

TABLE OF CONTENTS

1.	ATTENDANCE & APOLOGIES:	3
2.	PUBLIC QUESTION TIME:	3
2.1	Response To Previous Public Questions Taken On Notice	6
3.	PUBLIC STATEMENT TIME:	6
4.	PETITIONS & DEPUTATIONS:	9
5.	PRESIDENT’S REPORT:	9
6.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	9
7.	RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETING:	10
OCM041/05/08 11	SERPENTINE JARRAHDAL E YOUTH ACTIVITY GROUP (A0164-02)	
CGAM090/05/08	RELOCATION OF ST PAULS CHURCH, JARRAHDAL E (P03019)....	17
SD096/05/08 MADEIRA TURN, BYFORD (P07103/02)	PROPOSED PATIO (WITH REDUCED SIDE SETBACK) - LOT 581	19
SD092/05/08	COMMUNITY FUNDING PROGRAM 2008 / 2009 (A1173/08).....	23
SD093/05/08	OAKFORD RURAL VILLAGE – SUPPORT IN PRINCIPLE (A1526) ...	28
SD094/05/08 (P07637/01)	PROPOSED DWELLING – LOT 371 WUNDI WAY, BYFORD	34
SD097/05/08	BULK EARTHWORKS AND IMPORTATION OF FILL – LOT 3 ALEXANDER ROAD, BYFORD (P04679/02)	38
SD099/05/08	PROPOSED OVERSIZED SHED WITH REDUCED SETBACK - LOT 66 ALICE ROAD, CARDUP (P05747/05)	49
SD101/05/08	PLANNING INFORMATION REPORT	53
CGAM078/05/08	TENDER NUMBER 003-2008 - PROVISION OF THE SUPPLY OF MECHANICAL SERVICES (A1514)	57
CGAM079/05/08 60	ROAD CONSTRUCTION - TURNER STREET, SERPENTINE (R0330)	
CGAM080/05/08	APPOINTMENT OF COUNCILLORS TO THE PROPOSED RIVERS REGIONAL COUNCIL (A0283)	64
CGAM081/05/08	TENDER FOR SUPPLY LEGAL SERVICES RFT001/2008 (A1505) ..	66
CGAM082/05/08	BORROWINGS POLICY (A1048)	68

CGAM083/05/08	SALE OF STAFF STREET COTTAGES (P06272, P06275, P06276 & P06277)	69
CGAM084/05/08	PERMIT VEHICLE USE ON DIRK ROAD, KEYSBROOK (R0061)	72
CGAM089/05/08	PROPOSED CHANGE IN VESTING OF BRADY STREET PARK RESERVE (FORREST GREEN) 30735 (RS0071)	75
CGAM092/05/08	FOOTPATH ON ATKINS STREET, JARRAHDAL (R0100)	78
8.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	80
OCM039/05/08	PROPOSED INCREASE IN WASTE MANAGEMENT CHARGES (A1512)	80
OCM040/05/08	DELEGATED AUTHORITY TO DIRECTOR ENGINEERING FOR DETERMINATION OF CONSTRUCTION COMPLETION STAGE SUITABLE FOR BONDING OF OUTSTANDING WORKS (A1047)	86
9.	CHIEF EXECUTIVE OFFICER'S REPORT	90
OCM042/05/08	INFORMATION REPORT	90
10.	URGENT BUSINESS:	91
11.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	91
12.	CLOSURE:	91
13.	INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:	92
SD090/05/08	BUILDING INFORMATION REPORT	92
SD091/05/08	HEALTH INFORMATION REPORT	92
SD098/05/08	LOT 107 DOWNS COURT, SERPENTINE (PROPOSED SHED OUTSIDE BUILDING ENVELOPE) (P02194/01)	93
SD095/05/08	PROPOSED OUTBUILDING – LOT 145 CORAL VINE LOOP, JARRAHDAL (P07013/01)	93
SD100/05/08	LOCAL PLANNING POLICIES (A1048/03)	94
CGAM085/05/08	MONTHLY FINANCIAL REPORT – APRIL 2008 (A0924/07)	94
CGAM086/05/08	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	95
CGAM087/05/08	SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)	95
CGAM088/05/08	RATE DEBTORS REPORT (A0917)	96
CGAM091/05/08	INFORMATION REPORT	96

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

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

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

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mr M Botte Acting Director Engineering
Mrs S van Aswegen Director Strategic Community Planning
Mrs A Nolan Manager Executive Services (from 7.22pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: Cr S Twine (Leave of Absence)

GALLERY: 11

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 7.03pm.

Pam Coughlin (133 Doley Road, Byford)

My question is in reference to the letter Council received from Mr Jeremy Dawkins, Chairman of the WA Planning Commission, who supports my plea for the multi use corridor on my property to be moved to the natural water course.

The Department to Water have also supported this in the draft Byford Townsite Drainage and Water Management Plan to be finalised mid 2008.

I recently met with Mr Stephen Goode (Acting CEO of SJ Shire) who encouraged me to ask for Council's support to have the Byford District Structure Plan altered to coincide with the DWMP as he also agreed with their decision.

Response from Director Development Services (DDS)

Background

The Byford Structure Plan (BSP 2005) was adopted by Council in 2005. The BSP was also endorsed by the Western Australian Planning Commission (WAPC).

This plan provided for a major multiple use corridor (MUC) running from Brickwood Reserve (Turner Road/Warrington Road) generally in a westerly direction. The MUC crosses over

numerous private properties along Lawrence Way and Doley Road and through to the Hopkinson Road. The MUC crosses over Lot 130 Doley Road.

An existing drain runs from Warrington Road across Lawrence Way and Doley Road and westwards to Hopkinson Road. The MUC in the BSP 2005 is not located on the alignment of this drain, but is located to the south of this drain.

Review of the BSP 2005

This plan was reviewed by Council in 2006. Council resolved in February 2007, to make a number of minor changes to this plan. No changes were made regarding the location of the MUC, however, a new planning precinct was identified for the Warrington/Doley Road area.

The WAPC considered these changes in November 2007 and supported a notation being included on the plan stating the need for the preparation of a Local Structure Plan (LSP) for the Warrington Road/Doley Road area. A notation was also placed on the plan stating that the location of drainage is indicative only and will be refined at the LSP stage.

Advice from WAPC

The Chairman of the WAPC has written to Council regarding the relationship between the alignment of the MUC in the Doley Road precinct and the location of the existing drainage lines. The WAPC has requested that Council consider realigning the MUC in this area to reflect the existing drainage line.

Comment

The Department of Water (DoW) has recently released the draft Byford Townsite Drainage and Water Management Plan (DWMP). The DoW is currently considering submissions on the report and will finalise the report by the end of 2008. The draft DWMP proposed the retention of the existing drainage line.

The location of the MUC was chosen at the time based on a number of design principles including urban form, recreational opportunities and movement networks. A review will need to consider issues such as whether the MUC needs to strictly follow the existing drainage alignment or whether it can be constructed in a new location. The review will also need to consider the location of existing houses. Moving the MUC from one property to another property, may cause problems for those owners if they have a house on their land. A review of the location of the MUC should not be seen as shifting the problem from one landowner to another landowner.

The alignment of the MUC in this area has been a matter of concern to some landowners over a number of years. In response to these concerns and the recent advice received from the WAPC and the DoW, it is now considered timely to formally review the alignment of the MUC in this area.

The Department for Planning and Infrastructure has agreed to utilise some of the funds allocated to the Shire under the Local Government Assistance Program, to review the BSP 2007. The review of the MUC would be completed by the end of 2008.

Mrs Coughlin - When will review of MUC take place?

DDS - Council has not made any decision on this. The MUC is still in place as per the BSP. A review of the BSP should look at this issue and make a decision whether the MUC should be relocated or not. An engineering / planning consultant will be engaged to look at the issue and will commence soon. It will take approximately six months to complete the review. The project has been given very high priority.

CGAM092/05/08 - David Richer (9 Harris Place, Jarrahdale, representing Jarrahdale Community Association)

When will this issue be resolved as the footpath in Atkins Street and the road are a mess? Pedestrians are forced onto the road and it is also dangerous for children as they have to carry their bikes over the kerbing.

The Chief Executive Officer advised that this matter is on the agenda for determination tonight.

CGAM090/05/08 - Jan Star (230 Jarrahdale Road, Jarrahdale)

I am aware there has been delays with relocating the Church which is deteriorating rapidly.

Whilst still awaiting the development of a Master Plan for the Heritage Park, most of the planning elements have been completed. A landscape plan is required to remove and locate elements including ablution facilities.

The Church cannot wait for the Park. The Shire needs to liaise with the National Trust regarding relocation of the Church.

Is Council aware of the significant destruction that has occurred by Council to historical artefacts in Jarrahdale? This would be more significant to the National Trust than relocation of the Church.

The Chief Executive Officer advised that she was unaware of this destruction and invited Ms Star to provide details.

Athol Wigg – 36 Old Brickworks Road, Byford

Does Council have a policy on response by Council officers to letters or emails and also to phone calls?

The Chief Executive Officer advised that Council does have a policy to respond to written communication within five working days. This is not necessarily to provide an answer but to advise that the correspondence has been received and advise of an officer to contact. Council has undertaken to return phone calls by the next working day.

The Chief Executive Officer advised that she is aware of some instances where this has not occurred and has an officer following through with a response via email on 27 May for the specific correspondence raised by Mr Wigg.

CGAM090/05/08 - Ven. David Bradbury (Anglican Diocese of Perth)

Q1. If the recommendation from the officers of the Shire is accepted, and with the CEO being 'disappointed' at the 'unfortunate' delays so far as stated in the Officer Comment, what guarantee do we have that the original agreement will be carried out?

A1. The Chief Executive Officer advised that she has a clear indication of Council's position. Should the Officer Recommended Resolution be carried this position would be put forward in a workshop with the National Trust to resolve a final site plan for the Jarrahdale Heritage Park.

Q2. If the Shire would prefer, the Parish is more than willing to reimburse the funds originally paid to the Perth Anglican Diocese – and release the Shire from its obligations. Would this be a preferable outcome?

A2. The Chief Executive Officer advised that Council has always been keen to relocate the Church so that it could realise the asset of the land on which the Church stands and the question of that changing has not been before Council, so is unaware of Council's position on this.

Cr Price commented that it is also appropriate that Council should point out that if the land is sold it is likely to be a funding source for the removal of the Church.

The Chief Executive Officer advised that it has always been a given that funds for the relocation of the Church would be from the proceeds of disposal of the land.

2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 7.15pm.

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.15pm.

Athol Wigg – 36 Old Brickworks Road, Byford

There is dismay from members of the Serpentine Community Forum regarding the delay in Council addressing their written correspondence that was sent at the end of March.

This most certainly falls outside of the five day response time. An acknowledgement letter has also not been received.

Council should have the courtesy to make a formal response via an acknowledgment letter. Residents feel Council is not addressing their issues which results in a lack of confidence in Council.

The Chief Executive Officer acknowledged this fact and shares Mr Wigg's concerns. It is noted this matter is worthy of further attention and an upcoming workshop to try to address these issues is proposed.

Council receives thousands of pieces of correspondence each year. This is not an excuse however in each process there is an acceptance of a number of failures. Council does deal well with 99% of the correspondence received however it is the 1% that is not dealt with well that is perceived by the community as inadequate.

CGAM090/05/08 – Ric Sambell (24 Brady Road, Jarrahdale, representing Jarrahdale Heritage Society)

The Jarrahdale Heritage Society offers their support to this proposal. The relocation of the Church is not insignificant and eventually will be the start of an historic precinct in the Jarrahdale Heritage Park as over years this will grow with older buildings being relocated to the Park.

The Shire President asked if the Church is in a delapidated state and can it be relocated without falling apart?

Mr Sambell advised that the Church was restumped six to seven years ago and it is mainly surface damage.

The Shire President asked when does the Church need to be moved ?

Mr Sambell advised the Church needs to be moved as soon as possible as the Jarrahdale Heritage Society have people available to carry out immediate maintenance. The Society would also be interested in discussion of the proposed relocation of the Masonic Lodge back to Jarrahdale and the Society is willing to assist in any way possible to be involved in a feasibility study of this proposal.

Manager Executive Services entered the meeting at 7.22pm.

OCM041/05/08 – Graham Sampson (336 Lowlands Road, Mardella, representing Serpentine Jarrahdale Youth Activity Group)

I would like to make a statement concerning SJYAG Inc. and use of Council workshop. I believe Councillors have been given letters to explain the background.

Right from the outset in 1998, our relationship has been based on co-operation and sharing of the Council mechanical workshop and other facilities. Our whole organisation is based on co-operation and sharing.

Anyone who visits the workshops on a Saturday when we are operating and takes the time to look beyond the grubby yard and old buildings will notice something special is going on down there.

For 10 years the volunteers have been pouring a lot of energy, a lot of love, into helping young people of our Shire find their way in life. It's not just nuts & bolts or dollars & cents - there is a lot of caring going on. The courses we run are important for imparting skills and developing positive relationships between instructors and students.

We do carpentry, sewing and cooking, but a big part of our activity is based in the mechanical workshop. Over half of the apprenticeships gained by our students over the years have been in the metal trades. Equally, more than half our instructors, including safety and first aid officers, are involved in that section, and to keep them we need a workshop.

When we began in 1998 Council had stopped employing full-time mechanics so the workshop was often empty on a Saturday. Lately vehicles and machinery are being worked on during the week and are left in the workshop over the weekend, reducing the work area. We understand the reasons for this and try to work around it.

Now that the Shire has gone back to a permanent mechanic who needs exclusive use of the workshop and other areas, we have been asked to relocate. The timing for our Group could not have been worse, for as you may be aware, we are seeking a new President.

It is difficult enough to get someone when it is plain sailing, but now the few possible candidates have ducked for cover! In order to keep the Group going until someone is willing to take over the position, I have agreed to continue as President and help work through this current crisis.

We have been offered space for a new workshop in the two end bays of the old shed but a lot of work needs to be done to get it operational. For practical reasons the new workshop area should be completed and ready for occupancy when access to the Council workshop is denied.

The original offer of 13th May was not acceptable to the Youth Group Committee for various reasons and a List of Requirements and covering letter was sent back to the Manager of Design and Assets on 21st May. Councillors should have a copy of these.

For the Youth Activity Group to remain viable we need continual access to a secure mechanical workshop, toilets, wash trough and drink fountain, and in the spirit of co-operation for the highest good of the community I request that Council resolve this matter as quickly as possible.

CGAM089/05/08 - Kim Peterson (21 Forest Avenue, Jarrahdale)

Hello my name is Kim Peterson, I am here this evening to talk to you about the Reserve on Forest Avenue in Jarrahdale and to urge you to fully support the taking over of the vesting from DEC to the Serpentine Jarrahdale Shire Council. I speak on behalf of all the little people, local residents and the JCA.

I am a primary school teacher and mother of 5 who recently moved to Jarrahdale from Rockingham after 15 years to provide my kids with more freedom and a better life. My husband and I purchased a timber mill cottage opposite a large grassy reserve on Forest Avenue.

This reserve is truly magnificent with a large canopy of shady trees providing a haven for kookaburras, kangaroos and kids galore to play in. In this reserve as of February this year there was a horizontal timber climbing beam, a metal climbing A frame and a large slide. Over the Summer the wooden beach was removed from the park and one of the local residents who cleaned the CALM offices relayed a rumour that new equipment was to replace it. Well as you can imagine the kids went wild with excitement and so did their parents. Weeks passed and nothing happened so I decided to find out for myself what the situation was. I finally spoke to Jamie Ridley from DEC and he informed me that the playground was over 35 years old and that due to its neglected state he was going to remove it all for fear of public liability. He then said he had a change of heart and decided to keep the A frame and the slide but there was no promises that they would be kept in the long term. He has recently decided that the A frame will go due to its rusted base leaving the kids with one slide. Carole McKee has managed to delay its removal for 6 months. To report this news back to the kids and their families was tough. I spoke to Jamie about the urgent need for repairs to the current equipment. The trapeze made of a heavy metal chain and an iron bar were hanging by one bolt. The kids swing on it and how a child had not been knocked out by now is a pure miracle. The ladder had been unsecured for over 2 years and to this day still is. It is dangerous to climb as it is unsteady. I have witnessed small children being knocked over by it when swung or falling off it. Since the time all this started a small 5 year old girl fell off the slide and broke her arm because it was simply too big for her and beyond her ability to use it correctly. There is no soft fall when the kids land either hence the broken arm. In addition to these problems there is a huge issue with the streets being surrounded by so many small children under 5 years not being able to use what is there because it is beyond their capability. Instead they sit in the dirty sand and dig with sticks and play in the leaves. Their hands and clothes are filthy by the time they get home.

Jamie Ridley suggested to me that he would fully support a change in the vesting of the park if the Shire would take it on. That this was the only way new playground equipment could be installed. I decided that in order for the Shire to sit up and listen I would have to put forward a pretty convincing argument so I undertook a survey of the immediate 30 residents surrounding the park to find out their opinions. I collected the findings and presented it to the Jarrahdale Community Association first to get their endorsement. I then arranged a meeting with the Shire on the 5th of March with Markus Botte and another Officer from the Council. Also present were councillors John Kirkpatrick and Sheila Twine. Since that meeting I have managed to get DEC to replace the old park bench with a new \$1500.00 heavy duty one. Unfortunately that is all they are prepared to do.

At present the reserve has one picnic table. This is totally inadequate for the many families who utilise the park. We need to provide a comfortable place for people to sit, eat and socialise outdoors. With additional facilities in the park the local residents will be more inspired to come out of their homes and enjoy the natural beauty and tranquility of the reserve. As the reserve is signed off the main road if Jarrahdale tourists need to find the perfect picnic spot in town while they are exploring will be addressed.

Carole McKee suggested that Sheila Twine could work with me to get some grants going towards improving the facilities. I have completed two grant applications and am currently working on a third grant to Lotteries West to get some new playground equipment.

Benefits of changing the vesting are in short

With more facilities in the park people will be more likely to use it. The park also encourages other healthy activities like exercising, walking the dog, playing ball..which is linked to mental and physical well being. Children using the park are less likely to sit in front of computers and tv screens after school. People will socialise with each other more. In the Summer months mothers and their children meet daily at the reserve so their children can play together and they can catch up. Lets give these kids a playground that meets their needs and abilities. One that is motivating for them to use, that provides them with a little piece of joy every day of their growing lives. I see no reason why they should miss out on the opportunities given to children in bigger, wealthier Shires. They should not be disadvantaged because they live in a small rural town.

One resident who frequents the reserve grew up in Jarrahdale and used the park in question as a child. She is now taking her children to the same playground which has not changed or been maintained in 35 years. The time has come to put a playground that will benefit not just the children of today but the children of tomorrow.

Finally I see this as a wonderful opportunity for the Shire, DEC and the JCA to make a real difference in the lives of so many people. Taking on the vesting is a wonderful public relations opportunity for all concerned. The reserve has the potential to provide visiting tourists with an experience that they would otherwise not have and for the local residents a little piece of heaven in their own backyard.

The Shire President advised that this item is on the agenda for discussion.

Public Statement Time concluded at 7.33pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Shire President advised that the Serpentine Jarrahdale Youth Advisory Committee were a Category Winner in the 2007 Local Government Awards. She congratulated Robyn Brown and the Advisory Group for their excellent work.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Randall declared an interest of impartiality in item SD092/05/08 as she is a member of one of the community groups mentioned in this report and advised that this interest will not affect the way she votes on this matter.

Cr Brown declared an interest of impartiality in item CGAM090/05/08 as she is a member of the Parish of Serpentine Jarrahdale and advised that this interest will not affect the way she votes on this matter.

Cr Brown declared an interest in common in item OCM040/05/08 as she has a deposit on a vacant block in this area and advised that this interest will not affect the way she votes on this matter.

Cr Kirkpatrick declared an interest of proximity in item CGAM092/05/08. Cr Kirkpatrick sought legal advice regarding this interest and was advised that the financial issue is not applicable as to prove this interest it would have to be proven that Cr Kirkpatrick was to gain financially. Cr Kirkpatrick advised that he would leave the Chamber during discussion of this item.

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

COUNCIL DECISION

7.1 Ordinary Council Meeting – 28 April 2008

Moved Cr Price, seconded Cr Kirkpatrick

That the minutes of the Ordinary Council Meeting held on 28 April 2008 be confirmed.

CARRIED 9/0

COUNCIL DECISION

7.2 Special Council Meeting – 6 May 2008

Moved Cr Price, seconded Cr Kirkpatrick

That the minutes of the Special Council Meeting held on 6 May 2008 be confirmed.

LOST 0/9

Moved Cr Kirkpatrick, seconded Cr Price

That adoption of the Special Council Meeting minutes held on 6 May 2008 be deferred as some Councillors had not received a copy of the minutes.

