kentucky Drive, Darling Downs

Regarding item SD092/03/07 Proposed Oversize Shed Outside Building Envelope – Lot 105 (14) Kentucky Drive, Darling Downs. Mr Carey requested that this item be deferred until the April 2007 meeting as he has had insufficient time to go into the whole matter.

Barbara Marsh, 16 Stockmans Close, Oakford

My husband and I are bitterly disappointed that this Council has chosen to ignore our objections to development of Lot 104 Stockman's Close. The shed arena and lights went ahead without Council knowledge or approval.

Council originally agreed with our concerns and granted permission for the proposed stables to be built behind the house and next to existing stables.

The view from our property now consists of a large shed most of which is out of the building envelope, an arena with six large industrial steel poles with large industrial lights. They are proceeding to build a large stable block at the end of the arena. The sand has already been delivered to the end of the arena for the commencement of the stable block.

We have never objected to the stable block, simply the position in which they say "they prefer to have it". At the Sustainable Development meeting held on the 20<sup>th</sup> March 2007, Councillors Harris and Brown advised they had been out to the property and would not support the application by Mr Andrews. They advised that the information provided by Mr Andrews was not accurate including his claim that a creek runs through his property.

We have photographs to back up what we say about his information not showing the real truth and the development so far. We attended the State Administrative Tribunal today and learnt that this matter was to go to full Council tonight. We were permitted to speak at the

Directions Hearing today and this is the first time we have been permitted to have a say or gain any information regarding this matter. The tribunal has accepted our submission.

Our many attempts to speak with the Senior Planner or any one else have been refused. At the tribunal today the Senior Planner claimed we had been given plenty of opportunity to have our say, this is not true at all. The tribunal did not order the Council to remove condition 1 they asked for a review, however they had no information from us and the Council representative at the tribunal has not made any attempt to put the case accurately.

Our observations at the tribunal today looked more like it was Andrews/Serpentine Jarrahdale v Marsh.

Tony Paduano – The Planning Group

He is present at the meeting in relation to Council items SD094/03/07 Adoption of Local Structure Plan – Lots 6 & 27 Abernethy Road, Byford and SD089/03/07 Bulk Earthworks and Importation of Fill – Lots 6 & 27 Abernethy Road, Byford. He wished to advise that he is happy with Council's recommendations. He also wanted to publicly thank the Executive staff and Council on the work done on the Byford Structure Plan.

Public Statement Time concluded at 7.21pm.

#### **4. PETITIONS & DEPUTATIONS:**

#### **5. PRESIDENT'S REPORT:**

The Presiding Member presented to Council a certificate from ICLEI – Local Governments for Sustainability, the Government of Western Australia, the Western Australian Local Government Association and the Australian Government to our Shire for demonstrating leadership and commitment towards integrated freshwater resource management (Milestone 3 Corporate and Community in the Water Campaign). Congratulations are extended to Glen Bylveld for all his hard work on the Water Campaign.

#### **6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Star declared a financial interest in item OCM034/03/07 CONFIDENTIAL ITEM: NOTIFICATION OF REQUIRED WORKS TO MUNDIJONG SALEYARDS & REQUEST TO REVIEW RENT as she deals with the proponent and she intends to leave the meeting when this item is discussed.

Cr Wigg declared a financial interest in item CGAM098/03/07 SELF SUPPORTING LOAN – SERPENTINE GOLF CLUB as the patron of the golf club and he intends to leave the meeting when this item is discussed.

Cr Star declared an interest of impartiality in item CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006/2007 as she is a member of the Jarrahdale Heritage Society.

Cr Brown declared an interest of impartiality in item CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006/2007 as she is a member of the Oakford Trails Management Association.

Cr Price declared an interest of impartiality in item CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006/2007 as he is a member of the Jarrahdale Heritage Society.

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

**7.1 Ordinary Council Meeting – 26<sup>th</sup> February, 2007**

**COUNCIL DECISION**

**Moved Cr Price seconded Cr Scott  
That the minutes of the Ordinary Council Meeting held on 26<sup>th</sup> February, 2007 be confirmed.  
CARRIED 10/0**

**REPORTS OF COMMITTEES:**

SD087/03/07 COMMUNITY FUNDING PROGRAM (A1173/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is asked to nominate three Council representatives from separate wards to sit with the Community Development Officer on the 2007/08 Community Funding Program Working Group.
Owner:	Not applicable	
Officer:	Elaine Edwards - Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 March 2007	
Previously	CRD04/05 CRD20/03/04, CRD10/01/03, CRD43/03/02, CRD19/01/01, CRD17/06/00 SD101/03/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

Policy CSP8 Financial Assistance – Requests includes the following for the selection of the members of the Shire’s Community Funding Program Working Group:

*“1(d) That three Council representatives from separate wards be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group.”*

**Sustainability Statement**

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

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

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



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

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

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

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

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

**Policy/Work Procedure Implications:** Policy CSP8 Financial Assistance – Requests includes the following for the selection of the members of the Shire’s Community Funding Program Working Group:  
*1(d) That three Council representatives from separate wards be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group.*

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

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**1 People and Community**  
*Objective 1: Good quality of life for all residents*  
Strategies:  
1 Provide recreational opportunities  
2 Develop good services for health and well being  
3 Retain seniors and youth within the community  
4 Respect diversity within the community  
5 Value and enhance the heritage character, arts and culture of the Shire  
6 Ensure a safe and secure community  
*Objective 3: High level of social commitment*  
Strategies:  
1 Encourage social commitment and self determination by the SJ community  
2 Build key community partnerships  
**4 Governance**  
*Objective 1: An effective continuous improvement program*  
Strategy:  
5 Harness community resources to build social capital within the Shire  
*Objective 2: Formation of Active Partnerships to progress key programs and projects*  
Strategy:

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

**Community Consultation**

The program is in itself a community consultation process by way of consulting the community groups on their funding needs.

**Comment**

A review of Policy (CSP8) was recently undertaken by Council at Policy Forum. At that meeting, it was agreed that one Councillor from each Ward would review the Community Funding Program applications each year. The reviewed Policy will be formally presented back to Council in the near future.

The Working Group will meet in late April to review the applications submitted. The recommendations of the Working Group will be presented through the May 2007 Sustainable Development Committee.

**Voting Requirements:** Simple Majority

**SD087/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Cr Star seconded Cr Harris  
Council nominates Councillor Wigg, Councillor Scott, Councillor Brown and Councillor Kirkpatrick representing each ward to sit with the Community Development Officer on the 2007/2008 Community Funding Program Working Group.  
CARRIED 10/0**

SD088/03/07 PROPOSED STABLES OUTSIDE BUILDING ENVELOPE – LOT 104 (15) STOCKMANS CLOSE, OAKFORD - STATE ADMINISTRATIVE TRIBUNAL REVIEW OF DECISION (P02066/02)		
Proponent:	Avalon Sheds	<b>In Brief</b>  The State Administrative Tribunal has ordered Council to reconsider the condition of planning approval for the construction of stables outside the building envelope.  It is recommended that the SAT be advised that the Council supports the deletion of condition 1 of the approval subject to a new condition being imposed with regard to landscape screening of the shed.
Owner:	D Andrews	
Officer:	M Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2007	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 15 September 2006  
 Advertised: Yes  
 Submissions: 1 objection  
 Lot Area: 2 hectares  
 L.A Zoning: Special Rural  
 MRS Zoning: Rural  
 Municipal Inventory: No  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: No

## **Background**

The subject property contains a single house, one existing 116m<sup>2</sup> shed and two smaller garden sheds, a flood lit arena, pool and fenced paddocks. The owners applied to construct an additional 134m<sup>2</sup> shed to be used as stables, feed store and tack room for two horses. The proposed stables are to be located outside the building envelope. The new shed is to be constructed of colourbond with the walls and roof being "Paperbark" colour and the trim and guttering being Manor Red.

***Site, floor and elevation plans are with the attachments marked SD088.1/03/07.***

Under Delegated Authority on 10 January 2007, the application was approved subject to a number of standard conditions including:

1. *The proposed stables are to be relocated to a position such that they are screened from the street by the existing dwelling to the satisfaction of the Shire. A revised site plan addressing this requirement is to be submitted prior to the issue of a building licence by the Shire.*

On 12 February 2007 a copy of an application for review of Condition 1 of the approval by the State Administrative Tribunal (SAT) was received. A Directions Hearing was held at SAT on 28 February 2007 at which time the following orders were made:

1. The applicant is to provide any additional supporting information on the matter to the respondent by Friday, 9 March 2007.
2. Pursuant to Section 31 of the State Administrative Tribunal Act 2005 the respondent is invited to reconsider the reviewable decision at its meeting of 20 March 2007.
3. The matter is listed for directions hearing at 2.00pm on Monday, 26 March 2007.

The applicant has now submitted additional information with regard to the provision of extensive landscape screening on the property to enable the shed to be placed in the original location applied for without unduly impacting on the amenity of the surrounding neighbourhood. The additional information contains a Revegetation Plan, a list of trees and shrubs to be planted and a planting program.

***The additional information supplied by the applicant with regard to revegetation is with the attachments marked SD088.2/03/07.***

## **Sustainability Statement**

***Effect on Environment:*** Construction of the stables will not require the removal of any vegetation. The applicant has submitted a detailed revegetation plan aimed at improving the amenity of the property and providing a visual screen between the new outbuilding and the street. A land management plan relating to the management of stock on the property was submitted with the original application for planning approval.

***Resource Implications:*** Supplementary watering of new vegetation will be required in the first one to two years after the vegetation has been planted. However, as all of the species proposed are native to the area there will be minimal reliance on supplementary watering once the plants are established.

***Use of Local, renewable or recycled Resources:*** A combination of rainwater and bore water is used on the property.

**Statutory Environment:** Town Planning Scheme No. 2

**Policy/Work Procedure Implications:** Local Planning Policy LPP 17 Residential and Incidental Development.

**Financial Implications:**

There are no financial implications to Council related to this application. A Class 1 appeal such as this one does not involve the use of solicitors so there won't be any legal fees.

**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:

4. Respect diversity within the community.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

**Community Consultation:**

The application was advertised to adjacent neighbours. One letter of objection was received from the neighbours over the road from the subject property. They object to the location of the stables rather than the building itself. In their submission the neighbours state that the front area of Lot 104 Stockmans Close already contains a house, large shed and an arena with large industrial sized floodlights on poles. The submitters say that the addition of the stables in the front area of the property will result in an intensively developed view. The submitters request that the stables be required to be relocated to the rear of the dwelling adjacent to the existing shed that is behind the dwelling.

The applicants were contacted with regard to the possible relocation of the new stables and submitted a letter saying that they preferred to keep the rear area of the lot for paddocks.

**Comment:**

It was considered at the time of the original assessment of the plans, that the submitters objection was reasonable and that it would be appropriate to require the new stables to be located somewhere behind the dwelling in the vicinity of the existing shed. Accordingly, Condition 1. of the approval required the relocation of the stables. However, the detailed revegetation proposal now submitted will assist in ameliorating the visual impact of both the new stables and the existing arena on the streetscape. The applicants liaised with a local native plant producer to determine the best range of locally native vegetation to plant on the land.

It is recommended that the SAT be advised that the Council supports the removal of Condition 1. of the Planning Approval dated 10 January 2007 subject to a new condition being applied as follows:

1. Planting along the street frontage of the lot as proposed in the Tree Planting Plan for Lot 104 Stockmans Close, Oakford dated 5 March 2007 is to be implemented by 31 August 2007 to the satisfaction of the Shire. Thereafter, the vegetation is to be maintained to the satisfaction of the Shire.

**Voting Requirements:**

Simple Majority

**SD088/03/07 Committee/Officer Recommended Resolution:**

The State Administrative Tribunal be advised that the Council supports the removal of Condition 1 of the Planning Approval dated 10 January 2007 subject to a new condition being applied to the development as follows:

1. Planting along the street frontage of the lot as proposed in the Tree Planting Plan for Lot 104 Stockmans Close, Oakford dated 5 March 2007 is to be implemented by 31 August 2007 to the satisfaction of the Shire. Thereafter, the vegetation is to be maintained to the satisfaction of the Shire.

**SD088/03/07 COUNCIL DECISION**

**Moved Cr Geurds seconded Cr Price:**

- a) **Council amends the planning approval dated 10<sup>th</sup> January 2007 for the proposed stables on Lot 104 (15) Stockmans Close, Oakford by:**

1. **replacing the existing condition 1 with the following:**

**Planting along the street frontage of the lot as proposed in the Tree Planting Plan for Lot 104 Stockmans Close, Oakford dated 5 March 2007 is to be implemented by 31 August 2007 to the satisfaction of the Shire. Thereafter, the vegetation is to be maintained to the satisfaction of the Shire.**

2. **Adding a new Condition 2 as follows:**

**Upon completion of the stables all existing garden sheds on the property are to be removed within thirty (30) days.**

3. **The existing planning conditions be re-numbered accordingly.**

- b) **The State Administrative Tribunal (SAT) be advised of Council's decision.**  
**CARRIED 9/1**

**Council Note:** The Committee/Officers Recommended Resolution was amended as a result of a State Administrative Tribunal (SAT) hearing held on 26<sup>th</sup> March, 2007. At the hearing SAT advised that Council has leave to modify the previous decision by amending the current planning approval.

SD089/03/07 BULK EARTHWORKS AND IMPORTATION OF FILL – LOTS 6 & 27 ABERNETHY ROAD, BYFORD (P04089/01)		
Proponent:	TPG Town Planning & Urban Design	In Brief  To consider the approval of bulk earthworks on Lots 6 and 27 Abernethy Road, Byford (stage 1) ahead of subdivision approval by the Western Australian Planning Commission.  It is recommended that the application be conditionally approved.
Owner:	Coral Sea Investments Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	8 March 2007	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 2 February 2007  
 Advertised: NA  
 Submissions: NA  
 Lot Area: Lot 6 – 8.35ha : Lot 27 – 8.26 ha  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential R20, Multiple Use Corridor, Drainage Basin, Local Park  
 Rural Strategy Policy Area: NA  
 Rural Strategy Overlay: NA  
 Municipal Inventory: NA  
 Townscape/Heritage Precinct: NA  
 Bush Forever: NA  
 Date of Inspection: NA

### **Background**

The development application has been lodged in order that bulk earthworks of approximately 5.0 ha may be undertaken to prepare the site for the impending approval of a residential subdivision of stage 1 at Lots 6 and 27 Abernethy Road, Byford.

A Local Structure Plan (LSP) has been submitted for the subject land, under the guidance of the Byford Structure Plan and was adopted by Council for the purposes of advertising on 23 October 2006. This LSP is the subject of a separate report being considered by the Sustainable Development Committee at this meeting.

The subdivision application for stage 1 was referred to Council on 20 February 2007 for comment. Council has not yet provided comment back to the Western Australian Planning Commission (WAPC), but will do so under delegated authority once the LSP has been granted final approval.

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

***A copy of the earthworks plan is with attachments marked SD089.1/03/07.***

### **Sustainability Statement**

**Effect on Environment:** Potential impacts include impacts on natural drainage, creating a dust and noise nuisance. These are interim impacts, until the land is developed for housing, which can be minimised and limited by conditions.

**Use of Local, Renewable or Recycled Resources:** Local cartage contractors may be used to transport the sand to the site.

**Economic Viability:** The filling of the land itself aims to reduce the holding cost of the development by aiming to achieve a more efficient timeframe for subdivisional development.

**Economic Benefits:** Timely filling of the site can potentially reduce development costs and such savings may be passed down to the eventual lot purchasers.

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

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2

**Policy/Work Procedure Implications:** PWP3 Landfill Guidelines

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

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

#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

##### Strategy:

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

### **Community Consultation:**

Community consultation not required.

### **Comment:**

The applicant has requested approval to fill the northern portion of both lots to facilitate the future development of stage 1 of the subdivision and to enable earthworks to be carried out during the summer period. The final levels will be determined at the subdivision stage where further refining of the earthworks will be undertaken as well as the installation of the required drainage regime in accordance with the Byford Urban Stormwater Management Strategy (BUSMS) recommendations.

In regards to the preparatory works that will be undertaken prior to the filling of land, the applicant has provided the following information:

- *Preliminary Site Investigation (PSI) will be undertaken to determine if there is any site contamination issues that need to be addressed prior to the placement of fill;*
- *Demolition of existing buildings, internal dividing fencing and other improvements, with all materials being recycled or disposed of into approved disposal sites; and*

- *Clearing and grubbing shall be carried out over the entire area in which earthworks are to be executed (Note: Healthy trees in the MUC will be retained and protected during subdivision works although such area is not subject to this development application).*

*Upon completion of the earthworks the site will be temporarily stabilised with hydromulch until remaining works are completed.*

### Statutory Requirements

As an approval has not yet been issued by the WAPC for stage 1 of the subdivision, the act of clearing, filling and undertaking earthworks constitutes 'development' under the Scheme and accordingly requires development approval. Further, the proposed filling and bulk earthworks is deemed to be a use that is not listed within Council's Town Planning Scheme No.2. With respect to uses not listed, clause 3.2.5 of the scheme states:

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

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

It was not considered necessary to advertise the proposal as the land subject of the application is covered by a draft Local Structure Plan. Further, a subdivision application has been received for comment for stage 1 of the development.

### Site Conditions

The application area has a slight fall from north-east to south-west and naturally drains into the natural water course along the southern edge of the application area. The water course is proposed to be enhanced and contained within a proposed multiple-use corridor (MUC) immediately abutting the southern edge of the application area. However, such enhancement will not occur until subdivision takes place.

The subject water course contains a high flow during winter months and frequently breaches its banks. The application indicates that the extent of fill will not encroach closer than 25 metres to the edge of the MUC. This setback is supported and is in keeping with similar setback requirements imposed on the adjoining Byford West subdivision. A condition specifying this setback will be included on the approval to ensure that this setback is maintained. Additionally, as there is a risk that sand could drift into the future MUC, it is advised that a silt fence be constructed along the length of the corridor.

There are a few trees on site with some being protected within proposed public open space areas under the LSP.

### Byford Structure Plan

The proposed earthworks essentially covers the proposed first stage of residential development for Lots 6 and 27 being that area north of the natural water course.

A 20 metre wide public open space (POS) corridor runs along the northern boundary of the subject properties, abutting the proposed 20 metre widening of Abernethy Road. The POS corridor as recommended by the adopted Byford Structure Plan is to provide for water sensitive urban design treatments. In keeping with similar earthworks approvals as issued for the adjoining Byford West subdivision, it is recommended that the earthworks area be set



back 40 metres from the existing boundary of Abernethy Road to accommodate the required 20 metre widening and the 20 metre wide POS strip.

Lots 6 and 27 are located within Catchment “6B” under the BUSMS which recommends a minimum fill of 1.1 metres (above natural ground level). The proposed fill is generally between 0.5m to 1.7 metres. It is recommended that the applicant be advised of these minimum fill requirements. The final fill levels can be rectified at the refining of earthworks at the subdivision stage.

#### Operation

Appropriate conditions have been imposed to limit the impacts to neighbouring residents from traffic, dust and noise.

#### Conclusion

Subject to the issues raised above being addressed by appropriate conditions, it is considered that there is no impediment towards allowing the application area, apart from the 20 metre setback from POS areas and the multiple use corridor, from being cleared, filled and earth worked as per the application plan.

**Voting Requirements:** Simple Majority

#### **SD089/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Kirkpatrick**

- A. Council determines that the filling and bulk earthworks is a use not listed in the Zoning Table of Town Planning Scheme No. 2.**
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the filling and undertaking of bulk earthworks on Lots 6 and 27 Abernethy Road, Byford as proposed on plan C03206-01 is a use consistent with the objectives and purposes of the Urban Development zone.**
- C. The proposed filling of land and bulk earthworks on Lots 6 and 27 Abernethy Road, Byford be approved subject to the following conditions:**
  - 1. This approval relates only to the bulk earthworks and clearing within the application area as shown on the approved plans. No retaining walls or any other structures shall be constructed without prior approval to the Shire.**
  - 2. Areas hatched in red on the approved plans are excluded from this approval and any works within those areas will require a separate development application or be covered under a subdivision approval issued by the Western Australian Planning Commission.**
  - 3. The developer to erect a sign on the site prior to the commencement of works, for the duration of the development, visible from Abernethy Road to the satisfaction of the Executive Manager Planning and Regulatory Services. The sign is to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the phone contact details of the principal contractor and supervising engineer.**
  - 4. Earthworks are to meet all adjoining land at natural ground level and the earthworks batter is to be no greater than 1:6 (18%).**
  - 5. Certification from a practicing Geotechnical Engineer at the completion of the filling confirming that earthworks, filling and compaction are completed and controlled in such a manner that results in a suitable building platform for the intended land use, shall be submitted to the Shire to the satisfaction of the Executive Manager Planning and Regulatory Services.**
  - 6. All works shall be conducted in accordance with Council’s policy standards and specifications pertaining to earthworks.**

- 7. Hours for site and construction work shall be limited to the following hours:**
- |                                   |                              |
|-----------------------------------|------------------------------|
| <b>Monday to Friday</b>           | <b>7.00am to 6.00pm only</b> |
| <b>Saturday</b>                   | <b>7.30am to 5.00pm only</b> |
| <b>Sunday and Public Holidays</b> | <b>No filling to occur</b>   |
- 8. No earthworks (including batters) shall intrude into the proposed multiple-use corridors or any other land which abuts the site.**
- 9. The applicant shall be responsible for any changes and alterations to earthworks on-site resulting from future development approvals and/or subdivision approval(s) issued by the Western Australian Planning Commission.**
- 10. All stormwater shall be contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into the road reserves, multiple use corridor and public open space areas.**
- 11. A soil and water management plan shall be prepared by the proponent, submitted prior to commencement and approved by the Shire. All measures identified in the plan to control soil and water movement to be implemented prior to and during the course of the bulk earthworks.**
- 12. The emissions of airborne dust and sand drift must not cause a nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Environmental Protection Authority's "Guidelines for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia" and submitted to the Shire for approval.**
- 13. The proponent and the contractor shall be responsible for the dust and sand drift control in accordance with the Department of Environmental Protection (DEP) guidelines. Disturbed areas shall be stabilised as soon as practicable and thereafter maintained to the satisfaction of the Director Engineering.**
- 14. No burning of cleared vegetation shall be permitted.**
- 15. Only clean fill shall be used on site in accordance with relevant Department of Environment guidelines. Compaction and stabilisation must be carried out to the satisfaction of the Director Engineering.**
- 16. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.**
- 17. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.**
- 18. Abernethy Road including the entry to the property shall be maintained at the existing standards to the satisfaction of the Director Engineering. Any damage caused to the road by the proponent shall be immediately repaired to the satisfaction of the Director Engineering.**
- 19. A traffic management plan shall be prepared by the proponent and approved by the Shire prior to the commencement of any work. All access to the site shall be from Abernethy Road.**
- 20. All sand batters shall be constructed to 1:6 to natural surface and stabilised to address erosion and sand drift.**

**Advice Notes:**

- 1. This approval should not be construed as support for any impending subdivision over the land. Final fill levels will be determined at the subdivision stage.**

2. In respect to Condition 1, this approval does not negate the need for further earthworks to be undertaken subject to approval of engineering drawings in relation to a future subdivision approval.
3. In respect of Condition 2, earthworks shall not encroach any closer than 20 metres to the boundary of the proposed public open space areas or 25 metres to the boundary of the multiple use corridor. Earthworks are to meet the 20 metre and 25 metre buffer setback at natural existing ground level and the earthworks batter is to be no greater than 1:6 (18%). A silt fence is to be constructed along the length of the Multiple Use Corridor to restrict sand drift into this area. Earthworks are not to encroach within the 2.1 hectares required to be set aside by the Water Corporation for precautionary drainage detention.
4. Lots 6 and 27 Abernethy Road, Byford are located within Catchment “6B” under the Byford Urban Stormwater Management Strategy which recommends a minimum fill of 1.1 metres (above natural ground level). It is noted that some of the proposed fill levels on the site are lower than the Strategy’s recommended level and accordingly such shortfall will need to be rectified in the final refining of earthworks to be undertaken at the subdivision stage.
5. The applicant be requested to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.

