

## TABLE OF CONTENTS

1.	ATTENDANCES & APOLOGIES .....	1
2.	PUBLIC QUESTION TIME.....	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4.	STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS .....	1
5.	ANNOUNCEMENTS BY PRESIDING MEMBER .....	1
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	1
6.1	<u>Ordinary Council Meeting –22<sup>nd</sup> October, 2001</u> .....	1
7.	REPORTS OF COMMITTEES & OFFICERS .....	2
7.1	<u>Corporate Services Committee Meeting – 12<sup>th</sup> November, 2001</u> .....	2
C052/11/01	RESPONSE TO QUESTIONS ASKED BY MR PAUL NIELD AT SPECIAL COUNCIL MEETING 8 OCTOBER 2001 (A0686-05).....	2
C054/11/01	COUNCIL POLICY CSP24 - PUBLIC QUESTION TIME (LIB/88).....	4
C056/11/01	SEPTEMBER FINANCIAL STATEMENTS (A0924) .....	10
C064/11/01	MUNDIJONG THOUROGHBRED AND TRAINERS ASSOCIATION – INSURANCE (LRS0069) .....	15
7.2	<u>Asset Services – 12<sup>th</sup> November, 2001</u> .....	16
AS038/11/01	LONG VEHICLE APPLICATION – ROWLEY ROAD (A0512-03) .....	16
AS039/11/01	LONG VEHICLE APPLICATION – ABERNETHY ROAD (A0512-03).....	19
AS041/11/01	INTERSECTION TREATMENTS JARRAHDAL ROAD (R0002-02) .....	21
AS043/11/01	REMOVAL OF TREES – MARY STREET, BYFORD (R0142) .....	24
AS048/11/01	WASTE MANAGEMENT RECYCLING - JUNK BUSTERS (A0664-02).....	30
7.3	<u>Community &amp; Recreation Development Meeting – 12<sup>th</sup> November, 2001</u> .....	31
CRD20/11/01	RECREATION PLAN (A1006) .....	31
CRD21/11/01	PEEL REGION TOURISM ASSOCIATION (A0109-02) .....	33
CRD22/11/01	EQUINE INDUSTRY DEVELOPMENT PROJECT (A0815).....	34
CRD24/11/01	ARMADALE HOME HELP SERVICE – PURPOSE BUILT FACILITY (A0173) .....	35

7.4	<b><u>Strategic Management Committee Meeting – 19<sup>th</sup> November, 2001</u></b> .....	36
SM029/11/01	JARRAHDAL E HERITAGE PARK PARTNERSHIP AGREEMENT (P00509-04) .....	36
SM030/11/01	JARRAHDAL E HERITAGE PARK STATUS REPORT (P00509-04) .....	39
SM031/11/01	PEEL STRUCTURAL REFORM PROGRAMME (A0109-02) .....	43
SM034/11/01	OCCUPATIONAL SAFETY & HEALTH MANAGEMENT POLICY (A0105) .....	48
SM035/11/01	WASTE SERVICES REVIEW (A0663) .....	49
SM036/11/01	ANNUAL REPORT 30 JUNE 2001 (A0006).....	52
SM032/11/01	PEEL ECONOMIC DEVELOPMENT UNIT CONSTITUTION (A0839-06) .....	55
SM033/11/01	GERALD VAN RONGEN & LONGALINE PTY LTD AND THE SHIRE OF SERPENTINE-JARRAHDAL E ( A0686-05) .....	57
SM037.1/11/01	WA LOCAL GOVERNMENT ASSOCIATION PEEL ZONE (A0027) .....	59
SM037.2/11/01	LOCAL ECONOMIC DEVELOPMENT UNIT COMMITTEE (A0436-04) .....	59
SM037.3/11/01	PEEL ECONOMIC DEVELOPMENT UNIT EXECUTIVE GROUP (A0839-06).....	59
7.5	<b><u>Planning Development &amp; Environment Meeting – 19<sup>th</sup> November, 2001</u></b> .....	60
E019/11/01	NORTHERN FORESTS COMMUNITY STAKEHOLDERS GROUP (A0318).....	60
P053/11/01	DRAFT CONTAMINATED SITES BILL 2001 (A0680).....	61
P057/11/01	STRUCTURE PLANNING SCHEDULE (A0119).....	65
B10/11/01	WHOLESALE PLANT NURSERY, LOT 381 KARNUP ROAD, HOPELAND – OBJECTION TO FENCING APPROVAL (P00150) .....	69
B11/11/01	PROPOSED STORAGE SHED – 136 (LOT 1) GALVIN ROAD, WHITBY (P00151) .....	73
H07/11/01	INFORMATION REPORT .....	76
H08/11/01	GREY WATER (A0655) .....	78
8.	MOTION OF WHICH NOTICE HAS BEEN GIVEN .....	78
9.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING: .....	78
9.1	INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS.....	78
9.2	COUNCILLORS QUESTIONS.....	78

<b>C065/11/01 LEAVE OF ABSENCE – CR IAN RICHARDS (A0906) .....</b>	<b>78</b>
<b>10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY .....</b>	<b>79</b>
<b>10.1 Corporate Services – 12<sup>th</sup> November, 2001 .....</b>	<b>79</b>
<b>C049/11/01 CONNECTED FAMILIES, CONNECTED COMMUNITIES GRANT (A0094) .....</b>	<b>79</b>
<b>C050/11/01 COMMUNICATION AND MARKETING GUIDE ACTION 5.6 (A0301) .....</b>	<b>79</b>
<b>C051/11/01 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT (A0163-05) .....</b>	<b>79</b>
<b>C053/11/01 VISITATION BY SHIRE OF DENMARK (A0943).....</b>	<b>80</b>
<b>C055/11/01 COUNCIL TRAINING, DEVELOPMENT AND CONFERENCE ATTENDANCE POLICY (A0153).....</b>	<b>80</b>
<b>C057/11/01 DIFFERENTIAL RATE REVIEW (A0128) .....</b>	<b>80</b>
<b>C058/11/01 NORTH MURRAY NETBALL ASSOCIATION – REQUEST TO WAIVE FEES (A0036-02).....</b>	<b>81</b>
<b>C059/11/01 CONFIRMATION OF PAYMENT OF CREDITORS (A0917) .....</b>	<b>81</b>
<b>C060/11/01 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917) .....</b>	<b>82</b>
<b>C061/11/01 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917) .....</b>	<b>82</b>
<b>C062/11/01 RATE DEBTORS REPORT (A0917) .....</b>	<b>82</b>
<b>C063/11/01 INFORMATION REPORT .....</b>	<b>83</b>
<b>10.2 Asset Services – 12<sup>th</sup> November, 2001 .....</b>	<b>83</b>
<b>AS040/11/01 KARNUP &amp; RICHARDSON ROADS RECONSTRUCTION DESIGN (R0007) .....</b>	<b>83</b>
<b>AS042/11/01 WASTE &amp; RECYCLE 2001 CONFERENCE PERTH, WA (A0032) .....</b>	<b>83</b>
<b>AS044/11/01 DISPOSAL OF SHIRE GRADER SJ28 (a0782).....</b>	<b>84</b>
<b>AS045/11/01 METROPOLITAN REGIONAL ROAD PROGRAM FUNDING (A0427/A0353-02)....</b>	<b>84</b>
<b>AS046/11/01 EMERGENCY SERVICES LEVY (A0905).....</b>	<b>84</b>
<b>AS047/11/01 INFORMATION REPORT .....</b>	<b>85</b>
<b>10.3 Community &amp; Recreation Development – 12<sup>th</sup> November, 2001 .....</b>	<b>85</b>
<b>CRD23/11/01 INFORMATION REPORT .....</b>	<b>85</b>
<b>10.4 Building Services – 19<sup>th</sup> November, 2001 .....</b>	<b>85</b>

<b>B12/11/01</b>	<b>PROPOSED RELOCATED RESIDENCE – LOT 101 GULL ROAD, SERPENTINE (Prop.File)</b> .....	<b>85</b>
<b>B13/11/01</b>	<b>PROPOSAL TO IMPROVE ACOUSTICS – CLEM KENTISH HALL AND GRUNO GIANATTI HALL (RS0109, RS0032)</b> .....	<b>86</b>
<b>B14/11/01</b>	<b>INFORMATION REPORT</b> .....	<b>86</b>
	<b>10.5 Health Services – 19<sup>th</sup> November, 2001</b> .....	<b>86</b>
	<b>10.6 Planning Development &amp; Environment – 19<sup>th</sup> November, 2001</b> .....	<b>86</b>
<b>E016/11/01</b>	<b>DRAFT SOUTH WEST REGIONAL STRATEGY FOR NATURAL RESOURCE MANAGEMENT (A0309)</b> .....	<b>86</b>
<b>E017/11/01</b>	<b>DRAFT LOCAL PLANNING POLICY NO. 6 – WATER SENSITIVE DESIGN (A0972)</b> .	<b>87</b>
<b>P050/11/01</b>	<b>PROPOSED CATTERY – LOT 50 ROWLEY ROAD, DARLING DOWNS (P00837)</b> .....	<b>95</b>
<b>P051/11/01</b>	<b>PROPOSED DEVELOPMENT EXTENSION (FOR SHOP/OFFICE PURPOSES) TO EXISTING COMMERCIAL DEVELOPMENT – LOT 15 BEENYUP ROAD, BYFORD (P01708)</b> .....	<b>95</b>
<b>P052/11/01</b>	<b>PROPOSED CHURCH MEETING HALL – LOT 93 TONKIN STREET, SERPENTINE (P01901)</b> .....	<b>96</b>
<b>P054/11/01</b>	<b>EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 737 FIRNS ROAD, SERPENTINE (A0834-10)</b> .....	<b>98</b>
<b>P055/11/01</b>	<b>PIONEER CONSTRUCTION MATERIALS PTY LTD EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 11 SOUTH WESTERN HIGHWAY, WHITBY (A0830-02)</b>	<b>99</b>
<b>P056/11/01</b>	<b>COMMENTS ON FINAL DRAFT OF THE JARRAHDALÉ HERITAGE PARK CONSERVATION PLAN (A0945-03)</b> .....	<b>100</b>
<b>P058/11/01</b>	<b>PROPOSED SURVEY STRATA SUBDIVISION - LOT 3 SOUTH WESTERN HIGHWAY, BYFORD (P00404)</b> .....	<b>100</b>
<b>11.</b>	<b>CLOSE</b> .....	<b>101</b>