CARRIED 9/0

COUNCIL DECISION

Moved Cr Murphy, seconded Cr Price that items OCM041/05/08 and CGAM090/05/08 be discussed out of order whilst members of the gallery are present to hear the items. CARRIED 7/0

OCM041/05/08		SERPENTINE JARRAHDAL YOUTH ACTIVITY GROUP (A0164-02)
Proponent:	Serpentine Jarrahdale Shire	In Brief To consider options for the rationalisation and co-habitation of the Shire's depot workshop to facilitate continued use of the facility by the Serpentine Jarrahdale Youth Activity Group.
Owner:	Not applicable	
Officer:	Doug Elkins - Manager Design and Assets	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	22 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Serpentine Jarrahdale Youth Activity Group (SJYAG) commenced in 1998 in response to statistics indicating that a number of young people in the Serpentine Jarrahdale area were in trouble with the law. The group commenced their volunteer service after being granted permission to use the Shire's mechanical workshop on weekends, when the Shire was not using the facility.

Since commencement in 1998, the group has been allowed to expand their use of the Shire's depot area through the provision of a woodwork workshop for exclusive use, the provision of land for storage, the use of some shire tools, such as grinders and a drill press, the provision of land for the construction of a building and the installation of a sea-container. The group also takes advantage of a number of sheds located within the confines of the depot.

In addition to the use of land, tools and assets provided by the Shire, the SJYAG has completed upgrade works and has sourced separate funding themselves. Notably, the SJYAG provided the materials and labour to secure the woodwork area and installed a concrete floor, and the group funded the construction of a small building through a grant. Furthermore, the group undertakes projects that assist the Shire and undertakes projects that provide value to the community.

Attachment OCM041.1/05/08 (IN08/6184) provides a background of the SJYAG and a list of youth services provided.

In the past, the joint use of the Shire's facilities has been harmonious and with the willingness of the SJYAG to undertake Shire projects, the accommodation of the SJYAG has provided a number of operational benefits. With the growing mechanical repair needs of the Shire, combined with the growing needs of the SJYAG, there has been recognition by both parties that there is a need to formalise the workshop areas and to separate the working areas of the two parties. The significant reason for reviewing the situation is the safety of

both Shire staff and contractors and the members and participants in the SJYAG's activities. In addition there are issues of security and convenience for the Shire and the SJYAG.

As an employer, the Council is responsible for ensuring a safe work environment and a safe workplace for staff, contractors and visitors to the workplace. As such, facilities provided by the Council as a workplace have to be safe for staff and contractors as well as any visitors or volunteer uses of the workplace facilities. The mechanical workshop area and depot area contain many hazards, which could place the safety of youth and volunteers at risk. These include the location of partially dismantled heavy plant in the workshop, heavy plant supported on jacks and an open mechanic's pit. Furthermore, the activities of the group have the potential to create hazards for staff and contractors, particularly when working in a workspace constrained for the purpose of repairing heavy plant.

Safety issues are also presented by the general tidiness and housekeeping of the depot. This issue is derived from the activities of all users of the depot, including the SJYAG and presents opportunities for hazard creation that are hard to control. That is, if Shire staff or contractors leave the depot or workshops in an untidy state, the SJYAG is presented with a hazard that they have to manage. The opposite is also true, where the group can create a hazard to shire staff through a lack of general housekeeping and tidiness issues. A particular area of concern is the storage of construction materials by both staff and the SJYAG and the storage of rubbish by the staff. All of these problems create a statutory liability for the Council, being the employer and the provider of the workplace.

The consequence of not effectively managing occupational safety and health issues related to staff, contractors, volunteers and visitors vary. In the case of serious injuries, there is potential for prosecution of the organization, as well as individuals, with penalties ranging from \$5,000 for individuals in the case of level 1 offences, up to \$635,000 for an organisation in the case of a level 4 offence. In addition, where a Worksafe or Shire safety officer considers the situation to be unsafe, there is potential for a provisional improvement notice to be issued. This could create a difficulty for the Shire and the SJYAG, as failure to comply with such a notice is an offence.

The Shire and the SJYAG have agreed that the joint use of workspaces provide a convenience problem for all. With their own space, the SJYAG are able to more effectively use their short time, by allowing partially completed projects to be 'left' in the workspace, reducing set-up and pack-up time for the group. The Shire benefits the same way where machinery is partially repaired, or other projects are partially completed at the end of a working day or working week. The benefit to the Shire of reduced set-up and pack-up times is an increased value for their budget, with less expenditure for non-productive activities.

The finally acknowledged benefit of formalising and separating the workspace of the SJYAG and the Shire's staff and contractors, is security. In the current situation, each party has access to equipment and tools owned by the other. Although this has generally been a manageable practice, with increasing plant maintenance requirements, specialized tools and oils, of considerable value, are now being stored in the Shire's workshops. This creates a risk in not only un-supervised access to tools, but the potential for insurance to deny claims if any of the parties fails to properly secure or alarm the buildings at the end of the day.

To further complicate the co-habitation of the Shire's facilities, the Union Collective Agreement includes provisions for increased weekend work. In accordance with the provisions in the agreement, it is likely that 18 or more Saturdays and Sundays will be worked by Shire staff each financial year. As such, it is likely that the work of Shire staff and contractors will be undertaken in the same place and at the same time as the SJYAG. This creates increased safety risks and creates the undesirable situation of Shire staff and contractors working alongside the youth.

In view of the acknowledged issues for the Shire and the SJYAG, a meeting was held between Shire officers and the President of the SJYAG, and another representative of the SJYAG. The parties discussed their joint needs and continued cooperation and considered

alternatives to manage the risks and inconvenience of the current situation. The major outcome of the meeting was agreement on the separation of the workshop facilities and the provision of a separate depot area as the best way forward.

The outcomes of these discussions were confirmed in writing by the Shire in a letter to the SJYAG included at attachment OCM041.2/05/08 (OC08/3797)

The need to separate the facilities was agreed in writing by the SJYAG in a letter dated 21 May 2008.

A copy of the SJYAG's letter dated 21 May 2008 confirming agreement to the need to separate the working areas, and detailing their specification, is with the attachments marked OCM041.3/05/08 (IN08/6184)

The on-site meeting between the Shire and representatives of the SJYAG resulted in an agreement to move towards separating the working areas of the parties. Subsequent to this meeting, the membership of the SJYAG considered the agreement and resolved to request the Shire to cover the full cost of any re-organisation, relocation or improvement works. The SJYAG also presented the Shire with a solution to the problem of access to toilets.

Subsequent to the response by the SJYAG, the Shire estimated the cost of the requested works and on the basis of value for money has determined another potential solution. This resulted in four options as follows:

Option 1:

Do nothing

Option 2:

Share the costs of separating the workspaces, with the SJYAG providing in-kind labour or sourcing materials through the community. This could be in accordance with the originally agreed plan (with the exception that toilet access would be provided via an outside door to the north workshop).

Option 3

The Council include in the 2008/09 financial year budget the cost of upgrading the south workshops in accordance with the specification of the SJYAG.

Option 4

The Council include in the 2008/09 financial year budget the cost of building a new workshop on the South depot land parcel and provide exclusive use of the existing north workshop to the SJYAG.

Sustainability Statement

Energy Use / Greenhouse Gas Emissions: Effective co-habitation of a facility prevents the creation of greenhouse gases required to construct a new facility.

Resource Implications: The use of facilities by multiple groups reduces the need to locate and develop land and reduces the use of construction materials.

Economic Viability: Effective resolution of the co-habitation issues will result in improved efficiency of Shire plant maintenance, resulting in lower road construction and maintenance costs and lower asset management costs.

Economic Benefits: The ongoing survival of the SJYAG will ensure vocational support for local youth is maintained. A number of youth using the SJYAG programs have attained apprenticeships in similar trades.

Programs of the SJYAG include the provision of community assets, including the recently completed diamond crossing.

Social and Environmental Responsibility: The on-going survival of the SJYAG provides opportunities for community participation in programs for youth.

Statutory Environment: The Shire is required to comply with the requirements of the *Occupational Safety and Health Act 1984*; in particular, the requirements of sections 21 and 22.

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

Financial Implications: Options 2 through 4 require a financial contribution by Council. Option 1 carries financial and legal risk.

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:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Representatives of the SJYAG have met with Shire staff to discuss their requirements and to consider options to accommodate the needs of all parties.

Comment:

The SJYAG provide opportunities for the Shire's youth to expand their vocational experience and community participation and undertake projects to assist the Shire's operations team and projects for the benefit of the greater community. In view of the value of the SJYAG to the Shire and community, and the high standard of their past relationship with the Shire, their continued support by the Council is considered a priority. In order to support the SJYAG, consideration of the four options is required.

The option 1 proposal, where the status quo is maintained, creates a risk to the ongoing use of the current facility by the SJYAG and maintains current and increasing statutory and liability risks for the Shire. On this basis, it is recommended that action, in the form of a financial commitment, be taken by the Council to ensure the ability to continue to provide a 'home' for the SJYAG. Options 2 through 4 each have financial implications, but result in the medium to long term resolution of the current problems.

Option 2 was developed on the basis of an on-site meeting between representatives of the SJYAG and Shire officers. The essence of this option was a cooperative approach to resolving the problem, with a small financial contribution by the Council and an in-kind contribution by the SJYAG, in the form of labour and some materials. Subsequent to this meeting, a solution to the problem of access to the toilet was suggested by the SJYAG, which results in a low-cost solution.

The basis of option 2 was to achieve a solution that would enable the required outcome to be achieved with a minimal budgetary impact. In fact, it was envisaged that the cost of the solution would be accommodated within existing budgets, rather than request additional funds in the budget. In order for this approach to be feasible, however, the timeframe for achieving the solution would need to be in the order of 6 to 12 months, allowing the time for the group to source additional materials, to schedule the labour component, and to allow for the accommodation of the project within normal budget allocations.

Although this solution was negotiated between Shire officers and representatives from the SJYAG, option 2 was not supported by the whole group. The group has responded with a confirmation of agreement for the need to complete the works, except, with a desire for the Shire to fully fund and complete the project. The group's rationale for their position is that they "do not feel up to the task of fitting out yet another workshop".

Should the Council agree to fully fund the required works 2 options, option 3 and option 4, are considered the alternatives.

Option 3 is the completion of all the agreed works, in accordance with the on-site agreement and the SJYAG's subsequent letter, except that the Council budgets to fully fund the works. The cost of completing these works, on the basis of Council fully funding the works, is estimated to be \$18,000. If this option is accepted, the needs of the Shire and the SJYAG could be accommodated in a shorter period of time, and the SJYAG will be guaranteed of the solution being achieved, ensuring their on-going survival. However, this solution does not overcome the problem of joint use of the facilities when Shire staff and contractors work Saturdays.

An alternative to option 3 also includes fully funding the project by Council, but results in a potentially superior longer term solution, and perhaps the best solution. Under option 4, a new workshop/shed would be constructed on the south depot land parcel, away from the existing workshop, for the maintenance of Shire plant. Under this solution, the SJYAG would be provided exclusive use of the current workshop and would retain the use of the existing toilet and water fountain. In addition, the bay that exists between the SJYAG's woodworking shop and the Shire workshop could be made available to the SJYAG, with the southern bays being maintained as undercover storage for the Shire and potentially the SJYAG where particular projects warrant.

It is estimated option 4 would cost \$22,000.

Despite the highest cost, option 4 is the recommended approach as it provides a solution for all issues and results in little inconvenience to the SJYAG. Option 4 will allow for the creation of an almost exclusive area for the SJYAG, other than the use by the Shire of the south workshop bays for storage, and will allow the SJYAG to manage their own housekeeping, without a need to consider the impact of their activities on the Shire. Option 4 also overcomes the problem of the weekend work by the Shire staff occurring at the same time as the SJYAG are using the Shire facility. Furthermore, the separation of the facilities in such a way could provide opportunities for other groups or educational institutions to utilise the facilities on other days of the week.

Voting Requirements: Simple Majority

Cr Harris left the meeting at 8.00pm and returned at 8.01pm.

Officer Recommended Resolution:

1. Council will consider the inclusion of \$22,000 on the 2008/09 financial year budget for the construction of a workshop.
2. Council supports the on-going use of Shire facilities by the Serpentine Jarrahdale Youth Activity Group.

OCM041/05/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Kirkpatrick

1. **Council will consider the inclusion of \$22,000 on the 2008/09 financial year budget for the construction of a workshop.**
2. **Council supports the on-going use of Shire facilities by the Serpentine Jarrahdale Youth Activity Group.**
3. **Any proposals for use of the facilities by other groups, for example educational institutions, will be subject to agreement with the Serpentine Jarrahdale Youth Activity Group.**

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed by adding part 3 stating that any proposals for use of the facilities by other groups, for example educational institutions, will be subject to agreement with the Serpentine Jarrahdale Youth Activity Group.

CGAM090/05/08		RELOCATION OF ST PAULS CHURCH, JARRAHDAL (P03019)
Proponent:	Cr John Kirkpatrick	In Brief That Council relocate Saint Pauls Anglican Church to the Old Jarrahdale Post Office and the Anglican Minister be informed of Council's decision.
Owner:		
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	9 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

On 5 May 2008, Cr John Kirkpatrick requested that the following Notice of Motion be put forward for consideration at the Corporate Governance and Asset Management Meeting to be held on 20th May 2008:

Councillor Recommended Resolution:

- 1. That Council relocates the Saint Pauls Anglican Church from the present location in Atkins Street to a position west of and adjacent to the Old Jarrahdale Post Office.**

A simple sketch to assist in detailing the proposed new location is with the attachments marked CGAM090.1/05/08 (IN08/5498).

- 2. The Anglican Church Minister be informed of Council's decision.**

Officer Comment

It is disappointing that the relocation of the church has not progressed as this has created a reduction in anticipated income in Council's 2007/2008 budget aswell as delayed anticipated repairs to the church that would have occurred post relocation leaving the building in a less than ideal state.

However, placing the church next to the old post office is not an action that has ever been incorporated in any of the plans devised for the Jarrahdale Heritage Park and as such the necessary consultation with stakeholders, and examination of heritage considerations, has not occurred.

The Shire needs to ensure that their relationship with the National Trust is one of respect and mutual understanding. The Shire is aware that the National Trust opposes this relocation.

In terms of the overall vision for the Jarrahdale Heritage Park it is acknowledged by both the Shire and the National Trust that a master plan needs to be prepared which clearly identifies the location of all park elements and resolves any inconsistency between various existing documents. Initial consultations with the National Trust indicated that once this master plan was prepared the Trust would be comfortable to proceed with granting the Shire a lease over the Trust's landholdings in Jarrahdale. This would allow the Shire to have security of tenure over the Jarrahdale Heritage Park and thus be able to apply with certainty for grant funds.

It was anticipated that the consultant engaged by the Shire in December 2007 would have been able to progress a workshop to facilitate the preparation of this master plan. Unfortunately this has not occurred.

Therefore, in order to maintain the Shire's relationship with the National Trust as a key partner in the progression of the Jarrahdale Heritage Park but also acknowledging Council's frustration at the lack of progress regarding the relocation of the church, it is recommended that a workshop be convened in June 2008 with representatives of the Shire, National Trust, Jarrahdale Heritage Society and Jarrahdale Community Association to prepare the master plan.

Following this workshop an item is to be referred to the next scheduled Corporate Governance and Asset Management Committee which details the outcomes of stakeholder consultation, the recommended location, the proposed timelines and estimated costs for the relocation of the Church.

Officer Recommended Resolution:

- A. The Director Corporate Services convene a workshop in June 2008 to prepare a master plan for the Jarrahdale Heritage Park.
- B. The Director Corporate Services present a detailed report to the next scheduled Corporate Governance and Asset Management Committee following the workshop detailed above that outlines:
 1. The outcomes of stakeholder consultation
 2. Recommended location
 3. Proposed timelines
 4. Estimated costs

Committee Recommended Resolution:

1. That Council relocates the Saint Pauls Anglican Church from the present location in Atkins Street to a position west of and adjacent to the Old Jarrahdale Post Office.

A simple sketch to assist in detailing the proposed new location is with the attachments marked CGAM090.1/05/08 (IN08/5498).

2. The Anglican Church Minister be informed of Council's decision.

Committee Note: The Officer Recommended Resolution was changed to relocate the Church next to the Old Post Office without consultation with the National Trust.

Cr Geurds left the meeting at 8.46pm and returned at 8.48pm.

Director Corporate Services left the meeting at 8.47pm and returned at 8.49pm.

CGAM090/05/08 COUNCIL DECISION:

Moved Cr Brown, seconded Cr Kirkpatrick (proforma)

1. That Council relocates the Saint Pauls Anglican Church from the present location in Atkins Street to a position west of and adjacent to the Old Jarrahdale Post Office.

A simple sketch to assist in detailing the proposed new location is with the attachments marked CGAM090.1/05/08 (IN08/5498).

2. The Director Corporate Services convene a workshop in June 2008 to prepare a master plan for the Jarrahdale Heritage Park.
3. The Director Corporate Services notify the National Trust of Council's decision and the reasons for Council's decision and present a detailed report to the next

scheduled Corporate Governance and Asset Management Committee following the workshop detailed above that outlines:

- a) **The outcomes of stakeholder consultation**
- b) **Recommended location**
- c) **Proposed timelines**
- d) **Estimated costs**

4. The Anglican Church Minister be informed of Council’s decision.

CARRIED 5/4

Cr Randall voted against the motion

Council Note: The Officer Recommended Resolution was amended as Council decided that it should make a decision to move the church to a location of Council’s choosing.

REPORTS OF COMMITTEES:

SD096/05/08 PROPOSED PATIO (WITH REDUCED SIDE SETBACK) - LOT 581 MADEIRA TURN, BYFORD (P07103/02)		
Proponent:	M Gerondal & S Morgan	In Brief The applicant seeks planning approval to construct a patio with a reduced side setback. It is recommended the application be refused.
Owner:		
Officer:	Casey Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	2 May 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Received	15 February 2008
Advertised	Yes
Submissions	Yes
Lot Area	526m ²
TPS. Zoning	Urban Development
MRS Zoning	Urban
Byford Structure Plan	Residential R20

Background

An application was received by Council on 15 February 2008 for the construction of a patio on Lot 581 Madeira Turn, Byford. The drawings provided indicated an approximate “nil” setback, propose a side length of 16 metres and a total area of 57.12m². The proposal was referred to adjoining landowners for comment and one letter of objection was received.

A copy of the site plan and elevation drawings are with attachments marked SD096.1/05/08

Sustainability Statement

Effect on Environment:

It is considered the proposal does have the potential to close in the side area of the lot and restrict airflow and light.

Social – Quality of Life:

The proposal has potential to provide roof cover to a narrow outdoor entertaining area for the applicant which will result in an outdoor area that can be used all year round should that be the intended purpose of the area. The proposed patio has the potential to restrict solar access into the living areas during the winter months due to positioning on the north western side of the existing dwelling.

Statutory Environment:

Town Planning Scheme No.2
 Residential Design Codes (R Codes)

Policy/Work Procedure Implications:

Local Planning Policy 17 Residential and Incidental Development

Financial Implications:

There may be financial implications to the Council if the applicant appeals the decision.

Strategic Implications:

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

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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Support/Object: One letter of objection was received

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A399702	Have concerns that the proposed patio will form their entertainment area and be alongside our main bedroom and two other bedrooms meaning noise would be a main concern. This may also be of detriment for re-sale value as prospective buyers	The proposed patio would be constructed immediately off the games room and dining room of the applicant's house and therefore noise may be marginally more noticeable from the adjoining lot should the	Support

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>may note how close the patio is.</p> <p>The brick work on the brick piers does not appear level and should the piers collapse they will fall onto our side.</p> <p>Another aspect of our concern is the effect it may have on sunlight we receive during winter.</p>	<p>noise be occurring at the time the bedrooms were occupied.</p> <p>A building licence has not yet been issued for these works. The development if approved, is required to be structurally sound and comply with relevant legislation</p> <p>The proposed patio will impact on solar design and restrict winter sun for the applicant and partly on the neighbour</p>	<p>Dismiss</p> <p>Support</p>

Comment:

The patio will have a length of 16 metres along the adjoining side boundary with a further 6.3 metre L shape connected to the rear of the dwelling. 2.74 metres of the rear portion is proposed to be enclosed by a brick wall, being 2.23 metres high. The total roof area proposed is 57.12m². The proposed patio is intended to be constructed along the north and west alignments of the lot and would project from the games and dining rooms of the existing dwelling although there is no direct access from these adjoining habitable rooms.

The existing dwelling is 229.06m² and already covers 44% of the allowable 50% site coverage of the lot under the R Codes. Whilst open sided structures such as patios do not normally contribute towards the accumulation of site cover, in this instance if the proposed roof was constructed at approximately 100mm off the adjoining side boundary, a tunnel effect is created as the boundary fence is approximately 1.8 metres high, leaving only a potential 300-500mm visible gap between the adjoining fence and the overhead pine rafter. It is considered that as the area is almost entirely closed on four sides it is deemed to be an enclosed development (not open) and is calculated as part of site coverage. This development then increases the site coverage on the lot by an additional 57.12m² This results in 54% site coverage.

Should the proposed patio be setback 1.5 metres in accordance with the R Codes requirements, the site coverage would not pose an issue as the patio would be an open structure.