**CARRIED 10/0**

**Committee Note:** The Officer Recommended Resolution was amended by changing ‘Residential’ to ‘Urban Development’ in Part B and adding ‘prior to the commencement of works’ to condition 3. The Presiding Member advised that these were minor amendments and did not alter the intent of the Officer Recommended Resolution.

SD090/03/07 PROPOSED CONCRETE BATCHING PLANT – LOT 202 SOUTH WESTERN HIGHWAY, BYFORD (P05992/07)		
Proponent:	Hanson Construction Materials Pty Ltd	In Brief  The applicant seeks planning approval for a Concrete Batching Plant to be established on the existing Hanson hard rock quarry at Lot 202 South Western Highway, Byford. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	8 March 2007	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 28 July 2006  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 150 ha  
 L.A Zoning: Special Use  
 MRS Zoning: Rural  
 Byford Structure Plan: NA  
 Rural Strategy Policy Area: Raw Materials Extraction  
 Rural Strategy Overlay: NA  
 Municipal Inventory: NA  
 Townscape/Heritage Precinct: NA

Bush Forever: NA  
Date of Inspection: 31 October 2006

### **Background**

Hanson Construction Materials Pty Ltd owns and has operated a hard rock quarry situated at Lot 202 South Western Highway, Whitby for approximately 30 years. Throughout this time the quarry has supplied aggregates to the pre-mixed concrete, asphalt, road building and construction markets in both the Perth metropolitan and country regions.

The applicant states that “due to rapid increases in construction activity throughout the State, the demand for concrete has been forecast to increase by an additional 20% over and above current levels by 2008”. The applicant seeks planning approval for the construction of a concrete batching plant on the existing Hanson Quarry site in Whitby. The proposed development encompasses a new modern batching plant with some minor associated civil works being undertaken in order to service the growing demand for concrete throughout the State.

***A copy of the site and development plans are with attachments marked SD090.1/03/07.***

### **Sustainability Statement**

***Effect on Environment:*** The proposed location of the concrete batching plant is within an existing cleared area within the quarry and therefore will not require the removal of any vegetation. The Environmental Management Plan (EMP) prepared by Hanson details a number of management practices that will ensure that there are no adverse impacts on the locality or the environment. These practices are detailed further on in the report and relate specifically to water collection, recycling and stormwater management.

Dust is likely to be an issue from the operations of the batching plant and, in accordance with the advice from the Department of Environment and Conservation (DEC), appropriate conditions will be imposed to address these issues.

### **EPA Buffer Distance**

Under the Environmental Protection Authority’s (EPA) document ‘Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses’, a buffer between 300 to 500 metres is recommended from concrete batching plants to the nearest sensitive land use. Within a 500 metre radius of the site is the existing Hanson quarry, the South Cardup Landfill site and a portion of Lot 1 South Western Highway to south. The nearest residence is approximately 700 metres from the development site. It is considered that the proposed development satisfies the requirements as stipulated within the guidelines.

The DEC recommends that the proponents be required to undertake an Acoustic Assessment to determine whether the proposed buffers are satisfactory. This condition will be included within the recommendation.

### **Screening & Visual Amenity**

The sight line diagram provided by the applicant indicates that only a small portion of the 23 metre high silo will be visible from South Western Highway. This portion will be visible when viewed from the north-west and is likely to only be visible when in a stationary position. The remainder of the silo is not visible as existing trees on site and on surrounding properties help screen the development from view. It is therefore considered that the silo is unlikely to detrimentally impact on the locality.

The applicant proposes to construct screening bunds and establish tree planting around the perimeter of the development area. A landscape plan for the bund area will be required to

be submitted to the satisfaction of the Shire. Site inspections along various portions of the Highway confirmed that the proposed concrete batching plant will not significantly impact on the visual amenity of surrounding areas or the Darling Scarp.

#### Environmental Officer Comments

All stormwater should be directed to the quarry extraction areas and adequate water detention and sediment settling structures should be in place to prevent erosion and sediment into the wider environment. Bunding treatments should be stabilised with locally endemic vegetation species to assist in preventing dust pollution to the wider environment.

**Resource Implications:** The concrete batching plant will offer significant containment of on site water. By reclaiming this water to be used within the quarry, there will be no requirement for mains water to be used for daily operating activities.

**Use of Local, renewable or recycled Resources:** The proposal will utilise the availability of local resources as all the coarse aggregates used in the plant are sourced from within the quarry and only fine sand would be delivered into the plant. It is considered that in the actual construction of the plant that local materials and resources may be used.

The batching plant includes methods to re-use a majority of the water on site. The plant layout has been specifically designed to minimise the contaminated area, as this water is completely collected and recycled for use in the batching process.

**Economic Viability:** The EMP details a number of management practices that will ensure that there are no adverse impacts on the locality or the environment. These practices are detailed further on in the report and relate specifically to water collection, recycling and stormwater management.

**Economic Benefits:** The proposal may provide some economic benefits for the community by having a close supply of pre mixed concrete.

**Social – Quality of Life:** As the proposed batching plant is located within an existing quarry site, it is considered that there will not be any adverse impacts on the community as a result of the proposal. Appropriate conditions included on the approval will ensure that any impacts that are produced are minimised.

**Social and Environmental Responsibility:** The proposal has been designed and located in such a position to ensure that impacts on the community and the environment are minimised.

#### Statutory Environment:

Planning and Development Act 2005  
Town Planning Scheme No.2  
Environmental Protection (Concrete Batching and  
Cement Product Manufacturing) Regulations 1998  
Environmental Protection Regulations 1987  
Environmental Protection Act 1986

#### Policy/Work Procedure Implications:

Guidance for the Assessment of Environmental Factors –  
*Separation Distances between Industrial and Sensitive  
Land Uses*

#### Financial Implications:

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

#### Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-  
**2. Environment**

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
4. Reduce water consumption.

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

Strategies:

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

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The application was referred to adjoining landowners for comment. No comments were received.

**Referral to Government Agencies**

The application was referred to the Department of Water (DoW), the DEC, the Department of Agriculture and Main Roads WA for comment. No comments were received from the Department of Agriculture with Main Roads advising that they have no objection. Comments were received from the DoW and the DEC.

**DoW and DEC**

*The DoW and the DEC have assessed the proposal and recommend the following conditions:*

**Acoustic Assessment**

*The DEC recommends that the Shire of Serpentine Jarrahdale require the proponent to undertake an Acoustic Assessment to determine whether the proposed buffers are satisfactory.*

**Dust Management Plan**

*A Dust Management Plan being prepared and implemented, prior to the commencement of site works, to the satisfaction of the DEC.*

### Works Approval

A Works Approval is required to construct a concrete batching or cement products manufacturing facility under Schedule 1, Part 2 (category 77) of the Environmental Protection Regulations 1987, if the production or design capacity will be 100 tonnes or more per year. All works are to be conducted in accordance with the DEC Works Approval.

### Registration

Should a works approval be issued and subject to compliance with the conditions of works approval, a registration will be issued for operation of the facility. The premises will be subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.

The above will be included as Advice Notes and conditions as appropriate, however the Acoustic Assessment will be a requirement prior to planning consent being granted.

### Development Proposal

Hanson proposes to construct a concrete batching plant within their existing land holding in Whitby. The function of the batch plant will be to load sand, cement, aggregate and water into concrete agitators in a controlled sequence for delivery off site. As mentioned in the applicants' proposal, the concrete batch plant will comprise of the following components:

#### *Batch Room*

This is where the batcher controls the day to day activities of the plant.

#### *Water & Additive Tanks*

Plastic storage tanks designed to store both water and concrete admixtures that enhance the working properties of the concrete mix.

#### *Storage Bins*

Steel ground bins will be constructed to store aggregate which will then be transferred by conveyor into overhead storage bins prior to being discharged as required into concrete agitators.

#### *Conveyor & Load Out Bay*

Once the conveyor transfers aggregate from ground storage bins into overhead storage bins an agitator truck will drive into the load out bay whereby it receives the sand, cement, water, aggregates and admixtures through a transfer chute.

#### *Cement Silo*

Cement storage facility.

#### *Slump Stand*

Upon receiving a load of concrete from the load out bay, the driver of the truck will drive to the slump stand where the load is properly inspected and mixed prior to the load leaving the yard.

#### *Waste Washout Pits*

Concrete trucks will be required to wash out at various times of the day into appropriate washout pits that are designed to separate and filtrate the water from the remaining cement and aggregate prior to recycling.

#### *Driver Crib Room/Office*

This room provides amenities for the employees.

#### *Truck & Light Vehicle Parking Area*

This is the designated area to park trucks and light vehicles.

### *Existing House*

The existing house on the property will be converted into an office and will provide further amenity facilities for the employees.

### Operational Activities

A summary of Hanson's operational activities as explained in the proposal is detailed below:

- a) *Management systems have been implemented on all Hanson sites to manage noise and dust emissions. These systems are sufficient to minimise the potential for any impacts from the proposed batching plant;*
- b) *Dust suppressions systems will be installed in the load out bay which will additionally be enclosed on three sides to ensure that any emissions are minimised;*
- c) *Given the location of the proposed plant, the noise levels that would emanate from the day to day operations upon the locality would be insignificant;*
- d) *Water from the batching process that collects on the ground will be directed into appropriate settlement pits and reused in the batching process;*
- e) *The plant will generally operate six days per week, from 6:00am to 5:00pm on weekdays and 6:00am to 4:00pm on Saturdays, however on occasions the plant may need to operate outside these hours to meet demand;*
- f) *It is anticipated that five concrete agitator trucks will operate from Byford delivering up to four loads each per day;*
- g) *All coarse aggregates are sourced from within the quarry and only fine sand would be delivered into the plant. As these deliveries are back loaded using the existing fleet of tipper trucks there would be no additional truck movements associated with this process.*
- h) *Any other increase in vehicle movements would be limited to minor vehicle repairs with major repairs occurring off site;*
- i) *Access to the batching plant will be via the existing entry/exit off South Western Highway with a separate turn off towards the batching plant along an existing track.*

### Plant Location

The designated area within the quarry where the concrete batching plant will be situated is approximately 1 000 metres from the South Western Highway and will utilise an area of the existing stockpile area, existing access roads and existing adjacent cleared land.

The location of the plant provides an advantage whereby the impact on the visual amenity from the South Western Highway is minimal. To further reduce the visual impacts, a screening bund will also be constructed and planted with trees.

***A copy of the plans showing sight lines from South Western Highway and the extent of the bund wall are with attachments marked SD090.2/03/07.***

### Environmental Management

A site visit to the Hanson Quarry at the end of October 2006 indicated that there was insufficient information detailing the environmental management and operational aspects of the proposal. The operational process, stormwater disposal and water and waste management were not detailed within the original application and were requested by Council officers on site. An EMP addressing these issues was subsequently lodged by the applicant on 14 November 2006. The plant design and operating procedures comply with the Environmental Protection Act 1986 – Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998. Extracts from this plan are detailed below:



## Concrete Batching Plant Process

### Aggregate Receival, Storage & Transfer

- The coarse and fine aggregate is received from the tip trucks in one of four, below ground, drive over materials delivery bins. Sprinklers will be fitted to condition the aggregates and minimise the generation of dust.
- The aggregates are stored in above ground storage bins.
- Aggregate weigh hoppers located beneath each storage bin, weigh the required aggregates for a batch of concrete individually.
- Conveyors underneath the aggregate weigh hoppers transport the materials to the plant core into an aggregate holding hopper which then discharge into a concrete agitator truck.

### Plant Core (loading area) & Cementitious Storage Silos

The plant core houses the components used to measure the required amount of water, cement and liquid admixtures, which will be mixed with the aggregates to complete the batch of concrete as described below:

- The cementitious storage silos and dust filters are supported above the plant core structure. The cement required for a batch of concrete is weighed from the silos into a cement weigh hopper.
- Water required for the batch is discharged from a water storage (header) tank to a water weigh hopper.
- Liquid admixtures are stored in plastic tanks within an appropriate bund at ground level and discharged at the required dose rate via flow meters to a job hopper.
- The job hopper (funnel) is used to combine the materials from the cement weigh hopper, aggregate weigh hopper, water weigh hopper and admixtures as the agitator truck is being loaded.
- The agitator truck then takes the concrete to the job site.

### Water Collection, Recycling & Stormwater Management

In terms of water collection, recycling and stormwater management, the plant layout is divided into three distinct areas; Contaminated, Dirty and Clean.

#### *Contaminated*

- Contaminated water is water that contains cementitious products and/or a high sediment load. Likewise, the contaminated area includes all areas where cement or chemicals may contaminate water.
- The plant layout has been designed to minimise the contaminated area, as this water is completely collected and recycled for use in the batching process.
- This area is separated from the others by a rollover bund.
- Water collected within the contaminated zone is directed to either one of two slurry pits depending upon where within the contaminated area the water flow has originated from. Once the pits are full, the water reclaimed in these pits subsequently flows through to a settlement pit prior to being pumped to a stirrer pit.
- The sediment load of the water is reduced by settlement as the water flows into each of these pits.
- The settled material collected in the slurry pits will be removed regularly by a front end loader and transferred to the truck washout pits for dewatering. Once the material is sufficiently dewatered to enable transport, it is proposed to re-use the product in construction of quarry haul roads including bunding and/or used in quarry roadbase production.

#### *Dirty*

Water from the dirty area of the yard flows to a slurry pit to remove any suspended solids and from this pit it is pumped to the storage tank for re-use or is discharged. Any suspended solids collected in this slurry pit will be returned to the truck washout pits for dewatering prior to handling. Once the material is sufficiently dewatered to enable transport, it is proposed to re-use the product in construction of quarry haul roads including bunding and/or used in quarry roadbase production.

#### *Clean*

Water from the clean area of the yard, for example the office, landscaping and car park area, will flow through to the existing drainage system.

#### Town Planning Scheme No.2 & Rural Strategy

Under Council's Town Planning Scheme a Concrete Batching Plant requires planning approval. The subject land is zoned 'Special Use' under the Scheme. The Scheme states:

*The purpose and intent of the Special Use Zone is to permit the use of land for any specific use not considered appropriate or desirable in any other zone and being a use which Council considers may satisfy a specific need in the locality where the use is proposed.*

Appendix 2 of the Scheme states that the subject land can be used for the extraction and processing of hard rock and clay. The use of a Concrete Batching Plant would fall under the description of processing.

The subject land is identified within the 'Raw Materials Extraction Policy Area' under Council's Rural Strategy. The intent of this policy area is to provide for raw materials extraction. A Concrete Batching Plant is an associated use with the activity of raw materials extraction.

#### Conclusion

The proposed Concrete Batching Plant situated within Hanson's existing quarry holding is deemed to be compatible with the current operations of the site and will assist with the demand for pre mixed concrete to the market within Perth's southern corridor. The location of the plant is offset from major roads resulting in only a marginal increase in vehicular movements from the existing quarry operations and is considered to have minimal impact on current noise and dust levels. The proposal is not considered to have any significant impacts on the locality or adjoining properties with appropriate conditions included as part of the Officer Recommendation to ensure that any possible impacts are minimised.

It is therefore recommended that the application be conditionally approved.

**Voting Requirements:** Simple Majority

#### **Officer Recommended Resolution:**

- A. An acoustic assessment is to be undertaken that demonstrates that the operation of the Concrete Batching Plant will comply in all respects with the Environmental Protection (Noise) Regulations.
- B. Subject to Part A above, to the satisfaction of the Executive Manager Planning and Regulatory Services, the proposed Concrete Batching Plant at Lot 202 South Western Highway, Cardup be approved subject to the following conditions:
  1. The proponent to comply at all times and all works to be undertaken in accordance with the *Environmental Management Plan – Byford Concrete Batching Plant* dated November 2006.
  2. A Dust Management Plan being prepared to the satisfaction of the Principal Environmental Health Officer, prior to the issue of a building licence. The Dust Management Plan once approved shall thereafter be implemented.

3. An Emergency Management and Response Plan being prepared for the entire site to the satisfaction of the Director Engineering prior to the operation of the Concrete Batching Plant.
4. A Stormwater Management Plan, incorporating erosion control, to be prepared to the satisfaction of the Director Engineering prior to the issue of a building licence. The Stormwater Management Plan once approved shall thereafter be implemented.
5. Construction of the internal access road to the concrete batching plant shall be to the satisfaction of the Director Engineering and thereafter maintained.
6. A Landscape Plan for the bunding and development area to be prepared and approved by the Executive Manager Strategic Community Planning prior to the issue of a building licence. The Landscape Plan once approved shall thereafter be implemented.
7. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
8. The proposed office building shall comply in all respects with the Health Act and Building Code of Australia including the provision of disabled access.
9. No native vegetation is permitted to be removed within the development area unless the prior written approval of the Shire is obtained.
10. Hours of operation are limited to between 6.00am and 5.00pm Monday to Friday and 6.00am to 4.00pm Saturday.
11. The applicant shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons from site works, including the servicing of vehicles, and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, to the satisfaction of the Shire.

Advice Notes:

1. A Works Approval is required to construct a concrete batching or cement products manufacturing facility under Schedule 1, Part 2 (category 77) of the Environmental Protection Regulations 1987, if the production or design capacity will be 100 tonnes or more per year.
2. The premises will be subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.
3. The landowner is required to comply with the Environmental Protection Authority's (Noise) Regulations at all times.

**SD090/03/07 Committee Recommended Resolution:**

- A. An acoustic assessment is to be undertaken that demonstrates that the operation of the Concrete Batching Plant will comply in all respects with the Environmental Protection (Noise) Regulations.
- B. Subject to Part A above, to the satisfaction of the Executive Manager Planning and Regulatory Services, the proposed Concrete Batching Plant at Lot 202 South Western Highway, Cardup be approved subject to the following conditions:
  1. The proponent to comply at all times and all works to be undertaken in accordance with the *Environmental Management Plan – Byford Concrete Batching Plant* dated November 2006.
  2. A Dust Management Plan being prepared to the satisfaction of the Principal Environmental Health Officer, prior to the issue of a building licence. The Dust Management Plan once approved shall thereafter be implemented.
  3. An Emergency Management and Response Plan being prepared for the entire site to the satisfaction of the Director Engineering prior to the operation of the Concrete Batching Plant.
  4. A Stormwater Management Plan, incorporating erosion control, to be prepared to the satisfaction of the Director Engineering prior to the issue of a

- building licence. The Stormwater Management Plan once approved shall thereafter be implemented.
5. Construction of the internal access road to the concrete batching plant shall be to the satisfaction of the Director Engineering and thereafter maintained.
  6. A Landscape Plan for the bunding and development area to be prepared and approved by the Executive Manager Strategic Community Planning prior to the issue of a building licence. The Landscape Plan once approved shall thereafter be implemented.
  7. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
  8. The proposed office building shall comply in all respects with the Health Act and Building Code of Australia including the provision of disabled access.
  9. No native vegetation is permitted to be removed within the development area unless the prior written approval of the Shire is obtained.
  10. Hours of operation are limited to between 6.00am and 5.00pm Monday to Friday and 6.00am to 4.00pm Saturday. Any variation to these operating hours must be approved in writing by the Shire prior to the commencement of the variance of operating hours which is to be for specific periods of time. This will be reviewed on an annual basis.
  11. The applicant shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons from site works, including the servicing of vehicles, and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, to the satisfaction of the Shire.
  12. A pull out lane being constructed on the western side of South Western Highway adjacent to the entrance to the site. These works require approval from Main Roads WA and are to be constructed to their standards and specifications.
  13. A schedule of colours and materials being submitted for all structures for approval by the Executive Manager Planning and Regulatory Services prior to the issue of a building licence.

Advice Notes:

1. A Works Approval is required to construct a concrete batching or cement products manufacturing facility under Schedule 1, Part 2 (category 77) of the Environmental Protection Regulations 1987, if the production or design capacity will be 100 tonnes or more per year.
2. The premises will be subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.
3. The landowner is required to comply with the Environmental Protection Authority's (Noise) Regulations at all times.

CARRIED 7/0

**Committee Note:** The Officer Recommended Resolution was amended by adding the following text to condition 10, 'Any variation to these operating hours must be approved in writing by the Shire prior to the commencement of the variance of operating hours which is to be for specific periods of time. This will be reviewed on an annual basis'. Conditions 12 and 13 were also added relating to the construction of a pull out lane on South Western Highway and submitting a schedule of materials and colours for the proposed structure.

### **SD090/03/07 SUPPLEMENTARY REPORT**

The applicant has advised that the rewording of condition 10 as resolved by Committee is not conducive to meet the requirements of a Concrete Batching Plant. Prior to the Committee meeting, the applicant requested that condition 10 be amended by removing the specified operating hours in order to be consistent with their other plant operations and to cater for changes in the market. This would allow for any urgent jobs that may be required

outside of these set hours to be undertaken in order to meet the growing demand from the development industry.

The changes to condition 10 as resolved by Committee allow for flexibility to the operating hours subject to the prior written approval of the Shire. However, the applicant has expressed concern with this requirement as any jobs required outside of the set operating hours of between 6.00am and 5.00pm Monday to Friday and 6.00am to 4.00pm Saturday will predominantly be last minute urgent jobs. Hanson has advised that the orders for concrete for the following days work are not finalised until 5.30pm on the actual day. As such, notifying Council of these variations prior to the job being undertaken is not realistic.

The applicant has again requested that the Concrete Batching Plant have the ability to operate 24 hours a day, 7 days a week to ensure that the significant investment in this concrete plant has every opportunity to succeed. As a less favourable outcome, Hanson could operate, albeit with some difficulty, with amended operating hours which would instead be Monday to Sunday 4.00am to 7.00pm with a commitment that these hours not be reduced. At the Committee meeting, concern was expressed with regard to allowing the concrete batching plant to operate 24 hours a day.

It is considered that a variation to the operating hours will not impact on the locality as the concrete batching plant is located within an existing quarry site. Therefore, it is recommended that condition 10 be amended as follows:

10. *Hours of operation are limited to between 4.00am and 7.00pm Monday to Sunday.*

It is recommended that the Committee Recommended Resolution be amended to reflect the requested changes to condition 10. The Revised Officer Recommendation is presented below:

**SD090/03/07 Revised Officer Recommended Resolution:**

- A. An acoustic assessment is to be undertaken that demonstrates that the operation of the Concrete Batching Plant will comply in all respects with the Environmental Protection (Noise) Regulations.
- B. Subject to Part A above, to the satisfaction of the Executive Manager Planning and Regulatory Services, the proposed Concrete Batching Plant at Lot 202 South Western Highway, Cardup be approved subject to the following conditions:
  - 1. The proponent to comply at all times and all works to be undertaken in accordance with the *Environmental Management Plan – Byford Concrete Batching Plant* dated November 2006.
  - 2. A Dust Management Plan being prepared to the satisfaction of the Principal Environmental Health Officer, prior to the issue of a building licence. The Dust Management Plan once approved shall thereafter be implemented.
  - 3. An Emergency Management and Response Plan being prepared for the entire site to the satisfaction of the Director Engineering prior to the operation of the Concrete Batching Plant.
  - 4. A Stormwater Management Plan, incorporating erosion control, to be prepared to the satisfaction of the Director Engineering prior to the issue of a building licence. The Stormwater Management Plan once approved shall thereafter be implemented.
  - 5. Construction of the internal access road to the concrete batching plant shall be to the satisfaction of the Director Engineering and thereafter maintained.
  - 6. A Landscape Plan for the bunding and development area to be prepared and approved by the Executive Manager Strategic Community Planning prior to the issue of a building licence. The Landscape Plan once approved shall thereafter be implemented.
  - 7. A building licence is required to be obtained prior to the commencement of any development (including earthworks).