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 26<sup>TH</sup> NOVEMBER, 2001. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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## 1. ATTENDANCES & APOLOGIES

**PRESENT:** Crs. J C Star ..... Presiding Member  
D Buttfield .....(from 7.05pm)  
W J Kirkpatrick  
D L Needham  
A J Simpson  
K R Murphy  
I J Richards  
J A Scott  
T H J Hoyer  
J E Price

### **APOLOGIES:**

**IN ATTENDANCE:** Mr D E Price ..... Chief Executive Officer  
Mr A Watson..... Director Sustainable Development  
Mr R Harris ..... Director Asset Services/  
Mr G Dougall ..... Director Corporate Services  
Mrs S E Langmair..... Minute Secretary

**GALLERY:** 12

## 2. PUBLIC QUESTION TIME

Mr Baker extended seasons greetings to Councillors and Staff.

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

## 4. STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS

Anne Marie Lowry – regarding application for proposed storage shed at 136 (Lot 1) Galvin Road, Whitby- speaking on behalf of the property owners.

Jenny Roberts, Lot 135 Galvin Road – speaking against the application for proposed storage Shed at 136 (Lot 1) Galvin Road, Whitby.

## 5. ANNOUNCEMENTS BY PRESIDING MEMBER

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting –22<sup>nd</sup> October, 2001

### **COUNCIL DECISION**

Moved Cr Needham seconded Cr Simpson  
The minutes of the Ordinary Council Meeting held on 22<sup>nd</sup> October, 2001 be confirmed.

CARRIED 10/0

## 7. REPORTS OF COMMITTEES & OFFICERS

### 7.1 Corporate Services Committee Meeting – 12<sup>th</sup> November, 2001

#### **COUNCIL DECISION**

Moved Cr Buttfield seconded Cr Murphy  
The minutes of the Corporate Services Committee Meeting held on 12<sup>th</sup> November, 2001 be received.  
CARRIED 10/0

C052/11/01 RESPONSE TO QUESTIONS ASKED BY MR PAUL NIELD AT SPECIAL COUNCIL MEETING 8 OCTOBER 2001 (A0686-05)			
Proponent	Mr P Nield		
Officer	D. Price - Chief Executive Officer	Date of Report	30-10-01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

#### **Preamble**

Provide response to question one (1) and two (2) asked during Public Question Time by Mr P Nield at the Special Council Meeting of 8 October 2001. All other questions asked by Mr Nield were answered at the meeting.

#### **Background**

Mr Paul Nield of Lot 1 Boomerang Road, Oldbury has asked the following question/s to Council in relation to the use of the Council Community Bus;

*"In the interest of tourism and community education within the shire I would like to be granted the use of the council bus one day a fortnight, for guided tours of the Shire contaminated sites, I would like to point out that there is significant interest in these tours which would be free. Will the Council be adverse to provide the bus/coach for such a service. I have the appropriate licence".*

The second question raised by Mr Nield related to Council allowing him to advertise the suggested tours. It is reasonable to assume that Council's determination on the use of the bus will determine the answer to this question.

#### **Comments**

Council has a policy (Policy CSP15 - Tourism) which provides both a number of objectives and some supporting guidelines relating to fostering and promoting tourism in the Shire.

In determining a response to Mr Nield, the question he has asked, and the background which is associated with such a question, has been evaluated against the objectives and guidelines of Policy CSP15.

To assist Councillors in understanding the background the following information is provided;

There has been an Ombudsman investigation of the matter and the Legislative Council Standing Committee on Constitutional Affairs carried out a detailed investigation of the Nields' concerns. None of which has substantiated the claims raised by Mr Nield.

Therefore, taking into account the background of this request and the "objectives" of CSP15, and the "intent" of the Guidelines, it would not be appropriate for Council to provide the Council Community bus for Tourism in this instance.

In relation to the suggestion in Mr Nield's question that raising awareness of contamination may be in the interest of "Community Education", it must be clearly stated that this is not a matter affecting the local government. Any concerns relating to contamination other than noise pollution (and other specific cases where authority is delegated to local government) is the responsibility of the Environmental Protection Authority, the Department Environmental Protection, the Water and Rivers Commission and other agencies other than the Shire.

Mr Nield should re-direct this question to the relevant government agency.

**Statutory Environment:** Local Government Act 1995 stipulates that "nothing in sub-regulation (3) requires a council at a special meeting to answer a question that does not relate to the purpose of the meeting". The purpose of the Special Council meeting held on the 8 October 2001 was to elect members of Council to Committees:

**Policy Implications:** Council Policy CSP15 - Tourism

**Financial Implications:** No Financial Implications

**Strategic Implications:** No Strategic Implications

**Community Consultation:** No Community Consultation Required

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Council agrees to advise Mr Nield the following;

1. The Council Community bus will not be made available for Tourism in this instance, as the intended use conflicts with Policy CSP15 Tourism.
2. The issue of contamination is not a matter affecting the local government. Mr Nield should re-direct this question to the relevant government agency.
3. Council does not agree to permit any advertising posters in the Council offices or Community Notice Boards in relation to this matter.

### **CRC052 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Scott seconded Cr Price:

Council agrees to advise Mr Nield the following;

1. The Council Community bus will not be made available in this instance, as the intended use conflicts with Policy CSP15 Tourism.
2. Council does not agree to permit any advertising posters in the Council offices or Community Notice Boards in relation to this matter.

CARRIED 10/0

Note: It was felt that the recommendation in point 2 did not clearly indicate Council's position.

C054/11/01 COUNCIL POLICY CSP24 - PUBLIC QUESTION TIME (LIB/88)			
Proponent	Chief Executive Officer		
Officer	D.E Price - Chief Executive Officer	Date of Report	30-10-01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	Council		

### **Preamble**

Provide procedures for question time for the public and to review Councils Policy CSP24 "Public Question Time".

### **Background**

Council Policy CSP24 currently states the following;

1. Every question posed at public question time at Council meetings is to be given a response and a summary of the question and response is to be included in the minutes of that meeting where possible;
2. If, because of the nature of the question, it is not possible to provide an adequate answer at that meeting, the question is to be taken on notice and recorded in the minutes as such;
3. Where the question has been "taken on notice" the response to the question will be submitted to a committee for consideration prior to a response being provided, however, where it is considered to be a local government operational matter the Chief Executive Officer may authorise a response without referring the response to an appropriate committee;
4. Where the question is "taken on notice" details of both question and response are to be included in the agenda and minutes of the next Ordinary Meeting of Council;
5. If a question is asked by a representative of a community group, Council may request a copy of the minutes relevant to the question being raised.

### **Comments**

It is proposed that the Policy be amended as follows to better reflect the purpose of Public Question Time at Ordinary Council meetings.

#### **Public Question Time Policy**

In accordance with s. 5.24 of the Local Government Act 1995, 15 minutes shall be set aside at every Ordinary Council, Special meeting of Council or a Committee which has delegated powers of Council, to enable members of the public to ask questions on matters that relate to a matter affecting the Shire, or to the purpose of the meeting.

**Note:** Special Council Meetings and Committee Meetings only have to answer questions relating to the purpose of the meeting, or function of the Committee.

An extension of this period shall only be granted where all members of the public, who have submitted their questions in writing as required by the procedure prescribed by this Council policy, have not been afforded the opportunity to participate.

Where a question has been commenced prior to the conclusion of the designated fifteen (15) minute period, the person shall be permitted to complete the question and receive a response. The maximum time allotted per person shall be in accordance with Council's Standing Orders is (three (3) minutes for each person shall be, unless agreed to be extended by a simple majority consent of the meeting).



All questions shall be presented in accordance with the following guidelines adopted by the Shire for that purpose;

### **Guidelines for Question Time for the Public**

Question time is not a public forum for debate and making public statements. The time is limited to a question and answer period only and questions should be clear and concise to enable an appropriate response.

All questions are to be submitted prior to the commencement of that meeting, in writing, to the Chief Executive Officer in the form of 'Form A'. **A copy of the Form A is included with the attachments and marked C054/11/01.** Where this has not occurred, or the question can not be read due to the poor quality of the writing and the person who submitted it is not in attendance at the meeting to enable the Presiding Member to seek clarification, the Presiding Member may refuse to accept a question or questions.

Persons wishing to ask questions will be called upon generally in the order in which they lodged their 'Form A' question form with the Chief Executive Officer in writing, or other electronic format that is able to be printed out in full by the Shire.