During a routine inspection by Council Officers, it was identified that construction of the patio had commenced although planning and building approvals had not yet been issued. A closer inspection revealed the brick piers appeared to be approximately 100mm off the side boundary, although accurate measurements were not taken at the time. The proposed 2.74 metre brick wall to the rear of the lot had also been constructed. The roof of the proposed patio had not yet been constructed.

The landowner will be required to remove all unauthorised structures from the property.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. That Council refuses the application for approval to commence development for the proposed patio at Lot 581 Madeira Turn, Byford for the following reasons:
1. The proposal does not achieve all of the performance criteria set out in Clause 3.3.1 of the Residential Design Codes with regard to:
 - 1.1 Provision of adequate direct sun and ventilation to the building and appurtenant open spaces;
 - 1.2 Reducing the impact of building bulk on adjoining properties; and
 - 1.3 Approval of the proposed patio would set an undesirable precedent for the locality.
- B. The landowner be required to remove all unauthorised structures from the property associated with the proposed patio within 30 days of notification by the Shire.

The motion lapsed for want of a seconder.

During debate Cr Kirkpatrick foreshadowed that he would move that this item be deferred to the June Sustainable Development Committee Meeting to allow discussions between the applicant and Shire Officers on the proposal.

Committee Recommended Resolution:

That Item SD096/05/08 be deferred to the June Sustainable Development Committee meeting if the motion under debate was defeated.

Committee Note: The Officer Recommended Resolution was changed in order that the item be presented to the June Sustainable Development Committee meeting to allow discussions between the applicant and Shire Officers on the proposal.

SUPPLEMENTARY INFORMATION

A site plan showing the whole of Lot 581, existing buildings and the proposed patio on Lot 581 and a site plan showing both Lot 581 and the neighbours property have been prepared by Planning Services. These identify the following issues:

1. The existing shed on Lot 581 has been built in the easement. This shed does not have approval and in any case it is not permitted to build over an easement.
2. The side portion of the patio is not directly accessible from the dwelling as only windows face onto this part of the patio. The owners father advised during a phone conversation with the Co-ordinator Planning Services soon after submission of the application that this side patio is to provide shelter for the owners dogs and is not intended for use as an outdoor living area. The portion of the patio directly accessible from the games rooms rear facing sliding door is the portion that will be used as an outdoor living area.

Given point 2. above it is considered that the side portion of the patio should be deleted on the grounds that it is not directly accessible from the dwelling and, in combination with the garage wall results in built structures along almost the entire length of the side boundary. This would impact on the neighbouring property by virtue of the bulk and scale of the development.

The site plans and a photograph showing the commenced construction are with the attachments marked SD096.2/05/08.

Voting Requirements: Simple Majority

SD096/05/08 COUNCIL DECISION/Revised Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Kirkpatrick (proforma)
 That Council:**

A. Approve the application to commence development of a patio on Lot 581 Madeira Turn, Byford subject to the following conditions:

- 1. The side portion of the patio from the rear of the garage to the rear wall of the house being deleted as marked in red on the approved plan.**
- 2. All stormwater is to be disposed of via the silt trap connection or outlet drainage connection point for the lot (if one is provided), soakwells or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road or neighbouring properties is not permitted.**

B. Advise the applicant:

- 1. That no construction may occur within or impact on the easement at the rear of the lot.**
- 2. The existing shed requires removal from the easement area; and**
- 3. The unauthorised pillars/posts and beams for the side portion of the patio are required to be removed within 28 days of the issue of approval for the patio.**

CARRIED 9/0

SD092/05/08 COMMUNITY FUNDING PROGRAM 2008 / 2009 (A1173/08)		
Proponent:	Various Community Groups	In Brief To consider the recommendations of the Community Funding Program Working Group
Owner:	Not applicable	
Officer:	Julie Sansom - Community Development Officer	
Signatures Author:		
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	08 May 2008	
Previously	SD106/05/07	
Disclosure of Interest	Julie Sansom declares an interest as a member of Byford Enviro Link. No other officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Twenty eight (28) funding applications, requesting a total of \$28,183 were received for the 2008/2009 Community Funding Program CFP and assessed by the CFP Working Group in line with the assessment criteria outlined in *Policy CSP8 Requests for Financial Assistance*.

This compares to sixteen (16) funding applications, requesting a total of \$69,994 received for the 2007/2008 CFP.

Council policy CSP8 states:

“that the CFP Working Group assess all applications and make recommendations to Council as to how the total Community Funding Program budget allocation be divided between the selected groups.”

“that an amount of up to \$20,000 be allocated for the Community Funding Program in each financial year.”

Sustainability Statement

Effect on Environment: The CFP does not specifically relate to the natural environment but to the social and cultural environment in which we live.

The CFP selection criteria rates more highly projects that are:

- Based in or relevant to Serpentine Jarrahdale Shire
- Shire (community) facilities
- High community benefit
- Value for money
- Matched by other funds (cash or in-kind)
- Urgent in need
- Material in nature (as opposed to operational)
- Sustainable in nature (environmentally, economically and/or socially)

Resource Implications: It is proposed that 22 of the 28 applications be funded through the CFP. Six of these projects are recommended as being conditional. The contribution of \$20,000 will enable approximately \$101,042 worth of projects to be accomplished across the community. One other project has been passed on to the main budget process for consideration.

Use of Local, renewable or recycled Resources: The CFP works through a capacity building model that encourages partnerships and use of local and regional resources (including volunteer labour). The CFP is only available to local groups and many projects use local resources both human and material to achieve their project outcomes.

Economic Viability: The process encourages the development of business plans to justify funding requests – which should lead to more strategic applications and planning in future. It also enables Council to identify where groups may be able to work together or share resources to accomplish outcomes.

Economic Benefits: Building the capacity of the community to apply for funding from other sources – through skill development as well as assisting with seeding or matching funds to increase their chances of drawing more funds to this community. Many of the projects utilise local resources and/or attract visitors to the Shire who then spend money locally.

Social – Quality of Life: The program encourages partnerships that enable progress towards achieving sustainability. The process has been designed to build the capacity of the community to put together funding applications for this and other programs. The Community Development team works with the groups to this end.

Social and Environmental Responsibility: This process involves a holistic approach encouraging groups to be socially, environmentally and economically responsible.

Social Diversity: The program is holistic and aims to be inclusive of all social groups.

Statutory Environment: Not Applicable

Policy/Work Procedure Implications: CSP8 Requests for Financial Assistance

Financial Implications: \$20,000 to be included in the 2008/2009 budget for the CFP under CDO528 – Community Funding

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:

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

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

Strategy:

- 1 Foster a strong sense of community, place and belonging

Objective 3: High level of social commitment

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategy:

- 1 Enhance economic futures for Shire communities

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

All community groups were given equal opportunity to apply for the CFP 2008/2009. The community groups represented the interest of their membership community. It was a compulsory requirement that all community groups consult with a Community Development Officer prior to submitting their written application. This ensured that groups were not disadvantaged by submitting an application for which a grant could not be considered. Two of the groups did not comply with this requirement.

Comment:

Recommended Projects

Of the twenty eight (28) applications, it has been recommended to Council that twenty two (22) projects be considered for funding. However, six (6) of these, although compliant, have conditional recommendations (see below). Six (6) applications received have not been recommended to Council.

A table detailing the Community Funding applications not recommended to Council is contained in the attachments to the agenda marked SD092.1/05/08

Twenty two (22) applications are recommended for funding through the 2008/2009 CFP, with requested funds scaled down in some cases in order to assist all recommended applications within the budget of up to \$20,000.

Projects – Conditional Approval

Six of the twenty two applications, although compliant, have conditional recommendations.

Voting Requirements: Simple Majority

SD092/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Buttfield
Council considers the recommendations of the Community Funding Program Working Group during the deliberations of the 2008 / 2009 Budget:**

A. Recommended Projects

Organisation	Name of Project	Grant Requested	Recommended Funding through CFP 2008 / 09
Jarrahdale Community Association (Youth Group)	Youth group - seeding grant for equipment (and to leverage funding from Office of Children and Youth)	1355.5	500
Jarrahdale Community Association (Friends of Park)	Gardening equipment	337.6	338
Byford Calisthenics Club	New club – seeding funds (costumes)	1000	913
Heritage Country Choir	Expansion of sound system	1000	1000
Hugh Manning Tractor & Machinery Museum Inc	Office equipment	775	775
Riding for the Disabled Association Oakford	Reticulation in paddocks	3361	3361
Probus Club of Byford & Districts	Probus Charter for Seniors	500	500
SJ Hurricanes Netball Club	New club - Seeding grant for Uniforms and equipment	869.2	869
Serpentine Jarrahdale Youth Activity Group Inc	Continuation of Safety and Vocational Educational courses	795.71	796
Serpentine Playgroup Inc	Tables & chairs	1075	1075
Byford Baptist Playgroup	Chairs	768	768
Byford Enviro Link	Seeding funds for equipment and training	1000	1000
SJ Jotters	Manuscript Publication	1000	1000
SJ Lions	Log Chop – seeding funds to new host group to help establish sustainability of event	3000	1000
International Lions of	Razz-Ma-Tazz Film Show	225	225

Organisation	Name of Project	Grant Requested	Recommended Funding through 2008 / 09 CFP
Perth			
Girl Guide Association	Camping Equipment	880	880
Sub-total A		17942	15000

B. Projects – Conditional Approval

Organisation	Name of Project	Conditional Recommendation	Grant Requested	Conditional Recommended Funding through 2008/09 CFP
North Murray Diamond Sports Assoc Inc	Backnets	This project is subject to both Western Australian Planning Commission (WAPC) and Reserves Advisory Group approval.	1000	1000
Serpentine Foothills Polocrosse Club	Yards and trees	This project is subject to WAPC approval and Reserves Advisory Group approval.	1000	500
Oakford Playgroup	Shade sail	This project is subject to applicable Planning and Reserves Advisory Group approval.	1000	1000
Rotary Club of Byford & Districts Inc	Service clubs entry signs	This project is subject to applicable WAPC and Reserves Advisory Group approval.	1000	500
Hopeland Community Association Inc	Rainwater Tank	This project is subject to applicable Planning, Reserves Advisory Group and Health approval.	1000	1000
Serpentine Primary School P & C Assoc	Junior Primary fence	This project is subject to applicable Planning approval.	1000	1000

Organisation	Name of Project	Conditional Recommendation	Grant Requested	Conditional Recommended Funding through CFP 2008/09
Sub Total B			6000	5000
Control total of A & B				20000
CARRIED 9/0				

Committee Note: The Officer Recommended Resolution was changed to correct the dates of the Program to 2008/2009. The Presiding Officer deemed this to be a minor amendment which did not change the intent of the recommendation.

SD093/05/08 OAKFORD RURAL VILLAGE – SUPPORT IN PRINCIPLE (A1526)		
Proponent:	Kargotich Industries Pty Ltd	<p>In Brief</p> <p>The proponent seeks support in principle for the proposed rural village at Oakford.</p> <p>It is recommended that:</p> <ol style="list-style-type: none"> 1. Council receives the report and preliminary concept plan as a basis for more detailed structure planning. 2. Future strategic land use planning, policy development, development proposals, infrastructure planning and possible works programs for the Oakford area take into account the implications they may have for the future Oakford Rural Village. 3. Shire Officers liaise with the proponents regarding ongoing planning, including a community consultation program.
Owner:	Dr Stephen Kargotich	
Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	7 May 2008	
Previously	Concept Forum -1 April 2008	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This report outlines a preliminary concept for a rural village at the corner of Nicholson Road and Thomas Road, Oakford on land in the ownership of Dr Stephen Kargotich. The concept was prepared by a consultancy team engaged by Kargotich Industries Pty Ltd.

A rural village at Oakford is proposed in the Shire’s Rural Strategy (1994) and a site was earmarked for rural economic living south of the intersection of Thomas Road and Nicholson Road (predominantly on the subject land) in the Jandakot Structure Plan (August 2007).

As a result the landowner has prepared a preliminary concept and Executive Summary for Council’s consideration. Council has made allocation in its Forward Financial Plan to progress the structure planning process for the Oakford Development Area in the 2009/2010 financial year.

The proposal was outlined to Council at the Concept Forum of 1 April 2008 followed by a site visit to enable Councillors to familiarise themselves with the subject site and surrounding area. A number of suggestions were also provided to the proponent. These suggestions have been considered in the report prepared by the proponent.

The proponent now seeks Council support in principle to enable more detailed planning and the initiation of a community consultation program.

***A copy of the Site Plan is with attachments marked SD093.1/05/08
A copy of the Executive Summary and Preliminary Concept Plans for the Oakford Rural Village - May 2008 is with attachments marked SD093.2/05/08***

Sustainability Statement

Effect on Environment:

The preliminary concept is based upon sustainable development principles to be further developed in the detailed planning phase. Principles adopted in the preliminary concept include (but are not limited to):

- minimising its impact upon the environment;
- minimising impact upon the natural surface (cut/fill);
- minimising the impact on and enhancing the natural environment (eg. The quality of the Birrega Brook should be enhanced through the measures to be undertaken as part of the development concept);
- creation of natural vegetated corridors incorporating water sensitive stormwater management; and
- providing a community focus for the Oakford-Oldbury rural living area.

A number of best practice options are to be explored in the detailed planning including:

- renewable energy technologies;
- recycling of waste water/material;
- minimising the need for vehicle use within the development. A network of dual use path and bridle trails is proposed;
- passive solar design;
- design guidelines for individual dwellings incorporating:
 - water saving devices;
 - greywater reuse;
 - photovoltaic cells;
 - on site water storage; and
- preservation of heritage and cultural values.

Use of Local, renewable or recycled Resources:

The preliminary concept recognises and incorporates the relevant principles from the Shire's Rural Strategy and the Oakford-Oldbury Agri-Business report. For example, the preliminary concept:

- supports existing agriculture production;
- encourages new horticulture production;
- provides a market for local produce;
- provides local employment opportunities; and
- provides community infrastructure.

The preliminary concept envisages the integration and cross subsidisation of rural and urban infrastructure, products and the recycling of wastes.

The preliminary concept makes provision for a primary school, neighbourhood centre and two local centres, aged persons/lifestyle village, FESA facility, recreation area and market square. It will provide local employment opportunities in the service industry, cottage

industry and agri-business. It will also provide a labour pool for Byford, Armadale, Kwinana, Henderson, Cockburn, Mandurah, Pinjarra, Rockingham and Perth CBD.

Feeder bus services to the Southern Suburbs Railway are to be investigated.

Economic Viability:

The proposal will provide a focus for the local rural catchment and much needed community facilities.

Preliminary development costs and the cost of sustainability initiatives have been based upon a unit yield of 2500. Further detailed costings will be necessary in the next planning phase. Through sustainability initiatives, many of the costs will be internalised. A business case will need to be made for ongoing maintenance costs of infrastructure needed for recycling initiatives.

Economic Benefits:

The development of the village will improve the rate base for Council for this area. The development will contribute positively towards the local economy in particular through employment creation and will aim to provide local resources where otherwise not available, such as local fresh produce.

Social – Quality of Life:

This will be a unique development incorporating the benefits of urban living with a rural lifestyle. The village can also be used as a demonstration project for many of the cutting edge sustainability initiatives in respect to energy, water and waste recycling.

It is considered that this proposal will enhance the quality of life for the existing Oakford community and will provide a sought after lifestyle option to future residents of the Oakford Rural Village.

Community facilities are to be incorporated in the development which will service not only the future residents of Oakford, but the existing rural residents in the northern part of the Shire. The larger population base will also provide an opportunity for increased participation in the local volunteer fire brigade services.

Social Diversity:

The proposal will not disadvantage any social groups and will in fact provide for diversity in the Oakford Community. A range of housing styles and densities are proposed to accommodate a diverse range of residents.

Statutory Environment:

The site is currently zoned Rural in Town Planning Scheme No. 2 (TPS 2) and Rural in the Metropolitan Region Scheme (MRS).

Following further detailed structure planning the rezoning of the site will be necessary by way of amendment to both the MRS and the Shire's TPS 2. The recommended resolution is for in principal support the preliminary concept plan and will not initiate any of the statutory processes.

A copy of the Statutory Planning flowchart is with attachment marked SD093.3/05/08.

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue. However, strategic land use planning recently completed by the Department for Planning and Infrastructure on the South Metropolitan

and Peel Region Urban Growth Strategy needs to be taken into consideration.

Financial Implications:

Apart from officer time to continue liaison with the proponent, there are no financial implications to Council related to this preliminary concept for the 2008/2009 financial year. Consideration should however be given in the 2008/2009 review of the Forward Financial Plan to determine when the current 2009/2010 allocation for the Oakford structure plan should occur and given the developers intention to continue the majority of this work what quantum of funds be specified.

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.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

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.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Develop a risk management plan.

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

Community Consultation:

No community consultation has occurred to date. A community consultation program is to be planned in liaison with Shire officers to progress this preliminary concept through to the detailed structure planning process.

Comment:

Provision has been made in the Forward Financial Plan for district structure planning in the Oakford Development Area during the 2009/2010 financial year. However, the proponent was proactive and has initiated what is considered to be a proper and orderly conceptual planning proposal.

In principle support is required from Council at this stage in order to:

- provide the proponent with sufficient certainty to progress the preliminary concept through to the detailed structure planning stage;
- ensure that the preliminary concept is given the necessary weight and recognition during any considerations of future development proposals, works programs and/or planning initiatives; and
- commence with the required community consultation process.

It is recommended that:

1. Council receives the report and preliminary concept plan as a basis for more detailed structure planning.
2. Future strategic land use planning, policy development, development proposals, infrastructure planning and possible works programs for the Oakford area take into account the implications they may have for the future Oakford Rural Village.
3. Shire Officers liaise with the proponents regarding ongoing planning, including a community consultation program.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

1. Council supports in principle the concept for the Oakford Rural Village.
2. Council receives the report and preliminary concept plan as a basis for more discussion and detailed structure planning.
3. Future strategic land use planning, policy development, development proposals, infrastructure planning and possible works programs for the Oakford area take into account the implications they may have for the future Oakford Rural Village.
4. Shire Officers liaise with the proponents regarding ongoing planning, timing for the statutory planning processes, financial implications for Council and developing a community consultation program.

SD093/05/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Brown, seconded Cr Randall

1. Council supports in principle the concept for the Oakford Rural Village.
2. Council receives the report and preliminary concept plan as a basis for more discussion and detailed structure planning.

3. **Future strategic land use planning, policy development, development proposals, infrastructure planning and possible works programs for the Oakford area take into account the implications they may have for the future Oakford Rural Village.**
4. **Shire Officers liaise with the proponents regarding ongoing planning, timing for the statutory planning processes, financial implications for Council and developing a community consultation program.**
5. **Council authorises the appropriate Shire Officers to consult with the proponent with a view to arriving at a mutually agreeable arrangement such that the proponent produces all the documentation necessary to implement the planning processes and the peer review of documentation form part of the discussions regarding financial implications for Council that are held with the proponent.**

CARRIED 8/1

Committee Note: The Officers Recommended Resolution was changed in view of the excellent proposal for the Oakford Rural Village resulting from years of consultation between senior Shire officers and the proponents' team, Council has endorsed an alternate approach that will permit the proponent to progress this proposal as soon as possible.

SD094/05/08 PROPOSED DWELLING – LOT 371 WUNDI WAY, BYFORD (P07637/01)		
Proponent:	Content Living	In Brief Proposed dwelling involves variations to the front setback required by Detailed Area Plan and open space requirement of the Residential Design Codes. Approval subject to conditions is recommended.
Owner:	Emerald WA Pty Ltd	
Officer:	Meredith Kenny – Co-ordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 May 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 6 March 2008
 Advertised: Yes
 Submissions: 1 objection
 Lot Area: 390m²
 MRS Zoning: Urban
 L.A Zoning: Urban Development
 Use classification: Single House - Permitted
 Byford Structure Plan: Residential
 Detailed Structure Plan: Redgum Brook – Residential R30
 Date of Inspection: 17 March 2008

Background

The subject site is located within the Redgum Brook residential estate. It is a cottage lot with vehicle access via a rear lane and as is the case for all lots fitting this criterion a detailed area plan applies to the property.

A copy of the Locality Plan is contained in the attachments to the agenda marked SD094.1/05/08.

A copy of Redgum Brook Detailed Area Plan No. 1 is contained in the attachments to the agenda marked SD094.2/5/08

An application for planning approval has been submitted in addition to an application for a Building Licence as the developer is seeking the following variations:

1. The parapet wall abutting the common boundary with Lot 372 will extend 20 centimetres forward of the front setback line stipulated in the applicable detailed area plan (3.8 metre front setback instead of 4 metres).
2. The floor area of the dwelling exceeds the maximum site cover of 55% allowed on lots zoned R30 by 5m².

Site and elevation plans are contained in the attachments to the agenda marked SD094.3/05/08

Sustainability Statement

Effect on Environment:

Solar orientation

The proposed dwelling design and orientation enables passive solar access to the alfresco area, family room, dining room and kitchen.