8. The proposed office building shall comply in all respects with the Health Act and Building Code of Australia including the provision of disabled access.
9. No native vegetation is permitted to be removed within the development area unless the prior written approval of the Shire is obtained.
10. Hours of operation are limited to between 4.00am and 7.00pm Monday to Sunday.
11. The applicant shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons from site works, including the servicing of vehicles, and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, to the satisfaction of the Shire.
12. A pull out lane being constructed on the western side of South Western Highway adjacent to the entrance to the site. These works require approval from Main Roads WA and are to be constructed to their standards and specifications.
13. A schedule of colours and materials being submitted for all structures for approval by the Executive Manager Planning and Regulatory Services prior to the issue of a building licence.

Advice Notes:

1. A Works Approval is required to construct a concrete batching or cement products manufacturing facility under Schedule 1, Part 2 (category 77) of the Environmental Protection Regulations 1987, if the production or design capacity will be 100 tonnes or more per year.
2. The premises will be subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.
3. The landowner is required to comply with the Environmental Protection Authority's (Noise) Regulations at all times.

**SD090/03/07 COUNCIL DECISION**

**Moved Cr Star seconded Cr Murphy**

- A. An acoustic assessment is to be undertaken that demonstrates that the operation of the Concrete Batching Plant will comply in all respects with the Environmental Protection (Noise) Regulations prior to Council's consideration.**
- B. That Urban Pacific be advised of this application.**

**CARRIED 9/1**

Cr Kirkpatrick voted against this motion.

**Council Note:** Council agreed that an acoustic assessment be undertaken prior to a decision being made in respect to the Concrete Batching Plant.

SD091/03/07 PROPOSED MODIFICATIONS TO EXISTING CHILD CARE CENTRE – LOT 56 (58) LEFROY STREET (CORNER TONKIN STREET), SERPENTINE (P02516/05)		
Proponent:	A McCabe	<b>In Brief</b>  Modification of existing centre to allow increase in number of children being cared for. Request for approval for staff parking to be provided on Tonkin Street verge to allow on-site parking to be dedicated to parents. It is recommended that the application be approved subject to conditions.
Owner:	J & B McCabe	
Officer:	M Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2007	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	11 December 2006
Advertised:	No
Submissions:	N/A
Lot Area:	2000m <sup>2</sup>
L.A Zoning:	Residential
MRS Zoning:	Urban
Municipal Inventory:	No
Townscape/Heritage Precinct:	N/A
Bush Forever:	No

### **Background**

The subject property contains a single house, which has been converted for use as a child care centre. The centre is located opposite the Serpentine Primary School.

***Site and floor plans are with the attachments marked SD091.1/03/07.***

Approval was issued for the child care centre on 16 November 2004 under Delegated Authority following presentation of the proposal to the Concept Forum.

The current application requests approval to convert an existing storeroom into a room for after school care and to increase child numbers by 12 (from 30) to a maximum of 42. The applicant also seeks approval to use the Tonkin Street verge adjacent to the property for staff car parking. The applicant advises that currently the centre does not have a shortage of car parking as junior staff are dropped off at the centre and adult staff park in tandem in one part of the car park. However, the additional increase in the number of children will require additional parking for parents and new staff.

### **Sustainability Statement**

***Effect on Environment:*** The increase in child numbers will produce only a small increase in vehicle movements to and from the site. In addition, the school opposite the centre already produces a large number of vehicle movements in the morning and afternoon. The proximity of these two facilities allows for a single vehicle trip for parents dropping off children at both the school and the child care centre.

The provision of parking on the Tonkin Street verge should be able to be achieved without removal or damage to any of the existing street trees. The amount of vehicle movements to and from the verge would be minimal if it is only used for staff parking.

***Resource Implications:*** A paving material such as gravel, blue metal, concrete or bitumen would be required for the construction of car parking on the verge.

**Use of Local, renewable or recycled Resources:** Gravel and blue metal are locally produced materials that could be used in the paving of the car park. Recycled materials such as crushed limestone could also be used.

**Economic Benefits:** The local community would benefit with child minding facilities in the local area.

**Social – Quality of Life and Social Diversity:** Locally available child minding facilities and co-location of facilities such as schools and child care centres assist in providing good quality of life for families by providing community based care and enabling parents to undertake paid employment.

**Statutory Environment:** Town Planning Scheme No. 2

**Policy/Work Procedure Implications:** Nil

**Financial Implications:** There are no financial implications to Council related to this application as the cost of constructing and maintaining the parking on the verge will be the responsibility of the child care centre owners.

**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.
4. Respect diversity 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.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

**2. Environment**

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

Strategy:

5. Reduce green house gas emissions.

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

Strategy:

2. Respond to Greenhouse and Climate change.

**3. Economic**

*Objective 1: A vibrant local community*

Strategy:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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



**Community Consultation:**

The application was not advertised as the proposal represents a modest expansion of an existing facility.

**Comment:**

There is currently a shortage of after school care facilities in the Shire and all of the existing child care centres are almost at capacity. The Serpentine Child Care Centre is the only child care facility south of Byford apart from some family day cares operated out of private residences (maximum 5 children per family day care).

The business is locally owned and operated by a resident of the Shire and currently provides employment for 9 staff.

Parking associated with the centre has not caused any problems nor generated any complaints to date. The addition of some verge parking will allow all parent parking to continue to occur on site. Only a small number of spaces will be required on the verge and can be accommodated in between the existing street trees and crossover as the verge is approximately 60 metres long.

It is considered that the area of the verge to be used for car parking should be required to be constructed of some hardstand material as continual use of the verge for parking would eventually damage the existing grass, leaving the verge unattractive and dust and water logging prone. To construct four parking spaces in the verge using bitumen could cost \$8 000-\$10 000. Accordingly, it is recommended that a cheaper option be allowed such as gravel or bluemetal with the edges of the parking spaces being kerbed to provide a neat appearance and to contain the paving material.

It is recommended that approval be granted for the conversion of the storeroom for use for after school care, an increase in child numbers from 30 to 42 and the construction of parking on the Tonkin Street verge subject to conditions.

**Voting Requirements:** Simple Majority

**SD091/03/07 Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Price**

The application for approval to commence development of modifications to the existing Child Care Centre on Lot 56 (58) Lefroy Street, Serpentine be approved subject to the following conditions:

1. A building licence is required to be obtained for any structural modifications carried out to convert the storeroom to a child care room.
2. The existing on-site car parking area is to be maintained in a good standard to the satisfaction of the Shire at all times.
3. Car parking on the Tonkin Street verge is to be paved with a material such as road base, gravel (or other material approved by the Shire), kerbed and drained to the satisfaction of the Shire.
4. Prior to commencement of the construction of the verge car parking, a plan showing the exact location and number of new car parking bays and specifications for the construction of the car parking is to be submitted and approved by the Shire's Engineering Services.
5. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
6. The child care facility is to not exceed a maximum of 42 children at any time unless otherwise approved in writing by the Shire.
7. The child care facility is to operate only between the times of 6am to 6pm, Monday to Friday, unless otherwise approved in writing by the Shire.

8. All of the conditions on the approval issued for the child care centre dated 16 November 2004, with the exception of Condition 12 (child numbers) remain valid and applicable to this development.

**LOST 5/6** The Presiding Member used her casting vote.

Cr Murphy foreshadowed a motion changing the parking area to Lefroy Street in part 3 instead of Tonkin Street, if the motion under debate is defeated.

**SD091/03/07 COUNCIL DECISION/FORESHADOWED MOTION**

**Moved Cr Murphy seconded Cr Harris**

The application for approval to commence development of modifications to the existing Child Care Centre on Lot 56 (58) Lefroy Street, Serpentine be approved subject to the following conditions:

1. A building licence is required to be obtained for any structural modifications carried out to convert the storeroom to a child care room.
2. The existing on-site car parking area is to be maintained in a good standard to the satisfaction of the Shire at all times.
3. Car parking on the Lefroy Street verge is to be paved with a material such as road base, gravel (or other material approved by the Shire), kerbed and drained to the satisfaction of the Shire.
4. Prior to commencement of the construction of the verge car parking, a plan showing the exact location and number of new car parking bays and specifications for the construction of the car parking is to be submitted and approved by the Shire's Engineering Services.
5. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
6. The child care facility is to not exceed a maximum of 42 children at any time unless otherwise approved in writing by the Shire.
7. The child care facility is to operate only between the times of 6am to 6pm, Monday to Friday, unless otherwise approved in writing by the Shire.
8. All of the conditions on the approval issued for the child care centre dated 16 November 2004, with the exception of Condition 12 (child numbers) remain valid and applicable to this development.

**CARRIED 10/0**

**Council Note:** The Committee/Officer Recommended Resolution was changed in part 3 by locating the car parking on Lefroy Street.

SD092/03/07 PROPOSED OVERSIZE SHED OUTSIDE BUILDING ENVELOPE – LOT 105 (14) KENTUCKY DRIVE, DARLING DOWNS (P05323/02)		
Proponent:	J Smith & T Carey	In Brief  The applicant seeks approval for a proposed oversize shed outside of the building envelope. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2007	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	27 November 2006
Advertised:	Yes
Submissions:	Yes – 1 objection
Lot Area:	2.06 ha
L.A Zoning:	Special Rural
MRS Zoning:	Rural
Byford Structure Plan:	NA
Rural Strategy Policy Area:	Residential & Stable
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	February 2007

## **Background**

### **Original Application**

An application was received for proposed stables and equipment shed on the subject property. Both structures are to be constructed out of 'cream' colorbond with a zincalume roof. The combined floor area of the stables (excluding lean-to) and the shed is 240m<sup>2</sup> with the shed located outside of the building envelope, 5.0 metres from the southern property boundary and 54.0 metres from Kentucky Drive. Under Council's LPP17, the maximum floor area of all outbuildings combined in the Special Rural zone is 200m<sup>2</sup>. As the proposal is deemed to be oversize and the shed is located outside of the envelope, the application was referred to adjoining neighbours for comment. One letter of objection was received, which related specifically to the proposed shed.

### **Proposed Stables**

The submission that was received objected to the proposed shed, but agreed to the location of the stables 20 metre from the side boundary. As such, the application was split into two parts to allow the stables and associated facilities to be constructed whilst the issues with the shed were being resolved. Planning approval for the proposed stables was issued on 12 February 2007.

### **Proposed Shed**

The proposed shed is 16m by 10m (160m<sup>2</sup>) in size and is the subject of this report.

**A copy of the original site plan A and shed plans are with attachments marked SD092.1/03/07.**

### **Sustainability Statement**

**Effect on Environment:** The proposal will not result in the removal of any existing vegetation. The applicant proposes to establish screening around the shed to help screen it from view.

**Resource Implications:** Stormwater from both the stables and the shed will be collected into the existing water tank on site for reuse.

**Use of Local, renewable or recycled Resources:** The proposal may utilise locally available resources.

**Social – Quality of Life:** The original location of the shed, 5.0m from the boundary was likely to impact on the adjoining neighbour by way of visual amenity. The revised location at 10.0m is considered to address these concerns.

**Social Diversity:** It is considered that the proposal does not disadvantage any social groups.

### **Statutory Environment:**

Town Planning Scheme No.2  
Local Planning Policy No.17 – Residential and Incidental  
Development within Serpentine Jarrahdale Shire

### **Policy/Work Procedure Implications:**

The combined floor area of the existing and proposed sheds exceeds Council's Policy requirements for the maximum floor area of outbuildings within the Rural Zone

### **Financial Implications:**

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

### **Strategic Implications:**

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

#### **4. Governance**

*Objective 1: An effective continuous improvement program*

##### Strategy:

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

*Objective 3: Compliance to necessary legislation*

##### Strategy:

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

### **Community Consultation:**

The application was referred to adjoining properties for comment. One letter of objection was received together with a subsequent letter of objection from the same neighbour in response to a revised site plan.

### Summary of Objection

*We object to the equipment shed being outside the envelope and to the two buildings being over size in area. We agree the position of the stables is ok. Because of the maximum sizes of buildings, the two new buildings should be kept apart by 20 metres, not closer to Kentucky Drive but within the building envelope. This gives plenty of area to reposition the shed.*

### Officer Comment

A site visit to the property confirmed that the proposed location of the shed, 5.0m from the boundary and 54.0m from Kentucky Drive, may impact on the adjoining neighbour as the shed may be visible from the neighbours outdoor area and from within the house itself. After measuring out the setback with the applicant on site, it was considered that by moving the proposed shed 9.0m forward any potential impacts would be minimised. The shed would no longer be in direct view from the neighbour's outdoor area and would not hinder any of their views to the hills.

As such, a revised site plan was drawn up, moving the shed 9.0m forward so that the setback to Kentucky Drive reduced from 54.0m to 45.0m (Plan B). The side setback remained at 5.0m. This revised location was referred to the adjoining property who lodged a subsequent objection.

***A copy of the revised site plan B is with attachments marked SD092.2/03/07.***

### Summary of Objection regarding Revised Plan

*The revised location of the equipment shed is now staggered making the visual impact 25m long which can be seen from inside our house and outdoor living area. The revised location has made the visual impacts worse. This is still 5.0m from our boundary fence. We propose the following alternatives:*

- *Relocate the equipment shed to the north side of the stables;*
- *Relocate the stables and the shed 10m north so that the side setback is increased to 15m; or*
- *Relocate the stables and shed to where the proposed round yard is, within the envelope, increasing the setback to 20m.*

### Officer Comment

The site visit to the property confirmed that there is limited room in which to relocate the proposed shed. The rear half of the property is to be used as paddocks and thus is not practical for the shed to move to the rear of the block. The area shown as 'lawn' on the site plan contains the effluent disposal system for the dwelling and other existing structures. As such the shed could only be moved north approximately 5.0m.

### **Comment:**

The objection from the adjoining property revolves around two main issues, the setback distance from the boundary and the staggering effect of the sheds. After further consultation with the applicant, another revised site plan has been submitted that addresses the staggering effect and increases the setback distance off the side boundary.

***A copy of the revised site plan C and aerial photograph showing proximity to adjoining residence is with attachments marked SD092.3/03/07.***

The revised plan has shifted the stables and the shed 5.0m north, increasing the side setback from 5.0m to 10.0m. Although this setback still results in the shed being outside the building envelope, the 10.0m side setback is in accordance with the setback requirements

for the Special Rural zone as detailed under LPP17. It is considered that this setback is satisfactory.

Additionally, the proposed shed has been moved 3.0m forward from its original location so that the front of the stables and shed will be in line. This addresses the staggering effect that was of concern under the revised site plan B. The setback from Kentucky Drive is 51.0m.

In support of the revised location, the applicant has provided the following information:

*The plan has been designed with the view of keeping the shed and stables away from the water drain which runs along the northern boundary fence. This was done to totally eliminate any chance of contaminated runoff from entering into the water drain. It is also practical and very costs efficient to have the sheds in this location as both would share the same services such as electricity. Being water wise we intend to collect the water from the roofs of both the stables and shed into the existing water tank for reuse. I believe that the only view from the neighbour's property that would be encroached upon is one directly into the back of my house, not the landscape. I would like my own privacy into the back of my home. The escarpments views run along the back of both out properties and are not being interfered with in any manner whatsoever.*

### Conclusion

It is considered that the revised location of the shed and stables, as shown on revised plan C, addresses the concerns from the adjoining property. Although the shed is still outside the building envelope, the side setback of 10.0m is in keeping with the requirements of LPP17 and is the general setback imposed on outbuildings within the Special Rural zone. The front of the proposed stables and shed are now in line with each other, at 51.0m from the front boundary, and reduces the staggered effect as expressed by the neighbour.

Given the general nature of Special Rural zones, being predominantly open blocks with open style fencing, it is considered that dwellings and outbuildings are always going to be visible from adjoining properties. It is acknowledged that the location of these structures will result in them being visible from the adjoining property, but the actual visual impacts are considered minimal. Screening conditions imposed on the development will help screen the shed from view and further reduce any visual impacts that may be encountered.

As the stables with a 20.0m side setback have previously been approved and a building licence issued, a revised site plan showing the new 25.0m setback will need to be submitted.

The revised location of the stables and shed is supported. It is therefore recommended that the proposed shed be conditionally approved.

**Voting Requirements:** Simple Majority

### **Officer Recommended Resolution:**

The proposed oversize shed on Lot 105 (14) Kentucky Drive, Darling Downs be approved subject to the following conditions:

1. The proposed shed is to be setback a minimum of 10.0 metres from the southern property boundary and setback 51 metres from the front boundary.
2. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
3. The shed is to be constructed of new materials.
4. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
5. All stormwater from roofs and hardstand areas are to be disposed of on-site. No direct discharge of stormwater into watercourses or drainage lines.

6. The shed is not to be used for any commercial activities unless the prior written approval of the Executive Manager Planning and Regulatory Services is obtained.
7. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
8. Screening of the southern side of the shed is to be in accordance with Council's Info Note PS03 – Landscaping and Revegetation and established and maintained by 30 September 2007 to the satisfaction of the Shire.

Advice Note:

1. A revised site plan for the stables is to be submitted to the satisfaction of Council's Principal Building Surveyor.

**New Motion:**

Moved Cr Brown, seconded Cr Geurds (proforma)

The proposed oversize shed on Lot 105 (14) Kentucky Drive, Darling Downs be approved subject to the following conditions:

1. The proposed shed is to be setback a minimum of 20 metres from the boundary and located behind the proposed stables to the satisfaction of the Executive Manager Planning and Regulatory Services.
2. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
3. The shed is to be constructed of new materials.
4. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
5. All stormwater from roofs and hardstand areas are to be disposed of on-site. No direct discharge of stormwater into watercourses or drainage lines.
6. The shed is not to be used for any commercial activities unless the prior written approval of the Executive Manager Planning and Regulatory Services is obtained.
7. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
8. Screening of the southern side of the shed is to be in accordance with Council's Info Note PS03 – Landscaping and Revegetation and established and maintained by 30 September 2007 to the satisfaction of the Shire.

Advice Note:

1. A revised site plan for the stables is to be submitted to the satisfaction of Council's Principal Building Surveyor.

LOST 2/5

**Committee Note:** The Officer Recommended Resolution was amended by changing the setback to a minimum of 20 metres from the boundary and that the shed is to be located behind the proposed stables to the satisfaction of the Executive Manager Planning and Regulatory Services.

During debate Cr Geurds foreshadowed that he would move that this item be deferred to the March Ordinary Council meeting if the motion under debate is defeated.

**SD092/03/07 Committee Recommended Resolution:**

That item SD092/03/07 be deferred to the March Ordinary Council meeting.

CARRIED 7/0

**Committee Note:** The Officers Recommended Resolution was changed by deferring the item to the March Ordinary Council meeting in order to allow further discussion with the applicant regarding moving the proposed shed inside the building envelope in the area of the proposed round yard.

**SD092/03/07 SUPPLEMENTARY REPORT**

At the Committee meeting, the original Officer Recommended Resolution was to approve the proposed shed 10 metres from the side boundary. Under debate, a new motion was put forward to require the shed to be setback a minimum of 20 metres from the boundary and located behind the proposed stables wholly within the building envelope. The eventual Committee resolution was to defer the item to the March Ordinary Council Meeting.

Since the Committee resolution, the applicant has requested that the application be deferred to the April Ordinary Council meeting to allow for further discussions with Council officers and Councillors. The applicant has not had sufficient time within which to address the concerns as stated at the Committee meeting. The applicant advises that the revised location behind the stables will make it difficult to manoeuvre equipment and horse floats into the shed and therefore requests that the application be deferred to the April Ordinary Council Meeting to allow for the revised location behind the stables to be properly assessed.

The officer recommended resolution is therefore as follows:

**SD092/03/07 COUNCIL DECISION/Revised Officer Recommended Resolution:**

**Moved Cr Brown seconded Cr Harris**

**The application for a proposed oversize shed on Lot 105 (14) Kentucky Drive, Darling Downs be deferred to the April Ordinary Council meeting to allow further discussion with the applicant regarding moving the proposed shed inside the building envelope in the area of the proposed round yard.**

**CARRIED 10/0**

SD093/03/07 FINAL ADOPTION OF SCHEME AMENDMENT NO. 138 – LOT 15 KEENAN STREET, DARLING DOWNS (P05501/01)		
Proponent:	Dykstra and Associates	In Brief  Report on outcome of public consultation with regard to Scheme Amendment No. 138 to rezone Lot 15 Keenan Street, Darling Downs from 'Rural' to 'Rural Living A' and 'Public Open Space' under the provisions of Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2. It is recommended that the Amendment be adopted without modification.
Owner:	W & K Keily	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5 January 2007	
Previously	P012/08/04	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 26 November 2003  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 21.87 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural Living A/B



Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	Yes
Date of Inspection:	8 March 2004

### **Background**

At the Ordinary Council Meeting held on 30 August 2004, Council resolved to initiate Amendment No.138. The scheme amendment was advertised (including referrals to government agencies and service authorities) in accordance with the requirements of the Planning and Development Act 2005. The outcome of the advertising and referral process is included in this report.

***A copy of the subdivision guide plan adopted by Council in 2004 and latest version submitted by the applicant is with attachments marked SD093.1/03/07.***

### **Sustainability Statement**

#### ***Effect on Environment:***

Rezoning of the property to Rural Living A and Public Open Space will enable the preservation, rehabilitation and enhancement of the property, including areas identified in Bush Forever and conservation category wetlands. Remnant vegetation can be protected and additional revegetation can be undertaken on the property. This will assist in biodiversity and enable the protection of existing animal habitats and provision of additional habitats.

The preparation and implementation of a drainage management plan will enable the protection of existing watercourses on the property. This will assist in reducing the potential for nutrient input from the property directly into the watercourse.

The proposal will enable controls to be placed on land uses able to be carried out on the land, which will provide additional protection for groundwater and surface water.

***Resource Implications:*** Scheme water is not available in the area and rainwater tanks will be required when lots are developed. The subject site is within the Wungong Drainage District within which drainage outfalls from development are limited. As such, a drainage basin will be constructed prior to discharging to outfall drains.

***Social and Environmental Responsibility and Social Diversity:*** The rezoning and subsequent subdivision of the subdivision will enable improved road access and strategic fire management of the property.

<b><u>Statutory Environment:</u></b>	Planning & Development Act 2005 Town Planning Regulations Town Planning Scheme No.2 Rural Strategy
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#### **Policy/Work Procedure Implications:**

LPP 4 – Revegetation  
LPP 6 – Water Sensitive Design

**Financial Implications:** Not Applicable

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**2. Environment**  
*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

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.