Questions are to be directed to the Presiding Member, who has the right to accept, reject, respond, clarify the question with the person who submitted it, if he/she is in attendance at the meeting, nominate a relevant Councillor or Officer to respond to that question, or take the question "on notice".

To enable all members of the public a fair equal opportunity to participate in Question Time, each person shall be provided, in the first instance, with the opportunity to ask a maximum of two (2) questions, within his/her allocated three minutes.

After all interested persons have asked their allotted number of questions, the Presiding Member will then, where time permits, allow members of the public, who have previously submitted his/her question in writing, in the order in which they lodged their 'Form A' to ask any further questions they have submitted. This process will continue until there are no more questions or until the 15 minutes allotted question time has expired.

An extension of Question Time will only be granted where all members of the public, who have submitted their questions in accordance with this policy, have not been afforded the opportunity to ask the initial allotment of two (2) questions.

Questions posed at Public Question Time at Council meetings will be given an appropriate response and recorded in the minutes of the meeting when the question is answered, however it is acknowledged that there may be questions submitted that are not able to be answered at the meeting and these shall be recorded in the minutes as such, and dealt with as outlined below;

If, because of the nature of the question, it is not possible to provide an adequate answer at that meeting, the question is to be "taken on notice". Where the question has been "taken on notice", the response to the question shall be the responsibility of the Chief Executive Officer or his/her nominated officer to arrange and it will be submitted to a relevant Committee for consideration, prior to the response being provided.

However, where it is considered by the Chief Executive Officer to be a local government operational matter, the Chief Executive Officer may authorise a response without referring the referral to a Committee. In such a case the response is not required to be included in the agenda and minutes of the next Ordinary Meeting of Council for information, and the matter is considered to be final.

Where a question is "taken on notice", and it is a matter affecting the Shire or relates to the purpose of a special meeting of council or a function of committee matter, details of both the

question and the response are to be included in the agenda and minutes of the next Ordinary Meeting of Council;

If a question is asked by a representative of a Community Group, Council may request a copy of the minutes relevant to the question being raised, on the understanding that the community group is not obliged to provide such information.

**Statutory Environment:** Local Government Act 1995 and Local Government (Administration) Regulations 1996

**Policy Implications:** Amendment to Council Policy CSP24

**Financial Implications:** No Financial Implications

**Strategic Implications:** No Strategic Implications

**Community Consultation:**

1. Include copy in each agenda provided for public.
2. Question sheets are to be made available to the public prior to a meeting.
3. Plain English version be drafted or and advertised in local newspaper.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Council adopts Policy CSP24 Public Question Time at Ordinary Council Meetings below as amended;

#### **CSP24 - Public Question Time at Ordinary Council Meetings**

In accordance with s. 5.24 of the Local Government Act 1995, 15 minutes shall be set aside at every Ordinary Council, Special meeting of Council or a Committee which has delegated powers of Council, to enable members of the public to ask questions on matters that relate to a matter affecting the Shire, or to the purpose of the meeting.

**Note:** Special Council Meetings and Committee Meetings only have to answer questions relating to the purpose of the meeting, or function of the Committee.

An extension of this period shall only be granted where all members of the public, who have submitted their questions in writing as required by the procedure prescribed by this Council policy, have not been afforded the opportunity to participate.

Where a question has been commenced prior to the conclusion of the designated fifteen (15) minute period, the person shall be permitted to complete the question and receive a response. The maximum time allotted per person shall be in accordance with Council's Standing Orders (three (3) minutes for each person), unless agreed to be extended by a simple majority consent of the meeting).

All questions shall be presented in accordance with the following guidelines adopted by the Shire for that purpose;

## **Guidelines for Question Time for the Public**

Question time is not a public forum for debate and making public statements. The time is limited to a question and answer period only and questions should be clear and concise to enable an appropriate response.

All questions are to be submitted prior to the commencement of that meeting, in writing, to the Chief Executive Officer in the form of 'Form A' Where this has not occurred, or the question can not be read due to the poor quality of the writing and the person who submitted it is not in attendance at the meeting to enable the Presiding Member to seek clarification, the Presiding Member may refuse to accept a question or questions.

Persons wishing to ask questions will be called upon generally in the order in which they lodged their 'Form A' question form with the Chief Executive Officer in writing, or other electronic format that is able to be printed out in full by the Shire.

Questions are to be directed to the Presiding Member, who has the right to accept, reject, respond, clarify the question with the person who submitted it, if he/she is in attendance at the meeting, nominate a relevant Councillor or Officer to respond to that question, or take the question "on notice".

To enable all members of the public a fair equal opportunity to participate in Question Time, each person shall be provided, in the first instance, with the opportunity to ask a maximum of two (2) questions, within his/her allocated three minutes.

After all interested persons have asked their allotted number of questions, the Presiding Member will then, where time permits, allow members of the public, who have previously submitted his/her question in writing, in the order in which they lodged their 'Form A' to ask any further questions they have submitted. This process will continue until there are no more questions or until the 15 minutes allotted question time has expired.

An extension of Question Time will only be granted where all members of the public, who have submitted their questions in accordance with this policy, have not been afforded the opportunity to ask the initial allotment of two (2) questions.

Questions posed at Public Question Time at Council meetings will be given an appropriate response and recorded in the minutes of the meeting when the question is answered, however it is acknowledged that there may be questions submitted that are not able to be answered at the meeting and these shall be recorded in the minutes as such, and dealt with as outlined below;

If, because of the nature of the question, it is not possible to provide an adequate answer at that meeting, the question is to be "taken on notice". Where the question has been "taken on notice", the response to the question shall be the responsibility of the Chief Executive Officer or his/her nominated officer to arrange and it will be submitted to a relevant Committee for consideration, prior to the response being provided.

However, where it is considered by the Chief Executive Officer to be a local government operational matter, the Chief Executive Officer may authorise a response without referring the referral to a Committee. In such a case the response is not required to be included in the agenda and minutes of the next Ordinary Meeting of Council for information, and the matter is considered to be final.

Where a question is "taken on notice", and it is a matter affecting the Shire or relates to the purpose of a special meeting of council or a function of committee matter, details of both the question and the response are to be included in the agenda and minutes of the next Ordinary Meeting of Council;

If a question is asked by a representative of a Community Group, Council may request a copy of the minutes relevant to the question being raised, on the understanding that the community group is not obliged to provide such information.

### **CRC054 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Scott seconded Cr Price:

1. Council adopts Policy CSP24 Public Question Time at Ordinary Council Meetings below as amended;

#### **CSP24 - Public Question Time at Ordinary Council Meetings**

In accordance with s. 5.24 of the Local Government Act 1995, 15 minutes shall be set aside at every Ordinary Council, Special meeting of Council or a Committee which has delegated powers of Council, to enable members of the public to ask questions on matters that relate to a matter affecting the Shire, or to the purpose of the meeting.

Note: Special Council Meetings and Committee Meetings only have to answer questions relating to the purpose of the meeting, or function of the Committee.

An extension of this period shall only be granted where all members of the public, who have submitted their questions in writing as required by the procedure prescribed by this Council policy, have not been afforded the opportunity to participate.

Where a question has been commenced prior to the conclusion of the designated fifteen (15) minute period, the person shall be permitted to complete the question and receive a response. The maximum time allotted per person shall be in accordance with Council's Standing Orders (three (3) minutes for each person), unless agreed to be extended by a simple majority consent of the meeting).

All questions shall be presented in accordance with the following guidelines adopted by the Shire for that purpose;

#### **Guidelines for Question Time for the Public**

**Question time is not a public forum for debate and making public statements. The time is limited to a question and answer period only and questions should be clear and concise to enable an appropriate response.**

All questions are to be submitted prior to the commencement of that meeting, in writing, to the Chief Executive Officer in the form of 'Form A' Where this has not occurred, or the question can not be read due to the poor quality of the writing and the person who submitted it is not in attendance at the meeting to enable the Presiding Member to seek clarification, the Presiding Member may refuse to accept a question or questions.

Persons wishing to ask questions will be called upon generally in the order in which they lodged their 'Form A' question form with the Chief Executive Officer in writing, or other electronic format that is able to be printed out in full by the Shire.

Questions are to be directed to the Presiding Member, who has the right to accept, reject, respond, clarify the question with the person who submitted it, if he/she is in attendance at the meeting, nominate a relevant Councillor or Officer to respond to that question, or take the question "on notice".

To enable all members of the public a fair equal opportunity to participate in Question Time, each person shall be provided, in the first instance, with the opportunity to ask a maximum of two (2) questions, within his/her allocated three minutes.

After all interested persons have asked their allotted number of questions, the Presiding Member will then, where time permits, allow members of the public, who have previously

submitted his/her question in writing, in the order in which they lodged their 'Form A' to ask any further questions they have submitted. This process will continue until there are no more questions or until the 15 minutes allotted question time has expired.

An extension of Question Time will only be granted where all members of the public, who have submitted their questions in accordance with this policy, have not been afforded the opportunity to ask the initial allotment of two (2) questions.

Questions posed at Public Question Time at Council meetings will be given an appropriate response and recorded in the minutes of the meeting when the question is answered, however it is acknowledged that there may be questions submitted that are not able to be answered at the meeting and these shall be recorded in the minutes as such, and dealt with as outlined below;

If, because of the nature of the question, it is not possible to provide an adequate answer at that meeting, the question is to be "taken on notice". Where the question has been "taken on notice", the response to the question shall be the responsibility of the Chief Executive Officer or his/her nominated officer to arrange and it will be submitted to a relevant Committee for consideration, prior to the response being provided.