Resource Implications: The achievement of passive solar access to the main living areas of the dwelling enables a reduction in the use of artificial lighting in these rooms during the day.

Use of Local, renewable or recycled Resources: The dwelling will be constructed of brick and colorbond metal (roof). Brick, sand and cement used in the construction of the dwelling may be able to be obtained locally as there are local businesses making and supplying these products. Sand, clay and iron are not renewable resources.

Social – Quality of Life: Reducing the floor area of the building to comply with the Residential Design Codes (R Codes) open space requirement of 45% could affect the quality of life of the resident of the dwelling by resulting in a smaller alfresco area or the loss of a room or part of a room in the dwelling. The variation only reduces the open space to 44%, a variation of 1% but provides for more usable outdoor living and storage space.

Statutory Environment:

Town Planning Scheme No. 2
Byford Structure Plan
Redgum Brook Structure Plan
Redgum Brook Detailed Area Plan No. 1 (DAP)
Residential Design Codes 2002

Policy/Work Procedure Implications:

Nil

Financial Implications:

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for the Council related to possible legal costs and officer time.

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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The proposal was referred to the abutting neighbours either side for comment. One letter of objection was received and the stated reasons for objection are:

Objection	Officer comment
Objects to the possibility that this dwelling may be allowed to have an additional 5m ² floor area because when he was having his dwelling designed his building company told him that the open space/site cover requirements had to be strictly enforced. As a result he was unable to increase the size of his alfresco area and some internal rooms. Therefore, has strong feelings towards a property that has the same restrictions as his being given the opportunity to exceed these limitations.	The submitter did not seek a variation to the open space requirement from Council when the application was submitted. The dwelling is almost an exact replica of the one now proposed except the garage is slightly larger to allow for internal storage as well as carparking and the alfresco area is slightly longer. The DAP and the R Codes both allow for variations to Acceptable Development standards to be considered subject to the Performance Criteria of the Codes still being met. The proposal achieves the Performance Criteria and therefore it is considered that the variations could be approved. The submitter does not object on grounds of scale, bulk, streetscape or other valid planning grounds. Therefore, the objection is considered not to be valid on planning grounds. This is the criteria that an objection must meet.

Comment:

In determining whether the requested variations should be approved they need to be assessed against the Acceptable development standards and Performance criteria contained in the R Codes and the relevant DAP.

Front Setback

With regard to the variation of the front setback requirement, this is a resultant of the extension of the parapet wall on the southern side of the dwelling to screen the southern end of the front verandah. A 4 metre front setback is specified by the Redgum Brook DAP. It should be noted that under the R Codes a more lenient approach applies to front setbacks than under the DAP. The R Codes allow front setbacks to be averaged up to 50% of the minimum setback. That means that on an R30 coded lot under the R Codes part of a dwelling could be as close as 2 metres from the front boundary provided there were equal parts of the front of the dwelling setback more than 4 metres. In this case, the dwelling itself is setback at 5.24 metres and it is only the front verandah and the screen wall at the side of the verandah that extends 20 centimetres forward of the 4 metre setback line.

The variation is extremely minor and will not result in an adverse impact on streetscape. The wall will in fact provide some protection on the verandah from southerly winds and driving rain in winter. Accordingly this variation is supported.

Open Space

Under the R Codes the Acceptable Development standard for open space is:

A1 Open space provided in accordance with Table 1 and Elements 2 and 3.

Development that complies with this standard is deemed to automatically meet the Performance Criteria.

Table 1 specifies a minimum for open space on land coded R30 of 55%. In the case of Lot 371 at 390m² the requirement equals an open space requirement of 175.5m². The dwelling proposed results in a site cover of 219.34 m² therefore leaving open space of 170.66 m², a shortfall of just under 5 m². Therefore, the development cannot be deemed to automatically meet the Performance Criteria of the R Codes. It is necessary to specifically assess the open space proposed against the performance Criteria for open space, which is as follows:

3.4.1 Open Space Provision

P1 Sufficient open space around buildings:

- *To complement the building;*
- *To allow attractive streetscapes;*
- *To suit the future needs of residents, having regard to the type and density of the dwelling.*

The dwelling is deemed to meet the above performance criteria by virtue of:

- There will not be an adverse impact on the streetscape as the front yard is the same size as that on other adjoining lots and allows space for both outdoor living and planting. This space will also complement the building.
- The alfresco area at the side of the building will provide an attractive all weather outdoor space for living and entertaining. If this was reduced in size it may not be as useful to the residents.
- There is adequate room for a separate drying court at the rear of the dwelling.
- Reduction of the garage to achieve compliance with the open space requirements would result in a loss of internal storage space. Internal storage is important to the future needs of residents on such small lots.

Accordingly, the variation to the open space requirement is supported.

Conclusion

It is recommended that the application be approved subject to the standard conditions normally applied to Single Houses.

Voting Requirements: Simple Majority

Cr Brown left the meeting at 8.59pm.

SD094/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Price

That Council approves the application for approval to commence development of a Single House on Lot 371 Wundi Way, Byford subject to the following conditions:

- 1. Fencing to the Wundi Way and Boya Lane boundaries of the lot is to comply with Clause 3.2.5 A5 of the Residential Design Codes by being visually permeable above a height of 1.2 metres and the Local Laws relating to fencing.**
- 2. No additional sheds or outbuildings are permitted on the lot.**
- 3. Clothes line and rubbish bin storage area to be screened from public view.**
- 4. A paved bin pad is to be provided inside the lot boundary abutting the boundary to the rear lane for use on bin pick-up days to prevent the lane being blocked by bins.**
- 5. The mail box for the dwelling is to be located on the Wundi Way frontage of the lot.**

6. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street and must be positioned to prevent noise impacts in accordance with the Department of Environment and Conservation’s “Installers Guide to Air Conditioner Noise” publication.
7. Solar hot water systems must be integrated with the design of the roof, and where visible from the front street be a split system with the tank installed at ground level or out of public view.
8. During construction no building rubble or sand is to be permitted to overspill the site.
9. Vehicular access to the lot is to be by a concrete or brick paved vehicle crossover no greater than 6 metres in width, located clear of any existing trees or street furniture (drainage pits, light poles etc.) and constructed to the satisfaction of the Shire. All driveway surfaces are to be constructed of a hardstand material such as concrete or brick paving to the satisfaction of the Shire.
10. All stormwater is to be disposed of via the silt trap connection point provided or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road or neighbouring properties is not permitted.
11. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 1.5 metre visual truncation.
12. Retaining wall(s) shall be constructed to Council’s specifications, where fill adjoining a property boundary exceeds 300mm above the existing ground level.

CARRIED 8/0

Cr Brown was not present and did not vote

SD097/05/08 BULK EARTHWORKS AND IMPORTATION OF FILL – LOT 3 ALEXANDER ROAD, BYFORD (P04679/02)		
Proponent:	RPS Koltasz Smith	In Brief To consider the approval of bulk earthworks on Lot 3 Alexander Road, Byford ahead of subdivision approval by the Western Australian Planning Commission. It is recommended that the application be conditionally approved.
Owner:	Westmark Assets Pty Ltd	
Officer:	M Daymond – Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	7 May 2008	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 29 January 2008
 Advertised: NA
 Submissions: NA
 Lot Area: 6.117 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20

Background

The development application has been lodged in order that bulk earthworks of approximately 6.0 ha may be undertaken to prepare the site for the impending approval of a residential subdivision of Lot 3 Alexander Road, Byford. The proposed works have been broken into two stages, each approximately 3.0 ha in area, to minimise the extent of exposed earthworks at any given time.

A draft Local Structure Plan (LSP) was submitted for the subject land in August 2005, and was put on hold pending investigation into a number of issues, most importantly relating to district drainage. In addition, a subdivision application was referred to Council by the Western Australian Planning Commission (WAPC) on 27 November 2007.

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 and grade' 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 locality and earthworks plan is with attachments marked SD097.1/05/08

Sustainability Statement

Effect on Environment: Potential impacts include impacts on natural drainage, and potential dust and noise nuisance. These impacts for housing can be minimized by vigilant control of site conditions by contractors and enforcement of conditions.

Use of Local, Renewable or Recycled Resources: Local cartage contractors may be used to transport the sand to the site. Sand may be sourced from local sand mining operations within the Shire.

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. 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 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 Shire officers to ensure compliance with the development conditions.

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

Policy/Work Procedure Implications: PWP3 Landfill Guidelines

Financial Implications: There maybe financial implications to Council related to monitoring compliance for 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 for bulk earthworks to facilitate the future development of Lot 3 Alexander Road, Byford prior to the winter months when the site becomes water logged and unworkable. 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 requirements of the Byford Urban Stormwater Management Strategy (BUSMS) recommendations and the Department of Water's Byford Townsite Drainage and Water Management Plan (Draft February 2008).

The applicant has submitted a Construction and Environmental Management Plan (CEMP) which details how the land will be appropriately managed. A major issue identified within the CEMP is in relation to the management of dust. The works are proposed to be broken into two stages to minimise the extent of exposed earth at any given time. In addition the applicant advises:

Wind fencing and the use of water tankers have been included in the CEMP. At the completion of each stage, the area will be stabilised with direct drill seeding and dustex. Temporary fencing shall be erected approximately 10 metres inside the southern boundary in order to provide a buffer to the existing open channel drain located just south of the site.

It is noted that there have been ongoing issues associated with other development sites that have been granted earthworks approvals over the past couple of years. Council are assured that the site will be monitored regularly and stringently to ensure that the conditions of approval are strictly adhered to in order to reduce impacts on surrounding properties and residents.

Statutory Requirements

As a subdivision approval has not yet been issued by the WAPC for the subject site, the act of clearing, filling and undertaking earthworks constitutes 'development' under TPS 2 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 TPS 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.*

The application has not yet been advertised as required by clause 3.2.5(b) above. As such, it is recommended that the application be approved subject to no objections being received.

Site Conditions

The application area has a slight fall from south-east to north-west and naturally drains in a westerly direction across the site. As part of the CEMP Plan, a temporary sediment basin is proposed in the north-western corner of the site to cater for water runoff. This will address temporary drainage issues as specific drainage details will be worked out during the subdivision approval stage and through the submission of technical engineering drawings.

The subject site is proposed to be filled to a general depth of between 1.0 to 1.4 metres. This accords with the requirements under the BUSMS. The highest level of fill is located in the lowest portion of the site, being the north-western corner. The final fill levels can be rectified at the refining of earthworks at the subdivision stage.

Conclusion

Appropriate conditions have been imposed to limit the impact on neighbouring residents from traffic, dust and noise. Subject to no objections being received and appropriate conditions relating to dust, noise, traffic management and engineering drawings being imposed, it is considered that there is no impediment towards allowing the application area to be filled and earth worked as per the application plan.

Voting Requirements: ABSOLUTE MAJORITY

Committee/Officer Recommended Resolution:

- A. That the 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 determines in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 that the filling and undertaking of bulk earthworks on Lot 3 Alexander Road, Byford as proposed on plan E689-E1 is a use consistent with the objectives and purposes of the Residential zone.
- C. If no objections are received, the Director of Development Services is granted delegated authority to approve the proposed filling of land and bulk earthworks on Lot 3 Alexander Road, Byford, 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. The developer is to erect a sign on the site for the duration of the development, visible from Alexander Road and Evans Way to the satisfaction of the Director Development Services. The signs are 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.
 - 3. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).
 - 4. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation 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 Director Engineering.
 - 5. All works shall be conducted in accordance with Council's policies, Engineering standards and specifications.
 - 6. Hours for site and construction work shall be limited to the following hours:

Monday to Friday	7.00am to 6.00pm only
Saturday	7.30am to 5.00pm only
Sunday and Public Holidays	No works permitted without prior written approval from the Shire.
 - 7. No earthworks (including batters) shall intrude into any other land which abuts the site.
 - 8. 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.

9. 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, public open space areas and any adjoining land.
10. A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the bulk earthworks until such time as the land is approved for subdivision and/or sold to another party. Approval must be obtained prior to the commencement of earthworks.”
11. The emission 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. Approval must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
12. The proponent and the contractor shall be responsible for dust and sand drift control in accordance with the Department of Environment and Conservation guidelines. Disturbed areas shall be stabilised as soon as practicable and thereafter implemented to the satisfaction of the Director Engineering.
13. No burning of cleared vegetation shall be permitted.
14. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering.
15. 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.
16. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.
17. A traffic management plan shall be prepared by the proponent and approved by the Shire and subsequently implemented prior to the commencement of and during any work. All access to the site shall be from Alexander Road only. Access from Evans Way by construction machinery or trucks is not permitted. Trucks and machinery are not permitted to drive past the northern side of the Marri Grove Primary School and shall access the site via South Western Highway into Larsen Road and then into Alexander Road.
18. Larsen Road and Alexander 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 or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.
19. All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilized to address erosion and sand drift.
20. Stockpiling of spoil material shall only occur in accordance with approved plans. This area is to be appropriately fenced and stabilised regularly. Maximum allowable height of stockpiles for topsoil and vegetation is 4.0 metres and is not to exceed the boundaries stipulated.
21. Stockpiling of fill material shall be in a location separated from the spoil stockpile by at least 20.0 metres.
22. Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA certified practicing geotechnical engineering organization that includes soil testing, groundwater and Acid

Sulfate Soil investigations. This is to be provided prior to works commencing if any material from the site is intended to be used for fill.

23. A suitable water truck is to be on site at all times to undertake stabilization works as and when required or when requested by the Shire.
24. Engineering drawings detailing the proposed earthworks as well as internal access tracks for trucks and machinery are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the access tracks.

Advice Notes

1. This approval should not be construed as support for any future subdivision of 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. The applicant is 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.
4. With regard to Conditions 10 and 11 above, the applicant is advised that the requirements of the two documents can be combined into one overall submission to satisfy the two conditions, provided that all relevant information to satisfy both conditions is included in that document.

SUPPLEMENTARY INFORMATION

The following further information is provided:

1. The fill be coming from the existing stockpile on Lot 3 Larsen Road. As such, no stockpiling of clean fill will need to occur on Lot 3 Alexander Road. Goldtune owns both properties and they have confirmed that they would prefer to remove the stockpile from Lot 3 Larsen Road for deposit, compacting and layering on the Alexander Rd property given its close proximity and the ability to undertake works with minimal disruption to neighbouring properties.
2. The applicant is seeking to undertake the filling of the land during the next school holidays. However, this will not be able to occur as:
 - the development is currently being advertised for public comment;
 - if objections are received, then the matter will be referred to Council in June or July for a decision on the application; and
 - detailed engineering plans and specifications will need to be submitted to the Shire and approved, prior to any site works commencing on-site. The process for approval of such plans is solely dependent on the applicant submitting sufficient information to the Shire to allow an assessment to be made and plans then being approved.

Only once all these steps are completed, can site works begin. This process is likely to take two to three months.

3. In relation to the issue of the height of stockpiles that was raised by Councilors, officers have reviewed this matter again and the recommended conditions. There is no legislation that governs or controls the height of stockpiles on a private development site. As such, it is recommended that that maximum height of stockpiles of topsoil and vegetation remain at 4.0 metres.

Therefore condition 20 to remain unchanged.

The maximum height of the earthworks on the property should also be limited to the fill levels as shown on the submitted plans. To address this, it is recommended that condition 1 be amended as follows:

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. Maximum fill levels are to comply with the approved plans.
4. It is considered that the northern boundary of the property should be fenced to screen the works from view from Marri Grove Primary School and to provide an additional safety barrier between the school and the development. As such, an additional condition is recommended.
25. Fencing shall be constructed along the northern boundary of the site, between Marri Grove Primary School and the development area, to screen the works from view to the satisfaction of the Director Development Services.

Cr Brown returned to the meeting at 9.01pm.

Revised Officer Recommended Resolution:

- A. That the 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 determines in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 that the filling and undertaking of bulk earthworks on Lot 3 Alexander Road, Byford as proposed on plan E689-E1 is a use consistent with the objectives and purposes of the Residential zone.
- C. If no objections are received, the Director of Development Services is granted delegated authority to approve the proposed filling of land and bulk earthworks on Lot 3 Alexander Road, Byford, 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. Maximum fill levels are to comply with the approved plans.
 2. The developer is to erect a sign on the site for the duration of the development, visible from Alexander Road and Evans Way to the satisfaction of the Director Development Services. The signs are 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.
 3. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).
 4. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation 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 Director Engineering.
 5. All works shall be conducted in accordance with Council's policies, Engineering standards and specifications.
 6. Hours for site and construction work shall be limited to the following hours:

Monday to Friday	7.00am to 6.00pm only
Saturday	7.30am to 5.00pm only
Sunday and Public Holidays	No works permitted without prior written approval from the Shire.

7. No earthworks (including batters) shall intrude into any other land which abuts the site.
8. 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.
9. 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, public open space areas and any adjoining land.
10. A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the bulk earthworks until such time as the land is approved for subdivision and/or sold to another party. Approval must be obtained prior to the commencement of earthworks.”
11. The emission 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. Approval must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
12. The proponent and the contractor shall be responsible for dust and sand drift control in accordance with the Department of Environment and Conservation guidelines. Disturbed areas shall be stabilised as soon as practicable and thereafter implemented to the satisfaction of the Director Engineering.
13. No burning of cleared vegetation shall be permitted.
14. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering.
15. 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.
16. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.
17. A traffic management plan shall be prepared by the proponent and approved by the Shire and subsequently implemented prior to the commencement of and during any work. All access to the site shall be from Alexander Road only. Access from Evans Way by construction machinery or trucks is not permitted. Trucks and machinery are not permitted to drive past the northern side of the Marri Grove Primary School and shall access the site via South Western Highway into Larsen Road and then into Alexander Road.
18. Larsen Road and Alexander 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 or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.
19. All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilized to address erosion and sand drift.
20. Stockpiling of spoil material shall only occur in accordance with approved plans. This area is to be appropriately fenced and stabilised regularly. Maximum allowable height of stockpiles for topsoil and vegetation is 4.0 metres and is not to exceed the boundaries stipulated.

21. Stockpiling of fill material shall be in a location separated from the spoil stockpile by at least 20.0 metres.
22. Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA certified practicing geotechnical engineering organization that includes soil testing, groundwater and Acid Sulfate Soil investigations. This is to be provided prior to works commencing if any material from the site is intended to be used for fill.
23. A suitable water truck is to be on site at all times to undertake stabilization works as and when required or when requested by the Shire.
24. Engineering drawings detailing the proposed earthworks as well as internal access tracks for trucks and machinery are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the access tracks.
25. Fencing shall be constructed along the northern boundary of the site, between Marri Grove Primary School and the development area, to screen the works from view to the satisfaction of the Director Development Services.

Advice Notes:

1. This approval should not be construed as support for any future subdivision of 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. The applicant is 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.
4. With regard to Conditions 10 and 11 above, the applicant is advised that the requirements of the two documents can be combined into one overall submission to satisfy the two conditions, provided that all relevant information to satisfy both conditions is included in that document.

SD097/05/08 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Randall

- A. That the 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 determines in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 that the filling and undertaking of bulk earthworks on Lot 3 Alexander Road, Byford as proposed on plan E689-E1 is a use consistent with the objectives and purposes of the Residential zone.**
- C. If no objections are received, the Director of Development Services is granted delegated authority to approve the proposed filling of land and bulk earthworks on Lot 3 Alexander Road, Byford, 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. Maximum fill levels are to comply with the approved plans.**
 - 2. The developer is to erect a sign on the site for the duration of the development, visible from Alexander Road and Evans Way to the satisfaction of the Director Development Services. The signs are 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.**

3. Earthworks are to meet all adjoining land at natural ground level and any earthworks batter is to be no greater than 1:6 (18%).
4. Certification from a NATA Registered and Certified practicing Geotechnical Engineering organisation 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 Director Engineering.
5. All works shall be conducted in accordance with Council's policies, Engineering standards and specifications.
6. Hours for site and construction work shall be limited to the following hours:

Monday to Friday	7.00am to 6.00pm only
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7. No earthworks (including batters) shall intrude into any other land which abuts the site.
8. 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.
9. 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, public open space areas and any adjoining land.
10. A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. All measures identified in the plan to control soil and water movement are to be implemented prior to, during the course of, and after completion of the bulk earthworks until such time as the land is approved for subdivision and/or sold to another party. Approval must be obtained prior to the commencement of earthworks."
11. The emission 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. Approval must be obtained prior to the commencement of works and thereafter the Dust Management Plan shall be implemented at all times.
12. The proponent and the contractor shall be responsible for dust and sand drift control in accordance with the Department of Environment and Conservation guidelines. Disturbed areas shall be stabilised as soon as practicable and thereafter implemented to the satisfaction of the Director Engineering.
13. No burning of cleared vegetation shall be permitted.
14. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments. Compaction and Stabilization must be carried out to the satisfaction of the Director Engineering.
15. 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.