Environmental Protection Authority (EPA)

Prior to the commencement of public advertising, the scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that the proposed scheme amendment did not warrant assessment under Part IV of the Environmental Protection Act. The EPA did, however, provide the following advice with regard to the scheme amendment:

1. *Key Environmental Issues*

*Remnant Vegetation (Bush Forever Site 266)  
Water Courses/Foreshore Management  
Stormwater Disposal*

2. *Relevant Advice*

*Remnant Vegetation (Bush Forever Site 266)*

*It is noted that a majority of Bush Forever Site No. 266 on the subject land, particularly the vegetation associated with the Birrega Drain is offered some protection from development by:*

1. *The location of building envelopes as shown on the 'Subdivision Guide Plan' which are suitably located outside the boundary of the Bush Forever Site; and*
2. *The inclusion of most of the Bush Forever Site and the associated drain within the proposed Public Open Space (POS) and also included within a proposed 50 metre no-development buffer from the edge of the POS on either side of the Birrega Drain.*

*The above mechanisms are supported. However, given that the subject land contains a Bush Forever Site, the Bush Forever Office within the Department for Planning and Infrastructure (DPI) should be consulted on the Subdivision Guide Plan in relation to building envelopes during detail design.*

*In addition, the proposed scheme provision relating to the preparation of a Foreshore Management Plan (including the need for waterway restoration) for the Birrega Drain*

*POS should be modified to include measures for the management of public access on the foreshore areas and the need to seek the advice of the Bush Forever Office.*

Water Courses/Foreshore Management

*It is suggested that the proposed POS located north of the Wungong Brook be extended to include both sides of the Wungong Brook and a scheme provision introduced in relation to the revegetation and management of the POS.*

*The Department of Environment's Mandurah Office should be consulted on the design and construction of the proposed bridges over the Birrega Drain and Wungong Brook.*

Stormwater Disposal

*All stormwater from dwelling should be retained on site in accordance with the Statement of Planning Policy 2.1 – The Peel Harvey Coastal Plain Catchment. There should be a presumption against using natural wetlands and watercourses on site to dispose of stormwater run off, particularly those identified as having high conservation value.*

Officer Comment

Final locations of building envelopes will be reviewed at the subdivision stage as a condition of subdivision. The preparation of a foreshore management plan is included as a scheme provision.

**Community Consultation:**

The amendment was advertised for public comment and referred to relevant government authorities for 42 days. Adjacent landowners were advised in writing of the proposed scheme amendment and notices were placed on Council's notice boards. An advertisement was also placed in the Examiner newspaper on 7 April 2005 with the advertising period closing on 19 May 2005. Resulting from this, six submissions from government referral authorities and three public submissions were received.

***A schedule of submissions is with the attachments marked SD093.2/03/07.***

No comments were received from the Department of Indigenous Affairs, Telstra or the Fire and Emergency Services Authority (FESA).

**Comment:**

Drainage Management

The main outstanding issue with respect to this rezoning application has been related to drainage management. The previous Council resolution required that the Drainage Management Strategy be amended prior to advertising. The required changes were made and the amendment subsequently advertised.

Since the closure of the advertising period, a number of other drainage issues have been identified and the applicant subsequently advised that the proposed amendment would not be recommended for final approval until these issues were addressed. After a number of meetings with Council staff, the applicant submitted a revised Drainage Strategy on the 3 October 2006 to support the rezoning and subdivision of the subject land. This strategy has since been approved by the Director of Engineering.

The revised Subdivision Guide Plan (SGP) has been modified to show various drainage features and solutions referred to in the Drainage Strategy, including bridge works. These changes address the concerns previously expressed by Council's Engineering staff.

The SGP shows Dalray Court being extended into the subdivision as a through road. This extension and connection through to the other internal subdivisional road is not supported. Under the SGP adopted by Council as part of the initiation, Dalray Court terminated at a cul-de-sac head, linking in with the other internal road via a strategic fire access way. The purpose of this design was to avoid large volumes of through traffic travelling down Dalray Court. The proposal under the revised SGP to extend Dalray Court all the way through will result in significant increases in traffic and impact substantially on the local community. It is recommended that the SGP be amended to re-instate the cul-de-sac head and the strategic fire access way link.

The subdivision overlay plan has also been removed under the revised SGP. It is recommended that the overlay plan be reinserted on the SGP as once finally adopted will give a clear indication as to how the land is intended to be further subdivided and will help guide future landowners with respect to the positioning of any development on the blocks.

The revised Drainage Strategy has been prepared to the satisfaction of the Director of Engineering and is therefore considered that the previous outstanding drainage issues have been addressed.

### Rural Strategy

The Rural Strategy is Council's adopted strategic vision for the municipality and is used as a guide to its decision making process. The strategy has been endorsed by the WAPC and the Shire. The subject land is currently within the Rural Living B area. The Rural Strategy recognised that the creation of Rural Living B lots represents an inefficient use of land resources. The strategy states that the development of the land as Rural Living A/B would create lots of a density consistent yet not in conflict with the surrounding lands. The WAPC supported this position.

However, upon finalisation of the Rural Strategy, the map was incorrectly shown as Rural Living B instead of Rural Living A/B. Although there is an anomaly with the Rural Strategy maps, the intent has always been to support a zoning change for the property to Rural Living A/B. The SGP adopted by Council as part of the scheme amendment initiation indicated the creation of 2.0 ha lots with overlays to enable the creation of smaller lots once the land is connected to scheme water.

### Conclusion

It is therefore recommended that the scheme amendment to rezone Lot 15 Keenan Street, Darling Downs be adopted by Council subject to modifications to the Subdivision Guide Plan.

**Voting Requirements:** Simple Majority

### **SD093/03/07 Committee/Officer Recommended Resolution:**

#### **Moved Cr Price seconded Cr Star**

- A. Council endorses the schedule of submissions prepared in respect of Amendment No. 138 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.**
- B. The amendment report and Subdivision Guide Plan be modified as follows:**
  - 1. Modifying Dalray Court to terminate at a cul-de-sac head and linking in with the other internal subdivisional road via a Strategic Fire Access way.**
  - 2. Reinstating the subdivision overlay plan.**

**3. Modifying provision 9 as follows:**

*The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area and until such time as the land is connected to scheme water.*

**4. Modifying provision 13 as follows:**

*The subdivider shall prepare a foreshore management plan for the Birrega Drain Public Open Space reserve and the Wungong Brook Open Space reserve within the lot including any constructed wetlands to the satisfaction of the Shire, the Department of Environment and Water Corporation. The reserve shall be created for the multiple use of waterway protection and passive complementary recreation. The Plan shall address vegetation management (including weed control) waterway restoration and infrastructure.*

**C. Subject to B above, to the satisfaction of the Executive Manager Planning and Regulatory Services, Council resolves pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:**

- 1. Rezoning Lot 15 Keenan Street, Darling Downs, from “Rural” to “Rural Living A and Public Open Space”.**
- 2. Amending the Scheme map accordingly.**
- 3. Including Lot 15 Keenan Street, Darling Downs in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:**

<b>25.</b>	<p><b>Lot 15 Keenan Street, Darling Downs</b></p>	<p><b>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</b></p> <p><b>Use classes permitted (P)</b>                  Single House                  Public Recreation                  Public Utility</p> <p><b>Discretionary Uses (AA)</b>                  Ancillary Accommodation                  Home Occupation                  Stables – 1 Hectare and above only                  Corner Store                  Child Minding Centre</p> <p><b>All other uses are prohibited.</b></p> <p><b>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</b></p> <p><b>2. No dwelling shall be approved by the Council</b></p>
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		<p>unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <ol style="list-style-type: none"><li>3. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate permitted (P) uses and discretionary (AA) uses listed in Special Provision 1; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of the Council.</li><li>4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</li><li>5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</li><li>6. The subdivider shall prepare and implement an Emergency Management and Fire Management Plan, including a single lane bridge that is fire and flood proof over the drain to service the two southern most lots, the construction of the strategic firebreaks depicted on the Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of Western Australia.</li><li>7. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of on-the-ground</li></ol>
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		<p>works to the satisfaction of Council, Water Corporation and Department of Water. The Drainage Concept Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Concept Plan.</p> <p>8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>9. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area and until such time as the land is connected to scheme water.</p> <p>10. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.</p> <p>11. The Subdivision Guide Plan referred to in Clause 9 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>12. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Any approval to keep any grazing animal will require fencing of all remnant vegetation and planted</p>
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		<p>vegetation by the landowners to the satisfaction of Council. Keeping of horses and other hard hoofed animals shall not be permitted on the land within the subdivision located south of Dalray Court.</p> <p>13. The subdivider shall prepare a foreshore management plan for the Birrega Drain Public Open Space reserve and the Wungong Brook Public Open Space reserve within the lot including any constructed wetlands to the satisfaction of the Shire, the Department of Environment and Water Corporation. The reserve shall be created for the multiple use of waterway protection and passive complementary recreation. The Plan shall address vegetation management (including weed control) waterway restoration and infrastructure.</p> <p>14. The subdivider placing a notification on the title of all lots stating that all development will be required to conform with the flood plain management strategy associated with the Southern River/Wungong Brook Flood Study.</p> <p>15. The subdivider shall construct the battleaxe driveway and a bridge over the Birrega drain as well as a bridge over the Wungong Brook to the satisfaction of the Shire and Water Corporation.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulphate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p>
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**D.** The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning and Infrastructure.

**Advice Note:**

1. As a condition of subdivision, all Bush Forever sites within Public Open Space are to be fenced.

**AMENDMENT**



**Moved Cr Star seconded Cr Harris to add a new Provision 17 – “That all Bush Forever sites are to be fenced at the time of subdivision”; and to delete the Advice Note.**

**After debate the Presiding Member then put the amendment which was CARRIED 10/0**

**COUNCIL DECISION**

**A. Council endorses the schedule of submissions prepared in respect of Amendment No. 138 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.**

**B. The amendment report and Subdivision Guide Plan be modified as follows:**

- 1. Modifying Dalray Court to terminate at a cul-de-sac head and linking in with the other internal subdivisional road via a Strategic Fire Access way.**
- 2. Reinstating the subdivision overlay plan.**
- 3. Modifying provision 9 as follows:**

*The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area and until such time as the land is connected to scheme water.*

- 4. Modifying provision 13 as follows:**

*The subdivider shall prepare a foreshore management plan for the Birrega Drain Public Open Space reserve and the Wungong Brook Open Space reserve within the lot including any constructed wetlands to the satisfaction of the Shire, the Department of Environment and Water Corporation. The reserve shall be created for the multiple use of waterway protection and passive complementary recreation. The Plan shall address vegetation management (including weed control) waterway restoration and infrastructure.*

**C. Subject to B above, to the satisfaction of the Executive Manager Planning and Regulatory Services, Council resolves pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:**

- 1. Rezoning Lot 15 Keenan Street, Darling Downs, from “Rural” to “Rural Living A and Public Open Space”.**
- 2. Amending the Scheme map accordingly.**
- 3. Including Lot 15 Keenan Street, Darling Downs in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:**

<b>25.</b>	<p><b>Lot 15 Keenan Street, Darling Downs</b></p>	<p><b>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</b></p> <p><b>Use classes permitted (P)</b>                  Single House                  Public Recreation                  Public Utility</p> <p><b>Discretionary Uses (AA)</b>                  Ancillary Accommodation</p>
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		<p><b>Home Occupation</b> <b>Stables – 1 Hectare and above only</b> <b>Corner Store</b> <b>Child Minding Centre</b></p> <p><b>All other uses are prohibited.</b></p> <p><b>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</b></p> <p><b>2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</b></p> <p><b>3. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate permitted (P) uses and discretionary (AA) uses listed in Special Provision 1; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of the Council.</b></p> <p><b>4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</b></p> <p><b>5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</b></p> <p><b>6. The subdivider shall prepare and implement an Emergency Management and Fire</b></p>
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		<p>Management Plan, including a single lane bridge that is fire and flood proof over the drain to service the two southern most lots, the construction of the strategic firebreaks depicted on the Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of Western Australia.</p> <p>7. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of on-the-ground works to the satisfaction of Council, Water Corporation and Department of Water. The Drainage Concept Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Concept Plan.</p> <p>8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>9. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area and until such time as the land is connected to scheme water.</p> <p>10. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.</p> <p>11. The Subdivision Guide Plan referred to in Clause 9 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the</p>
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		<p>implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>12. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Any approval to keep any grazing animal will require fencing of all remnant vegetation and planted vegetation by the landowners to the satisfaction of Council. Keeping of horses and other hard hoofed animals shall not be permitted on the land within the subdivision located south of Dalray Court.</p> <p>13. The subdivider shall prepare a foreshore management plan for the Birrega Drain Public Open Space reserve and the Wungong Brook Public Open Space reserve within the lot including any constructed wetlands to the satisfaction of the Shire, the Department of Environment and Water Corporation. The reserve shall be created for the multiple use of waterway protection and passive complementary recreation. The Plan shall address vegetation management (including weed control) waterway restoration and infrastructure.</p> <p>14. The subdivider placing a notification on the title of all lots stating that all development will be required to conform with the flood plain management strategy associated with the Southern River/Wungong Brook Flood Study.</p> <p>15. The subdivider shall construct the battleaxe driveway and a bridge over the Birrega drain as well as a bridge over the Wungong Brook to the satisfaction of the Shire and Water Corporation.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulphate soils associated with future development of the site should be planned and managed to avoid</p>
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		<p><b>adverse effects on the natural and built environment, including human health and activities.</b></p> <p><b>17. That all Bush Forever sites are to be fenced at the time of subdivision</b></p>
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**D. The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning and Infrastructure.**

**CARRIED 10/0**

**Committee Note:** The Officer Recommended Resolution was changed by adding an Advice Note stating that as a condition of subdivision, all Bush Forever sites within Public Open Space are to be fenced. The Presiding Member advised that this was a minor amendment and did not alter the intent of the Officer Recommended Resolution.

**Council Note:** The Committee Recommended Resolution was amended by making the advice note into provision 17 to give greater protection to the bush forever sites.

SD094/03/07 ADOPTION OF LOCAL STRUCTURE PLAN – LOTS 6 & 27 ABERNETHY ROAD, BYFORD (A1364/04)		
Proponent:	The Planning Group Pty Ltd	<p>In Brief</p> <p>To consider for adoption the draft Local Structure Plan (LSP) for residential development on Lots 6 and 27 Abernethy Road, Byford.</p> <p>It is recommended that the draft LSP be adopted by Council (subject to modification) in accordance with clause 5.18.3.7 of the Scheme, and sent to the Western Australian Planning Commission with a request for final approval.</p>
Owner:	Coralsea Investments Pty Ltd	
Officer:	Brad Gleeson – Executive Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2007	
Previously	SD042/10/06	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 28 August 2006  
 Advertised: Yes  
 Submissions: Four  
 Lot Area: 16.6ha  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban Deferred and Urban  
 Byford Structure Plan: Residential R20, Multiple Use Corridor, Drainage basin and Local Park.  
 Rural Strategy Policy Area: NA  
 Rural Strategy Overlay: NA  
 Municipal Inventory: NA  
 Townscape/Heritage Precinct: NA  
 Bush Forever: NA  
 Date of Inspection: 8 March 2007

## **Background**

Council at its meeting held on 23 October 2006 resolved:

### **“SD042/10/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

*Moved Cr Murphy seconded Cr Scott*

*The Shire considers the request to advertise the Local Structure Plan for Lots 6 and 27 Abernethy Road, Byford for public comment and:*

1. *Advises the applicant that the Local Structure Plan will be advertised once the following modifications are made to the plan and supporting documentation to the satisfaction of the Executive Manager Planning and Regulatory Services:*
  - a) *Lot orientation to be revised so that a majority of the lots (85%+) have long-axis orientation in an east-west axis.*
  - b) *Roads are revised to incorporate in-ground drainage swales. Layout to be modified to permit greater permeability to multiple use corridor and to improve visual access to this natural green corridor.*
  - c) *Inclusion of some explanatory text about water sensitive urban design and implementation.*
  - d) *Staging plan to defer creation of lots immediately fronting the multiple use corridor until MUC has been established and capacity to contain water quantity throughout the site has been demonstrated on-site.*
  - e) *Drainage plan and implementation strategy has been assessed as adequate by the Shire.*
  - f) *Road reserves shall have a minimum width of 15 metres, however roads with water sensitive urban design treatments shall be of sufficient width to accommodate bio retention swales.*
  - g) *Changes to be made to the report are as per the attachment marked SD042.2/10/06.*
2. *Subject to the payment of the Local Structure Plan fee, the Executive Manager Planning and Regulatory Services be authorised to assess and decide as to the suitability of the revisions made to the Local Structure Plan prior to advancing the Plan to advertisement for public comment.*
3. *A Landscape Management Plan shall be prepared by the developer for the public open space areas including the multiple use corridor prior to the final adoption of the Local Structure Plan by Council. The public open space area (multiple use corridor) shall be ceded free of cost to Council and the Landscape Master Plan shall be implemented by the developer during Stage 1 of development.*
4. *An Environmental Management Plan shall be prepared by the developer to ensure that subdivisional works are conducted to minimise on site and off site environmental impacts including sand, dust, noise, vibration, litter control and water management and mitigation measures prior to finalisation of the Local Structure Plan by the Shire.*
5. *A Traffic Management Plan shall be prepared by the developer to ensure that construction traffic is appropriately managed during the subdivisional works to reduce impacts on the local road network and improve road safety.*
6. *No trees or vegetation are to be removed from the property without the prior written consent of the Council in accordance with the requirements of Town Planning Scheme No. 2.*

*CARRIED 10/0”*

In accordance with the above requirements:

1. The LSP was modified to address each of these issues;
2. The LSP fee had not been paid yet as officers had not calculated the amount that is payable. The payment of the fee will be a requirement of the adoption of the LSP.
- 3/4. A Landscape Master Plan (LMP) and an Environmental Management Plan (EMP) have been prepared for the LSP area. A single document incorporating the LMP and an EMP was recently completed and submitted to the Shire. This will be reviewed by

- Shire officers and approved, prior to the commencement of any bulk earthworks and/or any subdivision on the property.
5. A Traffic Management Plan (TMP) has not yet been completed, but this will be imposed as a condition of subdivision. The TMP will need to be submitted for approval by the Shire prior to the commencement of bulk earthworks and/or any subdivision on the property.
  6. The removal of any trees is restricted in any areas of public open space/ multiple use corridor. Some trees within the areas to be developed as residential lots will be removed as a result of the filling that is required on the land.

### Local Structure Plan

The original LSP provided 217 lots comprising 172 lots at R20 and 45 lots at R30. The updated LSP provided 216 lots comprising 88 lots at R20, 127 lots at a R25 density and 1 grouped housing site at a R30 density.

The new plan introduces lots at a R25 density (average size 350m<sup>2</sup>) with a lesser number of lots at the traditional R20 density. A single R30 grouped housing site is also provided adjacent to a local park.

The LSP was prepared to reflect the draft Byford District Structure Plan 2006 (BDSP 2006) which proposed a split density of R20/R25 over the Byford urban cell. Under the draft BDSP 2006, development at a R25 density would be permitted if it could be demonstrated that the development achieves genuine and measurable sustainability outcomes, such as solar orientated lots and best practice water management. Although the BDSP 2006 was not proceeded with by Council, the principles of introducing R25 lots is still worthy of consideration on a case by case basis for each individual development.

The applicants advise that 98% of lots accord with the ideal orientation advocated in Liveable Neighbourhoods with at least 75% of lots being orientated east – west.

### Officer Comment

The LSP introduces a significant change in the form of development in Byford by introducing a mixed R20/R25 density code instead of the traditional R20 form of development. Whilst the philosophy of introducing a greater variety of lot sizes in Byford is commendable, the proposed LSP is substantially different from the normal development in Byford (ie R20).

Concern is raised about the number of R25 lots abutting the western edge of the LSP, which will face towards proposed R5 lots. It is recommended a significant reduction in the number of R25 lots and replacement with R20 lots. These should be focused adjacent to and nearby areas of public open space.

The LSP includes provision for a 20 metre road widening of Abernethy Road and a 20 metre wide public open space corridor adjacent to this road widening. A multiple use corridor traverses the site and a local park is provided at the southern edge of the property.

***A copy of the LSP is with the attachments marked SD094.1/03/07.***

### Sustainability Statement

***Effect on Environment:*** Multiple - use corridors will ensure adequate water quality and quantity targets are achieved to accord with the Byford Urban Stormwater Management Strategy.

***Economic Viability:*** The LSP seeks to maximise lot yield and to implement urban development to accord with the Byford Structure Plan.

**Economic Benefits:** Some local employment during construction (possible) and an increase in the number of rateable households.

**Social – Quality of Life:** Good urban design is achieved as per Byford Structure Plan and Liveable Neighbourhoods.

**Statutory Environment:**

*Town Planning Scheme No. 2:* The Scheme establishes the statutory framework to facilitate the planning, subdivision and development of land within the ‘Urban Development’ zone. This is done through:

- i. Introducing a procedure for the preparation and adoption of structure plans; and
- ii. Introducing development contribution area provisions for the equitable sharing of costs for essential services and urban infrastructure.

With regard to i), clause 5.18 of the Scheme makes provision for the preparation of structure plans and detailed area plans. The procedure for the adoption of a structure plan, whether that be at the district or local level, is in accordance with clause 5.18.3 of the Scheme which specifies timeframes for advertising, consideration of submissions by Council and referral to the WA Planning Commission.

With regard to ii), consultants have recently been engaged by the Shire to prepare a development contribution plan for the Byford Structure Plan area. This study should be completed soon and will necessitate an amendment to the Scheme. In the current absence of such, however, clause 5.18.1.5 of the Scheme states:

*“5.19.1.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner’s contribution towards the provision of Infrastructure in the Development Contribution Area.”*

It is proposed to reach negotiated agreements with developers in the Byford area in respect to developer contributions until such time as the necessary infrastructure funding mechanism is in place in the Scheme. A legal agreement will need to be prepared and entered into between the proponent and landowner and the Shire at the time of considering a subdivision application for the land.

The draft LSP was advertised for a period of 28 days in accordance with clause 5.18.3.5 of the Scheme. This involved advertising in a newspaper circulating in the district, notice in writing to all affected landowners and referral to all relevant public authorities.

Clause 5.18.3.7 of the Scheme provides that, following advertising and the consideration of submissions received, the Council is to either:

- i. *Adopt the Proposed Structure Plan with or without modifications; or*
- ii. *Refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.*

**Policy/Work Procedure**

**Implications:**

Byford Structure Plan  
Byford Urban Stormwater Management Strategy  
Local Planning Policy No. 6 – Water Sensitive Design  
Liveable Neighbourhoods Draft Operational Policy  
(Edition 3)

**Financial Implications:**

Local Structure Plan fee required to be paid.



Future ongoing costs to the Shire to maintain new areas within the development e.g. public open space, roads, pathways, street sweeping, inspection and cleaning of drainage pits, inspection of swales, management of landscaping.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
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.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

**Community Consultation:**

Four submissions were received during advertising of the LSP.

***A copy of the schedule of submissions is with the attachments marked SD094.2/03/07.***

**Comment:**

The LSP is required to be further amended as follows:

**A. Notations on the LSP**

The following notations are to be included on the LSP map:

- (1) *Prepare and submit a strategy for the provision of advanced telecommunications infrastructure to the local structure plan area at the time of subdivision of the land.*

A similar strategy was undertaken for the Local Structure Plan adopted for Byford Central and Redgum Brook estate. In this case, it was resolved that the subdivider install a spare conduit for future telecommunication purposes at the time of subdivision. This would provide for the easy installation of advanced telecommunications infrastructure in the future once it was made available to the area. It is recommended that the same approach be taken for this LSP.