However, where it is considered by the Chief Executive Officer to be a local government operational matter, the Chief Executive Officer may authorise a response without referring the referral to a Committee. In such a case the full response is not required to be included in the agenda and minutes of the next Ordinary Meeting of Council for information (a note made in the agenda), and the matter is considered to be final.

Where a question is "taken on notice", and it is a matter affecting the Shire or relates to the purpose of a special meeting of council or a function of committee matter, details of both the question and the response are to be included in the agenda and minutes of the next Ordinary Meeting of Council;

If a question is asked by a representative of a Community Group, Council may request a copy of the minutes relevant to the question being raised, on the understanding that the community group is not obliged to provide such information.

2. A plain English version of this policy be drafted for public information and advertising.  
CARRIED 10/0

C056/11/01 SEPTEMBER FINANCIAL STATEMENTS (A0924)			
Proponent	Local Government Act 1995		
Officer	G.R. Dougall - Director Corporate Services	Date of Report	03/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	Council		

### **Preamble**

To receive the quarterly financial report for the period ended 30<sup>th</sup> September 2001.

### **Background**

Regulation 34(1)(b) of the Local Government (Financial Management) Regulations 1996 require that quarterly financial reports be presented to Council for the periods ending 30 September, 31 December, 31 March and 30 June at either the next ordinary meeting after the end of the period, or if not prepared in time to the next ordinary meeting after that meeting.

This report was developed during the last financial year providing estimates of year end results and modifications to the original budget where required.

### **Comments**

***A copy of this report is included with the attachments and marked C056/11/01*** and is presented in a modified form from last year. As can be seen from the attachment there is now provision to see the budget figures, estimated budget figures to 30 September, actual figures to 30 September and percentage variance from 30 September estimated to actual. The notes provided with the budget are included on the left side page to better inform Councillors of the intended spending for each account.

During the interim visit by our auditors it was mentioned that the quarter budget estimate was not included previously so these changes reflect the previous omission.

This report will only comment on areas that are considered will not agree with end of year expectations.

### **GENERAL PURPOSE FUNDING**

#### **Rates**

RAR601 – Rate Discount Allowed: the amount of rate discount taken up this year is less than claimed in previous years. As the discount period ended on 14<sup>th</sup> September 2001 this account will complete the year under-expended by approximately \$7,000.

RAR602 – Rates Written Off: Councillors may recall the review of the mining tenement rate requested by the Department of Local Government and Regional Development last year. In October 2000 Council resolved (CRC083/10/00) to amend the differential rate subject to the Department receiving approval from the Governor. This only occurred recently so the changes have been made to this financial year.

### **GOVERNANCE**

#### **Members of Council**

This area is progressing in accordance with expectations.

Chief Executive Officer

This area is progressing in accordance with expectations.

Director Corporate Services

This area is progressing in accordance with expectations.

Director Sustainable Development

This area is progressing in accordance with expectations.

Director Asset Services

This area is progressing in accordance with expectations.

Information Technology Services

This area is progressing in accordance with expectations.

Records and Information Management

This area is progressing in accordance with expectations.

Community Development Officer

This area is progressing in accordance with expectations.

Corporate Services

This area is progressing in accordance with expectations.

Administration General

This area is progressing in accordance with expectations.

Other Governance

OGC254 – Sand Mining Contribution: The anticipated income for this account is significantly less than the \$2,000 estimated for the year and will remain this way as the initial rate period is when these funds are collected. As a result the legal expenses allocation which included \$2,000 expenditure for sand mining under OGC530 will need to be reduced by \$2,000 (to \$30,000) for the year.

LAW, ORDER AND PUBLIC SAFETY

Volunteer Bush Fire Brigades

SFB555 – Consumables: this account has an allocation for two air conditioning units at \$4,000 which has over expended the budget. A Lotteries Commission Grant was gained for these and included as income under FIR401.

Fire Prevention

FIR520 – Insurance: This allocation has increased significantly this year but on general is the only insurance cost to be significantly different from the budget. This will have no further allocations and be \$2,000 over expended at year end.

FIR401 – Contributions: Includes Lotteries Commissions Grant for air conditioners and subdivision contributions that will require work to be undertaken by Council.

### Emergency Management

EMM550 – Vehicle Expenses: This account is well expended and will continue to accumulate expenses for fuel over the remainder of the year. This may result in an over allocation at year end and will need to be watched.

### Public Safety Administration

PSA535 – Equipment Repairs: This has already exceeded budget but is not considered to have a significant impact on the final result. The repairs allocation throughout the budget will have under's and overs offsetting each other.

## HEALTH

### Health Inspection and Administration

HIA501 – Accrued Leave: This is the leave accruals for the retirement of the Principal Environmental Health Officer. A large proportion of these funds will be supported by the leave reserve.

## EDUCATION AND WELFARE

### Pre School

MPP625 – Cleaning: This allocation is higher than anticipated and will need to be watched as the year progresses.

## HOUSING

### Other Housing

This area is progressing in accordance with expectations.

## COMMUNITY AMENITIES

### Sanitation

SAN682 – Replacement Bins: This account is over expended by \$2,800 and will finish the year over allocated.

### Protection of the Environment

ENV555 – Consumables: This account is over expended, however the only other item to be purchased under this allocation is uniform allowance of \$115, therefore the year end result should not be significant.

ENV100 – Regional Energy Project Income: These grant funds were actually received in mid June 2001. Therefore this income is a carryover of funds from last year and the budget should be adjusted to reflect this.

### Town Planning

TPL177 – Booklets: This income is well above annual and quarter expectations and as a result will have a year end better result of an estimated \$4,500.

### Other Community Amenities

This area is progressing in accordance with expectations.

## RECREATION AND CULTURE

### Public Halls

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CKH100 – Clem Kentish Hall: This is greater than anticipated as the Indoor Cricket Club have paid two years subscription for their use.

#### Other Recreation and Culture

JTC730 – John Crescent Tennis Courts: Resurfacing provided for last year was completed this financial year. Funds were provided by the Club to match 50% of the costs. As a result this account will complete the year over expended by \$10,000.

#### Public Parks and Gardens

This area is progressing in accordance with expectations.

#### Buildings on Reserves

This area is progressing in accordance with expectations.

#### Libraries

This area is progressing in accordance with expectations.

#### Other Culture

This area is progressing in accordance with expectations.

### TRANSPORT

#### Infrastructure Assets

CDA100 – Main Roads WA: This funding income has been claimed in October and will finish the year as budgeted.

CDA110 – Contributions: Large contributions to Orton and Kargotich Roads have been provided for road upgrades from development applications. Whilst not budgeted for it is anticipated these funds will be expended during the year and will result in a corresponding over expenditure by year end.

#### Maintenance of Streets and Roads

This area is progressing in accordance with expectations.

#### Design Team

This area is progressing in accordance with expectations.

#### Road Plant Purchases

This area is progressing in accordance with expectations.

### ECONOMIC SERVICES

#### Rural Services

This area is progressing in accordance with expectations.

#### Tourism and Area Development

This area is progressing in accordance with expectations.

Building Control

This area is progressing in accordance with expectations.

Other Economic Services

This area is progressing in accordance with expectations.

OTHER ECONOMIC SERVICES

This area is progressing in accordance with expectations.

In conclusion the first quarter budget is progressing in accordance with budget expectations. Only a couple of accounts require further review during the year and three (OGC254, ENV100 and JTC730) accounts will require changes as a result of changes to the expected end of year result.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** No policy implications

**Financial Implications:** This report is a review of financial implications for the period to 30<sup>th</sup> September 2001.

**Strategic Implications:** No strategic implications

**Community Consultation:** Not required

**Voting Requirements:** ABSOLUTE MAJORITY

The adjourned for morning tea at 10:06am and reconvened at 10:25am

**CRC056 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer:

1. The Quarterly Financial Report for period ended 30<sup>th</sup> September 2001 be received.
2. Budget allocations for the following items be modified to reflect the following:

OGC254 – Legal Expenses	\$30,000 to reflect the reduced income from mining contributions,
ENV100 – Regional Energy Project	\$Nil to reflect the income being received in June 2001 and the carried forward figure reflect this change,
JTC730 – John Crescent Tennis Courts	\$10,500 to reflect the completion of the court reseals and the carried forward figure reflect this change.

**CARRIED 10/0 ABSOLUTE MAJORITY**

C064/11/01 MUNDIJONG THOUROGHBRED AND TRAINERS ASSOCIATION – INSURANCE (LRS0069)			
Proponent	Webb Road Reserve Lease Agreement		
Officer	G R Dougall – Director Corporate Services	Date of Report	10/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	Council		

### **Preamble**

To authorise the suspension of this lease in accordance with the lease conditions due to the failure by the club to undertake public liability insurance.

### **Background**

In August 2001 the President of the Mundijong Thoroughbred and Trainers Association met with the Director of Corporate Services to discuss issues relating to the Webb Road Reserve. At that meeting it was brought to the Director's attention that the Club had not renewed its Public Liability insurance in accordance with the lease agreement. The reason provided was that there had been a substantial increase in the premium and the Club did not have the funding to undertake the insurance.