16. **Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.**
17. **A traffic management plan shall be prepared by the proponent and approved by the Shire and subsequently implemented prior to the commencement of and during any work. All access to the site shall be from Alexander Road only. Access from Evans Way by construction machinery or trucks is not permitted. Trucks and machinery are not permitted to drive past the northern side of the Marri Grove Primary School and shall access the site via South Western Highway into Larsen Road and then into Alexander Road.**
18. **Larsen Road and Alexander 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 or its contractors shall be immediately repaired to the satisfaction of the Director Engineering.**
19. **All sand batters shall be constructed to a minimum slope of 1:6 to natural surface and stabilized to address erosion and sand drift.**
20. **Stockpiling of spoil material shall only occur in accordance with approved plans. This area is to be appropriately fenced and stabilised regularly. Maximum allowable height of stockpiles for topsoil and vegetation is 3.0 metres and is not to exceed the boundaries stipulated.**
21. **Stockpiling of fill material shall be in a location separated from the spoil stockpile by at least 20.0 metres.**
22. **Gradings, scrapings or excavated materials from this site are not to be used for fill unless prior approval for that use is specified in a comprehensive geotechnical report prepared by a NATA certified practicing geotechnical engineering organization that includes soil testing, groundwater and Acid Sulfate Soil investigations. This is to be provided prior to works commencing if any material from the site is intended to be used for fill.**
23. **A suitable water truck is to be on site at all times to undertake stabilization works as and when required or when requested by the Shire.**
24. **Engineering drawings detailing the proposed earthworks as well as internal access tracks for trucks and machinery are to be approved by the Shire prior to the commencement of site earthworks. The drawings are to include details of the construction specifications for the access tracks.**
25. **Fencing shall be constructed along the northern boundary of the site, between Marri Grove Primary School and the development area, to screen the works from view to the satisfaction of the Director Development Services.**

Advice Notes

1. **This approval should not be construed as support for any future subdivision of 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. **The applicant is 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.**
4. **With regard to Conditions 10 and 11 above, the applicant is advised that the requirements of the two documents can be combined into one overall submission to satisfy the two conditions, provided that all relevant information to satisfy both conditions is included in that document.**

CARRIED 9/0

Council Note: The Officer Recommended Resolution was amended by changing condition 20 from a 4.0 metre stockpile to a 3.0 metre stockpile due to the danger factor of a possible collapse, a precedent being created, the visual amenity of the area and the issue of possible dust.

SD099/05/08 PROPOSED OVERSIZED SHED WITH REDUCED SETBACK - LOT 66 ALICE ROAD, CARDUP (P05747/05)		
Proponent:	Brian Garwood	In Brief The applicant seeks to construct an oversized shed with reduced rear setback. It is recommended the application be conditionally approved.
Owner:	As Above	
Officer:	Casey Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	8 May 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 12 March 2008
 Advertised: Yes
 Submissions: Yes
 Lot Area: 2665m²
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural

Background

An application was received to construct a shed on Lot 66 Alice Road, Cardup with proposed setbacks of 1.5 metres from the rear and 1.5 metres from the side boundaries. Town Planning Scheme No. 2 (TPS 2) have these lots zoned Rural, for the purpose of development, an R5 density code is applied as the lots average in size of 2000m² and Local Planning Policy 17 (LPP 17) provide an as of right total combined floor area of 100m² for R5 coded lots. Under the Residential Design Codes, the minimum rear setback for an area coded R5 is 6 metres. The applicant advised they want to put the shed to the rear of the property so as to maximise on the lawn area to which the family can play outdoor sports and other activities.

The plans supplied with the original application indicated the shed was a fully enclosed barn style outbuilding measuring 15 metres x 12 metres. At the time of initial assessment, it was deemed the shed was 180m² being 80m² oversize under LPP17 for R5 coded areas. During time of advertising, a letter of objection was received. After receiving the submission and continuing with assessment of the proposal, an anomaly was identified in the shed size. Upon contacting the landowner, it was clarified the size of the shed was in fact only measuring 81m² enclosed with two attached open areas lean-to's. One proposed lean to measures 3m x 9m (27m²) and the patio style lean-to measures 6m x 6m (36m²). Being open sided, these two additions to the proposed shed would not be considered in calculating total combined floor area.

A copy of the site plan is with attachments marked SD099.1/05/08.

Sustainability Statement

Effect on Environment: The proposed location of the shed is open, flat and will not result in the loss of any trees. The submission received, requests the applicant ensure adequate drainage practices are in place to ensure potential stormwater run off is not directed to their adjoining property. The proposed shed has the potential to capture stormwater and the landowner has confirmed they will be maximising this opportunity for rainwater collection by purchasing an additional rain water tank for the property which is currently not serviced by scheme water.

Statutory Environment:

Town Planning Scheme No. 2
Residential Design Codes of Western Australia

Policy/Work Procedure Implications:

LPP17 Residential and Incidental Development.

Financial Implications:

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for the Council related to possible legal costs and officer time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes
Object: One

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A205608	Our concern is that the water volumes off the construction to be drained well away from our property so as not to cause flooding or damage to our home.	The landowner has advised they will be taking the opportunity to capture stormwater by purchasing an additional rain water tank and directing the water run off into this tank	Dismiss
	Our house is approximately 5 ½ metres from the boundary fence	The objector's property is a 1.49ha battleaxe property with the dwelling situation very close to two neighbouring lots. In the current location, the	Dismiss

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
		proposed shed would be screened by the existing vegetation on the objector's boundary whereas, if the proposed shed was moved to the other corner of the applicant's lot it would be more visible.	

Comment:

Whilst it was identified the shed resulted in a smaller floor area than the drawings supplied, a search of Council records indicated on average this was 50% smaller in size, than six other sheds within the same street. Whilst the lots are 2000m² and have an R5 density code applied for the purpose of setbacks, an investigation into other outbuildings in this area identified similar reduced setbacks had been previously granted.

By allowing the shed to be constructed in the south western corner of the applicant's property, this will result in minimal disturbance to the site for access as the southern boundary of the lot is open whereas the northern boundary has a swimming pool and large trees that may be impacted upon should the northern portion of the lot be the location for the proposed shed.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council approves the proposed shed for Lot 66 Alice Road, Cardup, subject to the following conditions:

1. All stormwater to be disposed of within the property via methods such as rainwater tanks or soakwells. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
2. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.
3. Street trees on verge are not to be pruned or removed.

Advice Notes

1. The shed and lean to's are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
2. A building licence is to be obtained prior to commencement of development.
3. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of Town Planning Scheme No. 2.

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

Committee Recommended Resolution

That item SD099/05/08 be deferred so that Officers may provide Council with an alternative recommendation that will allow the development to be setback an adequate distance from the rear boundary to allow screening of the shed.

Committee Note: The Officer Recommended Resolution was changed to defer the item so that Officers may provide Council with an alternative recommendation that will allow the development to be setback an adequate distance from the rear boundary to allow screening of the shed.

SUPPLEMENTARY INFORMATION

Concern was raised at Committee with regard to the 1.0 metre rear setback and the principle of the neighbours vegetation being used for screening of the shed.

A copy of an aerial photograph of the property is with the attachments marked SD099.2/05/08.

The rear setback in an R5 zone is 6 metres. It is considered reasonable to require a sufficient setback from the rear boundary to ensure screening of the shed is achieved by the proponent planting vegetation on their own lot.

Firebreaks

A question was raised with respect to whether or not firebreaks are required to be constructed around the perimeter of the lot. Council's Fire Break Inspector advised that firebreaks are not required however the area around the shed needs to allow unrestricted access. Any tree planting along the boundary would need to take this into account.

It is considered that screening at the rear of the shed is necessary to minimise the visual impacts on the adjoining neighbour and can achieve compliance with fire requirements.

Therefore, it is recommended that an additional condition be included in the Officer's recommendation relating to the rear setback and screening of the rear shed wall.

SD099/05/08 COUNCIL DECISION/Revised Officer Recommended Resolution

Moved Cr Price, seconded Cr Buttfield

That Council approves the proposed shed for Lot 66 Alice Road, Cardup, subject to the following conditions:

- 1. The shed is to be setback a minimum of 4.0 metres from the western (rear) boundary.**
- 2. The western side of the shed shall be screened with vegetation in accordance with Council's Information Note PS03 (landscaping and revegetation) by the 30 August 2008 and thereafter maintained by the owner to the satisfaction of the Shire.**
- 3. All stormwater to be disposed of within the property via methods such as rainwater tanks or soakwells. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**
- 4. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.**
- 5. Street trees on verge are not to be pruned or removed.**

Advice Notes:

- 1. The shed and lean to's are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.**

2. A building licence is to be obtained prior to commencement of development.
3. Existing native vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of Town Planning Scheme No. 2.

CARRIED 9/0

SD101/05/08 PLANNING INFORMATION REPORT		
Proponent	Director Development Services	In Brief Information Report.
Officer	Jodie Evans – Planning Services Support Officer	
Signatures – Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	7 May 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

SD101.1/05/08 PLANNING SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is with the attachments marked SD101.1/05/08.

SD101.2/05/08 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Property & Development	Decision
03/04/08	L103 Country Drive, Oakford – Home Business – Assembly of Measuring Equipment	Approved
03/04/08	L13 Lefroy Street, Serpentine – Home Business – Beauty Therapy	Approved
04/04/08	L33 Algeri Link, Oakford – Shed (overheight)	Approved
07/04/08	L653 Coles Street, Byford – Patio (reduced side setback)	Approved
08/04/08	L330 Bournbrook Avenue, Cardup – Shed (oversize)	Approved
08/04/08	L134 Howitzer Turn, Byford – Single dwelling	Approved
08/04/08	L7 Thomas Road, Byford – 3 Land Sales Sign Hoardings	Approved
08/04/08	L206 Salmon Bark Road, Serpentine – Water Tank (reduced side setback)	Approved
08/04/08	L3 Marginata Parade, Jarrahdale – Water Tanks	Approved
08/04/08	L52 Dougall Street, Byford – Warehouse – Self Storage Units	Approved
08/04/08	L9010 South Western Highway, Byford – Display Home Village	Approved
08/04/08	L3 Abernethy Road, Byford – Display Home Village	Approved
09/04/08	L227 Mardja Loop, Mardella – Shed & Home Business	Approved
09/04/08	L12 King Road, Oakford – Patio	Approved
09/04/08	L109 Racy Prince Court, Byford – Patio (outside building envelope)	Approved
09/04/08	L570 Bruns Drive, Darling Downs – Swimming Pool	Approved
09/04/08	L509 Woodstock Place, Darling Downs – Patio	Approved
09/04/08	L18 McKay Drive, Serpentine – Swimming Pool	Approved
09/04/08	L112 Beenyup Road, Byford – Patio	Approved

Date Issued	Property & Development	Decision
14/04/08	L249 Warburton Court, Byford – Stable and Keeping of Horse	Refused
15/04/08	L23 Karbro Drive, Cardup – Clearance of Subdivision	Approved
15/04/08	L75 Marginata Parade, Jarrahdale – Flat Roof Patio	Approved
15/04/08	L605 Nettleton Road, Jarrahdale – Additions to existing house	Approved
15/04/08	L83 Knoop Drive, Byford – Dwelling	Approved
15/04/08	L100 Gossage Road, Oldbury – Stables & Keeping of Horses	Approved
16/04/08	L152 Karangie Circle, Byford - Dwelling	Approved
16/04/08	L267 Leipold Road, Oldbury – Stables & Keeping of Horses	Approved
16/04/08	L80 Knoop Drive, Byford – Shed	Approved
16/04/08	L95 Knoop Drive, Byford – Patio & Shed	Approved
17/04/08	L230 Pomeria Drive, Byford – Patio & Shed	Approved
17/04/08	L208 Henry George Close, Byford – Single Dwelling	Approved
17/04/08	L281 Gossage Road, Cardup – Shed & Horse Shelters	Approved
17/04/08	L202 Homestead Place, Byford – Patio	Approved
17/04/08	L177 Paterson Road, Mundijong – Garage	Approved
17/04/08	L3 Coulterhand Circle, Byford – Patio Additions	Approved
18/04/08	L104 Westcott Road, Keysbrook – Ancillary Accommodation	Approved
18/04/08	L245 Cardup Siding Road, Byford – Shed	Approved
18/04/08	L237 Wright Road, Mardella – Single Dwelling	Approved
18/04/08	L176 Benalla Crescent, Byford - Patio	Approved
18/04/08	L26 Coulterhand Circle, Byford – Single Dwelling	Approved
22/04/08	L537 Bruns Drive, Darling Downs – Garage and Carport	Approved
22/04/08	L32 White Gum Rise, Byford – Ancillary Accommodation	Approved
22/04/08	L301 Richardson Street, Mundijong – Swimming Pool	Approved
23/04/08	L5 Karnup Road, Serpentine – Pergola & Coolroom	Approved
23/04/08	L1 Thomas Road, Oakford – Single Dwelling	Approved
23/04/08	L58 (Reserve 4330) Paterson Street, Mundijong – Signage	Approved
23/04/08	L3 Alexander Road, Byford – Subdivision 100 Lots	Refused
24/04/08	L35 Middleton Close, Serpentine – Steel Garage/Shed	Approved
24/04/08	L141 Howitzer Turn, Byford – Garage (reduced rear setback)	Approved
24/04/08	L6 Jessie Street, Byford – Garage	Approved
28/04/08	L317 Sweets Link, Byford – Patio	Approved
28/04/08	L132 Howitzer Turn, Byford – Single Dwelling	Approved
28/04/08	L801 Nettleton Road, Byford – Subdivision 8 Lots	Refused
29/04/08	L5 Rowley Road, Darling Downs – Clearance of Conditions of Subdivision	Approved
29/04/08	L22 College Court, Serpentine – Clearance of Conditions of Subdivision	Approved
29/04/08	L16 Cumming Road, Oakford – Clearance of Conditions of Subdivision	Approved
29/04/08	L17 Masters Road, Darling Downs – Clearance of Conditions of Subdivision	Approved
29/04/08	L204 Homestead Place, Byford – Shed	Approved
29/04/08	L212 Butter Gum Close, Serpentine – Shed	Approved
29/04/08	L210 Ballagar Road, Byford – Garage	Approved
29/04/08	L2 Jarrahlglan Rise, Jarrahdale – Shed	Approved
29/04/08	L178 Benalla Crescent, Byford – Development 2 x Sheds	Approved
30/04/08	L5 Karnup Road, Serpentine – 3 x Flag Poles	Approved
30/04/08	L19 Echoveld Close, Mundijong – Shed	Approved
30/04/08	L145 Howitzer Turn, Byford – Single Dwelling	Approved

Date Issued	Property & Development	Decision
30/04/08	L32 Berringar Elbow, Cardup – Commercial vehicle parking	Approved
02/05/08	L9004 Larsen Road, Byford – Clearance of Conditions of Subdivision	Approved
02/05/08	L31 Jersey Road, Oakford – Garage	Approved
02/05/08	L103 Country Drive, Oakford – Ancilliary accommodation, gazebo, carport, carport enclosure and extension of shed	Approved
02/05/08	L61 (#36) Clondyke Drive, Byford - Patio	Approved
02/05/08	L35 Karbro Drive, Cardup – Sea Container	Refused
02/05/08	L722 Selkirk Road, Serpentine – Rain water tank	Approved
02/05/08	L43 (#35) Leaver Way, Cardup – Single dwelling and ancillary accommodation	Approved
02/05/08	L17 (#187) Masters Road, Darling Downs – New stables	Approved
02/05/08	L575 (#20) Madeira Turn, Byford – Single dwelling and shed	Approved
02/05/08	L135 Howitzer Turn, Byford – Single dwelling	Approved
05/05/08	L7052 Linton Street, Byford – Front fence	Approved

Planning Approvals – 73
 Planning Refusals – 4
 Subdivision Clearances – 6
 Subdivision Recommendations - 5

SD101.3/05/08 CONCEPT FORUM – MAY AGENDA ITEMS

ITEMS FOR PRELIMINARY DISCUSSION	
1	April Compliance Matters Report
2	Development Assessment Unit and Statutory Assessment Unit meetings held on 24 April 2008

General Business

- Briefing on Jarrahdale Oval Report
- Briefing on the Dust Local Law
- Briefing on Public Health Bill & Food Strategy for WA
- Water Corporation - Discussion on Water and Sewer Infrastructure issues in the Byford area
- Department for Planning and Infrastructure - update on the South Metro Urban Growth Management strategy

SD101.4/05/08 SUBDIVISION DETERMINATION – WA PLANNING COMMISSION

Proposed Subdivision – Lot 15 Keenan Street, Darling Downs (S128787)

Owner: K A Kiely
 Proposal 6 rural living lots
 L.A.Decision: Approved
 WAPCDecn: Approved

Proposed Subdivision – Lot 9010 South Western Highway, Byford (S136499)

Owner: Bradwell Pty Ltd
 Proposal: 16 residential lots, average 516 m² & 1 commercial lot, 5983 m² for commercial
 L.A.Decision: Approved
 WAPCDecn: Approved

Proposed Subdivision – Lot 569 Lychee Place, Byford (S2077-07)

Owner: Byford Central Pty Ltd
Proposal: 11 residential lots, average 275 m²
L.A.Decn: Approved
WAPCDecn: Approved

Proposed Subdivision – Lot 227 Walters Road, Byford (S136890)

Owner: S P McCann
Proposal: 2 residential lots, (630m² & 1798m²),
L.A.Decn: Approved
WAPCDecn: Approved

Proposed Survey-Strata Plan – Lot 227 Walters Road, Byford (S158-08)

Owner: S P McCann
Proposal: 3 residential lots, (592m², 492m², 517m²),
L.A.Decn: Approved
WAPCDecn: Approved

SD101.5/05/08 METROPOLITAN REGION SCHEME AMENDMENT 1113 33A
SOUTH EAST DISTRICT OMNIBUS AMENDMENT 7

The Minister for Planning and Infrastructure has granted final approval for the above amendment to the Metropolitan Region Scheme. With regard to Serpentine Jarrahdale Shire the amendment results in:

- The removal of the Water Catchment reservation from large parts of Jarrahdale townsite. This includes part of Lot 814 Millar Road owned by the Shire and contained within the Jarrahdale Heritage Park.
- The rezoning of part of Lot 814 from Rural to Urban

A copy of the Scheme amendment maps are with the attachments marked SD101.5/05/08.

As a result of the amendment the range and density of future development on this land will be less restricted, which is a good outcome for the Shire.

SD101/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution

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

Councillors are directed to refer to item OCM041/05/08 contained within this agenda as it relates to matters discussed at Committee associated with this item CGAM078/05/08.

CGAM078/05/08		TENDER NUMBER 003-2008 - PROVISION OF THE SUPPLY OF MECHANICAL SERVICES (A1514)
Proponent:	Serpentine Jarrahdale Shire	In Brief To approve the recommended Tenderer for the Provision of the Supply of Mechanical Services until 30 th June 2009 with a possible extension up to 30 th June 2011.
Owner:	Not Applicable	
Officer:	Melissa Traill-Nash Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	5 May 2008	
Previously	CGMA120/05/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

This tender forms part of Serpentine Jarrahdale Shire's Annual Budget and the supply of contract plant and equipment is essential to facilitate the completion of the 2008/2009 construction and maintenance program.

As a result, a Request for Tender was recently called for the '*Provision of the Supply of Mechanical Services*'

Tender 003/2008 was advertised in the West Australian on 12th April and closed Tuesday, 29th April 2008.

At the close of Tenders, three (3) submissions were received from the following registered companies:

- Stonepark Pty Ltd trading as Mundijong Mechanical and Mobile
- BurkeAir Pty Ltd
- Wayne Morris Dillon trading as Complete Diesel Repairs

Sustainability Statement

This tender will ensure that the Shire is provided with the best services required to complete the proposed works identified in the Forward Financial Plan. By seeking the services externally the Shire is able to utilise best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable Asset maintenance.

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

Effect on Environment: This will minimise environmental damage through best practice in its field.

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

Use of Local, renewable or recycled Resources: Use of local companies and resources thus supporting local business.

Economic Viability: This tender will ensure that the Shire is provided with effective services as required to complete the proposed works identified in the Forward Financial Plan. By seeking the services externally the Shire is able to utilize best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable Asset maintenance.

Economic Benefits: Use of local resources.

Social – Quality of Life: Tenderers resources will ensure the Shire's equipment can be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths and trails for the residents of our community.

Statutory Environment:

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

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

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

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

Policy/Work Procedure Implications:

Shire of Serpentine Jarrahdale Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council on 27 May 2007. G16 Tender Process.

Financial Implications:

Contained within the proposed 2008/2009 budget.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation was required.

Comment:

At the close of Tenders, three (3) submissions were received from registered. The Tender was reviewed by an evaluation panel that comprised of the Shire's Manager of Engineering and Engineering Technical Officer.

A Confidential attachment details the assessment attached at CGAM078.1/05/08.

It was the considered opinion of the panel that the Tender from Mundijong Mechanical and Mobile was reasonable and should be accepted by Council for the contract period to the 30th June 2009 with the option to extend the contract up to an extra 24 months.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council accept the Tender submitted by Stonepark Pty Ltd trading as Mundijong Mechanical and Mobile for the Provision of the Supply of Mechanical Services in accordance with Tender Number 003/2008 for the contract period up to the 30th June 2009 with a possible extension up to 30th June 2011.