- (2) *The preparation of Detailed Area Plans (DAP's) design guidelines incorporated within the Local Structure Plan area at the time of subdivision of the land.*

The DAP's will address matters such as water sensitive urban design for individual house lots, solar orientation principles for housing design and general design principles for the dwellings that reflect the built form and character of Byford.

DAP's will be required for all lots with the LSP abutting areas of public open space, the main distributor road and/or for lots shown as R25.

- (3) *Legal road access to the LSP area is to be provided via a constructed and gazetted road reserve prior to the subdivision of the land, unless otherwise approved by the Shire and Main Roads WA.*

Access from Abernethy Road to this development is not permitted due the proximity of the future overpass on Abernethy Road over the Tonkin Highway. Access into this development is required via roads located on the adjoining development (Byford West).

Subdivision approval has recently been granted for Stage 1 of the Byford West. At the time of construction of the first stage of subdivision on Lots 6/27 Abernethy Road, roads will need to be constructed up to this edge of the Byford West development. If development on the adjoining land (Byford West) does not occur first, then an interim access to Abernethy Road would be permitted with the approval of the Shire and Main Roads WA.

- (4) *Submit a Community and Economic Development Plan (CEDP) for the Local Structure Plan area prior to the subdivision of the land, to the satisfaction of Council. The CEDP is to include a legal agreement between the proponent and the Shire of Serpentine-Jarrahdale, relating to per lot contributions toward a Community Development Trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes.*

Similar Plans and agreements have been prepared by other developers in the Byford area. A CEDP, including a legal agreement is required to be completed for this development. It is recommended that adoption of the Plan and signing of the agreement be required prior to clearance of the first stage of subdivision within the structure plan area. This will provide ample time to finalise the Plan and sign the agreement without delaying the subdivision of the land.

- (6) *The developer shall enter into a legal agreement with the Council prior to the subdivision of the land relating to development contributions, in accordance with clause 5.19 of the Scheme in the event the Byford Developer Contribution Plan is not in effect at the time of subdivision.*

Consultants have been engaged by the Shire to prepare a development contribution plan for the Byford Structure Plan. This study once adopted by Council will necessitate an amendment to the Scheme. In the current absence of such, however, clause 5.18.1.5 of the Scheme states:

- "5.19.1.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area."*

As an interim measure, a condition of subdivision will be imposed requiring a separate legal agreement to be entered into between the proponent and Council. This legal agreement will require the proponent to make a proportional contribution to Council at the time of subdivision for the provision of arterial roads, public open space and associated facilities (including administrative costs) to service the Byford Structure Plan area. Once the required development contributions plan has been prepared and adopted, the legal agreement will link to compliance with this by the proponent.

#### B. Modification to the Plan

The LSP needs to be modified to remove the blue colour from the multiple use corridor as this may give the impression that the land is set aside as a drainage basin. The LSP must show these areas as Public Open Space areas (green).

#### Drainage Issues

The Department of Water is currently undertaking a comprehensive review of the stormwater and flooding related issues in the Byford urban cell. These investigations are substantially underway and preliminary advice given to the Shire indicates that there is substantial flooding at the interface of urban land adjacent to Tonkin Highway. This will necessitate the developers to undertake detailed hydrological/hydraulic modelling to confirm that flooding at the site is not increased.

The applicants have engaged BPS Engineering to prepare an engineering report on stormwater, drainage, earthworks, servicing and traffic. Prior to finalising the LSP, Council and the Department of Water will need to be satisfied that the drainage scheme proposed for the site is acceptable.

#### Conclusion

As the draft LSP has now been appropriately modified to reflect the Byford Structure Plan (BSP) and Byford Urban Stormwater Management Strategy, it is recommended for adoption. Further modifications are proposed, however, these do not fundamentally alter the draft LSP and are required to ensure consistency with the BSP and to ensure an appropriate movement network is achieved.

#### Voting Requirements:                      **ABSOLUTE MAJORITY**

#### **SD094/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

##### **Moved Cr Price seconded Cr Geurds**

- 1. Council, in pursuance with clause 5.18.3.9(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, endorses the schedule of submissions prepared in respect of the draft Local Structure Plan advertised for Lots 6 and 27 Abernethy Road, Byford.**
- 2. Council, in pursuance of clause 5.18.3.7(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the draft local structure plan for Lot 9000 Thomas Road, Byford subject to the following modifications being undertaken:**
  - A. The LSP is required to be further amended to show the following notations on the LSP:**
    - 1. Prepare and submit a strategy for the provision of advanced telecommunications infrastructure to the local structure plan area at the time of subdivision of the land.**
    - 2. The preparation of Detailed Area Plans incorporating design guidelines to control the eventual built form within the Local Structure Plan area at the time of subdivision of the land.**

3. Legal road access to the LSP area is to be provided via a constructed and gazetted road reserve prior to the subdivision of the land, unless otherwise approved by the Shire and Main Roads WA.
4. Submit a Community and Economic Development Plan (CEDP) prior to the subdivision of land for the Local Structure Plan area, to the satisfaction of Council. The CEDP is to include a legal agreement between the proponent and the Shire of Serpentine-Jarrahdale, relating to per lot contributions toward a Community Development Trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes;
5. The developer shall enter into a legal agreement with the Council prior to the subdivision of the land relating to development contributions, in accordance with clause 5.19 of the Scheme in the event the Byford Developer Contribution Plan is not in effect at the time of subdivision.

**B. Modification to the Plan**

1. Reduction in the number of R25 zoned lots and replacement with R20 zoned lots. R25/R30 zoned lots are supported adjacent to and surrounding area of public open space.
2. Remove the blue colour from the multiple use corridor and replace it with green (public open space areas) and blue (drainage lines).
3. The public open space and drainage calculations being updated to reflect the approved Drainage Management Plan, to the satisfaction of the Executive Manager Planning and Regulatory Services.

**C. Approval of Management Plans**

The following plans are to be reviewed and approved by the Shire prior to the adoption of the Local Structure Plan:

1. The Traffic Management Plan
2. The Landscape and Environmental Management Plan; and
3. The Drainage Management Plan (approved by the Shire and Department of Water)

**3. The applicant paying the Local Structure Plan fee of \$2 500.00**

4. The Executive Manager Planning and Regulatory Services be authorised to:
  - i. Liaise with and provide advice to the proponent in relation to undertaking the modifications listed under 2 (A) and (B) above; and
  - ii. Determine when the modifications listed under 2 (A) and (B) above have been undertaken to Council's satisfaction.
5. Following compliance with part 2 and 3 above, and in pursuance of clause 5.18.3.9 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Local Structure Plan be forwarded to the WA Planning Commission within 21 days and:
  - i. A summary of all submissions and comments received by Council in respect of the draft local structure plan, and Council's decisions or comments in relation to these;
  - ii. Council's recommendation to the WA Planning Commission to modify and adopt the draft local structure plan; and

**iii. Any other information that may be relevant to the WA Planning Commission's determination of the draft local structure plan.**

**6. In pursuance of clause 5.18.3.15 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Executive Manager Planning and Regulatory Services be delegated authority from Council to formally adopt this or any other draft local structure plan within the Byford Structure Plan area once notified of the WA Planning Commission's approval, and forward a copy of the formally adopted local structure plan to the proponent, the WA Planning Commission and any other appropriate person or public authority.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

CGAM092/03/07		TRAFFIC MANAGEMENT FOR EVENTS – CODE OF PRACTICE (A0569)
Proponent:	Main Roads WA	In Brief  Main Roads WA seeking Council's endorsement of the new 'Traffic Management for Events Code of Practice' and signing of the 'Instrument of Authorisation' authorising Council approval for the use of temporary road signs and devices for events.
Owner:	Not applicable	
Officer:	Donna Colum Engineering Support Officer	
Signatures Author:		
Senior Officer:	Stephen Bell Director Engineering	
Date of Report	6 March 2007	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**Background**

In conjunction with the Traffic Management for Events Advisory Group, Main Roads Western Australia (MRWA) has recently introduced the 'Traffic Management for Events Code of Practice' which details the administrative, legal and technical requirements for the safe, efficient and effective management of traffic at events. Section 8 of the Code of Practice addresses the responsibilities of both 'Authorised Bodies' and 'non Authorised Bodies' in respect to road signs and devices for events.

The Commissioner of Main Roads has the authority to erect road signs, traffic control signals and other devices under Regulation 297(1) of the Road Traffic Code 2000. The Commissioner can delegate this authority to Authorised Bodies under Regulation 297(2) of the Code, subject to any conditions specified in the Instrument of Authorisation. Local Governments do not have the authority to erect traffic signs, traffic control signals and other traffic devices, either for permanent or temporary installation, unless such authority has been delegated to them. The acceptance of the Instrument of Authorisation will enable the shire to approve events due to delegated authority from MRWA.

***A copy of the correspondence and 'Instrument of Authorisation' is included with the attachments and marked CGAM/092/03/07. (IN07/2250)***

**Statutory Environment:**

Road Traffic Code 2000 - Regulation 297(1) & 297(2)  
Road Traffic Act 1974  
Road Traffic (Events on Roads) Regulations 1991

Public Order in Streets Act 1984  
Public Meetings and Processions Regulations 1984  
Local Government Act 1995

**Policy/Work Procedure**

**Implications:**

There are no policy implications regarding this report.

**Financial Implications:**

There will be no financial implications on Council.

**Strategic Implications:**

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

**2. Environment**

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

Strategies:

5. Reduce green house gas emissions.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

All local governments were given the opportunity to provide comments on the draft Code of Practice in December 2005.

**Comment:**

Main Roads WA have drafted the Traffic Management Code of Practice to ensure that events on roads are managed in a way to ensure the safety of all involved and which minimise disruptions to the normal daily usage and function of the road network.

MRWA have simplified the approval process in that where the Local Government is an authorised body (i.e. has signed the Instrument of Authorisation) that the Application and Traffic Management Plans (TMP) prepared by the person coordinating the event (which may be a community member) can then be approved by the local government. Where the Local Government is not an authorised body, the implementation of the traffic control devices associated with a TMP requires the approval of the Commissioner of Main Roads.

The key issues highlighted in the Code of Practice are:

**Event Categories:**

1. An event which involves large public participation (i.e. Australia Day fireworks, Rally Australia)

2. An event which involves the racing of motor vehicles and does not involve large public participation (i.e. Albany Classic, Round the Houses)
3. An event which involves the racing of non-motorized vehicles, an athletic event or any other event, other than a locality or street event, which does not involve large public participation (i.e. Cycle Club circuit races and time trials)
4. A locality or street event which does not fall within categories 1, 2 or 3 (i.e. Neighbourhood street party)
5. A public meeting that impacts on a road, or a procession comprising three or more persons (i.e. Political, religious, cultural or commemorative parade or rally)
6. Specifically an on road race meeting or speed test that does not require road closure (i.e. Cycle club on-road circuit races and time trials)

#### Event Organiser

The Event Organiser is responsible for arranging and meeting all costs of preparing and implementing the TMP for all events. The TMP is to be signed by the person that prepared them, along with his/her name in block print, Advanced Worksite Traffic Management certificate number and the date of endorsement of the plan. In addition, the person preparing a TMP is to include a statement confirming that a site visit was undertaken prior to preparing the plan. The TMP is to be approved by an Officer of the local authority who has an Advanced Worksite Traffic Management certificate. Any public liability claim made in respect to the traffic management arrangements for the event rests solely with the Event Organiser, which is currently the case.

The new Code of Practice will ensure that events can take place in the safest and most efficient manner possible for the enjoyment and/or satisfaction of all involved. In addition, as MRWA have delegated the authority to sign off on the event to local government, approvals for events are therefore quicker to process. It is recommended that Council authorises the Chief Executive Officer to sign and attach the common seal to the Instrument of Authorisation.

#### Voting Requirements:

**ABSOLUTE MAJORITY**

#### **CGAM092/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Scott**

**That Council authorises the Chief Executive Officer to sign and attach the common seal to the 'Instrument of Authorisation' in respect to the new Traffic Management for Events Code of Practice'.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

CGAM093/03/07		DEDICATION OF RIGHT OF WAY TO A ROAD RESERVE (S128245)	
Proponent:	Cardno BSD	In Brief  Council approval required for the dedication of a new road.	
Owner:	Mundella Foods Pty Ltd		
Officer:	Nick Juricev – Subdivision Engineer		
Signatures Author:			
Senior Officer:			
Report Date	8 March 2007		
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.		
<b>Delegation</b>	<b>Council</b>		

### **Background**

Under delegated authority the proposed subdivision of Lot 54 Randell Road Mardella was endorsed subject to conditions. Of those conditions relevant to this report is the one relating to access road as outlined below.

*Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.*

### **Statutory Environment:**

Land Administration Act 1997  
Local Government Act 1995.

### **Policy/Work Procedure Implications:**

There are no Policy implications related to this application.

### **Financial Implications:**

The survey and construction costs for the new road to Lot 54 Randell Road will be borne by the developer.

### **Strategic Implications:**

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

#### **3. Economic**

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

##### Strategies:

1. Improved freight, private and public transport networks.

#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

##### Strategies:

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



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

**Community Consultation:**

There has been no consultation for this report.

**Comment:**

The applicant is seeking the dedication of the right of way as part of the overall subdivision of Lot 54 Randell Road Mardella. The road has been fully constructed by the Developer and has been approved by Engineering Services.

***A copy of the survey diagram for the new road with attachments marked CGAM093/03/07 (IN07/337)***

In order for the road dedication to proceed, Council must resolve to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new road.

Clarification was sought from the DPI as to what the Shire was required to indemnify DPI against and the amount of the indemnification. DPI advised that they do not have a particular amount but that this indemnification is just to cover the interim period until the road is dedicated at which time the road automatically is covered by the Shire's insurance as is the case with all roads in the control of the Shire. This is a standard requirement under the Land Administration Act 1997 that all local governments are required to comply with.

Section 56 of the Land Administration Act 1997 sets out the requirements for dedication of roads. Subsection (4) of Section 56 states as follows:

*(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*

If the Council does not resolve to indemnify the Minister as set out in Section 56 (4) above then the dedication of the right of way will not occur and the owners of Lot 54 Randell Road will not be able to subdivide the property or carry out the development previously approved by the Council.

**Voting Requirements:** Simple Majority

**CGAM093/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Kirkpatrick  
That Council:**

1. Approves the dedication of the Right of Way at Lot 54 Randell Road Mardella as a gazetted road reserve,
2. Indemnifies the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of Section 56 of the Land Administration Act 1997) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new road from the Right of Way at Lot 54 Randell Road Mardella,
3. Advises its insurers accordingly.

**CARRIED 10/0**

Cr Star declared an interest of impartiality in item CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006/2007 as she is a member of the Jarrahdale Heritage Society and advised that this will not affect the way in which she would vote.

Cr Brown declared an interest of impartiality in item CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006/2007 as she is a member of the Oakford Trails Management Association and advised that this will not affect the way in which she would vote.

Cr Price declared an interest of impartiality in item CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006/2007 as he is a member of the Jarrahdale Heritage Society and advised that this will not affect the way in which he would vote.

CGAM094/03/07 TRAILS WORKING GROUP – BUDGET EXPENDITURE 2006 / 2007 (A0494)		
Proponent:	Trails Working Group	In Brief  Proposed projects for the Trails Construction Budget 2006/2007.  Council is requested to endorse the Trails Construction Programme in accordance with the adopted 2006/2007 budget.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Paula Haro Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 March 2007	
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	
<b>Delegation</b>	<b>Council</b>	

### Background

The Shire aims to provide a network of multiple use trails that interlink suburbs and communities. These multiple use trails cater for horses, pedestrians, cyclists, motorized scooters and in many instances provide strategic access linkages for emergency vehicles. The Trails Working Group have formulated a priority list for the construction of trails and meet regularly to discuss on ground works and multiple use trail issues.

In accordance with the recently developed work process OP02: Trails Working Group Construction Budget Expenditure Process, the group has made recommendations on trail construction priorities for the 2006/2007 financial year. The allocated funds for trail construction in the adopted 2006/2007 budget are \$50,000.

At its meeting held on 12<sup>th</sup> December 2006, the Trails Working Group recommended that the following trails to be constructed in the 2006 / 2007 financial year.

Priority	Project Title	Estimated Cost *
1	Trail from Tonkin Highway underpass to Hopkinson Road, City of Armadale – including culvert and clearing works.	\$15,000.00
2	Wattle Road to Salmon Bark Road to Utley Road, Serpentine – fencing, gates and opening access	\$10,000.00
3	North side of Thomas Road – Construction of trail	\$20,000.00
4	Pony Place Reserve (Foxton Drive Trails) – Gate	\$3,000.00
5	Jarrahdale Heritage Society walking signs	\$2,000.00
		<b>\$50,000.00</b>

\* Cost estimate provided by the Trails Working Group – To be confirmed by the Shire Operations Team

## **Sustainability Statement**

**Effect on Environment:** Most trails are constructed on existing paths, drainage corridors and are surfaced for the benefits of all users. The surfacing allows trails users recreational use of the trails with minimal impact on the environment.

The work process OP02: Trails Working Group Construction Budget Expenditure Process requires identification of site environmental impacts, and if identified measures will be undertaken to mitigate these.

**Resource Implications:** Trails provide recreational opportunity for all non motorized users reducing greenhouse gas emissions. The effects of compaction, erosion and spread of weeds and disease are reduced by confining activities to these trails.

**Use of Local, renewable or recycled Resources:** Multiple Use Trails provide local recreational opportunity and brings users into the local area who will use locally available and produced resources. In the construction process local suppliers and contractors are used where possible.

**Economic Viability:** The proposal is economically viable in that the multiple use trails provide a partnership approach between local governments and the community.

Construction works will be sourced and some undertaken by the Shire's Operations team. Ongoing trail maintenance costs will be applicable to Council.

**Economic Benefits:** The trail network will provide long term economic and employment benefit to local business as it will bring tourists to the Shire.

**Social – Quality of Life:** The provision of recreational resources will improve the health and fitness of the community.

**Social and Environmental Responsibility:** This proposal is environmentally and socially responsible. The community is involved in the maintenance of the trails and accessible to all non motorized users.

**Social Diversity:** Multiple User Trails do not disadvantage any social groups.

**Statutory Environment:** Local Government Act 1995.

**Policy/Work Procedure Implications:** Local Planning Policy No.9 – Multiple Use Trails within the Shire of Serpentine Jarrahdale  
OP02: Trails Working Group Construction Budget Expenditure Process.

**Financial Implications:** \$50,000 has been allocated for Trails Construction Budget 2006/07

**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.
4. Respect diversity within the community.
6. Ensure a safe and secure community.

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

#### **Strategies:**

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

*Objective 3: High level of social commitment*

Strategies:

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.
5. Reduce green house gas emissions.

## **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

3. Develop tourism potential.

*Objective 3: Effective management of Shire growth*

Strategies:

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

## **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

### **Community Consultation:**

The recommendation discussed within the body of this item has been provided by the Trails Working Group, which comprises community and user group representation. It should be noted however that the group is primarily concerned with the construction of bridle trails throughout the Shire or trails that may not be necessarily fit for use by other users given the trail construction type and form.

### **Comment:**

#### **1. Tonkin Highway underpass to Hopkinson Road (City of Armadale)**

The subject section of trail between the Tonkin Highway underpass and Hopkinson Road is entirely located within the municipality of the City of Armadale. The area where the trail would be constructed is currently an unmade road reservation that contains an open drain maintained by the Water Corporation. When the trail is constructed it will complete a missing section of the strategic trail network thereby enabling users to enjoy unrestricted access between the Oakford area and Darling Downs trails networks.

The proposed trail is approximately 910 metres in length and will require as a minimum the construction of base course and wearing surface, installation of a culvert to facilitate pedestrian and emergency access across the open drain, and the removal of selected vegetation. The estimate provided by the Trails Working Group will only facilitate the grading of a formed track (i.e. no base course or wearing surface), installation of a culvert, and limited vegetation removal. Additional funding will need to be allocated in the

2007/2008 budget to complete the trail to the necessary standard (i.e. base course, wearing course, signage, fencing and the like).

There is also a potential safety issue at Hopkinson Road where riders and other users of the trail need to traverse the road. Hence, bollards, fencing, signage, and perhaps a pedestrian refuge at Hopkinson Road may be required to minimise the safety risk.

Shire Officers have written to the City of Armadale seeking advice regarding the status of the land and whether the City would contribute towards the construction of the trail. The City of Armadale has advised that the area is not under their or the Water Corporation's control but would in principle support the construction of the trail. This support is provided on the basis that the City would not contribute financially to the project or manage and maintain the infrastructure following its construction.

#### Officer Comment

Whilst it is recognised that the trail will complete a missing section of the strategic trail network in the Oakford area, there is nonetheless legal issues that need to be addressed prior to any trail construction. Further, the section of trail is located wholly within the municipality of the City of Armadale and there is uncertainty over the ownership of the unmade road reservation (i.e. City of Armadale, Water Corporation, Crown etc). Accordingly, the Shire would be expending funds within an adjoining municipality and be responsible for the ongoing management of the trail.

Hence, whilst Shire Officers in principle support the construction of the trail to complete the strategic trails network, support is subject to legal, ownership, and future management/maintenance issues being resolved prior to construction commencing. In this regard, Shire Officers will continue to negotiate with the City of Armadale and Water Corporation and seek legal advice regarding the spending of funds outside of the municipal boundary and resultant implications regarding future management/maintenance by the Shire within the City of Armadale. Negotiations will occur this financial year, but it is not anticipated that the issues will be resolved by 30 June 2007. Hence, construction may not be possible until the 2007/08 financial year.

The Trails Working Group has estimated the cost of the trail to be \$15,000. This money will be placed in a Reserve for use at such time as the negotiations and legal advice has been resolved to facilitate construction of the trail at some time in 2007/2008.

## **2. Wattle Road to Salmon Bark Road to Utley Road, Serpentine –**

The estimated cost to construct a multiple use trail from Wattle Road to Utley Road is estimated at \$160,000.00 in accordance with an information report provided to Council at its meeting held 18<sup>th</sup> December 2006. This cost includes as a minimum the construction of an appropriate base and wearing course, culvert or bridge to traverse the Water Corporation drainage, fencing, gates, bollards and signage.

The estimated cost of \$10,000 by the Trails Working Group will only be sufficient to remove the existing gates, install fencing, and undertake maintenance of the existing trail from Salmon Bark Road to Utley Road.

At its 25 September 2006 meeting, Council resolved:

*Moved Cr Wigg seconded Cr Murphy  
That the Trails Management Working Group in conjunction with the Council's  
Reserves Officer prepares a management plan, for the Reserve, in consultation  
with the users and the residents.  
CARRIED 7/0*

The Council resolution of 25 September 2006 provided clear direction to Shire Officers that a Management Plan was required for the unmade road and drainage reservation prior to construction of any trail or removal of fencing, gates, and stock. Hence, the ultimate use of the reserve cannot be determined until such time as the management plan has been prepared, advertised for community comment, and adopted by Council.

One community consultation session was held in early March and further sessions are scheduled to occur on 15 March 2007 and 13 April 2007 respectively. These sessions will allow the community to provide advice on current and future uses, attitudes and issues, and the function and management of the Reserve. The information gathered from the numerous consultation sessions will be used in the development of a management plan which will then set the framework for any future actions. Following the preparation of the management plan, the document will be advertised for public comment and tabled before the elected members of Council for consideration and adoption.