The Director provided a referral to Council's insurance broker to assist in attaining further quotes and authorised the release of \$1650 to the Club for work undertaken in accordance with the 2001/2002 budget. It was suggested at that meeting that attaining insurance would need to be a priority as the lease requires this coverage.

### **Comments**

At this time the Club has not confirmed that insurance has been taken up. The Director Corporate Services has requested Council solicitors to draft a reminder to forward to the Club to ensure this matter has been resolved. If the Club do not respond to this letter within a reasonable time, Council will need to suspend the lease until the matter is resolved.

**Statutory Environment:** Webb Road Reserve Lease Agreement

**Policy Implications:** No policy implications.

**Financial Implications:** Council will need to protect its liability.

**Strategic Implications:** No strategic implications

**Community Consultation:** Not required.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

The Lease agreement between Shire of Serpentine-Jarrahdale and Mundijong Thoroughbred Association be suspended, if necessary, if the Club is found to be in breach of its requirement to have current public liability insurance.

### **Committee Recommended Resolution**

1. The Lease agreement between Shire of Serpentine-Jarrahdale and Mundijong Thoroughbred Association be suspended, immediately if the Club cannot provide a certificate of currency and reinstated once the certificate is provided.
2. Discuss with Municipal Insurance Brokers opportunity for blanket cover.

### **AMENDMENT**

Moved Cr Richards seconded Cr Kirkpatrick:  
Defer this item for further consideration at the Ordinary Council Meeting to be held on 10<sup>th</sup> December, 2001  
LOST 4/6

### **CRC064 COUNCIL DECISION**

Moved Cr Hoyer seconded Cr Murphy

1. The Lease agreement between Shire of Serpentine-Jarrahdale and Mundijong Thoroughbred Association be suspended, immediately if the Club cannot provide a certificate of currency and reinstated once the certificate is provided.
2. Discuss with Municipal Insurance Brokers opportunity for blanket cover.

CARRIED 10/0

### 7.2 Asset Services – 12<sup>th</sup> November, 2001

#### **COUNCIL DECISION**

Moved Cr Simpson seconded Cr Buttfield  
The minutes of the Asset Services Committee Meeting held on 12<sup>th</sup> November, 2001 be received.  
CARRIED 10/0

AS038/11/01 LONG VEHICLE APPLICATION – ROWLEY ROAD (A0512-03)			
Proponent	Harvey Fresh, Harvey		
Officer	Robert Harris Director Asset Services	Date of Report	15.10.01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
Delegation	<b>Council due to altered recommendation</b>		

### **Preamble**

An application has been made by Harvey Fresh to use a truck and trailer permit vehicle combination on Rowley Road east of Nicholson Road to access their premises at 747 Rowley Road, Forrestdale. It is recommended the request be refused.

### **Background**

Harvey Fresh operate a distribution facility on the north side of Rowley Road approximately 200 metres east of Nicholson Road (in City of Armadale). Rowley Road is a municipal boundary road with the section of road east of Nicholson Road being managed and maintained by the Shire of Serpentine-Jarrahdale under agreement with the City of Armadale. Rowley Road is classified a District Distributor road under the State Road Hierarchical structure indicating it serves a district traffic function.

Harvey Fresh are seeking to access their Rowley Road property with a 22.5 metre long truck and trailer combination vehicle which operates under a long vehicle permit from Main Roads

allowing use on South Western Highway, Thomas Road and Nicholson Road, but not Rowley Road. The consent of Council is sought to use the vehicle on Rowley Road for an application for approval from Main Roads.

***A copy of the request from Harvey Fresh is with attachments marked AS038.1/11/01***

Mr Laurie Sorgiovanni, Operations Manager of Harvey Fresh will be in attendance to answer any Councillor questions.

The application has been considered by the City of Armadale at its Technical Services Committee held 22 October 2001.

***A copy of the City of Armadale Technical Services Committee meeting minutes dealing with the matter is with the attachments marked AS038.2/11/01.***

The City of Armadale Technical Services Committee resolved *“That Council support the application for a truck and trailer permit from Harvey Fresh Ltd – based upon the following:*

- a) Rowley Road being a District Distributor Category A road;*
- b) Rowley Road being immediately adjacent to a freight route;*
- c) assisting in the viability of a local business and employer;*
- d) on the condition that should the permit application prove successful that Rowley Road is not opened up to other permitted vehicles without Council consent;*
- e) the permit restricts Harvey Fresh Ltd only to the vehicle described in the application, to a maximum length of 22.5 metres;*
- f) the permit restricts Harvey Fresh Ltd only to that part of Rowley Road between Nicholson Road and the business property location.”*

**Comments**

Council has consistently sought to avoid having permit vehicles on its local road network except where specifically designated for that purpose and constructed to the appropriate standard.

Rowley Road is not included in the Shire’s designated permit vehicle routes and approval of such applications on an individual application basis leads to incremental expansion of the use of local roads by permit vehicles. Whilst Rowley Road is geometrically able to accommodate the vehicle it would result in an increase in the permit vehicle network.

It is understood the applicant seeks to make one return trip 5 days weekly from Harvey arriving in the very early morning to unload the trailer, and to return in the afternoon to remove the trailer. This is not a significant impact, however it would, under current Main Roads’ policy, potentially make the road available to other permit vehicles for more extensive use.

If it were deemed that consent should be granted the applicant and Main Roads should be advised consent is limited to the particular Harvey Fresh vehicle only for one return trip 5 days weekly and cannot be regarded as Council consent for other permit vehicle use of the road.

Consent should also be conditional on the placement of a 30mm dense graded asphalt overlay on the vehicle turning movement area at the access to the property and Nicholson Road intersection.

**Statutory Environment:**

Road Traffic Act  
Vehicle Standards Regulations  
Local Government Act

**Policy Implications:** Consent would erode Council's policy position of not supporting expansion of permit vehicle use on the local road network.

**Financial Implications:** Nil.

**Strategic Plan Implications:** Council transportation strategy is for permit vehicles to be confined to main and secondary roads, and for "as of right" vehicles only on local roads.

**Community Consultation:** Not required.

**Voting Requirement** Normal.

**Officer Recommended Resolution**

Consent to the application from Harvey Fresh for a long vehicle permit for Rowley Road east of Nicholson Road be refused.

The Director Asset Services advised the meeting of additional information relating to item AS038/11/01 that had come to light since the writing of this item. This additional information came from Main Roads WA in a verbal form on avenues Council could consider separate applications for individual cases of merit without prejudice to other potential applications.

**CRAS038 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson that consent to the application from Harvey Fresh for a long vehicle permit for Rowley Road east of Nicholson Road to Lot 747 Rowley Road, Forrestdale be granted subject to:-

1. Consent is limited to the particular vehicle subject to the application for one return trip 5 days weekly.
2. The full width of Rowley Road adjacent to the property access crossover and the crossover being over laid with 30 mm of dense graded bituminous asphalt to cater for the swept path of the vehicle on entry and exit at the applicant's expense.
3. Consent is subject to Main Roads undertaking that this consent does not provide consent for the road to be available for other permit vehicles without consultation and approval of Council.

CARRIED 10/0

AS039/11/01 LONG VEHICLE APPLICATION – ABERNETHY ROAD (A0512-03)			
Proponent	ATA Constructions Pty Ltd/Oakford Organics, Oakford		
Officer	Robert Harris Director Asset Services	Date of Report	2.11.01
Signatures	Author:	Senior Officer	
Previously			
Disclosure of Interest			
Delegation	Council due to altered recommendation		

### **Preamble**

An application has been made by ATA Construction Pty Ltd to use a long permit vehicle combination (exceeding 19m length) on Abernethy Road east of King Road to access their premises at Lot 35 Abernethy Road, Oakford.

### **Background**

Oakford Organics have secured conditional approvals for a greenwaste composting facility on the south side of Abernethy Road approximately 600 metres east of King Road (no through road section).

The development consent for the composting facility requires all traffic accessing and exiting the facility be via Lot 35 Abernethy Road. The use of a private access road via Lot 6 King Road which would have negated the need to use Abernethy Road and contained permit vehicle movements to King Road which is a permit vehicle route has been denied.

ATA Constructions are seeking to access their property with truck and trailer combination vehicles which operate under a long vehicle permit from Main Roads allowing access to King Road and the long vehicle permit route network. The consent of Council is sought to use the vehicle on Abernethy Road for an application for approval from Main Roads. The application is made in the circumstances that access via King Road is unavailable and the use of long permit vehicles is required for transport economics.

***A copy of the request from ATA Constructions Pty Ltd is with attachments marked AS039/11/01.***

### **Comments**

Council has consistently sought to avoid having permit vehicles on its local road network except where specifically designated for that purpose and constructed to the appropriate standard.

Abernethy Road is not included in the Shire's designated permit vehicle routes and approval of such applications on an individual application basis leads to incremental expansion of the use of local roads by permit vehicles. The no through road section of Abernethy Road west of King Road comprises a six metre bitumen seal over a light duty gravel pavement. Having regard to traffic volumes, long vehicles could safely use the road. The light pavement will have a reduced life if used by additional commercial traffic.

It is understood the applicant seeks to make 2 – 3 return trips with permit vehicles to the site daily. Because of the nature of the material being carted the pavement loadings on Abernethy Road are not likely to be significant, however it will effect the life of the light duty pavement. It would also under current Main Roads' policy, potentially make the road available to other permit vehicles for more extensive use, although current opportunities for others to benefit from this are limited.