Committee Recommended Resolution:

1. That Council accept the Tender submitted by Stonepark Pty Ltd trading as Mundijong Mechanical and Mobile for the Provision of the Supply of Mechanical Services in accordance with Tender Number 003/2008 for the contract period up to the 30th June 2009 with a possible extension up to 30th June 2011.
2. That the Shire workshop and depot be supplied for the servicing, maintenance and repair of plant and equipment owned or controlled by the Shire only.
3. That any personal Plant or Equipment left on Shire premises is at the sole risk of the owner.

4. The mobile workshop not to be stored at the depot.
5. That the Serpentine Jarrahdale Youth Activities Group has continued use of the workshop on Saturdays.

During debate Cr Needham foreshadowed that she would move that this item be deferred to the May 2008 Ordinary Council Meeting if the motion under debate was defeated.

Revised Recommendation:

That CGAM078/05/08 be deferred to the May 2008 Ordinary Council Meeting in order that further information may be provided.

Committee Note: The Officer Recommended Resolution was changed in order that further information may be provided to the May 2008 Ordinary Council Meeting.

CGAM078/05/08 COUNCIL DECISION:

Moved Cr Price, seconded Cr Harris

That Council accept the Tender submitted by Stonepark Pty Ltd trading as Mundijong Mechanical and Mobile for the Provision of the Supply of Mechanical Services in accordance with Tender Number 003/2008 for the contract period up to the 30th June 2009 with a possible extension up to 30th June 2011.

CARRIED 9/0

CGAM079/05/08 ROAD CONSTRUCTION - TURNER STREET, SERPENTINE (R0330)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to endorse the construction of a lower standard road in Turner Street, Serpentine.
Owner:	Not applicable	
Officer:	Doug Elkins - Manager Design and Assets	
Signatures Author:		
Senior Officer:	Markus Botte – Acting Director Engineering	
Date of Report	7 May 2008	
Previously	CGAM083/02/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Turner Street in Serpentine is an un-made road reserve providing the only legal access to lots 5 to 10. The lots on Turner Street are all residential vacant lots and can be sold and houses constructed on the individual lots. In order for formal access to be provided to these lots, a road in some form needs to be provided.

In February 2007, the Council at CGAM083/02/07 resolved the following:

1. *Council advise Mr Barnao that the construction and bitumen sealing of Turner Street is not identified in the ten year road construction program and is therefore deemed to be a low priority in comparison to other more urgent road construction projects.*

2. *Due to limited road construction funding in any given year, Council is unable to fast track the construction of Turner Street due to other more urgent road construction priorities.*
3. *Council will support the upgrade of Turner Street to bitumen sealed standard, by the proponent following the preparation and adoption of a District Structure Plan for Serpentine by the Serpentine Jarrahdale Shire.*

Subsequent to this resolution, the project manager for the landowner engaged Cardno BSD's environmental consultancy to assess and document the botanical value of the site. The result of investigations has been the identification of Threatened Ecological Communities (TEC) listed as critically endangered. The identified vegetation is recognised at a Federal level and is protected under Federal Legislation.

Due to the discovery of the TEC, the developer is seeking a relaxation on the Shire's normal standard for road construction in order to limit the extent of any clearing required and to improve the ability to align the road to degraded areas of the road reserve. The current Shire Road construction standard is substantially based on the requirements of the Shire's rubbish service, so adopting a lower standard of construction could restrict the Shire's capacity to provide a rubbish service at the front of the subject properties.

The attachment CGAM079.1/05/08 (E08/1953) is the Proposed Road Layout Design.

The proposed road consists of two sections. One length of carriageway with the standard 6 metre width and the second length of carriageway at a width of 5 metres. The proposed road also contains two cul-de-sacs, both of which are smaller than the standard cul-de-sac. Also shown on the plan is a service corridor, which has been proposed in accordance with the standard service alignment. The proposal also includes a formal path to the School, which is intended to meander through the vegetation and is intended to prevent damage to TEC by encouraging pedestrian movements in a specific location.

Prior to any construction works commencing in Turner Street, the landowner will require clearances from the Department of Environment and Conservation (DEC) and the Federal Department of Environment and Heritage.

Sustainability Statement

Effect on Environment: The construction of a road in Turner Street will result in some vegetation being removed, however, the proposal to relax the standard road construction requirements will allow TEC to be protected by reducing the clearing required and by enabling alignment of the road in areas of degradation rather than in areas of high conservation value.

Biodiversity: The construction of Turner Street will result in damage to the natural environment, however, the intent of the application is to enable a reduction in the cleared area and avoidance of more important or more valuable areas of natural environment. It is expected that the suggested lower standard road will result in a better biodiversity outcome than the alternative standard road construction.

Resource Implications: The proposed reduced standard for the road construction will minimise clearing of TEC and will allow the road to be aligned to areas of lower value or degraded areas.

Should the landowner be unable to construct Turner Road, it is likely that the responsibility for the road's construction will ultimately become the Shire's.

Social and Environmental Responsibility: The intent of the Developer is to minimise the destruction of TEC representing a socially and environmentally responsible approach to land development.

Statutory Environment:

The landowner will be required to attain approvals from the DEC and the Department of Environment and Heritage.

Policy/Work Procedure Implications:

Council's current standard for road construction is based on the manoeuvrability requirements of rubbish trucks and is intended to allow for the pickup of the Shire's bins from residential verges.

Financial Implications:

If the landowner is unable to construct Turner Street, it is likely that the Shire will assume the responsibility for the road's construction.

Strategic Implications:

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

2. Environment

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

Strategies:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

Community Consultation:

Not required.

Comment:

The proposed road will provide a level of access appropriate for the traffic volumes and the surrounding environment and will present to a higher standard than the adjacent Rudall Street, which is only constructed to a gravel road standard. It is expected that the construction of Turner Street, to a lower than normal standard, will prevent the Shire's rubbish and recycling services from being available at the property verge. There is currently no impediment to providing a rubbish service in Rudall Street and it is considered a reasonable trade-off to require residents to wheel their bins to Rudall Street in order to protect endangered and rare flora. It is also considered appropriate that, should Council agree to the reduced construction standard, requiring domestic waste and recyclables to be collected from Rudall Street, potential purchasers of the land are informed and a formal location for the bins to be placed is established by the landowner as part of the road works.

It is noted that the proposed service corridor results in additional clearing of land. On site investigations generally support the location of services in the proposed location as this is already partially cleared. Furthermore, service providers normally require their infrastructure to be located outside of the road carriageway and in a standard location. It is possible to deviate service location from the standard service alignment, where it is warranted, with the permission of the Local Authority and other utility providers. As such, it is recommended that the location of services off the standard alignment be supported by the Shire and that the landowner be encouraged to locate services to avoid vegetation as far as possible, including the possibility of construction under the road shoulder or carriageway.

When Council last considered the construction of Turner Street, Council resolved to support construction after the adoption of a District Structure Plan for the Serpentine area. With current workloads and priorities, it is unlikely that the development of a District Structure Plan will occur for a number of years. As the road reserve currently exists and the properties can be developed, there is no impediment to the sale of the lots and applications being

lodged for building licenses. Without the construction of a formal road in Turner Street, prior to the commencement of building construction, it is likely that builders and property owners will create their own tracks for access, placing at risk the TEC. As such, it is recommended that the Council support the formal construction of Turner Street in Serpentine, prior to the adoption of a District Structure Plan for the Serpentine area.

Voting Requirements: Simple Majority

Chief Executive Officer left the meeting at 9.20pm and returned at 9.21pm.

Committee/Officer Recommended Resolution:

Subject to:

1. The Developer registering a Section 70A Notification on the title on lots 5-10 Turner Street, Serpentine advising prospective purchasers of the waste collection arrangements.
2. The approval of the Department of Environment and Conservation and the Department of Environment and Heritage; and
3. The Developer constructing a suitably screened bin enclosure in Rudall Street at the time of the construction of Turner Street to the satisfaction of the Director Engineering,

Then:

- i) Council support the construction of Turner Street in accordance with the Ewing VDM plan 7003-SK1, which includes a carriageway width of 5 metres and undersized culs-de-sac.
- ii) Council supports the construction of utility services in Turner Street off the standard alignment and encourages the Developer to construct utility services in a location that limits destruction to vegetation.

SUPPLEMENTARY INFORMATION

In essence, the purpose of this additional information is to provide a copy of an environmental assessment undertaken to determine the impact of the construction of a road on Turner Street in Serpentine.

The environmental report from Cardno BSD is included as a Confidential Attachment at CGAM079.2/05/08.

The environmental report provides a description of the Threatened Ecological Communities and provides the basis for the proposed road alignment and reduced width. As the TEC represent a group of plants, they are often difficult to map as they depend on a certain number of plant species within the plant group being present.

The project manager for the land owners (Developer) is attempting to preserve vegetation through requesting Council support the construction of a road in accordance with the recommendations of the environmental assessment. In considering the agenda item, it is important to be conscious of the status of the land as a number of un-serviced green title lots. As the land exists in green title, each lot can be developed.

By undertaking an environmental assessment and requesting Council support a reduced construction standard, the developer is attempting to protect the TEC. Should Council not support under-width construction, the land developer could apply to the State and Federal environmental agencies for permission to construct a full standard road, or alternatively, the developer would leave the road to be constructed by Council. If this occurs, it is considered likely that the private landowners will destroy the TECs when they create their own accesses to their properties.

Importantly, the protection of the TEC is provided by both a State and Federal approval processes. As such, if the proposed construction does not meet the protection

requirements, an approval will not be provided by the approving authorities or alternatively, the approving authorities may issue a conditional approval.

CGAM079/05/08 COUNCIL DECISION:

Moved Cr Price, seconded Cr Geurds

Subject to:

1. The Developer registering a Section 70A Notification on the title on lots 5-10 Turner Street, Serpentine advising prospective purchasers of the waste collection arrangements and environmental values of the road reserve.
2. The approval of the Department of Environment and Conservation and the Department of Environment and Heritage; and
3. The Developer constructing a suitably screened bin enclosure in Rudall Street at the time of the construction of Turner Street to the satisfaction of the Director Engineering,

Then:

- i) Council support the construction of Turner Street at the developers cost in accordance with the Ewing VDM plan 7003-SK1, which includes a carriageway width of 5 metres and undersized culs-de-sac.
- ii) Council supports the construction of utility services in Turner Street off the standard alignment and encourages the Developer to construct utility services in a location that limits destruction to vegetation.
4. A sign is to be placed at the entrance of Turner Road stating that this road is a protected flora reserved at the developers cost.
5. Notations concerning the protected status of the flora on the road reserve be incorporated into Council's information systems.

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed by amending part 1 to include 'and environmental values of the road reserve', an addition to part i) 'at the developers cost', adding a part 4 advising that a sign be placed at the entrance of Turner Road stating that this road is a protected flora reserve at the developers cost and adding a part 5 stating that notations concerning the protected status of the flora on the road reserve be incorporated into Council's information systems.

CGAM080/05/08 APPOINTMENT OF COUNCILLORS TO THE PROPOSED RIVERS REGIONAL COUNCIL (A0283)		
Proponent:	Serpentine Jarrahdale Shire	In Brief: Council is requested to appoint Councillors to the new Regional Council (to be formally established on the 6 June 2008), formerly South East Metropolitan Regional Council (SEMRC).
Officer:	Markus Botte Acting Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	7 May 2008	
Previously	CGAM001/07/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In July 2007, Councillor Murphy and Councillor Kirkpatrick were appointed as Council delegates to the South East Metropolitan Regional Council.

In March 2008, Council resolved to adopt the Deed of Amendment and to authorise the Shire President and the Chief Executive Officer to evidence the adoption by signing the Deed and affixing the Shire's common Seal, in order to complete the process of becoming a full member of the South East Metropolitan Regional Council (SEMRC). Council also noted the change of name from SEMRC to the proposed "Rivers Regional Council".

On 6 May 2008, the Establishment Agreement and Deed of Amendment for the Regional Council were signed by the Shire President and the Acting Chief Executive Officer. On 6 June 2008, the Hon Ljiljanna Ravlich MLC Minister for Local Government will then formally establish the new Regional Council.

As this is a new Regional Council, Councillors are now requested to consider the appointment of two Councillors. The appointment of Councillors will ensure a smooth transition of representation when the SEMRC changes to the new Regional Council.

Statutory Environment: The Local Government Act 1995 provides for the establishment of Regional Local Governments. Each Regional Local Government has a Council, the members of which are appointed by the participants (i.e. each member Council). The establishment agreement provides for two members from Serpentine Jarrahdale Shire to be members of the Regional Council.

Policy/Work Procedure Implications: Not Applicable

Financial Implications: There is likely to be minor costs incurred for councillor travel to meetings.

Strategic Implications: Not Applicable

Community Consultation: Not required.

Comment:

Councillor Murphy and Councillor Kirkpatrick are the currently appointed Council delegates to the SEMRC. Those Councillors possess the necessary background knowledge and understanding of the proposed actions of the Regional Council.

Therefore it is recommended that these Councillors be appointed to the new Regional Council.

Voting Requirements: Simple Majority

CGAM080/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Brown

That Cr Murphy and Cr Kirkpatrick be appointed as Councillors to the proposed Rivers Regional Council (to be formally established on 6 June 2008), formerly South East Metropolitan Regional Council as representatives of the Serpentine Jarrahdale Shire.

CARRIED 9/0

CGAM081/05/08 TENDER FOR SUPPLY LEGAL SERVICES RFT001/2008 (A1505)	
Proponent:	Serpentine Jarrahdale Shire
Owner:	Not applicable
Officer:	Lee Cockram - P/A Director Corporate Services
Signatures Author:	
Senior Officer:	Alan Hart – Director Corporate Services
Date of Report	16 April 2008
Previously	Not applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief
Council is requested to accept the tender submitted by McLeods Barristers and Solicitors to supply Legal Services to Council for a period of three years.

Background

Legal fees are a significant cost to Council. As development occurs within the Shire, there is more reliance on legal practitioners to provide services to Council in relation to legal agreements, legal opinions in relation to the development of the shire and legal representation in court and at the State Administrative Tribunal.

It is a requirement of the Local Government Act that tenders be called for the supply of services if the consideration under the contract is or is expected to be in excess of \$100,000.00.

Therefore in accordance with the Local Government Act and the Serpentine Jarrahdale Shire Purchasing Policy Tender RFT001/2008 was advertised in March and three submissions were received.

Statutory Environment:

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

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

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

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

Policy/Work Procedure

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council on 27 May 2007 (CGAM120/05/07).

Financial Implications:

Costs will be incorporated in the proposed 2008/2009 budget.

Strategic Implications:

The proposal incorporates the following strategic implications:

2. Environment

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

Strategies:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation is required for this item.

Comment:

The tenders were assessed by the Acting Chief Executive Officer, Director Corporate Services and the Personal Assistant to Director Corporate Services.

A Confidential attachment details the assessment attached at CGAM081.1/05/08 (E08/1567).

The quality of the tenders was of a very high standard and in most of the categories of the tender assessment, the tenders scored equally. The point of differentiation was the additional services that one tenderer offered without additional cost. In addition, for a minimal retainer, unlimited verbal legal advice was offered.

As the tender is for a period of three (3) years, all tenders were submitted with pricing over the entire period. Most tenders, including McLeods Barristers and Solicitors included provision for CPI increases.

Therefore it is recommended, based on the breadth of resources, value adding through training, discounts provided, free phone advice, rates per hour and the retainer rates, that Council accept the tender submitted by McLeods Barristers & Solicitors.

Voting Requirements: Simple Majority

CGAM081/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Brown
That Council accepts the Tender submitted by McLeods Barristers & Solicitors RFT001/2008 for the Supply of Legal Services for a period of three years.
CARRIED 9/0**

CGAM082/05/08 BORROWINGS POLICY (A1048)		
Proponent	Serpentine Jarrahdale Shire	In Brief Council adopt a policy in relation to borrowings. The policy provides a framework in which Council can borrow funds for projects as part of its long term financial planning and annual budget preparation process.
Owner:	Not Applicable	
Officer:	Alan Hart - Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	8 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Shire is experiencing a growth stage, with a significant amount of development happening. To manage this growth efficiently, it will be necessary to borrow funds to purchase infrastructure, fund strategic projects and maintain existing infrastructure. It is proposed that Council adopt a policy to ensure that any borrowings are planned and the strategic and long term implications of borrowing funds are carefully considered.

A copy of the Borrowings Policy is with the attachments marked CGAM082.1/05/08 (E08/1982).

Sustainability Statement

The proposed policy ensures that all borrowings are considered in the context of the Forward Financial Plan and are fully costed and built into the forward estimates. By taking this approach to borrowings, it is not only seen as a method of funding projects, but the long term financial implications ensure affordability into the future.

Statutory Environment: Section 6.20 of the Local Government Act (1995) - Power to Borrow.
Section 6.21 of the Local Government Act (1995) - Restrictions on borrowings.

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

Community Consultation:

Not required.

Comment:

The attached policy is designed to put a framework in place to enable Council to consider borrowings as a method of funding projects as part of each year's budget process. It is very specific about the types of projects that can be loan funded and ensures that a strategic approach is taken to borrowings. For example, all borrowings must be included in the Forward Financial Plan, thus enabling the cost implications to be fully known in the forward estimates.

There are also limits placed on borrowings, so that repayments do not encroach on funding the operations of the Shire, the policy places some restrictions on borrowings specifically in the form of borrowing and repayment caps. These are in place to minimise the impact on the ability of the Shire to fund services that are required to be supplied as part of the day-to-day business.

The overall thrust of the policy is very much about using borrowings as a method of funding projects today and allocating the costs of the projects over their useful lives, including considerations such as intergenerational loans for long term assets which may be used by the residents of the Shire over one of more generations.

Voting Requirements: ABSOLUTE MAJORITY

CGAM082/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Murphy, seconded Cr Price
 That Council adopts the Borrowings Policy as detailed in the Attachment
 CGAM082.1/05/08.
 CARRIED 9/0**

CGAM083/05/08 SALE OF STAFF STREET COTTAGES (P06272, P06275, P06276 & P06277)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council approval is sought to sell Lots 816, 819, 820 and 821 Staff Street, Jarrahdale. The funds from the sale will be used to fund infrastructure works on the Jarrahdale Heritage Park.
Owner:		
Officer:	A Hart - Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	9 May 2008	
Previously	SCM007/09/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In September 2007, Council resolved to adopt the Jarrahdale Heritage Park (JHP) and Precincts Business and Marketing Plan (subject to amendments). This plan outlines the development of the Heritage Park in Jarrahdale. To enable the works to begin, it is necessary to dispose of four (4) cottages in Staff Street, Jarrahdale.

The disposal of these properties was included in the 2007/08 budget and funds are to be applied to the development of the JHP.

A copy of the Options Paper is with attachments marked CGAM083.1/05/08 (E08/2066)

Sustainability Statement

Economic Benefits: The sale of the cottages frees up capital for development works in the JHP. In the long term there will be benefits in the tourism industry and the possibility of the creation of local jobs as the park is being developed, which will support the ongoing operations of the JHP.

Social Diversity: Tenants of the cottages are potentially displaced as a consequence of the sale of the cottages. Council has always intended on selling the cottages. Advance notice will be given to the tenants advising them of the impending sale.

Statutory Environment: Local Government Act 1995 (as amended)

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

Financial Implications: The sale of the cottages is budgeted in 2007/08 and the funds are to be utilised to finance the development of the Park. The proceeds of the sale will be transferred to a reserve account and will only be used for the development of the JHP.

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.
Objective 3: Effective management of Shire growth
Strategies:
1. Enhance economic futures for Shire communities.

Community Consultation:

Not Applicable

Comment:

Since Council adopted the Jarrahdale Heritage Park and Precincts Business and Marketing Plan, work has commenced on implementing the plan. Whilst this is at an infancy stage, it is necessary to commence raising the funds required to commence the work on developing the Park. The sale of the Cottages is an integral part of financing the first stage of the works as outlined in the 2007/08 budget.

Council engaged the services of a consultant to investigate the best method to dispose of these properties given the constraints on Council by the Local Government Act. The consultant's report details the options and the advantages/disadvantages of each option. The recommended option is considered to be the one which will maximise Council's return on its investments, therefore enabling more funds to be committed towards the Heritage Park project.

The recommended process to dispose of the properties is by a tender process. It is also recommended that a real estate agent be engaged to assist in the disposal process.

With the assistance of the successful real estate agent, a comprehensive marketing campaign be undertaken to ensure maximum exposure of the properties to potential purchasers.

The properties also have heritage value as they are representative of the cottages that housed the workers in the area. To ensure that the heritage value of these properties is maintained, it is also recommended that a covenant be put in place on the titles of the land.