#### Officer Comment

As previously stated, the Council resolution of 25 September 2006 provides clear direction to Shire Officers that a Management Plan is required for the unmade road and drainage reservation prior to construction of any trail or removal of fencing, gates, and stock. Therefore, it would be inappropriate for any work to commence until such time as the community, Council, and other key stakeholders (i.e. Water Corporation) have considered the current and future management objectives for the Reserve as defined by a Management Plan.

The local community is currently being engaged through consultation sessions and these will be continuing through the months of March and April respectively. A further consultation session will be required at the time of the advertising of the draft Management Plan prior to adoption by Council. Due to the time required to prepare the Management Plan, consult with the community and other key stakeholders, and have the document considered and ultimately adopted by Council, it is unlikely that this will be completed prior to 30 June 2007.

Whilst it is acknowledged that the Trails Working Group have recommended that the trail be allocated \$10,000 for 2006/2007, it is highly unlikely that any work can be completed this financial year. Hence, it is recommended that the \$10,000 be allocated towards the completion of the Management Plan (i.e. for the engagement of specialist Environmental and Engineering Consultants) and that further funds be allocated in 2007/2008 to progress the management objectives of the Reserve, one of which may be the construction of a trail and the removal of gates and fencing.

### **3. North side of Thomas Road – land acquisition of access of Lot 58 Thomas Road**

The continuation of the trail along the north side of Thomas Road requires Council to acquire a section of private property encroaching out to Thomas Road. The area of land to be acquired is 13 metres wide and provides for the legal access to Lot 58 Thomas Road.

A meeting was held with the owner of Lot 58 in relation to the purchase of a portion of the lot to allow the continuation of a multiple use trail along Thomas Road. Generally the owner was not receptive to any trail traversing his property, but did indicate that he would be willing to consider any purchase proposal that the Council offered.

Site investigations conducted at the conclusion of the meeting revealed that whilst the road reserve met the edge of the boundary of Lot 58, the constructed carriageway of Thomas Road was approximately 6-10 metres to the south of the boundary. This being the case, the portion of road reserve between Lot 58 and the constructed carriageway of Thomas Road could provide sufficient room for the construction of a bridle trail and

remove any impediment involved in the purchase and/or acquisition of private land from the owner of Lot 58. However, this would result in the users of the trail riding their horses/bikes or walking within close proximity to the Thomas Road carriageway which may be inappropriate from a safety perspective.

The only impediment to progressing construction of the bridle trail is negotiations with the owner of Lot 58 regarding the location of the entry statement to his property, which is constructed within the road reservation. A site survey would need to be undertaken to ensure that there is sufficient separation from traffic on Thomas Road to where the bridle trail could feasibly be constructed, or Council would have to instigate the remove of the landholder's entry statement. This site survey has not been undertaken at this stage, nor has a further meeting with the landholder in relation to the position of his entry statement.

A similar situation occurs at Lot 2 Rain Lover Court where the property boundary extends to Thomas Road, although legal access occurs off Rain Lover Court. In this instance the owner of this property has permitted the trail to be constructed through his land fronting Thomas Road. However, there is no easement that envelopes the trail and hence there are legal issues associated with the trail in the subject location. Therefore, if Council resolves to purchase a parcel of land at Lot 58 then it would be prudent to resolve the legal issues surrounding the land at Lot 2 Rain Lover Court.

#### Officer Comment

The owner of Lot 58 was not very receptive to the acquisition of a portion of his land at Thomas Road as he was extremely concerned about safety, visibility, and maintenance issues (i.e. driveway being churned up by horses) where the trail traversed his property. The owner was moderately receptive to the acquisition of part of his property (i.e. 4 or 5 metres) provided the safety, visibility, and maintenance concerns could be addressed. However, Shire Officers were of the view that to progress the acquisition of part of Lot 58 would take some time to complete and would not allow implementation of the trail during the 2006/2007 financial year.

As a short to medium term solution it may be possible to align part of the trail within the road reservation of Thomas Road where it meets the access to Lot 58. This would necessitate the relocation of the obstructions within the road reservation being the brick fencing and entry statement to Lot 58. However, this would result in the trail being constructed within close proximity to the road carriageway which may not be ideal for trail users. Nonetheless, this may be a timely and cost effective solution until such time as it is resolved how Thomas Road will be widened and upgraded to meet the future traffic and transport demand of the area. At this time, the acquisition of the land and realignment of the trail could be progressed.

It is recommended that Shire Officers progress a survey and design to ascertain whether it is feasible to align a trail around the access to Lot 58 and to determine what structures require relocation. When these issues are resolved, it would then be an appropriate time to construct the trail. This investigation is not expected to be completed before the end of this financial year.

Should the survey and design prove that the trail is unable to be located within the existing Thomas Road reservation, then Shire Officers would need to continue negotiations with the owner of Lot 58 with respect to the acquisition of part of that lot for the purpose of trail construction.

The Trails Working Group has estimated the cost of the trail to be \$20,000. This money will be placed in a Reserve for use at such time as the trail is constructed in 2007/08.

#### 4. Pony Place Reserve (Foxton Drive Trails)

This project involves the purchase and installation of a gate for the Foxton Drive trails. Shire Officers support this project.

#### 5. Jarrahdale Heritage Society walking signs and indicator poles

This project involves the purchase and installation of walking signs and poles at Jarrahdale. This project is supported by Shire Officers. However, if signs and indicator poles are to be installed within or close to the Jarrahdale Heritage Park then such signage must meet the type and form of signs developed for the park.

**Voting Requirements:** Simple Majority

#### **Officer Recommended Resolution**

That:

1. Council receives and notes the trail construction priorities as recommended by the Trails Working Group for the 2006/2007 financial year, being:

Priority	Project Title	Estimated Cost
1	Trail from Tonkin Highway underpass to Hopkinson Road, City of Armadale – including culvert and clearing works.	\$15,000.00
2	Wattle Road to Salmon Bark Road to Utley Road – fencing, gates and opening access	\$10,000.00
3	North side of Thomas Road – land acquisition of access of Lot 58 Thomas Road	\$20,000.00
4	Pony Place Reserve (Foxton Drive Trails) – Provision of Gate	\$3,000.00
5	Jarrahdale Heritage Society walking signs and indicator poles	\$2,000.00
		\$50,000.00

2. Council advise the Trails Working Group that:
  - 2.1 Priority 1 is not anticipated to reach the construction phase during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:
    - 2.1.1 The trail is wholly located within the municipality of the City of Armadale and there are land ownership, future management and financial issues that need to be resolved with the City of Armadale, Water Corporation, and other stakeholders prior to the undertaking of any works.
    - 2.1.2 Legal advice needs to be sought regarding the spending of funds outside of the Shire's municipal boundaries and the resultant future management and maintenance of the trail and associated infrastructure within the City of Armadale.
    - 2.1.3 Survey, design, and costing of the proposed trail needs to be undertaken to satisfy the City of Armadale and Water Corporation that the trail and associated structures meet their requirements.
    - 2.1.4 Survey, design and costing of the trail where it traverses Hopkinson Road needs to be undertaken to ensure that the trail is constructed to a safe standard fit for the future users of the trail.
  - 2.2 Priority 2 is not anticipated to reach the construction phase during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:
    - 2.2.1 Council has resolved to prepare a Management Plan for the unmade road reserve and drainage reserve between Wattle Road and Utley Road. The Management Plan is not expected to be completed by 30 June 2007 due to the need to compile and finalise the draft Management Plan; publicly advertise and review any submissions received; and then have the Management Plan endorsed by Council.



- 2.2.2 Survey, design, and costing of the trail and associated infrastructure needs to be prepared to ensure that the trail meets the requirements of the Water Corporation, other stakeholders and future users of the trail.
- 2.2.3 Negotiations with the Water Corporation and Department for Environment and Conservation need to occur to ensure that the proposed trail and other infrastructure meets their requirements for safety and protection of the natural environment and open drain.
- 2.2.4 The formulation of the Management Plan requires the engagement of specialist environmental and engineering assistance, hence the \$10,000 allocated towards the trail for 2006/2007 will be allocated towards the engagement of Consultants to finalise the Management Plan.
- 2.3 Priority 3 is not anticipated to reach construction during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being.
  - 2.3.1 Survey, design and costing of the trail at Lot 58 needs to be undertaken to ascertain whether the trail can be constructed within the Thomas Road reservation.
  - 2.3.2 If the trail is unable to be aligned within the Thomas Road reservation, the Shire will need to continue negotiations with the owner of Lot 58 with a view to acquiring a 13x10m portion of that lot.
  - 2.3.3 The survey, design, costing and negotiations with the owner of Lot 58 Thomas Road are unlikely to be finalised before 30 June 2007 due to current engineering priorities and staff resource limitations.
- 2.4 Priority 4 (Pony Place Reserve [Foxton Drive Trails] – Provision of Gate) and Priority 5 (Jarrahdale Heritage Society walking signs and indicator poles) are supported.
- 3. Council establish a Multiple Use Trail Development Reserve for the purpose of facilitating the future construction of multiple use trails within the Serpentine Jarrahdale Shire.
- 4. Council authorise the transfer of the funding allocated to Priority 1 (Trail from Tonkin Highway underpass to Hopkinson Road) and Priority 3 (Trail on northern side of Thomas Road), being \$15,000 and \$20,000 respectively, to the Multiple Use Trail Development Reserve and that such funds be utilised during 2007/2008 when all of the issues relating to the trails construction have been fully resolved; and amend the 2006/2007 statutory budget accordingly.
- 5. Council utilise the recommended Trails Working Group funding of \$10,000 for Priority 2 (Wattle Road to Salmon Bark Road to Utley Road – fencing, gates and opening access) towards the engagement of specialist environmental, engineering, and other Consultants to progress the Management Plan for the unmade road reserve and drainage reserve between Wattle Road and Utley Road.

### **AMENDMENT**

Moved Cr Brown Seconded Cr Kirkpatrick to add wording that “Priority 2 funding be included in the funds transferred to the Reserves Fund”:

After debate the Chairperson then put the amended motion which was  
LOST 2/5

The Chairperson then put the amended motion

### **Committee Recommended Resolution**

That:

- 1. Council receives and notes the trail construction priorities as recommended by the Trails Working Group for the 2006/2007 financial year, being:

Priority	Project Title	Estimated Cost
1	Trail from Tonkin Highway underpass to Hopkinson Road, City of Armadale – including culvert and clearing works.	\$15,000.00

2	Wattle Road to Salmon Bark Road to Utley Road – fencing, gates and opening access	\$10,000.00
3	North side of Thomas Road – land acquisition of access of Lot 58 Thomas Road	\$20,000.00
4	Pony Place Reserve (Foxton Drive Trails) – Provision of Gate	\$3,000.00
5	Jarrahdale Heritage Society walking signs and indicator poles	\$2,000.00
		\$50,000.00

2. Council advise the Trails Working Group that:

2.1 Priority 1 is not anticipated to reach the construction phase during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:

2.1.1 The trail is wholly located within the municipality of the City of Armadale and there are land ownership, future management and financial issues that need to be resolved with the City of Armadale, Water Corporation, and other stakeholders prior to the undertaking of any works.

2.1.2 Legal advice needs to be sought regarding the spending of funds outside of the Shire's municipal boundaries and the resultant future management and maintenance of the trail and associated infrastructure within the City of Armadale.

2.2.2 Survey, design, and costing of the proposed trail needs to be undertaken to satisfy the City of Armadale and Water Corporation that the trail and associated structures meet their requirements.

2.2.3 Survey, design and costing of the trail where it traverses Hopkinson Road needs to be undertaken to ensure that the trail is constructed to a safe standard fit for the future users of the trail.

2.2 Priority 2 is not anticipated to reach the construction phase during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:

2.2.1 Council has resolved to prepare a Management Plan for the unmade road reserve and drainage reserve between Wattle Road and Utley Road. The Management Plan is not expected to be completed by 30 June 2007 due to the need to compile and finalise the draft Management Plan; publicly advertise and review any submissions received; and then have the Management Plan endorsed by Council.

2.2.2 Survey, design, and costing of the trail and associated infrastructure needs to be prepared to ensure that the trail meets the requirements of the Water Corporation, other stakeholders and future users of the trail.

2.2.3 Negotiations with the Water Corporation and Department for Environment and Conservation need to occur to ensure that the proposed trail and other infrastructure meets their requirements for safety and protection of the natural environment and open drain.

2.2.4 The formulation of the Management Plan requires the engagement of specialist environmental and engineering assistance, hence the \$10,000 allocated towards the trail for 2006/2007 will be allocated towards the engagement of Consultants to finalise the Management Plan.

2.3 Priority 3 is not anticipated to reach construction during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:

2.3.1 Survey, design and costing of the trail at Lot 58 needs to be undertaken to ascertain whether the trail can be constructed within the Thomas Road reservation.

- 2.3.2 If the trail is unable to be aligned within the Thomas Road reservation, the Shire will need to continue negotiations with the owner of Lot 58 with a view to acquiring a 13x10m portion of that lot.
- 2.3.3 The survey, design, costing and negotiations with the owner of Lot 58 Thomas Road are unlikely to be finalised before 30 June 2007 due to current engineering priorities and staff resource limitations.
- 2.4 Priority 4 (Pony Place Reserve [Foxton Drive Trails] – Provision of Gate) and Priority 5 (Jarrahdale Heritage Society walking signs and indicator poles) are supported.
3. Council establish a Multiple Use Trail Development Reserve for the purpose of facilitating the future construction of multiple use trails within the Serpentine Jarrahdale Shire.
4. Council authorise the transfer of the funding allocated to Priority 1 (Trail from Tonkin Highway underpass to Hopkinson Road) Priority 2 (Wattle Road to Salmon Bark Road to Utlely Road – fencing, gates and opening access), and Priority 3 (Trail on northern side of Thomas Road), being \$15,000, \$10,000 and \$20,000 respectively, to the Multiple Use Trail Development Reserve and that such funds be utilised during 2007/2008 when all of the issues relating to the trails construction have been fully resolved; and amend the 2006/2007 statutory budget accordingly.

LOST 2/5

**CGAM094/03/07 Committee/Officer Recommended Resolution:**

That:

1. Council receives and notes the trail construction priorities as recommended by the Trails Working Group for the 2006/2007 financial year, being:

Priority	Project Title	Estimated Cost
1	Trail from Tonkin Highway underpass to Hopkinson Road, City of Armadale – including culvert and clearing works.	\$15,000.00
2	Wattle Road to Salmon Bark Road to Utlely Road – fencing, gates and opening access	\$10,000.00
3	North side of Thomas Road – land acquisition of access of Lot 58 Thomas Road	\$20,000.00
4	Pony Place Reserve (Foxton Drive Trails) – Provision of Gate	\$3,000.00
5	Jarrahdale Heritage Society walking signs and indicator poles	\$2,000.00
		\$50,000.00

2. Council advise the Trails Working Group that:
- 2.1 Priority 1 is not anticipated to reach the construction phase during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:
- 2.1.1 The trail is wholly located within the municipality of the City of Armadale and there are land ownership, future management and financial issues that need to be resolved with the City of Armadale, Water Corporation, and other stakeholders prior to the undertaking of any works.
- 2.1.2 Legal advice needs to be sought regarding the spending of funds outside of the Shire's municipal boundaries and the resultant future management and maintenance of the trail and associated infrastructure within the City of Armadale.
- 2.1.3 Survey, design, and costing of the proposed trail needs to be undertaken to satisfy the City of Armadale and Water Corporation that the trail and associated structures meet their requirements.

- 2.1.4 Survey, design and costing of the trail where it traverses Hopkinson Road needs to be undertaken to ensure that the trail is constructed to a safe standard fit for the future users of the trail.
- 2.2 Priority 2 is not anticipated to reach the construction phase during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:
  - 2.2.1 Council has resolved to prepare a Management Plan for the unmade road reserve and drainage reserve between Wattle Road and Utley Road. The Management Plan is not expected to be completed by 30 June 2007 due to the need to compile and finalise the draft Management Plan; publicly advertise and review any submissions received; and then have the Management Plan endorsed by Council.
  - 2.2.2 Survey, design, and costing of the trail and associated infrastructure needs to be prepared to ensure that the trail meets the requirements of the Water Corporation, other stakeholders and future users of the trail.
  - 2.2.3 Negotiations with the Water Corporation and Department for Environment and Conservation need to occur to ensure that the proposed trail and other infrastructure meets their requirements for safety and protection of the natural environment and open drain.
  - 2.2.4 The formulation of the Management Plan requires the engagement of specialist environmental and engineering assistance, hence the \$10,000 allocated towards the trail for 2006/2007 will be allocated towards the engagement of Consultants to finalise the Management Plan.
- 2.3 Priority 3 is not anticipated to reach construction during 2006/2007 as there are numerous actions that need to be progressed prior to implementation, these being:
  - 2.3.1 Survey, design and costing of the trail at Lot 58 needs to be undertaken to ascertain whether the trail can be constructed within the Thomas Road reservation.
  - 2.3.2 If the trail is unable to be aligned within the Thomas Road reservation, the Shire will need to continue negotiations with the owner of Lot 58 with a view to acquiring a 13x10m portion of that lot.
  - 2.3.3 The survey, design, costing and negotiations with the owner of Lot 58 Thomas Road are unlikely to be finalised before 30 June 2007 due to current engineering priorities and staff resource limitations.
- 2.4 Priority 4 (Pony Place Reserve [Foxton Drive Trails] – Provision of Gate) and Priority 5 (Jarrahdale Heritage Society walking signs and indicator poles) are supported.
3. Council establish a Multiple Use Trail Development Reserve for the purpose of facilitating the future construction of multiple use trails within the Serpentine Jarrahdale Shire.
4. Council authorise the transfer of the funding allocated to Priority 1 (Trail from Tonkin Highway underpass to Hopkinson Road) and Priority 3 (Trail on northern side of Thomas Road), being \$15,000 and \$20,000 respectively, to the Multiple Use Trail Development Reserve and that such funds be utilised during 2007/2008 when all of the issues relating to the trails construction have been fully resolved; and amend the 2006/2007 statutory budget accordingly.
5. Council utilise the recommended Trails Working Group funding of \$10,000 for Priority 2 (Wattle Road to Salmon Bark Road to Utley Road – fencing, gates and opening access) towards the engagement of specialist environmental, engineering, and other

Consultants to progress the Management Plan for the unmade road reserve and drainage reserve between Wattle Road and Utley Road.

Cr Geurds left the meeting at 8.07pm and returned at 8.08pm.

**CGAM094/03/07 COUNCIL DECISION**

Moved Cr Murphy seconded Cr Brown

1. Council receives and notes the trail construction priorities as recommended by the Trails Working Group for the 2006/2007 financial year, being:

Priority	Project Title	Estimated Cost
1	Trail from Tonkin Highway underpass to Hopkinson Road, including culvert and clearing of small tress if necessary.	\$15,000.00
2	North side of Thomas Road – construct trail from Masters Road to Wungong South Road immediately and the trail south of Gunninck’s property in due course	\$19,500.00
3	Wattle Road to Salmon Bark Road to Utley Road – fencing, gates and horse, pedestrian and cyclist access safety entries and emergency vehicle access gates	\$10,000.00
4	Jarrahdale Heritage Society walking trails, signage	\$2,500.00
5	Pony Place Reserve (Foxton Drive Trails) – Provision of Gate	\$3,000.00
		\$50,000.00

2. For the trail for the Tonkin underpass to Hopkinson Road, The Oakford Trail Management Association is to produce a letter of authorisation from the Water Corporation which holds the vesting for the land on which the trail is to be built, noting the Corporation authorises the construction of the trail on their land.

Council notes that correspondence has been received from the City of Armadale agreeing to the trail being built in that location and advising that the City of Armadale will not contribute to the cost.

3. Council approves that for the proposed trail between Wattle Road and Utley Road, the designated bridle trail between Salmon Bark Road and Utley Road be fenced with fences across the trail at Salmon Bark Road, Utley Road and both sides of the access road crossing the trail. These fences are to include standard emergency vehicle access gates and standard safety access mazes. The Oakford Trails Management Association supervise the construction of these fences.

4. Council approves that the trail on the north side of Thomas Road from the west side of Gunninck’s property to Wungong South Road be constructed as follows:

The section between Masters Road and Wungong South Road be constructed under the supervision of the Darling Downs Management Committee and the Oakford Trails Management Association Inc in conjunction immediately. There is no restriction on using the trail reservation and the road reservation in this area.

The section in front of Gunninck’s property be constructed under the supervision of community groups as soon as the question of access to the trail and road reserves that are presently fenced is resolved.

5. Council establish a multiple use Trail Development Reserve fund for the purpose of facilitating the future construction of multiple use trails within the Shire.

**6. Council authorises the transfer of the funding allocated in the 2006/2007 budget for trail construction (\$50,000) to the Reserve so that the funds can be utilised as and when required for construction.**

**CARRIED 6/4**

Cr Needham, Cr Star, Cr Harris and Cr Price voted against this motion.

The Chief Executive Officer advised Council of her concern regarding the implications of this decision and requested that her name be recorded in the minutes to reflect this advice.

**FORESHADOWED MOTION**

Cr Price foreshadowed that he will move a motion the same as the committee recommended resolution with two changes being - to increase the amount shown for the Jarrahdale Heritage Society to \$2,500 and decrease the amount shown for Thomas Road to \$19,500, if the motion under debate is defeated.

**Council Note:** A new motion was moved to facilitate the early and efficient construction of the trails.

CGAM096/03/07 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2006 (A1212)		
Proponent:	Department of Local Government and Regional Development	In Brief  To adopt the information to be provided in the 2006 Annual Compliance return to be forwarded to the Department of Local Government and Regional Development.
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	01/03/07	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
<b>Delegation</b>	<b>Council</b>	

**Background**

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

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

**Sustainability Statement** Not applicable.

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

Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be;

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

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

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

Nil

**Strategic Implications:**

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Community consultation not required.

**Comment:**

The Return this year focuses on;

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

***The completed Compliance Audit Return and the Consultants Report is provided for the Committee's perusal in the attachments marked CGAM096.1/03/07 (E07/1147) and CGAM096.2/03/07 (IN07/3095)***

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

The 2006 Return could only be accessed electronically from the Department of Local Government and Regional Development website and was completed online, with the officer's name recorded alongside each item.

Research for the completion of this Return included reviewing the minutes of all Ordinary meetings for 2006, reviewing the tender register, reviewing the annual report and annual financial statements, reviewing the adoption of the annual budget and related correspondence, reviewing the disclosure of interest register, reviewing senior employee personnel files and contracts, a review of the delegated authority register and a review of Council's general records.

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

1. Section A, Caravan Parks and Camping Grounds:

- (a) Item 1, section 21 (1) of the Caravan Parks and Camping Grounds Act requires a local government to inspect each caravan park or camping ground within its district to ensure compliance with the relevant Act and regulations.

The Consultant reported that no inspection program was conducted during the period under review. An inspection program has been developed and will be implemented during 2007 by Councils Principal Building Surveyor.

2. Section D – Delegation of Power/Duty

- (a) Item 5, Section 5.18 requires Council to review all delegations of power/duties to Committee's for the period under review.

The Consultant reported that he could not find any evidence that Council had reviewed the powers delegated to Councils two standing Committee's during the period under review.

- (b) Item 12, Section 5.46 (2) requires the delegator to review at least once during the year, all delegations made under Division 4, Part 5 of the Act.

The Consultant reported that delegations by Council to the CEO were not reviewed at least once during the 2005/2006 financial year, and that all delegations by the CEO to other Officers were not reviewed at least once during the 2005/2006 financial year.

3. Section E – Disclosure of Interest:

- (a) Item 4, Section 5.75 (1) of the Act requires all elected members to lodge primary returns within three months of their start day.