If it were deemed in the specific circumstances that consent should be granted the applicant and Main Roads should be advised consent is limited to vehicles carting of greenwaste to the site only and cannot be regarded as Council consent for other permit vehicle use of the road.

Consent should also be conditional on improvements to the road pavement at the access to the property and King Road intersection by the placing of a 30mm dense graded asphalt overlay on the vehicle turning movement areas.

**Statutory Environment:**

Road Traffic Act.  
Vehicle Standards Regulations  
Local Government Act 1995

**Policy Implications:**

Consent would erode Council's policy position of not supporting permit vehicle use on the local road network.

**Financial Implications:**

Nil.

**Strategic Plan Implications:**

Council transportation strategy is for permit vehicles to be confined to main and secondary roads, and for 'as of right' vehicles only on local roads.

**Community Consultation:**

Not required.

**Voting Requirement**

Normal.

**Officer Recommended Resolution**

Consent to the application from ATA Constructions Pty Ltd for a long vehicle permit for Abernethy Road east of King Road be refused.

The Director Asset Services advised the meeting of additional information relating to item AS039/11/01 that had come to light since the writing of this item. This additional information came from Main Roads WA in a verbal form on avenues Council could consider separate applications for individual cases of merit without prejudice to other potential applications.

**CRAS039 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson that consent to the application from ATA Constructions Pty Ltd for a long vehicle permit for Abernethy Road east of King Road be granted subject to:-

1. Consent is limited to combination permit vehicles up to 27.5m maximum length hauling green waste to the site and composted green waste from the site only.
2. The full width of Abernethy Road at the King Road intersection and adjacent to the property access crossover and the crossover being over laid with 30mm of dense graded bituminous asphalt to cater for the swept path of the vehicle on entry and exit at the applicant's expense.
3. Consent is subject to Main Roads undertaking that this consent does not provide consent for the road to be available for other permit vehicles without consultation and approval of Council.
4. The applicant is liable for the additional cost of unreasonable wear and tear on Abernethy Road from King Road to the property access.

CARRIED 10/0



AS041/11/01 INTERSECTION TREATMENTS JARRAHDAL ROAD (R0002-02)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Patrick Rose Technical Officer - Design	Date of Report	5.11.01
Signatures	Author:	Senior Officer	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

### **Preamble**

Approval in principle is sought for the proposed intersection treatments designed for Jarrahdale Road, Jarrahdale.

### **Background**

The Principal Activities Plan includes a \$90,000.00 provision for intersection improvement works on Jarrahdale Road through Jarrahdale in the 2002/03 financial year.

In accordance with the objective of having the design for Capital Works Projects completed the year prior to development, the design for the proposed improvements at the four intersections has been carried out.

To improve accessibility at the Oak Way – Jarrahdale Road intersection it is proposed preliminary works at this intersection proceed from maintenance funds in the current year upon endorsement of the design.

Quotes were sought in May 2001 to provide Design Consultancy for improvements to four (4) intersections on Jarrahdale Road at Nettleton Road, Oak Way, Atkins Street and Kingsbury Drive. MJB Payne Consultants was engaged to provide detailed survey and design plans and the following drawings were submitted to Council:

Nettleton Road General Site Plan	01S4-C-11	Rev No. B
Oak Way General Site Plan	01S4-C-21	Rev No. B
Atkins Street General Site Plan	01S4-C-31	Rev No. B
Kingsbury Drive General Site Plan	01S4-C-41	Rev No. B

***A copy of extracts of the drawings are with attachments marked AS041.1/11/01 to AS041.4/11/01***

### **Comments**

The designs were then submitted to the Jarrahdale Townscape Committee on the 26<sup>th</sup> September 2001. Minutes of the Jarrahdale Townscape Committee meeting.

#### ***“Jarrahdale Road – Intersection Redesign***

*Design Engineer and Engineering Technical Officer presented a number of engineering designs for intersections along Jarrahdale Road.*

***The plans also consist of minor upgrading to asphalt of the car park at the tourist information bay and relocation of the bus stop to 20 metres down the road with the construction of a bus bay. A footpath is also to be constructed from the service station/tractor museum through to Berwick Street.***

*The cost of these works is estimated at \$65 000.*

*The committee suggested that rumble strips be placed along Jarrahdale Road, east of the bridge. Design Engineer is to liaise with Main Roads WA.*

*The Design Engineer showed two concept plans of Atkins Street and Jarrahdale Road. The intention of this work is also to slow the traffic and to improve safety. Option 1 prevents a right hand turn out of Atkins Street and into Atkins Street from Jarrahdale Road. The cost of these works is estimated at \$40 000.*

*Option 2 is located near the second post office. The property that has access off Siford Way will now be given a formal driveway/crossover to access from Jarrahdale Road. The cost of these works is estimated at \$45 000 to \$50 000.*

*The Committee decided that option 2 was the preferred option and are to decide on a theme for the area of land between Jarrahdale Road and Siford Way (ie remove iron railing, plant lawn and shrubs or install picket fencing). The Design Engineer will then contact a Landscape Architect to prepare a plan.*

*The last design was for Kingsbury Drive. This design is similar to Nettleton Road with three main traffic islands to slow the traffic. Due to the traffic volume on Jarrahdale Road and Kingsbury Drive it requires a B class intersection (hence the incorporation of a passing lane and road widening).*

*The Committee decided that the Kingsbury Drive intersection should not go ahead and further work be done on the possible design of a roundabout at this location. It was noted that this is a lower priority.*

*The Design Engineer recommended that the Townscape Committee prioritize these projects into the preferred years and make a recommendation to Council so this work may be considered in the Principal Activities Plan (PAP) process.*

*Priority of works is as follows:-*

- 1. Oak Way*
- 2. Atkins Street – with the addition of a landscape design to solve aesthetic issues*
- 3. Nettleton Road – 2004/2005*
- 4. Abandon design for Jarrahdale Road/Kingsbury Drive until the development of the Heritage Park occurs.”*

To improve accessibility at the Oak Way – Jarrahdale Road intersection for tourist buses and commercial vehicles traveling to the “Chestnuts” area, it is proposed that preliminary works of removing the existing traffic island proceed this financial year, upon endorsement of the design.

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

**Policy Implications:** Accords with Council’s road safety policy objectives.

**Financial Implications:** Provision in Principal Activities Plan.

Nettleton Road to be carried out in the 2004/05 financial year.

**Strategic Plan Implications:** Accords with Council’s infrastructure provision strategy.

**Community Consultation:** Limited consultation held with Jarrahdale Townscape Committee.  
Public comment on design to be invited in accordance with Council consultation policy.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

1. Council endorses the proposed intersection improvement designs for Jarrahdale Road and the intersections of Nettleton Road, Oak Way, and Atkins Street.
2. Council endorses preliminary works for the improvement of the Oak Way intersection to remove the existing traffic island.
3. Intersection works at the Jarrahdale Road/Kingsbury Drive intersection be reviewed as part of the Jarrahdale heritage Park design development.
4. Plans for the proposed works be publicly displayed in Jarrahdale inviting public comment.

**CRAS041 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson

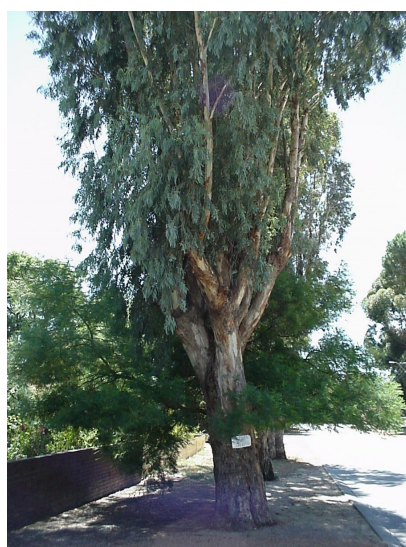
- 1 Council refers the proposed intersection improvement designs for Jarrahdale Road and the intersections of Nettleton Road, Oak Way, and Atkins Street for consideration as part of an overall streetscape design to be developed in consultation with the Jarrahdale Townscape Committee.
2. Council endorses preliminary works for the improvement of the Oak Way intersection to remove the existing traffic island.
3. Intersection works at the Jarrahdale Road/Kingsbury Drive intersection be considered as part of the Jarrahdale Heritage Park design.

CARRIED 10/0

AS043/11/01 REMOVAL OF TREES – MARY STREET, BYFORD (R0142)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Design Engineer Simon Kenworthy-Groen	Date of Report	1.11.2001
Signatures	Author:	Senior Officer	
Previously	T086/04/00		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

### **Preamble**

Council is requested to revisit its decision to retain the Yellow Gum Trees on the west side of Mary Street, Byford, Opposite the primary school. Retention of the trees with regular maintenance is recommended.



### **Background**

The Shire received the following letter on the 12<sup>th</sup> September 2001 signed by 5 residents on Mary Street.

*“The undersigned residents in Mary Street Byford are still very concerned about the very tall trees in their street. We request that Council review the situation and get the town committee to look at the problem – URGENTLY.*

*Despite your consultant (letter to T Ashcroft dated October 12<sup>th</sup> 2000) saying the trees are healthy, the trees are dropping unhealthy branches onto some properties, evidence is available.*

*Apart from the trees being a hazard to our properties they drop their leaves and blossom on our homes and into our gutters when the easterly winds blow.*

*We look forward to your comments and action in the near future.*

*Dirk & Gerda Vanden Dool  
John & Hazel Woodland  
Elaine Bartlett  
Terry Ashcroft  
Rachel Lucas”*

Council previously considered a request from Mr Ashcroft of 26 Mary Street to have the large trees located on the councils verge removed due to a risk of large limbs falling from the

trees and leaf litter collecting in the gutters of the house. To assist in determining if the trees were a risk of dropping limbs the shire engaged an Arboriculturalist Mr John Banks to report on the trees immediately in front of No 26 and comment on the other seven trees in Mary Street. The full report is available to Councillors and the following extract has been presented as background information from the initial report dated 28 March 2000.