Voting Requirements: ABSOLUTE MAJORITY

CGAM083/05/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris

That;

- 1. Council dispose of Lots 816, 819, 820 and 821 Staff Street, Jarrahdale by public tender.**
- 2. Council call for tenders from a suitably qualified real estate agent or company, to co-ordinate and market the sale of the properties.**
- 3. Council obtains a current valuation on these properties prior to advertising the tender for the sale of the properties.**
- 4. The proceeds of the sale be transferred to a reserve account and be utilised to fund capital / infrastructure works for the Jarrahdale Heritage Park.**
- 5. Council place a restrictive covenant on the Certificates of Title ensuring the conservation value of the properties is protected.**
- 6. Tenants to be advised by Council of their intention to dispose of the properties.**

CARRIED 8/1

CGAM084/05/08		PERMIT VEHICLE USE ON DIRK ROAD, KEYSBROOK (R0061)
Proponent:	Hanson Construction Materials	In Brief Council is requested to support permit vehicle use on Dirk Road in Keysbrook.
Owner:	Not applicable	
Officer:	Doug Elkins – Manager Design and Assets	
Signatures Author:		
Senior Officer:	Markus Botte - Acting Director Engineering	
Date of Report	13 May 2008	
Previously	CGAM139/06/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Hanson Construction Materials Pty Ltd (Hanson) has a Contract to supply 65,000 tonnes of rail ballast to the Dirk Road, Keysbrook, stockpile site managed by John Holland. The Contract is anticipated to be in place for a period of 8 months, commencing in August 2008. In order to reduce large truck movements and to contain the amount of fuel used in the transport of the ballast, Hanson has requested permission to operate 19 meter truck and trailer combinations and pocket road trains of up to 24m in length for this haulage operation. Due to the mass and length of the truck and trailer combinations, Hanson requires a permit to operate these vehicles on Dirk Road.

In June 2007, Council considered a similar request at CGAM139/06/07. Council at the time conditionally supported the use of permit vehicles of up to 27.5m in length. This request was for a site further along Dirk Road than in the Hanson request and was for vehicles of greater length. The request supported in June of 2007 is still current, although will cease in the next month. As per the Engineering Customer Service Records, this haulage operation has not been the subject of complaint or incident during the period of operation.

In addition to the Council decision at CGAM139/06/07, Shire records evidence the issuing of permits for Dirk Road on two other occasions, including one occasion where the permit was issued to the applicant (Hanson). During the period of the recorded use of Dirk Road by permit vehicles, there is no record of complaint or incident.

Sustainability Statement

Effect on Environment: The use of larger combination vehicles reduces the number of truck movements on a road resulting in reduced congestion and reduced fuel use per unit of transported material.

Resource Implications: The use of truck combinations reduces the burning of fossil fuels by increasing the efficiency of material haulage per unit of material.

Social – Quality of Life: The use of larger combination vehicles reduces the total number of trucks on the road, reducing congestion and truck noise and reducing the frequency aspect of truck conflict risk.

Statutory Environment:

The operation of permit vehicles is controlled by Main Roads Western Australia on the basis of recommendations provided by Council.

Policy/Work Procedure

Implications:

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

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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:

Not applicable.

Comment:

Dirk Road is a non-through road with only two residential accesses, both of which are located more than 600m from the stockpile site.

Dirk Road provides access to both a John Holland ballast stockpile location and a Western Power power-pole storage facility.

Although Dirk Road is not particularly wide, there is enough room for vehicles to pass side-by-side using the shoulder, and with the low anticipated traffic volumes this is considered acceptable and can be enhanced with the imposition of a speed restriction.

As the use of Dirk Road by residential users is limited, due to the small number of private residences and the lack of access to other roads, the frequency of permit vehicle interaction with smaller vehicles will be limited and well below the frequency of interaction on most permit vehicle routes.

It is most likely, however, that the Shire will receive further requests in the future for permission to use permit vehicles on Dirk Road due to the location of the John Holland and Western Power stockpile facilities. In order to reduce officer and Councillor workloads and in accordance with the previous decision by the Council to approve the use of permit vehicles in Dirk Road, it is recommended that Council delegate to the Director Engineering the authority to approve individual applications for permit vehicle use of Dirk Road with the following conditions:

- vehicle combinations do not exceed 27.5m in length;
- permit vehicles do not exceed 40km/h travel speed on Dirk Road;
- permit vehicles only operate on Dirk Road during daylight hours and do not operate on Dirk Road on Sundays or Public Holidays;
- the operators making good any damage to the seal or shoulders on the section of Dirk Road used by the operator's permit vehicles, during the approved period of haulage operation;
- support for a permit to Dirk Road being limited to 12 months per application, with the Director Engineering to support extensions where the Director Engineering is satisfied that the operators have acted responsibly, have complied with the speed limit restriction and have made good any damage caused to the seal or shoulders; and
- such other conditions as the Director Engineering considers necessary.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

1. The Director Engineering be authorised to support applications for permits to use Dirk Road, Keysbrook, with the following conditions:
 - vehicle combinations do not exceed 27.5m in length;
 - permit vehicles do not exceed 40km/h travel speed on Dirk Road;
 - permit vehicles only operate on Dirk Road during daylight hours and do not operate on Dirk Road on Sundays or Public Holidays;
 - the operators making good any damage to the seal or shoulders on the section of Dirk Road used by the operator's permit vehicles, during the haulage operation;
 - support for permits to use Dirk Road be limited to periods not exceeding 12 months;
 - such other conditions as considered necessary by the Director Engineering.
2. Council delegate to the Director Engineering the authority for permit extensions or further permits to be provided to an operator only where the Director Engineering is satisfied that the operators have acted responsibly, have complied with the speed limit restriction and have made good any damage caused to the seal or shoulders.
3. The Director Engineering be authorised to revoke support for a permit where he is satisfied that an operator is not acting responsibly, have not complied with the speed limit restriction or has not been making good damage to the seal or shoulders.

CGAM084/05/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Harris

1. **The Director Engineering be authorised to support applications for permits to use Dirk Road, Keysbrook, with the following conditions:**
 - **vehicle combinations do not exceed 27.5m in length;**
 - **permit vehicles do not exceed 40km/h travel speed on Dirk Road;**
 - **permit vehicles only operate on Dirk Road during daylight hours and do not operate on Dirk Road on Sundays or Public Holidays;**
 - **the operators making good any damage to the seal or shoulders on the section of Dirk Road used by the operator's permit vehicles, during the haulage operation;**
 - **support for permits to use Dirk Road be limited to periods not exceeding 12 months;**
 - **such other conditions as considered necessary by the Director Engineering.**
2. **The Director Engineering be authorised to revoke support for a permit where he is satisfied that an operator is not acting responsibly, have not complied with the speed limit restriction or has not been making good damage to the seal or shoulders.**

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed by removing part 2 where the Director Engineering was authorised to approve future permits.

CGAM089/05/08		PROPOSED CHANGE IN VESTING OF BRADY STREET PARK RESERVE (FORREST GREEN) 30735 (RS0071)
Proponent:	Cr John Kirkpatrick	In Brief Council pursue a change in vesting of Brady Street Park Reserve (Forest Green) from the Department of Environment and Conservation to the Serpentine Jarrahdale Shire and the land remain as public open space.
Owner:		
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	15 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

On 15 April 2008, Cr John Kirkpatrick requested that the following Notice of Motion be put forward for consideration at the Corporate Governance and Asset Management Meeting to be held on 20th May 2008:

Councillor Recommended Resolution:

1. That the CEO actively pursues a change in the vesting of the area in Jarrahdale known as Forrest Green. Being part of the Jarrahdale State Forest block Serpentine compartment 02-8722903 from Department of Environment and Conservation to the Shire of Serpentine Jarrahdale.
2. That this land be kept as public open space in perpetuity for the ratepayers of the Shire.

Officer Comment

Unfortunately, this Notice of Motion was not progressed internally and was only brought to the Chief Executive Officer's attention by Councillor Kirkpatrick on 14 May 2008. The Chief Executive Officer apologies for this breakdown in process and would request that the Committee defer this matter to the Ordinary Council meeting to be held on 26 May 2008 to permit a more considered response to be provided so that Council may make an informed decision on this matter.

Officer Recommended Resolution:

That the Chief Executive Officer provide a report to the May Ordinary Council Meeting on the implications of a change in vesting of the Brady Street Park Reserve.

Committee Recommended Resolution:

1. That the CEO actively pursues a change in the vesting of the area in Jarrahdale known as Forrest Green. Being part of the Jarrahdale State Forest block Serpentine compartment 02-8722903 from Department of Environment and Conservation to the Shire of Serpentine Jarrahdale.
2. That this land be kept as public open space in perpetuity for the ratepayers of the Shire.

Committee Note: The Officer Recommended Resolution was changed to recommend acquisition of a Reserve without any information being provided by officers.

SUPPLEMENTARY INFORMATION

Officer Comment

Context

The Shire has a significant amount of land in its care and control. Being the custodian of that land brings with it various responsibilities in terms of maintenance and management as well as associated liabilities and duties.

Councillors are required to manage the financial affairs of the district and be fully informed when making decisions. A councillor who made a decision on the acquisition of new land management responsibilities without consideration of all the relevant facts and implications, would fail to meet the requirements of their role.

Given the financial constraints the Council faces as it manages a rapidly growing semi-rural shire, the need for prudent consideration of the acquisition of additional cost burdens is essential and responsible.

The current level of investment made by Council into land in its care and control is low with many areas maintained to a minimal standard and some in decline. It could be reasonably argued that greater expenditure on our current reserves is needed before the Council takes on more.

Current Situation

Officers have provided the information that the timeframe of notice has allowed and, as such, most of the figures would be best described as rough estimates and the potential impacts detailed in this report may not be complete, as time did not permit a comprehensive assessment.

It is understood that the reserve in question has poorly maintained playground equipment which will result in an instant liability to Council the moment the vesting order is changed. The equipment would either have to be removed, repaired or replaced with Australian Standard compliant apparatus.

In the past, the reserve has been irrigated by the Department of Environment and Conservation (DEC). Obviously the financial costs of maintaining an irrigated area of public open space are higher than a non irrigated area and officers are unaware of the age and status of any related infrastructure. Direction would need to be provided from Council as to whether this reserve should be watered when the Shire has adopted water reduction and conservation targets as part of the ICLEI Water Campaign.

There are a number of trees that would require pruning.

Statutory Environment:

Although the object of part 2 of Cr Kirkpatrick's motion is laudable, the ability for the Shire to keep this land in perpetuity as public open space cannot be guaranteed as we do not own the land. However, in order to achieve the intent of part 2 of the motion, it would be advisable that as many protections as possible, such as an appropriate vesting purpose and the right zoning in the Shire's Town Planning Scheme, are in place.

Financial Implications:

It is estimated that there would be approximately \$6000 worth of upfront costs in bringing the playground up to Australian Standard and it would then cost approximately \$9000 per annum to maintain. If an increase of 1% rates yields approximately \$60,000 in income then this decision would mean a 0.25% increase in rates unless Council wishes to reduce a level of service elsewhere.

It is believed that the community are entertaining applying for a \$20,000 grant for new play equipment.

Strategic Implications:

Council should also be reminded of the need to view this proposal in the context of any of its long term strategies such as the Community Facilities and Services Plan to 2020 (the Plan). The Plan sets out useful public open space and playground guidelines.

There is a workshop being organised to look at community facilities in Jarrahdale and advertising has already taken place in order to engage assistance to undertake this work. It is anticipated that the use of the reserve will form part of those discussions. Should the workshop outcome propose a different type of use for that reserve, any expenditure on the reserve prior to that workshop has the potential to be wasted. However, although the risk is there, it would seem unlikely that a new use would be proposed.

Community Consultation:

Officers are talking with the DEC and local residents about the proposal. It is understood that local councillors are assisting with grant applications for picnic tables and playground equipment.

Officer Comment

Whilst it is not good practice to make decisions outside of Council's strategic planning and financial processes, it would appear from the information able to be obtained thus far that the cost burden to Council is not anticipated to be excessive and would roughly equate to a 0.25% rate increase.

Although the community facilities workshop has not been held, if an alternate proposal comes forward it is likely that it should still be possible under a vesting purpose such as Parks and Recreation.

As the change of vesting process will take some time, it is likely that the outcomes of the workshop will be known before there is any expenditure on the reserve.

Conclusion

As the annual expenditure for repair and maintenance is not excessive, and the timeframe will allow alignment with strategic planning and budget processes, it is recommended that part 1 of Cr Kirkpatrick's motion be moved. This is on the assumption that the current level of investment in reserves, infrastructure and operational activities is not reduced to pay for it and that the use of the reserve will be consistent with the outcomes of the community workshop.

It must be clear that officers have based this on maintaining the reserve at a minimal standard and the community will need to be aware that it is not Council's intention to provide

the community with new play equipment or a high level of maintenance unless Council wishes to increase rates by at least another 0.5% across the whole Shire.

Part 2 of Cr Kirkpatrick's motion is not recommended as it cannot be achieved.

Cr Buttfield left the meeting at 10.21pm and returned at 10.24pm.

CGAM089/05/08 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Price, seconded Cr Needham

1. That the Chief Executive Officer actively pursues a change in the vesting of the area in Jarrahdale known as Forrest Green. Being part of the Jarrahdale State Forest block Serpentine compartment 02-8722903 from Department of Environment and Conservation to the Shire of Serpentine Jarrahdale.
2. Council resolves that:
 - a) The current level of budget expenditure on reserves, infrastructure and operational activities is not decreased in the 2008/2009 financial year in order to pay for the immediate and ongoing costs of acquiring this reserve;
 - b) Local councillors advise the community not to expect new equipment paid for by Council; and
 - c) The vesting purpose of the reserve is to be aligned with the outcomes of the community workshop described in the body of this report.

CARRIED 9/0

Cr Kirkpatrick declared an interest of proximity in item CGAM092/05/08 and left the meeting at 10.28pm.

CGAM092/05/08 FOOTPATH ON ATKINS STREET, JARRAHDAL (R0100)		
Proponent:	In Brief	
Owner:		
Officer:		Cr John Kirkpatrick
Signatures Author:		
Senior Officer:		
Date of Report		20 May 2008
Previously		
Disclosure of Interest		No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation		Council

Committee Recommended Resolution:

That Council consider an out of budget expenditure to complete the footpath on Atkins Street in Jarrahdale.

SUPPLEMENTARY INFORMATION

Officer Comment

When accepting an item of urgent business the Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002 places a statutory responsibility on the Presiding Member to only accept a motion that is either so urgent that it can't wait until the next committee or council meeting, or will result in immediate legal or financial implications for the Council if not dealt with before the next committee or council meeting. The reason for this provision is to cope

with emergency events such as storm damage or a bridge collapse requiring immediate rectification. It is not intended to be used by individual councillors to avoid the budget prioritisation process and progress a request for a footpath to be constructed in their ward using out of budget expenditure.

An extract from Council's Standing Orders relating to urgent business is included below:

3.12 Urgent Business Approved by the Person Presiding or by Decision

(1) A councillor may move a motion involving urgent business that is not included in the notice paper for that meeting provided that the Presiding Member has agreed to the business being raised and the Presiding Member considers that either –

- (a) the urgency of the business is such that the business cannot wait for inclusion in the notice paper for the next meeting of the Council or committee; or*
- (b) the delay in referring the business to the next meeting of the Council or committee could have adverse legal or financial implications for the Council;*

(2) Any councillor may move without notice a procedural motion of dissent in respect of the Presiding member's ruling that the business is not worthy of inclusion as urgent business. If the motion of dissent is agreed to at the meeting by the majority of councillors present, the business must then be included as a matter of urgent business.

Councillors will note part 2 of the clause allows for a procedural motion of dissent to be moved if the Presiding Member rules that the item is not urgent business. A specific inclusion for a procedural motion has not been detailed in the event where a member wants to move a motion of dissent if the Presiding Member rules that it is urgent business as there is an expectation that the Presiding Member would take his/her statutory duties seriously and only permit a motion to be included if it was indeed urgent as prescribed by clause 3.12(a).

However, even though this circumstance is not detailed by a specific clause it is open to other members to move a motion of dissent in the ruling of the Presiding Member that the matter is urgent business using clause 11.1(f) of the Standing Orders. Clause 11.2 details how the debate on a procedural motion against the ruling of the Presiding Member is to be carried out.

11.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions –

- (a) that the Council (or committee) proceed to the next business;*
- (b) that the question be adjourned;*
- (c) that the Council (or committee) now adjourn;*
- (d) that the question be now put;*
- (e) that the member be no longer heard;*
- (f) that the ruling of the presiding member be disagreed with;*
- (g) that the meeting be closed to members of the public, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act;*
- (h) that the meeting be reopened to members of the public*

11.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

It would have been open to a member of the Corporate Governance and Asset Management Committee to have moved a procedural motion of dissent against the ruling of the Presiding Member in relation to the motion being accepted as urgent business, however this cannot

now occur at the Ordinary Council Meeting as the motion was accepted by the Presiding Member at the committee without dissent.

If a councillor wanted to oppose the motion at the Ordinary Council Meeting they would need to move a new motion.

It is the opinion of the Chief Executive Officer that this matter needs to be considered as part of the draft 2008/2009 budget in accordance with all other requests from the community and councillors for footpaths all over the Shire. To make a decision outside of that process without information, without costings and without justification sets a precedent for future ad hoc requests and will lead to a perception that there are different sets of rules for different councillors.

However, it is acknowledged that the completion of this section of footpath will result in increased safety for pedestrians, drainage works have now been completed which will allow for the footpath to be constructed and this should be budgeted for in 2008/2009.

Councillors are also reminded to consider the provisions of the Local Government Act 1995 relating to financial and proximity interests, specifically Section 5.60A and 5.60B(2)(b).

CGAM092/05/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Geurds
 That the completion of the Atkins Street footpath be considered in the draft 2008/2009 budget.
 CARRIED 8/0**

Cr Kirkpatrick returned to the meeting at 10.32pm.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM039/05/08		PROPOSED INCREASE IN WASTE MANAGEMENT CHARGES (A1512)	
Proponent:	Serpentine Jarrahdale Shire	In Brief: To endorse an annual incremental increase strategy in municipal waste management charges for the purpose of establishing a designated reserve account to co-fund a Regional Resource Recovery Facility, jointly with the other members of the new Rivers Regional Council.	
Owner:	Not Applicable		
Officer:	Markus Botte - Acting Director Engineering		
Signatures Author:			
Senior Officer:			
Date of Report	16 May 2008		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

In June 2007, Council resolved to become a full member of the South East Metropolitan Regional Council (“SEMRC”), with the aim of providing for the future waste management of the Shire and of delivering sustainable waste minimisation, resource recovery and disposal services to the benefits of the Shire’s residents.

With the decision to assume full membership and the forthcoming establishment of a new Rivers Regional Council on the 6 June 2008, Council also resolved to establish and jointly

fund a Regional Resource Recovery Facility (“RRRF”) together with the other member Councils. This facility will initially be limited to providing an efficient, economical and environmentally sustainable resource recovery operation for domestic household waste (Mobile Garbage Bins - MGBs). Achievement of a resource recovery rate of over 70% is anticipated with this fully enclosed plant. Household waste will be treated in a responsible way to not leave a legacy for future generations and to minimise greenhouse gas emissions, typically associated with the processing of household refuse and disposal in traditional landfill. Commissioning of the RRRF is projected for the financial year 2011/2012 under a Build-Own-Operate arrangement.

A change in the municipal waste management regime (RRRF compared with maintaining the current waste management strategy) implies a change in overall waste management costs. A feasibility study and financial model prepared by Coffey Projects Consultants on behalf of the SEMRC intended to assist the current members of the SEMRC and future member Councils, which will together form the new Rivers Regional Council, in gaining an understanding of the financial implications of establishing the RRRF.

On the 18 March 2008, Councillors were addressed by representatives of the SEMRC and Coffey Projects Consultants at a presentation held at the Shire. The representatives explained in detail the financial model, cost implications and benefits associated with the change in the municipal waste management regime, and outlined the bridging of the establishment contribution through the annual incremental increase strategy.

Sustainability Statement

The future direction for waste management is to treat waste as a resource to recover and to provide as minimal residue as possible to be disposed off in landfill, and to reduce greenhouse gas emissions associated with waste management. The establishment of a RRRF will aid in achieving this target.

Statutory Environment:

Advertising of the proposed increase in municipal waste management charges will occur under the Budget Consultation and Adoption Process.

Approval of the proposed waste charge components increase for the financial years 2008/2009 and 2009/2010 requires an absolute majority of the Council to vote in support of the recommendation.

Once the Rivers Regional Council is formally established on the 6 June 2008, the Establishment Agreement and the Deed of Amendment advocate a change in the municipal waste management regime and domestic waste processing (MGBs only) through the future established RRRF.

The State Government has a “Towards Zero Waste” policy which is a key driver for local government and the waste industry in general.

Landfill is a scarce resource and one that needs to be managed carefully. Secondary waste processing is one mechanism that will assist in prolonging the life of existing regional landfills whilst simultaneously embracing government policy.

Policy/Work Procedure

Implications:

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

Financial Implications:

Municipal Waste Management charges are not subsidised by Council.

There are no direct financial implications to the Shire associated with the proposed annual incremental increase strategy of municipal waste management charges, as costs are fully recoverable through Council's Waste Management charges.