The Consultant has reported that one Councillor failed to lodge their primary return within the legislated time period. The return was lodged 10 days late.



- (b) Item 11, Section 5.83 (3) requires the CEO to remove all returns from the register when a person ceases to be a person required to lodge a return under section 5.75 or 5.76.

The Consultant has reported that one return for an employee, who had ceased being a person required to lodge a return, had not been removed at the time of audit, but was subsequently removed during his presence.

4. Section G – Finance:

- (a) Item 19 requires that the 2006/2007 annual budget be forwarded to the Department of Local Government and Regional Development within 30 days of its adoption.

The 2006/2007 annual budget was accepted on 28 August 2006 but was not submitted to the Department until 9 October 2006.

- (b) Item 24 requires the Council to submit their annual financial report to the Department of Local Government and Regional Development within 30 days of it being received from the Auditor.

The Consultant has reported that the annual financial report was received on 7 December 2006. A copy was not sent to the Department until 5 February 2007 when formal printed copies were available.

5. Section H – Employees:

- (a) Item 7 requires that all advertisements for the position of CEO and for designated senior employees address the requirements of Section 5.36(4), 5.37(3) of the Act and Administration Regulation 18A, indicating the duration of the proposed contract.

The Consultant has reported that the advertisement for the Executive Manager Strategic Community Planning position did not state the duration of the proposed contract.

- (b) Item 10 requires that the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee) be reviewed within the most recently completed 12 months of their term of employment.

The Consultant has reported that he could not find any evidence that the CEO's performance was reviewed during the period that this return covers.

- (c) Item 14 requires the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.

The Consultant has reported that clause 8 of the CEO's and all designated senior employee's contract does not comply with the requirements of Administration Regulation 18B, in that it does not stipulate the amount that will be paid on early termination of the contract by the employee.

- (d) Item 15 requires the contract for the CEO and all designated senior employees to detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.

The Consultant reported that clause 8 of the CEO's and all designated senior employee's contract does not comply with the requirements of Administration Regulation 18B, in that it does not stipulate the amount that will be paid on early termination of the contract by the employee.

6. Section K – Miscellaneous Provisions

- (a) Item 2 requires on all occasions that employees, who represented the local government in court proceedings, are appointed in writing by the CEO.

The Consultant has reported that he could not find any evidence that the CEO had appointed staff in writing to represent the Council at State Administrative Tribunal (SAT) hearings.

It is recommended that the CEO appoint future representatives to SAT hearings in writing.

7. Section M – Tenders for Providing Goods & Services

- (a) Item 9, Functions and General Regulation 14 (3) requires the local government to ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.

The Consultant has reported that he could not find any evidence that a statement was included with tender documentation/information that the Shire would or would not be submitting a tender. Admittedly all services put out to tender by Council were those that cannot be provided in house, therefore ruling out any capability of Council submitting a tender. To address this issue, Council Officers have included a statement in the general terms and conditions of tendering stipulating that Council will not be submitting a tender.

- (b) Item 23, Functions and General Regulation 17 (2) requires the local government's tender register to include particulars of the decision made to invite tenders and if applicable the decision to seek expression of interest under regulation 21 (1).

The Consultant has reported that there is inconsistent recording in the tender register of the fact that Council delegated authority to the CEO to call tenders for all works within the statutory budget.

Additional training of staff handling tenders is required to ensure they are aware of the recording requirements under the Functions and General Regulations for tenders, specifically in relation to the decision to call tenders.

**Voting Requirements:** Simple Majority

**CGAM096/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Brown**

- 1. That Council adopt the completed Local Government Compliance Audit Return for the period 1 January 2006 to 31 December 2006 and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required; and**
- 2. Council note the non-compliance matters and endorse the actions taken to rectify the listed non compliance issues.**

**CARRIED 10/0**

CGAM097/03/07 PURCHASE OF SAND FOR DARLING DOWNS RESERVE (A0038-01)	
Proponent:	Darling Downs Management Committee
Owner:	Shire of Serpentine Jarrahdale
Officer:	Darren Long Director Corporate Services
Signatures Author:	
Senior Officer:	
Date of Report	8 March 2007
Previously	
Disclosure of Interest	
<b>Delegation</b>	<b>Council</b>

In Brief  
Council is requested to consider the approval of the purchase of sand for the slow jog track at Darling Downs Reserve.

### **Background**

The Darling Downs Management Committee was originally formed as a result of a public meeting held by Council at the Byford Hall on 18 February 1987. The public meeting was called due to the developer not completing the development; instead the developer paid a contribution per lot to Council in lieu of the completing the development. Council called the public meeting, seeking input and direction from the local community on how the Darling Downs area should be further developed. It was agreed at the Public Meeting that a Committee should be formed to assist the Council with the development of the area. There is no indication at this point what roles and responsibilities the Committee would have.

The funds contributed by the Developer are held in a Reserve fund by Council and invested in accordance with Council's investment policy.

Darling Downs Management Committee has passed a resolution at an ordinary meeting in December 2006 authorising the purchase of sand for the slow jog track at the Darling Downs Reserve, and seek approval from Council to do the same and fund the purchase from the Darling Downs Developer Contribution Fund held by Council.

**Statutory Environment:** Local Government Act 1995, Section 6.8.

**Financial Implications:** The Darling Downs Developer Contribution Fund has a current balance of \$86,016 and is managed by the Council.

The Reserve is managed through Council's accounting system and is subject to Council's standard audit processes. Therefore any funds utilization must either be included within the statutory budget or authorized by absolute majority by Council as out of budget expenditure.

The proposed purchase of sand (\$2,464 Inc GST) is to be covered by a transfer from the Darling Downs Developer Contribution Reserve Fund. If the transfer from the Reserve is approved, there will be no net effect on Council's financial position.

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

- 4. Governance**
- Objective 3: Compliance to necessary legislation*
- Strategies:

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

**Comment:**

The Darling Downs Management Committee have written to Council seeking Council approval for the utilization of funds from the Darling Downs Developer Contribution Fund to purchase sand for the slow jog track at Darling Downs Reserve.

As the purchase and utilization of Reserve funds was not included within the statutory budget, Council is required to pass a resolution by absolute majority authorizing the expenditure to purchase the sand and to transfer funds from the Darling Downs Developer Contribution Reserve fund to cover the purchase.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**CGAM097/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown seconded Cr Scott  
That Council**

- 1. Approve the purchase of sand for the slow jog track at the Darling Downs Reserve, and declare the costs of \$2,240 (excluding GST) authorised expenditure;**
- 2. That Council authorise the transfer of \$2,240.00 from the Darling Downs Developer Contribution Capital Reserve Fund to cover the purchase of the sand, and amend the 2006/2007 statutory budget accordingly.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

Cr Wigg declared a financial interest in item CGAM098/03/07 SELF SUPPORTING LOAN – SERPENTINE GOLF CLUB as the patron of the golf club and left the meeting at 9.16pm.

<b>CGAM098/03/07      SELF SUPPORTING LOAN – SERPENTINE GOLF CLUB (RS0180/02)</b>		
<b>Proponent:</b>	Serpentine Golf Club	<b>In Brief</b>  Council is requested to consider granting approval for the raising of a self supporting loan for the Serpentine Golf Club to fund the development of a water bore on Reserve 19134.  To delegate to the Shire President and Chief Executive Officer to finalise the agreement for the self supporting loan between the Serpentine Golf Club and Shire of Serpentine-Jarrahdale towards the construction of a bore on Reserve 19134.
<b>Officer:</b>	Darren Long – Director Corporate Services	
<b>Signatures Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	8/03/07	
<b>Previously</b>	CGAM092/06/05	
<b>Disclosure of Interest</b>	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.	
<b>Delegation</b>	<b>Council</b>	

**Background**

The Serpentine Sports Reserve, (Reserve 19134), covers an area of 46.37ha, of which 39 hectares is irrigated turf. Approximately 9.5 hectares is the John Lyster Equestrian Ground, which is used by the Serpentine/Foothills Polocrosse Club; approximately 9.5 hectares is the

David Buttfeld Ground, which is used by the Serpentine Horse and Pony Club, and 20 hectares is leased by the Serpentine and Districts Golf Club.

The Serpentine District Golf Club installed a bore in January 2001 to facilitate the watering of the golf course. Correspondence from the Golf Club outlines that an initial agreement between Council and the Golf Club was for access to the bore on a 'back-up' basis for John Lyster and David Buttfeld turf ovals, should there be any problems encountered with the Pony/Polocrosse Club bore.

The John Lyster and David Buttfeld ovals were reticulated in 2005. It was found that the Pony/Polocrosse Clubs' bore did not have the capacity to water the John Lyster oval. Discussions were held between Council Officers and the Golf Club representatives for access to the Golf Club bore to assist with the watering of the John Lyster Oval. The Golf Club agreed to the proposal to share the water from their bore in the interim, until such time as the Council made application for a second ground water license allocation for a second bore.

The second bore did not eventuate and the Golf Club submitted a request to the Council in June 2005, to support a second bore to be installed on Reserve 19134, to draw from the Leederville Aquifer.

The following is an extract of the resolution from those minutes:

CGAM092/06/05 COUNCIL DECISION

*Moved Cr Price seconded Cr Star*

*Delegation is given to the Chief Executive Officer to sign an application to amend a 5C license to take Groundwater (Form B) from the Leederville Aquifer on license GWL 105634 for an additional 50,000 Kilolitres.*

*CARRIED 6/1 ABSOLUTE MAJORITY*

The application to increase the license allocation to take water from the Leederville Aquifer was approved by the Department of Environment and Conservation (DEC).

The Serpentine Golf Club is now in a position to proceed with the installation of the bore, but is concerned that their cash flow may not be available by the due date of the payment of the account.

The Club has written to Council seeking support for the raising of a self supporting loan for \$20,000 for four years, to assist with the installation of the bore.

**Statutory Environment:**

Section 6.20 of the Local Government Act 1995 makes provision for local governments to raise borrowings as a financing option.

Subsection (2) of Section 6.20 requires: *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (~power to borrow~) and details of that proposal have not been included in the annual budget for that financial year -*

*(a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*

*(b) the resolution to exercise that power is to be by absolute majority.*

**Policy/Work Procedure**

**Implications:**

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

**Financial Implications:**

No provision has been included in the 2006/2007 budget for this loan. However, the fact that it will be structured as a self supporting loan, with regular payments by the Golf Club, there will be no net effect on Council's position. In addition the loan will not affect Council's ability to borrow as self supporting loans are not included in the debt ratio calculation.

The Serpentine Golf Club have provided a copy of their financial statements to allow Council Officers to establish whether the Club has the ability to service the loan repayments. An inspection of the financial statements indicates that the Club is well placed to service the loan repayments over a four (4) year period.

**Strategic Implications:**

No Strategic Implications

**Community Consultation:**

Section 6.20 (2) of the Local Government Act requires Council to give one month's local public notice of the intent to borrow, if the loan has not been included in the annual budget. No other form of consultation is suggested as being necessary in relation to this matter.

**Comment:**

The Serpentine Golf Club has made a major investment in the local infrastructure at the golf course, particularly in the form of turf and reticulation. The bore will compliment the infrastructure already in place and will allow the dedicated use of a bore for the Golf Club's purposes.

The self supporting loan is an excellent mechanism to assist local sporting organizations achieve localized projects that improve the level of quality of sporting facilities within the Shire.

Protection for the Council from a debt recovery perspective is obviously of paramount importance and can be achieved through the implementation of a formal loan agreement between Council and the Golf Club. A similar agreement was previously held for the Golf Club in relation to a self supporting loan that was drawn down in 2001. This loan was paid out on 30 June 2006.

***A copy of the self supporting loan agreement is included with the attachments and marked CGAM098/03/07.***

This places an onus on the Golf Club to make repayments against the loan and provides avenues for recovery if the loan becomes in default.

It is recommended that Council:

1. Approve the raising of a self supporting loan for the Serpentine Golf Club, for the amount of \$20,000 for a term of four (4) years for the purposes of funding the installation of a new bore on Reserve 19134;
2. In accordance with Section 6.20 (2) of the Local Government Act 1995, Council give local public notice of its intent to raise a self supporting loan for \$20,000 for a four (4) year term for the purposes of funding the installation of a new bore on Reserve 19134; and

3. Grant delegated authority to the Shire President and Chief Executive Officer to finalise and sign the loan agreement with the Golf Club, including the repayment schedule applicable at the time of signing, on behalf of Council.

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM098/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick seconded Cr Price  
That Council:**

1. Approve the raising of a self supporting loan for the Serpentine Golf Club, for the amount of \$20,000 for a term of four (4) years for the purposes of funding the installation of a new bore on Reserve 19134;
2. In accordance with Section 6.20 (2) of the Local Government Act 1995, Council give local public notice of its intent to raise a self supporting loan for \$20,000 for a four (4) year term for the purposes of funding the installation of a new bore on Reserve 19134; and
3. Grant delegated authority to the Shire President and Chief Executive Officer to finalise and sign the loan agreement with the Golf Club, including the repayment schedule applicable at the time of signing, on behalf of Council.

**CARRIED 9/0 ABSOLUTE MAJORITY**

Cr Wigg did not vote and returned to the meeting at 9.16pm.

**8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

OCM033/03/07 BUDGET REVIEW – FEBRUARY 2007 (A0924/05)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief
Owner:		
Officer:	Darren Long – Director Corporate Services	To consider the budget review and approve recommended changes to the adopted 2006/2007 budget.
Signatures Author:		
Senior Officer:		
Date of Report	22/03/07	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

The budget review is undertaken to ascertain any significant variations from the budget estimates and to ensure tight fiscal control is maintained on the financial affairs of Council. The aim of the review is to identify any major expenditure and revenue departures from those set in the annual budget and, once identified, take corrective action.

The format of the report is to be set out providing the following information:

- 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 30 June for those highlighted significant variations and their effect on the end of year result,

### **Sustainability Statement**

This review provides an indication of current allocation of resources to provide services as adopted in the 2006/2007 budget. It ensures that allocations are undertaken in accordance with the adopted budget and proposes any changes required to maintain the most efficient use of the available resources.

### **Statutory Environment:**

Section 6.4 of the Local Government Act 1995 and Regulation 34(1)(b) of the Local Government (Financial Management) Regulations 1996 require that monthly financial reports be presented to Council in accordance with the relevant standards.

### **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 review contains all committed purchase orders that have been raised against the budget allocations as well as actual payments made to those allocations. This means that some accounts will have the projected expenditure requirements into the next couple of months included. This provides the most up to date projection.

This report indicates all significant variations that are considered to affect the end of year result and other budget changes as a result of a review of the budget requirements. Where a variation is not considered to significantly affect the end of year result or is anticipated to correct itself prior to the end of year no comment has been made.

### **General Purpose Funding**

**RAR601 Rates Discount Allowed:** This account has exceed the budget estimate by \$6500 as a result of more ratepayers claiming the rate discount. It is recommended that this account be increased to \$91,500.

**RAR122 Interim Rates:** This account is predicted to exceed its budget revenue allocation by \$10,000 due to continuing subdivision activity. It is recommended that this account be increased to \$120,000.

**RAR515 Printing and Stationery:** Trends indicate that savings will be made on stationery for the rating section. It is recommended that this account be decreased by \$4,000 to \$8,000.



**RAR137 Instalment Interest:** Additional revenue from Instalment interest charges. It is recommended that this account be increased by \$4,000 to \$21,500.

**RAR138 Administration Fees:** Additional Revenue from administration charges on rate instalment options. It is recommended that this account be increased by \$2,750 to \$22,750.

**RAR265 Property Search Fee:** Trends indicate that additional revenue will be raised from search fees charged. It is recommended that this account be increased by \$9,200 to \$31,000.

**GFI630 Interest on Investments:** This account is predicted to exceed the budget revenue estimate by \$27,000 due to Councils managed investment portfolio. It is recommended that this account be increased to \$147,000.

**GFI264 Reimbursements:** Additional revenue has been collected from other reimbursements made to Council. It is recommended that this account be increased from \$200 to \$15,200.

**GFI265 Reimbursements:** This account is predicted not to reach the budget revenue target due to lower than estimated reimbursements. It is recommended that this account be decreased to \$22,000.

#### Members of Council

**MOC611 Election Expenses:** As a result of amendments to the Local Government Act and the change in election date to October 2007, Council will not be holding an election this financial year. This will result in a savings of \$25,000 that will not be expended by 30 June 2007. It is recommended that this account be decreased to \$10,000.

**MOC628 Utilities:** Trends indicate that utilities costs will exceed the budget estimate by \$3,000 by 30 June 2006. It is recommended that this account be increased to \$9,000.

**MOC104: SJ Grammar School Lease:** The Council resolution to reduce the license fee for the Oval in August 2006 will result in this account not reaching its revenue budget allocation by \$10,750. It is recommended that this account be decreased to \$9,250.

#### Governance

**CEO501 Accrued Leave:** Council has been required to fund its liability portion of a previous staff member who left the local government industry, which was unexpected and unbudgeted for. It is recommended that Council increase this account to \$17,136 and authorise the transfer of a corresponding amount from Councils Leave Reserve.

**SCP508 Training:** Due to new staff engagements in Strategic Community Planning, it is predicted that additional training will be required. It is recommended that this account be increased by \$5,000, to \$18,000.

**DAS508 Training:** Due to new staff engagements in Asset Services, it is predicted that additional training will be required. It is recommended that this account be increased by \$2,000, to \$22,000.

**ITS535 Equip Repairs & Support:** Additional support was required for the server upgrade due to technical problems. It is recommended that this account be increased by \$15,000 to \$75,000.

**ITS536 Equip Leasing:** Savings are projected to be made on leasing costs as a result of early return of computer equipment on lease. It is recommended that this account be decreased by \$10,000 to \$31,000.

**CDO500 Salaries:** Additional funds requested to fund a casual Community Development Administration Support to assist with the coordination of the Community Facilities and Services Plan. It is recommended that this account be increased by \$6,700 to \$143,870 and be funded from a transfer from account STP500.

**CDO529 Youth:** Due to grant agreement requirements to account for the Youth Grant separately, it is recommended that this account be reduced by \$6,000 to \$12,620 and the \$6000 be transferred to account CDO607.

**CDO571 Community Forums:** Less community forums will be held this year due to the extensive consultation program engaged as part of the Community Facilities and Services Plan. It is recommended that this account be reduced by \$1,500 to \$500.

**CDO572 Community Planning and Engagement:** Crime Prevention Plan will not be completed this year due to other higher priority projects. It is recommended that this account be decreased by \$11,100 to \$99,500 and that provision for the Crime Prevention Plan be made in the 2007/2008 budget.

**OGC505 Staff Employment Expenses:** This account has already exceeded the budget allocation by \$5,000 as at 28 February due to additional recruitment costs associated with position vacancies. It is recommended that this account be increased by \$20,000 to \$40,000.

#### Fire Prevention

**ESD636 Construct Fire Breaks:** It is anticipated that an additional \$6,000 will be required to construct and maintain appropriate firebreaks on Council land. It is recommended that this account be increased by \$6,000 to \$26,000.

**ESD637 Firebreak Inspections:** Each year Council allocates funding for the inspection of fire breaks by an independent person. Provisions were made within the budget for follow up of outstanding offences and fines but have now been exhausted. It is anticipated that to follow up on these outstanding fines will cost an additional \$4800. It is recommended that this account be increased by \$4,800 to \$40,800.

#### Dog Control

**RAN530 Legal Expenses:** It is estimated that additional costs will be required to undertake prosecution of Dog Act offences. It is recommended that this account be increased by \$2,000 to \$9,500.

#### Health

**HIA210 Fines and Penalties:** Current trends for this account indicate a decrease in revenue. It is recommended that this account be reduced by \$2,500 to \$0.

**HIA230 Septic Tank Fees:** Trends indicate an increase in revenue from application fees. It is recommended that this account be increased by \$1,300 to \$11,000.

**HIA231 Septic Tank Fees (Non GST):** Trends indicate an increase in revenue from application fees. It is recommended that this account be increased by \$1,300 to \$11,000.

#### Sanitation

**WAS147 GST Refuse Charges:** Current trends indicate that this account will exceed the budget provision due to additional service charges. It is recommended that this account be increased by \$20,000 to \$20,000.

### Environment

**ENV502 Consultants:** Additional consultant fees expended due to the difficulty in attracting a replacement Environmental Coordinator and also consultants engaged to review landscape plans within subdivision. It is recommended that this account be increased by \$50,000 to \$51,500 and be covered by a transfer from account STP500.

**ENV550 Vehicle Expenses:** No provision was made for any costs in this area. It is recommended that this account be increased by \$4,000 to \$4,000 to cover the vehicle costs associated with the Environmental Coordinator position.

**ENV697 Environmental Planning Monitoring:** Additional consultant fees expended due to difficulty in attracting environmental officer. It is recommended that this account be increased by \$6,000 to \$10,500 and covered by a transfer from account STP500.

### Regulatory Town Planning

**TPL502 Planning Consultancy:** It is anticipated that extra funds will be spent on consultants to assist with subdivision approvals. It is recommended that this account be increased by \$20,000 to \$30,000.

**TPL712 Heritage Listings:** The review of the Heritage Inventory will not be completed this financial year, which will result in savings of \$2,500. It is recommended that this account be decreased by \$2,500 to \$2,500.

**TPL530 Legal Expenses:** Trends indicate that additional funds will be required to defend appeals in the State Administrative Tribunal. It is recommended that this account be increased by \$46,000 to \$100,000.

**TPL178 Development Application Fee:** Trends indicate that additional fees will be raised due to the increase in development applications. It is recommended that this account be increased by \$20,000 to \$140,000.

**TPL179 Developer Cont (Admin):** Contributions collected to pay for administration costs associated with administering the TPS and local structure plans. It is recommended that this account be increased by \$8,100 to \$8,100.

### Strategic Town Planning

**STP500 Salaries:** Savings anticipated due to difficulty in recruiting strategic planning positions. It is recommended that this account be decreased by \$62,700 to \$56,780.

### Cemeteries

**CEM185 Jarrahdale Cemetery Fees:** Trends indicate a reduction in fees charged. It is recommended that this account be decreased by \$4,000 to \$5,000.

### Recreation

**OSR102 SJ Rec Centre Reimbursements:** Additional reimbursements not budgeted for in relation to electricity costs for the Centre. It is recommended that this account be increased by \$18,900 to \$18,900.

**GDN730 Reserves Maintenance:** Savings are projected in this account. It is recommended that this account be decreased by \$10,000 to \$198,800.

Transport

**R2R096 Butcher Street:** Director of Engineering has advised that this road project requires an additional \$25,000 for contractors to install an edge beam. It is recommended that this account be increased by \$25,000 to \$200,000.

**R2R095 Livesey Street:** Additional materials required to complete project. It is recommended that this account be increased by \$40,000 to \$169,162.

**AUS041 Walker Road:** Additional materials required to complete project. It is recommended that this account be increased by \$41,000 to \$201,000.

Building Services

**BUI502 Contractor Services:** Due to large increase in building applications, additional contract services will be required to process building applications. It is recommended that this account be increased by \$7,300 to \$25,000.

**BUI356 Building Permits:** Additional revenue predicted to be received due to large increase in building applications processed and license fees collected. It is recommended that this account be increased by \$40,000 to \$300,000.

Economic Services

**EIF100 Extractive Industry Fees:** A review of fees levied to date indicates that fewer extractive industry fees will be levied this financial year. It is recommended that this account be reduced by \$3,000 to \$25,000.