“ ...

**6. COMMENTS RELATING TO THE OTHER SEVEN SPECIMENS:**

***In addition to the three specimens discussed above, seven other Yellow Gums grow in Mary Street - three outside of 34 Mary Street and four on the Mary Street verge outside the property located at 24 Clifton Street. As mentioned above, there is also a dead specimen located outside of 24 Clifton Street and which, judging by the lack of water shoot growth, died soon after having been lopped.***

*The three specimens outside of 34 Mary Street and three of the four specimens outside of 24 Clifton Street have been lopped in the same way as Trees 1 - 3 discussed above. Further, they are approximately equivalent in size to Trees 1 - 3 and whilst some are slightly larger and some slightly smaller, they all support water shoot growth which is large and heavy. There were no cavities or serious wounding on their trunks.*

*Accordingly, the comments and conclusions which were made in regards to Trees 1 - 3 also apply to these other six trees.*

*The third Yellow Gum from the corner of Mary and Clifton Streets is a younger specimen and therefore considerably smaller in stature. It has also been lopped, however, and its less vigorous, comparatively sparse, open canopy also consists of water shoots.*

*The above photograph shows the level (4.5 - 5 metres) at which lopping was consistently performed on all trees. It also shows the water shoots.*

**7. FINAL COMMENTS AND RECOMMENDATIONS:**

*Given the even spacings (consistently 7 metres) which exist between most trees it seems obvious that an attempt was originally made to create an avenue down the western side of Mary Street. This has been broken at various points where the spaces between trees are greater and wherein other specimens probably once grew but have since been removed.*

*With the exception of the one smaller tree, it is estimated that all the other specimens are somewhere between thirty and forty years old. There are no over head power lines on the verge above the trees as these are located on the opposite, eastern verge. It would seem obvious, therefore, that the trees were lopped when it was realised that they had grown too tall and broad for the verge and had encroached over both the road and the adjacent private properties. The lopping operation was therefore intended to contain their dimensions above the verge – an objective that has largely been achieved.*

*Unfortunately their water shoots will become longer, thicker and heavier and their propensity for shedding these will increase. There are, therefore, two options available to address this situation.*

*The first option would be to again lop the trees (their water shoots) back to (at) the bollings. This would result in the immediate and complete removal of the potentially dangerous timber. Indeed, it is this type of treatment that was inflicted on previously lopped trees throughout the metropolitan area until about 10 years ago.*

*One problem associated with this approach is that the trees would appear suddenly bereft of foliage and extremely ugly. Further, there is also the possibility that a tree might die from such harsh pruning – as demonstrated by the dead tree outside of 24 Clifton Street.*

*Further again to the above, if a tree did not die it would again produce new water shoots to replace those that had been lopped off and the same process of re-logging would need to be implemented some years \*down the track\* and then repeatedly (about every eight years) on an ongoing basis for the life of the trees. This would result in an ongoing maintenance cost to retain specimens that were ugly. Finally, re-logging the trees would not arrest the decay that would be (and is) occurring within the bollings.*

*So, whilst council might choose the above option of re-logging the trees on an ongoing basis, this consultant would recommend that they instead be removed and replaced by a species that did not grow to a size where it was too large (tall or broad) for the space (verge) into which it had been planted and, therefore, did not need to be harshly pruned in future and did not grow to represent a hazard.*

*The verge is 5.5 metres wide, is not overshadowed by power lines and, therefore, lends itself well to an avenue of suitable trees. As an example, the Western Australian Peppermint (*Agonis flexuosa*) which, as the name suggests is a native of our state, would be an ideal choice. It only grows to a maximum height of about 10 metres with a similar spread and would grow well along the verge to provide an attractive wall of deep green, weeping foliage. It would require initial pruning to lift the lower branches off the road and perhaps some minor pruning to contain its western canopy away from those properties who objected to its encroachment over their boundary line. This species, for example, is much used as a street tree in Subiaco and West Perth to create a cool, soft, consistent effect in streets with verges that are only three metres in width.*

*If the council did elect to replace the existing trees, the Western Australian Peppermint is only one choice of many. The spacing between trees would of course vary depending on the species chosen. Spaces would also need to be provided for intersections and crossovers in order to prevent visual obstructions.*

*Finally, a variation of the second option mentioned above would be to remove only several of the existing Yellow Gums each year or every few years and in order to reduce the visual \*shock\* of their removal. Coincidentally, new trees could be planted in the existing spaces as well as in those others which had become available through the removal of individual Yellow Gums. Yellow Gums that were retained but earmarked for removal in later years would need to be lopped and allowed to produce water shoots in the interim.*

*Regardless of the species that was chosen for replanting, it would be most important that only one species of tree be planted along the verge in order to create harmony and a consistent avenue effect....”*

At the April 2000 Ordinary Council meeting Council resolved the following;

1. That Council authorises the pruning of any limb/s which the Engineer considers may endanger private homes.
2. That the history of fallen limbs be obtained from operations.

At the time of the report the Shires operations department did not recall dealing with any falling limbs from the trees. It is the Design Engineer’s opinion that some of the tree limbs could endanger the private homes given the extreme environmental condition, however the Arboricultural Report described the trees as healthy.

## **Comments**

In response to the letter received on the 12 September the Design Engineer requested an updated report on the health and status of the trees on Mary St from the Arboricultural Consultant Mr John Banks.

The updated full report dated 28<sup>th</sup> September 2001 is available to Councillors on request. The following comments and conclusions are presented for Council's information.

### ***“General Comments:***

*Since the first inspection was made 18 months ago, Tree 1 has increased in height by 1.2 metres. Similarly, its canopy diameter has increased by approximately 500mm. Whereas in March 2000 it did not encroach beyond the property boundary, it now grows over the boundary for a distance of 300mm (to the west).*

*Tree 2 has increased in height by approximately 400mm and its canopy diameter by approximately 1 metre. Whereas in March 2000 it did not encroach beyond the property boundary, it now grows over the boundary for a distance of 500mm (to the west).*

*Tree 3 has increased in height by approximately 500mm. Its canopy diameter has not increased by any significant amount and the extent of its encroachment over the property boundary remains the same as it did March 2000 (2.3 metres to the west).*

*All were in flower at the time of the inspection. In all other respects, these three trees appeared in the same condition as that which was recorded in the first report.*

*In both this and the previous report, it was only required that a general comment be made the respect of the seven other trees (growing outside of 24 and 34 Mary Street). Accordingly, no account was made in the previous report of their specific dimensions or canopy extensions over property boundaries.*

*Given the approximate increase in heights and canopy diameters of Trees 1 – 3, however it can be safely assumed that there has been a corresponding increase in the overall dimensions of these seven other specimens.*

*It would be important to note, however, that all seven specimens encroached over the adjacent property boundaries by distances to the west as stated below;*

### ***The Three Yellow Gums outside of 34 Mary Street;***

*The canopy of the most northern specimen is 1.8 metres over the property boundary.*

*The canopy of the middle specimen is 2 metres over the property boundary.*

*The canopy of the most southern specimen is 2 metres over the property boundary.*

### ***The Four Yellow Gums outside of 24 Mary Street;***

*The canopy of the most northern specimen is 1 metre over the property boundary.*

*The canopy of the next specimen to the south is 2 metres over the property boundary. A termite colony was attached to the north eastern side of the base of the trunk. The termites were active at the time of the inspection.*

*The canopy of the next specimen to the south is 4 metres over the property boundary.*

*The canopy of the most southern specimen is 4.5 metres over the property boundary and, further, a portion of which is situated above the roof of the house.*

*All were in flower at the time of the inspection. In all other respects, the condition of the above seven trees was the same as that stated in the report of 28 March 2000.*

### **Conclusions**

*In the brief with which this consultant was provided, it was stated that;*

*‘ It has been reported from some of the residents that some limbs have fallen from the trees recently...’.*

*It was not possible, however, to find evidence of any significant sized branches having recently separated.*

*It was further stated that;*

*‘ In response to your earlier report on these trees dated 28 March 2000, the Council voted to retain the trees and prune the limbs that represented a danger to property.’*

*Again, however, there were not any signs of such pruning. Indeed, it was confirmed with the client that such pruning has not yet been implemented.*

*Based on this subsequent (second) inspection, it is evident that over the past 18 months the overall dimension of each tree has increased slightly and, indeed, will continue to do so. Indeed, this was predicted within the conclusions contained within the previous report (and highlighted on below in bold).*

*Coincidentally, the extent of their canopy encroachment over the adjacent properties has increased and, indeed, will continue to do so.*

*Based in part on the above, and also on those other comments which he made in the previous report (of 28 March), his conclusions and recommendations remain unchanged and, therefore, the same as those which he expressed in that previous report and as follows;*

*‘Given the even spacings (consistently 7 metres) which exist between most trees it seems obvious that an attempt was originally made to create an avenue down the western side of Mary Street. This has been broken at various points where the spaces between trees are greater and wherein other specimens probably once grew but have since been removed.*