The Shire has to make provision for the increase in waste management costs associated with the change in the municipal waste management regime (RRRF compared with maintaining the current waste management). This is due to the required bridging of the establishment and operational contribution associated with the modelled increase in transportation, processing and disposal costs that will incur with commissioning of the RRRF.

However, severe financial risks are likely to be incurred if Council fails to provide sufficiently "soft" bridging strategies as proposed with the annual incremental increase strategy of Municipal Waste Management charges. Should the required increase in waste management charges not be made in any one year, the subsequent financial year will require an increase over and above the previous year's value to allow for full cost recovery and build up of reserve funds.

The identified cost components will have to be addressed under the Shire's domestic waste disposal fee's and charges.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

2. Promote best practice through demonstration and innovation.

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

Strategies

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

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:

Intensive key stakeholder consultation has taken place between the SEMRC and the member Councils, the Department of Environment and Conservation, Waste Industry representatives, Consultants and Community Reference Groups. Discussions have also been held at Officer level between the local governments of Gosnells, Armadale, South Perth, Mandurah, Murray and Serpentine Jarrahdale.

The Budget Consultation Process will deliver a further opportunity for community and other key stakeholder involvement.

Comment:

It is a necessity to treat waste as a resource, to increase the recovery rates and to recycle those secondary resources, in particular when established landfill capacities are projected to have an average limited life of 5 to 7 years, if the current waste management strategies persist across the metropolitan area.

With population growth, the aforementioned and other factors, the domestic waste management costs are bound to increase dramatically in the near future and impose financially on the private households, unless new innovative waste management solutions are introduced. The Shire's commitment to development of a Regional Strategic Waste Management Plan and establishment of a RRRF as a member of the new Rivers Regional Council are therefore first steps into a new suite of sustainable waste management activities. However, a change in the municipal waste management regime will initially cause an additional financial burden on the ratepayers of all member Councils, due to the currently higher processing and disposal costs associated with a RRRF compared to landfill disposal.

This situation is likely to change in the future, when the overall benefits associated with waste processing and disposal through the RRRF are likely to outweigh the initial up-front costs of establishing the facility, the higher transport, processing and disposal costs. There are long term strategic and financial benefits to be gained by establishing the RRRF.

With the aim to identify the Shire specific financial implications and to estimate the impact on the Shire's Waste Management charges for future years with the best possible accuracy, the Acting Director Engineering and the Manager Design and Assets have studied the Coffey Projects Consultants financial model in detail.

Two main core activities were identified that are affected by a future change in the municipal waste management regime (RRRF compared with maintaining the current waste management strategy). They are:-

- Transport:- the transportation of waste to the site of processing and/or disposal;
- Processing and disposal:- the processing and/or landfill disposal of waste

Only those financial implications of RRRF that are related to changes in the above core activities were considered in the assessment.

The assessment included the projected population increase, annual allocation of inflationary factors and Consumer Price Index (“CPI”) increase and is based on up-to date data provided in the Coffey Projects Consultants financial model.

The following options can be presented to allow for bridging of the increase in transport, processing and disposal related costs that are components of the municipal waste management charges.

Option One

This option comprises of a balanced incremental increase of approximately 10% per annum in the per household municipal domestic waste charge over the next 8 years until 2014/2015 to cover the increased cost in the transport, processing and disposal activity related charges. It is required to deposit the funds into a designated purpose reserve account. This will enable the Shire to accrue and redraw the financial contribution required for commissioning of the RRRF in the 2011/2012 financial year. Those figures have been optimised to soften the increased financial burden on ratepayers associated with the future transition in the Shire’s waste management regime.

TABLE 1 Approximate \$ per household increase scheme to cover affected core activities

Financial Year	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
\$ per Household	\$20.00	\$22.00	\$24.00	\$26.00	\$28.00	\$30.00	\$32.00

The proposed 10% increase per annum of the municipal domestic waste charge per household does exclude additional waste management related rate increases that will be required and that are non-related to transport, processing and disposal. The former increases relate to the bin provision and pick-up service as well as other operational charges required and will be provided by the respective waste management contractor, typically at the end of the financial year.

Refer to Figure 1 – Difference in Rate Burden – Options and Reserve Account Cash-Flow with the attachments at OCM039.1/05/08.

Option Two

This option comprises of a “one-off” increase in transport, processing and disposal related charges required to cover the Shire’s financial contribution to the commissioning of the RRRF in the 2011/2012 financial year. This is likely to impose a severe financial burden on the Shire’s ratepayers, with an additional charge likely to be in the vicinity \$150 increase on top of the typically required operational increase per household in the 2011/2012 financial year. The proposed once-off increase of the municipal domestic waste charge per household does exclude additional waste management related rate increases that will be required and that are non-related to transport, processing and disposal. The former increases relate to the bin provision and pick-up service as well as other operational charges required and will be provided by the respective waste management contractor.

General Comment

As the RRRF is further developed, it is likely that financial projections will change. It is therefore recommended that the effect of the resource recovery facility on future and current rates be reviewed in two years as refined financial models become available.

Municipal waste management costs are fully recoverable through Council’s Waste Management charges. It is suggested that “soft” bridging of the establishment and

operational contribution costs associated with commissioning of the RRRF through the use of a purpose designated reserve account should occur as outlined in the annual incremental increase strategy, to prevent imposition of a severe financial burden on the residents of the Shire in one financial year or of significantly higher incremental charges that would be required over a shortened bridging period.

Conclusion

In view of the severe financial implications on the ratepayers in a single financial year that are associated with Option Two, it is recommended that Council adopt the annual incremental increase strategy as proposed in Option One, with a review of the rate increase in two years based on updated financial data.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council endorse an annual incremental increase strategy of municipal domestic waste management charges in the components of transport, processing and disposal related activities until 2014/2015, to allow soft bridging of the increase in transport, processing and disposal related cost components associated with the establishment of the Regional Resource Recovery Facility.

Revised Recommendation:

Moved Cr Murphy, seconded Cr Brown

- 1. Item OCM039/05/08 be deferred to a future Corporate Governance and Asset Management Committee meeting.**
- 2. The Director Corporate Services request his staff to prepare an analysis of the proposal on a standard spreadsheet for consideration by the Corporate Governance and Asset Management Committee meeting.**

LOST 4/5

OCM039/05/08 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Price

That Council endorse an annual incremental increase strategy of municipal domestic waste management charges in the components of transport, processing and disposal related activities until 2014/2015, to allow soft bridging of the increase in transport, processing and disposal related cost components associated with the establishment of the Regional Resource Recovery Facility.

CARRIED 5/4

Councillors Murphy, Brown and Geurds voted against the motion.

OCM040/05/08		DELEGATED AUTHORITY TO DIRECTOR ENGINEERING FOR DETERMINATION OF CONSTRUCTION COMPLETION STAGE SUITABLE FOR BONDING OF OUTSTANDING WORKS (A1047)	
Proponent:	Serpentine Jarrahdale Shire	In Brief: To delegate authority to the Director Engineering to determine the level and earliest stage of completion at which bonding of outstanding subdivisional works can occur.	
Owner:	Not Applicable		
Officer:	Markus Botte - Acting Director Engineering		
Signatures Author:			
Senior Officer:			
Date of Report	21 May 2008		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

In May 2004 Council adopted a Policy to control, guide and standardise all engineering related aspects of subdivision and development activities and operations within the Shire and to set out the minimum requirements that are accepted by the Shire in granting clearance of engineering conditions imposed on a development or subdivision by the Western Australian Planning Commission. The policy statement is outlined below.

Where subdivision or development is proposed within the Shire, construction shall be undertaken in accordance with Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March, 2003 (as amended).

Last Review – SM047/05/04

24.05.04 – Ordinary Council Meeting

The text document of the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March 2003 (as amended), is not included or listed in the policy register.

Within the *Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development*, ('the Shire's Engineering Standard') it is specified that the guideline document in itself forms "the Annexure (Section 6) to the *Local Government Guidelines for Subdivisional Development* (the 'Subdivision Guidelines'), published by the Institute of Public Works Engineering Australia (WA Division) in 1998" and that "All developments within the Shire shall comply with the requirements of the Subdivision Guidelines, or any subsequent revision thereto, unless amended by the requirements detailed" within the Shire's Engineering Standard. Therefore the *Local Government Guidelines for Subdivisional Development* published by the Institute of Public Works Engineering Australia remain as the overarching document, unless as amended otherwise in the Annexure.

The overarching document for the Shire's Engineering Standard is therefore the *Local Government Guidelines for Subdivisional Development* published by the Institute of Public Works Engineering Australia.

The *Local Government Guidelines for Subdivisional Development* published by the Institute of Public Works Engineering Australia, generally allow for lodgement of bonds in lieu of completion of all or part of the subdivisional works, as considered acceptable to the Local Government. However, the document leaves it open to the Local Government to specify the

earliest stage at which bonding will be considered in the Section 6 – Annexure, where specific approval conditions are to be defined.

The development requirements relating to survey release and bonding of outstanding works have been further specified by the Shire within Section 1.11.11 of the Shire's Engineering Standard. The Shire's guideline document outlines the specific process for acceptance of bonding of outstanding works prior to survey release and clearance of subdivisional works by the Local Government and imposes restrictions on the earliest stage for bonding of road and drainage works as follows:

1. Roadworks shall be constructed to at least bituminous surfacing; and
2. Drainage systems shall be substantially complete.

Section 1.11.11 the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development states the following:

“1.11.11 BONDING OF SUBDIVISION CLEARANCES

The Council may grant survey release on partly completed works, subject to the following conditions:

1. *The developer shall lodge with the Council a bond in the form of cash or unconditional guarantee from a financial institution acceptable to the Council for an amount of 125% of the estimated cost of outstanding works, and include GST;*
2. *Roadworks shall be constructed to at least bituminous surfacing; and*
3. *Drainage systems shall be substantially complete.*

Application for bonding shall be in writing from the Consulting Engineer to the Chief Executive Officer and shall include the following information:

- *Concise reference to the extent, nature and location of the work to be bonded.*
- *A timetable for proposed future completion of the bonded work.*
- *An itemised estimate of the bonded work including contract price and name and address of the Contractor(s) responsible for the bonded works.*
- *Reasons for requesting the bonding of the incomplete works.*
- *Any other relevant information which will assist the Officer to assess the request.*

Compliance with the above requirements does not necessarily imply Council acceptance of the bond and each request shall be subject to the Officers approval.

Upon completion of the works described in the bond agreement, the Developer shall request in writing the release of the bond, following which the works will be inspected and, subject to all outstanding work being completed to the satisfaction of the Officer, the bond monies will be refunded.”

Statutory Environment:

The Planning and Development Act 2005 deals with the procedures required in obtaining local government approval for construction of subdivisional and development related works for roads, drainage and artificial waterways. Council's Engineering Policy Statement is open to interpretation as to whether the policy statement does also extend to and considers the guideline document itself as a part of the policy or if the guideline document remains as a working policy guideline.

Policy/Work Procedure

Implications:

Council is requested to support periodic revision and amendment of the Shire's working guidelines document, the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March 2003 (as amended), to the discretion of the Director Engineering and as required from time to time due to industry changes and advancements in best practice engineering standards and civil construction.

Financial Implications:

There are no direct financial implications to the Shire associated with the proposed periodic revision and amendment of the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March 2003 (as amended).

However, there are financial risks associated with the early bonding of outstanding works, outlined as follows:

1. Primary financial risks, in the case where a developer is in breach of the bond agreement and Council failed to request and receive sufficient amounts in bond funds from the developer to realise and facilitate the future construction of the bonded outstanding works to completion.
2. Secondary financial risks, on a poorly managed construction site in case Council failed to ensure that the full public liability remains with the developer and/or its contractual partners, where legal public access to the development site upon title release would lead to public safety implications, harm and/or injury to life and property.

Strategic Implications:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies

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

Community Consultation: Community consultation is not required.

Comment:

The current urban development market situation, with its high number of ongoing subdivisional and development projects, combined with staff resourcing difficulties at all levels of government and with authorities, is imposing lengthy time periods on the development industry to obtain the required title release after completion of the subdivisional clearance process. Commercial reality requires timely construction project management and tight financial management by the development industry. This is particularly critical due to the common “pre-release” of lots, that is contractual arrangements over the sale of land are being entered into with the future subdivisional land holders prior to commencement or completion of civil construction and long before titles are being released by State Authorities (Landgate and WAPC).

Given this predicament, it is common industry practice nowadays that civil consultants, on behalf of their client, approach the Local Government to request bonding of outstanding works in lieu of completion of parts of subdivisional works.

The Shire's Engineering Standard requirements relating to survey release and bonding of outstanding works are restricting the level and stage of acceptance for bonding of outstanding works prior to survey release and clearance of subdivisional works. Due to the current delays in processing of survey diagram clearance requests, the Shire's standard therefore prevents a possibility for reduction of the extended waiting period and imposes on future subdivisional land holders in relation to title release and commencement of housing construction, which implies additional financial burden on those future residents of the Shire.

The ambiguous wording of Council's Engineering Policy leaves it open for interpretation as to whether the policy statement does also extend to and considers the guideline document itself as a part of the policy or if the guideline document remains as a working guideline document, open to amendment and revision without reference each time to full Council.

Amendment of the Shire's Engineering Standard, Section 1.11.11, would alleviate the outlined situation. A revision is proposed so that clearance of conditions/survey release may be granted on partly completed works at an earlier stage, subject to:

1. *Roadworks shall be constructed to at least bituminous surfacing; and*
2. *Drainage systems shall be substantially complete; or*
3. *At the discretion of the Director Engineering Services.*

Council is therefore requested to support periodic revision and amendment of the Shire's working policy document, the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March 2003 (as amended), to the discretion of the Director Engineering and as required from time to time due to industry changes and advancements in best practice engineering standards and civil construction.

Voting Requirements: **ABSOLUTE MAJORITY**

Officer Recommended Resolution:

That Council support periodic revision and amendment of the Shire's working guideline document, the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March 2003 (as amended), to the discretion of the Director Engineering, as required from time to time due to industry changes and advancements in best practice engineering standards and civil construction.

Revised Recommendation:

Moved Cr Geurds, seconded Cr Brown (proforma)

That Council does not support periodic revision and amendment of the Shire's working guideline document and the Director Engineering works towards having developments completed prior to the issuing of relevant release documents.

LOST 1/8

OCM040/05/08 COUNCIL DECISION:

Moved Cr Price, seconded Cr Randall

That Council support periodic revision and amendment of the Shire's working guideline document, the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development, March 2003 (as amended), to the discretion of the Director Engineering, as required from time to time due to industry changes and advancements in best practice engineering standards and civil construction.

CARRIED 8/1

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM042/05/08		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	12 May 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM042.1/05/08 COMMON SEAL REGISTER REPORT – APRIL 2008 (A1128)

The Common Seal Register Report for the month of April 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the *attachments marked OCM042.1/05/08.*

OCM042.2/05/08 POLICY FORUM – MAY 2008 (A0429/05)

The following items were discussed at Policy Forum on 6 May 2008:

Presentations

- Regional Resource Recovery Centre (from visit to Canning Vale)
- Water Sensitive Urban Design (from visit to Mandurah and Point Fraser)

ITEMS FOR PRELIMINARY DISCUSSION

1.	Community Facilities and Services Plan – update on process to finalise plan
2.	Draft Building Policy: Retaining Walls – Subdivision
3.	Prevention and Management of Workplace Bullying Policy & Grievance and Harassment Resolution Procedure
4.	Draft policy – Borrowings

ITEMS FOR PRELIMINARY DISCUSSION

5. Lot 296 Atkins Street, Jarrahdale - Relocation of the old Church

OCM042.3/05/08 PEEL DEVELOPMENT COMMISSION BOARD VACANCIES
(A0109-02)

A copy of the correspondence from the Peel Development Commission dated 16 May 2008 is with the attachments marked OCM042.3/05/08 (IN08/6096).

OCM042.4/05/08 WALGA ANNUAL GENERAL MEETING - 2 AUGUST 2008
(A0163-06)

A copy of the correspondence from WALGA dated 24 April 2008 regarding registration of voting delegates is with the attachments marked OCM042.4a/05/08 (IN08/4999).

A copy of the WALGA Local Government Convention and Exhibition information is with the attachments marked OCM042.4b/05/08.

Officer Recommended Resolution:

1. The Information Report to 23 May 2008 is received.
2. Council nominates Councillor and Councillor as voting delegates to the Western Australian Local Government Association Annual General Meeting to be held on 2 August 2008.

OCM042/05/08 COUNCIL DECISION:

Moved Cr Price, seconded Cr Brown

1. The Information Report to 23 May 2008 is received.
2. Council nominates Councillor Needham and Councillor Price as voting delegates to the Western Australian Local Government Association Annual General Meeting to be held on 2 August 2008.

CARRIED 9/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 11.21pm.

I certify that these minutes were confirmed at the
Ordinary Council meeting held on 23 June 2008.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD090/05/08 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	Information report
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD090/05/08 Committee Decision/Officer Recommended Resolution

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

SD091/05/08 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner – Manager Health & Ranger Services	Information report
Signatures Author:		
Senior Officer:		
Date of Report	7 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD091/05/08 Committee Decision/Officer Recommended Resolution

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

SD098/05/08 LOT 107 DOWNS COURT, SERPENTINE (PROPOSED SHED OUTSIDE BUILDING ENVELOPE) (P02194/01)		
Proponent:	R and R Schhmidt	In Brief The applicant seeks to construct a shed outside the building envelope. It is recommended the application be refused.
Owner:	As Above	
Officer:	Casey Rose - Planning Assistant	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	8 May 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD098/05/08 Committee Decision/Officer Recommended Resolution:

That Council refuses the application for approval to commence development for a shed outside the building envelope at Lot 107 Downs Court, Serpentine for the following reasons:

1. The proposed outbuilding located with a reduced side and rear setbacks is likely to detract from the existing development and outlook onto the golf course thereby adversely impacting on the amenity of the locality.
2. Approval of the proposed shed would set an undesirable precedent for the locality.

CARRIED 7/0

SD095/05/08 PROPOSED OUTBUILDING – LOT 145 CORAL VINE LOOP, JARRAHDALE (P07013/01)		
Proponent:	M T Vynuchal	In Brief Proposed outbuilding exceeds the maximum size allowed as of right in the Special Residential Zone under Local Planning Policy (LPP17) and the Residential Design Codes of Western Australia. It is recommended that the application be refused.
Owner:	As above	
Officer:	Meredith Kenny – Co-ordinator Planning Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 May 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD095/05/08 Committee Decision/Officer Recommended Resolution:

That Council refuses the application for approval to commence development of an oversized outbuilding on Lot 145 Coral Vine Loop, Jarrahdale for the following reasons:

1. The proposed outbuilding by virtue of its size and height is not consistent with the existing character and amenity of the Chestnuts estate and the Jarrahdale Townscape precinct and will impact on the amenity of the streetscape due to the fact that the lot is on a corner and fencing in the estate is open style post and rail or post and wire.
2. The proposed shed exceeds the maximum floor and wall height for outbuildings in the Special Residential zone as contained in Local Planning Policy LPP17 Residential and Incidental Development.
3. Approval of the proposed shed would set an undesirable precedent for the locality.

CARRIED 7/0

SD100/05/08 LOCAL PLANNING POLICIES (A1048/03)		
Proponent	Serpentine Jarrahdale Shire	In Brief That the Director of Development Services identifies Local Planning Policy needs with a view to adapting existing Local Planning Policies from other Shires, Towns and Cities to suit the needs of the Shire of Serpentine Jarrahdale.
Officer	Cr Sheila Twine	
Signatures – Author:		
Senior Officer:		
Date of Report	7 May 2008	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD100/05/08 Committee Decision/Officer Recommended Resolution

Within two months of the appointment of the Manager Planning Services a report be presented to the first available Council meeting outlining the priorities and timelines for the preparation and adoption of local planning policies for Development Services.

CARRIED 7/0

CGAM085/05/08 MONTHLY FINANCIAL REPORT – APRIL 2008 (A0924/07)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 30 th April 2008
Owner:		
Officer:	Casey Mihovilovich - Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	6 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM085/05/08 Committee Decision/Officer Recommended Resolution:

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

CARRIED 7/0

CGAM086/05/08 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during April 2008
Owner:	N/A	
Officer:	Donna Colum – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM086/05/08 Committee Decision/Officer Recommended Resolution:

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

CARRIED 7/0

CGAM087/05/08 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at April 2008
Owner:	Not Applicable	
Officer:	Melissa Armitage - Finance Officer (Debtors)	
Signatures Author:		
Senior Officer:		
Date of Report	6 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM087/05/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 April 2008.

CARRIED 7/0

CGAM088/05/08 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 30 th April 2008
Owner:	Not Applicable	
Officer:	T Mladenovic – Coordinator Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	6 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM088/05/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on the Rate Debtors accounts as at 30 April 2008.

CARRIED 7/0

CGAM091/05/08 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to April 2008.
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:	Director Corporate Services	
Date of Report	6 May 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM091/05/08 Committee Decision/Officer Recommended Resolution:

The Information Report to 30 April 2008 be received.

CARRIED 7/0