Other Property and Services

**EPC505 Tyres and Tubes:** Trends indicate that the Tyres and Tubes budget for plant and equipment will be under the budget provision. It is recommended that this account be decreased by \$4,000 to \$8,000.

**JHP550 Vehicle Operating Expenses:** Savings are anticipated due to no JHP Project Officer. It is recommended that this account be decreased by \$7,900 to \$100.

**JHP628 Loan Interest:** Savings are anticipated due to the loan not being drawn down this financial year. It is recommended that this account be decreased by \$50,000 to \$0.

**JHP110 Rental Income:** Lower than anticipated rental charges due to vacancies in cottages. It is recommended that this account be decreased by \$7,200 to \$16,695.

A summary of the recommended changes appears in the table below:

ACCOUNT DETAIL	ORIGINAL BUDGET	RECOMMENDED BUDGET AMENDMENT	BALANCE
RAR601 Rates Discount Allowed	85,000	91,500	(6,500)
RAR122 Interim Rates	110,000	120,000	3,500
RAR515 Printing & Stationery	12,500	8,000	8,000
RAR137 Instalment Interest	17,500	21,500	12,000
RAR138 Administration Fees	20,000	22,750	14,750
RAR265 Property Search Fee	22,000	31,200	23,950
GFI630 Interest on Investments			50,950

	120,000	147,000	
GFI264 Reimbursements	200	15,200	65,950
GFI265 Reimbursements	50,000	22,000	37,950
MOC611 Election Expenses	35,000	10,000	62,950
MOC628 Utilities	6,000	9,000	59,950
MOC104 SJ Grammar School Lease	20,000	9,250	49,200
SCP508 Training	13,000	18,000	44,200
DAS508 Training	20,000	22,000	42,200
ITS535 Equip Repairs & Support	60,000	75,000	27,200
ITS536 Equip Leasing	41,000	31,000	37,200
CDO500 Salaries	137,170	143,870	30,500
CDO529 Youth	18,620	12,620	36,500
CDO571 Community Forums	2,000	1,500	37,000
CDO572 Community Planning	110,600	99,500	48,100
CDO607 Youth Grant	-	6,000	42,100
OGC505 Staff Employment Expenses	20,000	40,000	22,100
ESD636 Construct Fire Breaks	20,000	26,000	16,100
ESD637 Fire Break Inspections	36,000	40,800	11,300
RAN530 Legal Expenses	7,500	9,500	9,300
HIA210 Fines & Penalties	2,500	-	6,800
HIA230 Septic Tank Fees	9,700	11,000	8,100
HIA231 Septic Tank Fees	9,700	11,000	9,400
WAS147 GST Refuse Charges	-	20,000	29,400
ENV502 Consultants	1,500	51,500	(20,600)
ENV550 Vehicle Operating Expenses	-	4,000	(24,600)
ENV697 Environmental Planning	4,500	10,500	(30,600)
TPL502 Planning Consultancy	10,000	30,000	(50,600)
TPL712 Heritage Listings	5,000	2,500	(48,100)
TPL530 Legal Expenses	54,000	100,000	(94,100)
TPL178 Development App Fee	120,000	140,000	(74,100)
TPL179 Developer Cont Admin	-	8,100	(66,000)
STP500 Salaries	119,480	56,780	(3,300)
CEM185 Jarrahdale Cemetery Fees	9,000	5,000	(7,300)
OSR102 Rec Centre Reimbursements	-	18,900	11,600
GDN730 Reserves Maint	208,800	198,800	21,600
R2R096 Butcher Street	175,000	200,000	(3,400)

R2R095 Livesey Street	129,162	169,162	(43,400)
AUS041 Walker Road	160,000	201,000	(84,400)
BUI502 Contractor Services	17,700	25,000	(91,700)
BUI356 Building Permits	260,000	300,000	(51,700)
EIF100 Extractive Industry Fees	28,000	25,000	(54,700)
EPC505 Tyres and Tubes	12,000	8,000	(50,700)
JHP550 Vehicle Operating Expenses	8,000	100	(42,800)
JHP628 Loan Interest	50,000	-	7,200
JHP110 Rental Income	23,895	16,695	0
			<u>0</u>

**Voting Requirements: ABSOLUTE MAJORITY**

**OCM033/03/07 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Brown**

**That Council receives the budget review for 2006/2007, adopts the following budget adjustments to the 2006/2007 statutory budget and declares all out of budget items listed in the table below as authorised expenditure:-**

<b>ACCOUNT DETAIL</b>	<b>ORIGINAL BUDGET</b>	<b>RECOMMENDED BUDGET AMENDMENT</b>	<b>BALANCE</b>
RAR601 Rates Discount Allowed	85,000	91,500	(6,500)
RAR122 Interim Rates	110,000	120,000	3,500
RAR515 Printing & Stationery	12,500	8,000	8,000
RAR137 Instalment Interest	17,500	21,500	12,000
RAR138 Administration Fees	20,000	22,750	14,750
RAR265 Property Search Fee	22,000	31,200	23,950
GFI630 Interest on Investments	120,000	147,000	50,950
GFI264 Reimbursements	200	15,200	65,950
GFI265 Reimbursements	50,000	22,000	37,950
MOC611 Election Expenses	35,000	10,000	62,950
MOC628 Utilities	6,000	9,000	59,950
MOC104 SJ Grammar School Lease	20,000	9,250	49,200
SCP508 Training	13,000	18,000	44,200
DAS508 Training	20,000	22,000	42,200
ITS535 Equip Repairs & Support	60,000	75,000	27,200
ITS536 Equip Leasing	41,000	31,000	37,200
CDO500 Salaries	137,170	143,870	30,500
CDO529 Youth			36,500

	18,620	12,620	
CDO571 Community Forums			
	2,000	1,500	37,000
CDO572 Community Planning			
	110,600	99,500	48,100
CDO607 Youth Grant			
	-	6,000	42,100
OGC505 Staff Employment Expenses			
	20,000	40,000	22,100
ESD636 Construct Fire Breaks			
	20,000	26,000	16,100
ESD637 Fire Break Inspections			
	36,000	40,800	11,300
RAN530 Legal Expenses			
	7,500	9,500	9,300
HIA210 Fines & Penalties			
	2,500	-	6,800
HIA230 Septic Tank Fees			
	9,700	11,000	8,100
HIA231 Septic Tank Fees			
	9,700	11,000	9,400
WAS147 GST Refuse Charges			
	-	20,000	29,400
ENV502 Consultants			
	1,500	51,500	(20,600)
ENV550 Vehicle Operating Expenses			
	-	4,000	(24,600)
ENV697 Environmental Planning			
	4,500	10,500	(30,600)
TPL502 Planning Consultancy			
	10,000	30,000	(50,600)
TPL712 Heritage Listings			
	5,000	2,500	(48,100)
TPL530 Legal Expenses			
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	120,000	140,000	(74,100)
TPL179 Developer Cont Admin			
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	119,480	56,780	(3,300)
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	9,000	5,000	(7,300)
OSR102 Rec Centre Reimbursements			
	-	18,900	11,600
GDN730 Reserves Maint			
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R2R096 Butcher Street			
	175,000	200,000	(3,400)
R2R095 Livesey Street			
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AUS041 Walker Road			
	160,000	201,000	(84,400)
BUI502 Contractor Services			
	17,700	25,000	(91,700)
BUI356 Building Permits			
	260,000	300,000	(51,700)
EIF100 Extractive Industry Fees			
	28,000	25,000	(54,700)
EPC505 Tyres and Tubes			
	12,000	8,000	(50,700)
JHP550 Vehicle Operating Expenses			
	8,000	100	(42,800)
JHP628 Loan Interest			
	50,000	-	7,200
JHP110 Rental Income			
	23,895	16,695	0
			0

**CARRIED 10/0 ABSOLUTE MAJORITY**

**OCM034a/03/07 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Kirkpatrick seconded Cr Price**

**Under Section 5.23(2)(e)(iii) of the Local Government Act , the meeting be closed to members of the public to discuss item OCM034/03/07 Notification of Required Works to Mundijong Saleyards and Request to Review Rent as the matter is of a confidential nature relating to a business venture.**

**CARRIED 10/0**

The Presiding Member closed the meeting at 9.26pm and members of the gallery left the Chambers.

Cr Star declared a financial interest in item OCM034/03/07 CONFIDENTIAL ITEM: NOTIFICATION OF REQUIRED WORKS TO MUNDIJONG SALEYARDS & REQUEST TO REVIEW RENT as she deals with the proponent and she left the meeting at 9.26pm.

The Executive Manager Strategic Community Planning left the meeting at 9.26pm and returned at 9.27pm.

OCM034/03/07	<b>CONFIDENTIAL ITEM: NOTIFICATION OF REQUIRED WORKS TO MUNDIJONG SALEYARDS &amp; REQUEST TO REVIEW RENT (P00091/02)</b>	
Proponent 1:	Department of Consumer and Employment Protection	In Brief  Council is requested to consider: 1. The course of action to attend to the Improvement Notifications from Department of Consumer and Employment Protection requiring works to Mundijong Sale Yards; and 2. The request from Statewide Livestock Services for a reduction in rent for the Mundijong Sale Yards in exchange for completing the works required under the Improvement Notifications.
Proponent 2:	Statewide Livestock	
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	20/03/07	
Previously	CRC055, CRC084,	
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.	
	<b>Council</b>	

**Voting Requirements:** Simple Majority

**OCM034b/03/07 Officer Recommended Resolution:**

**That Council:**

1. **Decline Mr Waddell's offer to reduce the monthly rental for the Mundijong Sale Yards to \$200 (Plus GST) per Calendar month;**
2. **Advise Mr Waddell should he wish to continue to operate the Sale Yards the applicable monthly rental will be \$700 (plus GST) per calendar month and that he will be required to undertake the improvements works and ensure compliance with the orders issued by WorkSafe;**
3. **Close down the Mundijong Sale Yards and remove any structures necessary to comply with the WorkSafe Improvement Notifications, should Mr Waddell decline Council's offer in (2) above.**

Cr Brown left the meeting at 9.32pm and returned at 9.34pm.



**OCM034b/03/07 COUNCIL DECISION**

**Moved Cr Price seconded Cr Kirkpatrick**

**That Council, subject to receipt of back rent from 1 July, 2006:**

1. **Accept Mr Waddell’s offer to reduce the monthly rental for the Mundijong Sale Yards to \$200 (Plus GST) per Calendar month in exchange for Mr Waddell agreeing to undertake the necessary repairs to the Sale Yards to meet the requirements of the Improvement Notifications from DoCEP;**
2. **Advise Mr Waddell that (1) above is subject to him completing the necessary works prior to 30 April 2007;**
3. **Should Mr Waddell fail to complete the necessary repairs before 30 April 2007, then Council will consider proceeding with the option to close down the Mundijong Sale Yards and remove any structures necessary to comply with the WorkSafe Improvement Notifications.**
4. **That Council review the monthly rental for the Sale Yards in twelve (12) months time.**

**CARRIED 6/3**

**Council Note:** There was an understanding by Council that the continued use of the sale yards is valued by the community.

**FORESHADOWED MOTION**

Cr Murphy foreshadowed that he would move the officer recommended resolution should the motion under debate be defeated.

Cr Star did not vote and returned to the meeting at 9.50pm.

The Presiding Member opened the meeting to members of the public at 9.50pm.

**9. CHIEF EXECUTIVE OFFICER’S REPORT**

<b>OCM035/03/07</b>		<b>INFORMATION REPORT</b>	
<b>Proponent</b>	Chief Executive Officer	<b>In Brief</b>  Information Report for the month of March, 2007.	
<b>Officer</b>	S Langmair – PA to the Chief Executive Officer		
<b>Signatures - Author:</b>			
<b>Senior Officer:</b>			
<b>Date of Report</b>	22 March, 2007		
<b>Previously</b>			
<b>Disclosure of Interest</b>			
<b>Delegation</b>	<b>Council</b>		

**OCM035.1/03/07 COMMON SEAL REGISTER REPORT –FEBRUARY, 2007(A1128)**

***The Common Seal Register Report for the month of February, 2007 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked CM035.1/03/07 (E02/5614)***

**OCM035.2/03/07 POLICY FORUM – MARCH, 2007 (A0429/05)**

The following items were discussed at the March, 2007 Policy Forum:

<b>ITEMS FOR PRELIMINARY DISCUSSION</b>	
1.	Cat Control
2.	Draft Council Policy On Response By Council Officer Regarding Abandoned, Neglected, Injured And Straying Animals.
3.	Notification Of Required Works To Mundijong Sale Yards & Request To Review Rent
4.	Request To Waive Outstanding Accounts and Consider Paying Building Insurance - Serpentine Reserve 16634
5.	Jarrahdale Heritage Park Funding of Future Works and Business Plan

**OCM035.3/03/07 USE OF DELEGATION REPORT (A0039-02)**

The Chief Executive Officer exercised the following delegations during the month of January, 2007:

CS-9 Internal & External Funding Applications Seeking Council Endorsement

Letter of Support – Jarrahdale Heritage Society – Application for Administration Grant (OC07/905)

**OCM035.4/03/07 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MEETING – APRIL, 2007 (A1164)**

*The Western Australian Local Government Association (WALGA) State Council Agenda and appendices for the meeting to be held on 13<sup>th</sup> April, 2007 is with the electronic attachments marked OCM035.4a/03/07, OCM035.4b/03/07, OCM035.4c/03/07 (IN07/3632, IN07/3633, IN07/3635).*

**OCM035/03/07 Officers Recommended Resolution**

The Information Report to 22 March, 2007 is received.

**OCM035/03/07 COUNCIL DECISION**

**Moved Cr Star seconded Cr Price**

1. The Information Report to 22 March, 2007 is received.
2. That the Western Australian Local Government Association (WALGA) South East Metropolitan Zone request WALGA to survey Councils on the operation on the State Administrative Tribunal, and endeavour to establish its effectiveness and whether as promised it actually has assisted in reducing costs, especially with reference to Planning appeals.

**CARRIED 10/0**

**Council Note:** The Officer Recommended Resolution was changed by adding a part 2 – Motion to be passed onto WALGA State Council relating to the State Administrative Tribunal.

**10. URGENT BUSINESS:**

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

**12. CLOSURE:**

There being no further business the Presiding Member closed the meeting at 9.52pm.

I certify that these minutes were confirmed at the ordinary council meeting held on 23<sup>rd</sup> April, 2007

.....  
Presiding Member

.....  
Date

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD084/03/07 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	6 March 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD084/03/07 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the February 2007 Building Information Report.  
CARRIED 7/0**

SD085/03/07 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 March 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD085/03/07 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the February 2007 Health Information Report.  
CARRIED 7/0**

SD086/03/07 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief  Information report
Owner:	Not applicable	
Officer:	Carole McKee - Community Development Coordinator	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD086/03/07 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the February 2007 Community Development Information Report.  
CARRIED 7/0**

SD095/03/07 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief  Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	1 March 2007	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

**SD095/03/07 COMMITTEE DECISION/Officer Recommended Resolution**

**The Planning Information Report to 12 March 2007 be received.  
CARRIED 7/0**

CGAM090/03/07 <b>OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 6 GOSSAGE ROAD, OLDBURY AND LOT 2 KARGOTICH ROAD, MUNDIJONG (A0512-03)</b>		
Proponent:	Dawson Contracting	In Brief  An application has been made by Dawson Contracting for Council consent to use long vehicle (pocket road trains) to cart timber product to Lot 6 Gossage Road, Oldbury and to Lot 2 Kargotich Road, Mundijong. Conditional approval is recommended.
Owner:	Not applicable	
Officer:	Donna Colum Engineering Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	23 February 2007	
Previously	CGAM084/01/06 – 17 January 2006	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM090/03/07 COMMITTEE DECISION/Officer Recommended Resolution:**

That:

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

Consent being granted subject to the following conditions:

2.
  - (a) Vehicle speeds on Kargotich Road to not exceed 90 km/hr.
  - (b) Vehicle speeds on Gossage Road to not exceed 60 km/hr
  - (c) Vehicles are to operate during daylight hours only between Monday and Saturday
  - (d) Vehicles are not to operate during school bus travel times.
  - (e) Any application for extension to the permit(s) being referred to Council.
  - (f) Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.
  - (g) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closures as prescribed in Section 3.50 of the Local Government Act 1995;
  - (h) The Shire being advised by Dawson Contracting of any bitumen seal failures in the vicinity of the driveway access to Lot 6 Gossage Road Oldbury and Lot 2 Kargotich Road Mundijong within twenty four (24) hours of damage occurring and that such damage be rectified by and at the expense of Dawson Contracting and/or its haulage Contractor(s).

- (i) Council reserves the right to revoke its support if any of the above conditions are not adhered to, or road conditions and user safety is compromised.
3. Main Roads Western Australian be advised in writing of the Council's decision in relation to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5 metres in length) by Dawson Contracting, to deliver goods and services to Lot 6 Gossage Road Oldbury and Lot 2 Kargotich Road Mundijong.
- CARRIED 7/0**

CGAM091/03/07 OVER MASS VEHICLE APPLICATION TO SERVICE LOT 3 LARSEN ROAD (A0512-03)		In Brief  An application has been made by Mammoth Nominees Pty Ltd for Council consent to use over mass vehicles to cart to a proposed development site at Lot 3 Larsen Road Byford.
Proponent:	Mammoth Nominees	
Owner:	Not applicable	
Officer:	Donna Colum Engineering Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	28 February 2007	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM091/03/07 COMMITTEE DECISION/Officer Recommended Resolution**

That:

1. Council does not endorse the application by Mammoth Nominees Pty Ltd to increase the tri-axle group loading for each semi-trailer combination from 20 tonnes to 23.5 tonnes and to utilise Briggs Road and Larsen Road for heavy haulage operations, which are located in an urban environment.
2. Council endorses the use of As of Right vehicles (with legal axle loadings) by Mammoth Nominees Pty Ltd with the following conditions applying:
  - (a) Heavy haulage operations to be confined to Anketell Road, Thomas Road, Briggs Road and Larsen Road only.
  - (b) No access is permitted in Larsen Road between the South Western Highway and Evans Way as this is a built up residential area comprising the Marri Grove Primary School and a pre-school.
  - (c) No access is permitted in Briggs Road between Abernethy Road and Larsen Road or Thatcher Road.
  - (d) Vehicle speeds on Briggs Road and Larsen Road to be limited to 50 km/hr and as sign posted on Anketell Road and Thomas Road.
3. Main Roads Western Australia be advised in writing of the Council's decision in relation to the use of over mass vehicles by Mammoth Nominees on Anketell Road, Thomas Road, Briggs Road and Larsen Road.

**Advice Notes:**

- (a) No heavy haulage operations should occur during normal school bus pickup and set down times to minimise the risk to school children during this period.
- (b) A Traffic Management Plan is to be prepared for the location where heavy haulage operations will be directed in Byford and that such a plan be submitted to the Shire for approval at least two (2) weeks prior to the commencement of operations. The plan will be required to demonstrate that only the roads identified in 2(a), (b) and (c) will be utilised.
- (c) Appropriate warning signage for traffic being installed in accordance with AS1742.3-2002 as prescribed by any other relevant Australian Standard and approved Traffic Management Plan.
- (d) Haulage operations being limited to 12 hours daily between the hours of 6.00 am and 6.00 pm Monday to Friday, as noted in the application. No cartage is permissible on Saturdays, Sundays or Public Holidays.
- (e) All owner/operators shall adhere to the Motor Vehicle Act and Regulations and any road closure prescribed in Section 3.50 of the Local Government Act 1995.
- (f) The Shire being advised by Mammoth Nominees Pty Ltd of any bitumen seal failures at the site of the haulage operations in Byford within twenty four (24) hours of damage occurring and that such damage be rectified by and at the expense of Mammoth Nominees Pty Ltd.
- (g) Copies of relevant permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.

**CARRIED 5/2**

<b>CGAM095/03/07 ADOPTION OF PERCENTAGE FOR REPORTING MATERIAL VARIANCES</b>		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is to set a percentage for reporting material variances, in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996. This report recommends that an equal or greater than variance of 10% be identified for each programs total expenditure or revenue in the statement of financial activity.
Owner:	Not Applicable	
Officer:	Manager of Finance C Mihovilovich	
Signatures Author:		
Senior Officer:		
Date of Report	7 March 2007	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM095/03/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**That:**

1. The material variance of 10% or greater is adopted by Council, in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.
2. The 10% or greater material variance applies to total revenue and expenditure of each program in the statement of financial activity, forming part of the monthly financial report.

**CARRIED 7/0**



CGAM099/03/07		MONTHLY FINANCIAL REPORT – JANUARY 2007	(A0000/07)
Proponent:	Local Government Act 1995	In Brief  To receive the Monthly Financial Report as at 31 January 2007.	
Owner:			
Officer:	Casey Mihovilovich - Manager Finance Services		
Signatures Author:			
Senior Officer:			
Date of Report	5 March 2007		
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	<b>Committee in accordance with resolution SM051/05/04</b>		

**CGAM099/03/07 COMMITTEE DECISION/Officer Recommended Resolution:**

That Council receives the Monthly Financial Report, as at 31 January 2007, in accordance with Section 6.4 of the Local Government Act 1995.  
**CARRIED 7/0**

CGAM100/03/07		MONTHLY FINANCIAL REPORT – FEBRUARY 2007	(A0000/06)
Proponent:	Local Government Act 1995	In Brief  To receive the Monthly Financial Report as at 28 February 2007	
Owner:			
Officer:	Casey Mihovilovich - Manager Finance Services		
Signatures Author:			
Senior Officer:			
Date of Report			
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	<b>Committee in accordance with resolution SM051/05/04</b>		

**CGAM100/03/07 COMMITTEE DECISION/Officer Recommended Resolution:**

That Council receives the Monthly Financial Report, as at 28 February 2007, in accordance with Section 6.4 of the Local Government Act 1995.  
**CARRIED 7/0**

<b>CGAM101/003/07 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To confirm the creditor payments made during February 2006
Owner:	N/A	
Officer:	Tracy Mladenovic – Assistant Accountant	
Signatures Author:		
Senior Officer:		
Date of Report	8 March 2007	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM101/02/07 COMMITTEE DECISION/Officer Recommended Resolution:**

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of February 2007, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.  
**CARRIED 7/0**

<b>CGAM102/03/07 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To receive the sundry debtor balances as at 28 February 2007.
Owner:	Not Applicable	
Officer:	Melissa Armitage – A/Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	5 March 2007	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM102/03/07 COMMITTEE DECISION/Officer Recommended Resolution:**

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 28 February 2007.  
**CARRIED 7/0**

CGAM103/03/07		RATE DEBTORS REPORT (A0917)	
Proponent:	Director Corporate Services	In Brief  To receive the rates report as at 28 February 2007.	
Owner:	Not Applicable		
Officer:	T Mladenovic – Assistant Accountant		
Signatures Author:			
Senior Officer:			
Date of Report	6 March 2007		
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	<b>Committee in accordance with resolution SM051/06/04</b>		

**CGAM103/03/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**That Council receive and note the report on the Rate Debtors accounts as at 28 February 2007.  
CARRIED 7/0**

CGAM104/03/07		INFORMATION REPORT	
Proponent:	Director Corporate Services	In Brief  To receive the information report to 28 February 2007.	
Owner:	Not Applicable		
Officer:	Various		
Signatures Author:			
Senior Officer:			
Date of Report	6 March 2007		
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	<b>Committee in accordance with resolution SM051/06/04</b>		

**CGAM104/01/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**The information report to 16 March 2007 to be received.  
CARRIED 7/0**