*With the exception of the one smaller tree (third from the corner of Mary and Clifton Streets), it is estimated that all the other specimens are somewhere between thirty and forty years old. There are no over head power lines on the verge above the trees as these are located on the opposite, eastern verge. It would seem obvious, therefore, that the trees were lopped when it was realized that they had grown too tall and broad for the verge and had encroached over both the road and the adjacent private properties. The lopping operation was therefore intended to contain their dimensions above the verge – an objective that has largely been achieved.*

***Unfortunately their water shoots will become longer, thicker and heavier and their propensity for shedding these will increase.*** *There are, therefore, two options available to address this situation.*

*The first option would be to again lop the trees (their water shoots) back to (at) the bollings. This would result in the immediate and complete removal of the potentially dangerous timber. Indeed, it is this type of treatment that was inflicted on previously lopped trees throughout the metropolitan area until about 10 years ago.*



*One problem associated with this approach is that the trees would appear suddenly bereft of foliage and extremely ugly. Further, there is also the possibility that a tree might die from such harsh pruning – as demonstrated by the dead tree outside of 24 Clifton Street.*

*Further again to the above, if a tree did not die it would again produce new water shoots to replace those that had been lopped off and the same process of re-lopping would need to be implemented some years 'down the track' and then repeatedly (about every eight years) on an ongoing basis for the life of the trees. This would result in an ongoing maintenance cost to retain specimens that were ugly. Finally, relopping the trees would not arrest the decay that would be (and is) occurring within the bollings.*

*So, whilst council might choose the above option of relopping the trees on an ongoing basis, this consultant would recommend that they instead be removed and replaced by a species that did not grow to a size where it was too large (tall or broad) for the space (verge) into which it has been planted and, therefore, did not need to be harshly pruned in future and did not grow to represent a hazard.*

*The verge is 5.5 metres wide, is not overshadowed by power lines and, therefore, lends itself well to an avenue of **suitable** trees. As an example, the Western Australian Peppermint (*Agonis flexuosa*) which, as the name suggests is a native of our state, would be an ideal choice. It only grows to a maximum height of about 10 metres with a similar spread and would grow well along the verge to provide an attractive wall of deep green, weeping foliage. It would require initial pruning to lift the lower branches off the road and perhaps some minor pruning to contain its western canopy away from those properties who objected to its encroachment over their boundary line.*

*This species, for example, is much used as a street tree in Subiaco and West Perth to create a cool, soft, consistent effect in streets with verges that are only three metres in width.*

*If the council did elect to replace the existing trees, the Western Australian Peppermint is only one choice of many. The spacings between trees would of course vary depending on the species chosen. Spaces would also need to be provided for intersections and crossovers in order to prevent visual obstructions.*

*Finally, a variation of the second option mentioned above would be to remove only several of the existing Yellow Gums each year or every few years and in order to reduce the visual 'shock' of their removal. Coincidentally, new trees could be planted in the existing spaces as well as in those others which had become available through the removal of individual Yellow Gums. Yellow Gums that were retained but earmarked for removal in later years would need to be lopped and allowed to produce water shoots in the interim.*

*Regardless of the species that was chosen for replanting, it would be most important that only one species of tree be planted along the verge in order to create harmony and a consistent avenue effect.' "*

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Approximately \$10,000 to remove all the trees.

**Strategic Implications:** Nil

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council retains the Yellow Gum Trees on Mary Street and authorizes the pruning of any limb/s considered to endanger private homes.

**CRAS043 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson that:-

1. Council retains the Yellow Gum Trees on Mary Street and authorizes the pruning of any limb/s considered to endanger private homes.
2. That the Director Asset Services considers and implements a long-term replacement program.

CARRIED 10/0

AS048/11/01 WASTE MANAGEMENT RECYCLING - JUNK BUSTERS (A0664-02)			
Proponent	M. White – Junk Busters		
Officer	Committee	Date of Report	12.11.01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

Councillor J. Kirkpatrick tabled a letter from a local group calling themselves the Junk Busters expressing their interest in setting up a re-use centre in Serpentine-Jarrahdale Shire. This information can be found in file A0064-02 marked "tabled document item AS048/11/01.

**CRAS048 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson that the letter from Mrs M. White of the Junk Busters together with attachments be considered as part of Council's waste services review.

CARRIED 10/0

7.3 Community & Recreation Development Meeting – 12<sup>th</sup> November, 2001

**COUNCIL DECISION**

Moved Cr Needham seconded Cr Simpson  
The minutes of the Community & Recreation Development Committee Meeting held on 12<sup>th</sup> November, 2001 be received.  
CARRIED 10/0

CRD20/11/01 RECREATION PLAN (A1006)			
Proponent	Council		
Officer	Andrew Watson - Director Sustainable Development	Date of Report	24.10.01
Signatures	Author:	Senior Officer:	
Previously	CRD24/02/01, CRD18/12/00, CRD15/11/00, CRD09/10/00, CRD08/09/00, CRD07/08/00, CRD02/02/00		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Preamble**

The purpose of this report is to consider the Recreation Plan project.

**Background**

Council appointed Strategic Leisure Planning to prepare a local recreation plan in August 2000.

**Comments**

Council received the final draft Recreation Plan on 17<sup>th</sup> April 2001. ***A copy of the report is with the attachments marked CRD20/11/01.***

The final draft report did not meet the requirements of the brief. Sport and Recreation WA advise by way of letter dated 12<sup>th</sup> July 2001:

“Since the document is generally inconclusive and provides few clear recommendations, it does not provide the Shire with sufficient strategic direction for the planning and development of the recreation needs of the community in the future.”

Specifically the report did not:

- provide a key issues paper;
- recommend prioritised action based strategies;
- address all of the terms of the brief; and
- the scope of the report is incomplete.

On 3<sup>rd</sup> October 2001 consultant was issued with a final letter of demand requiring completion of the draft report in terms of the above listed issues within 14 days. On 25 October 2001 the consultant resubmitted the report with the requisite areas addressed. This amended report was again referred to Sport and Recreation WA who subsequently advised:

“Generally we feel the additional information provides a marked improvement on the original draft. It now provides some good direction as to where Council can pursue its recreation development etc.

It is entirely up to SJ's discretion as to where to go with the plan from here, however, we believe it provides a good base on which to plan future action.”

The quotation accepted was significantly lower than other proposals received. It is evident that acceptance of the lowest price proposal has not represented best value in this instance.

The final project payment of \$2,887 of a total project of \$7,500 has been withheld and is now due.

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Final project payment of \$2,887 of a total project of \$7,500 has been withheld.

**Strategic Implications:** The Recreation Plan is a key tool in forecasting the future delivery of recreation facilities in the Shire.

**Community Consultation:** Community consultation consistent with Council's Community Consultation Framework was carried out as part of the project brief.

**Voting Requirements:** Normal

#### **Officer Recommended Resolution**

That Council accepts the Final Serpentine-Jarrahdale Recreation Plan and authorises final payment to Strategic Leisure Planning of \$2,887.

#### **CRCRD20 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Scott

- 1 That Council receives the Final Serpentine-Jarrahdale Recreation Plan with the deletion of M2 and the final two paragraphs of page 30, and authorises final payment to Strategic Leisure Planning of \$2,887.
- 2 That further consideration of the report be deferred to the January 2002 Community & Recreation Development Committee.

CARRIED 10/0

CRD21/11/01 PEEL REGION TOURISM ASSOCIATION (A0109-02)			
Proponent	Peel Region Tourism Association		
Officer	David Henderson – Relief Community Development Officer	Date of Report	29.10.01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

### **Preamble**

Council is requested to appoint a representative for the Peel Region Tourism Association Executive Committee.

### **Background**

Council is currently represented on the Peel Region Tourism Association Executive Committee. As laid down in its constitution, the Association is required to rotate the members of its Executive Committee.

### **Comments**

The Association held its Annual General Meeting on 23 October 2001 and they have requested a nomination for a Council representative to the Executive Committee of the Peel Region Tourism Association for 2002/2003.

**Statutory Environment:** N/A

**Policy Implications:** N/A

**Financial Implications:** N/A

**Strategic Implications:** 3.2 Develop the tourist potential of the natural attractions of the Shire

**Community Consultation:** N/A

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

That Council nominates a representative to the Peel Region Tourism Association Executive Committee for 2002/2003.

### **CRCRD21 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Scott that Cr Price be nominated as Council's representative on the Peel Region Tourism Association Executive Committee for 2002/2003.  
CARRIED 10/0

CRD22/11/01 EQUINE INDUSTRY DEVELOPMENT PROJECT (A0815)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	L Butterly – Equine Development Officer	Date of Report	05.11.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

### **Preamble**

Council is requested to sign off the Equine Industry Development Project's Draft Strategic Action Plan.

### **Background**

The Equine Industry Development Project has been in operation for 8 weeks. The main stakeholders of the project are the Shire of Serpentine-Jarrahdale, Peel Area Consultative Committee, WA Horse Industry Council & Peel Development Commission.

The Project is funded for a period of 12 months with a view to creating additional employment opportunities through strategic aims that:

- Strengthen all segments of the equine industry within the Shire of Serpentine-Jarrahdale and Peel Region; and
- Maximise the potential of the WA Horse Industry Council.

***A copy of the Draft Strategic Action Plan is with the attachments marked CRD22/11/01.1.***

### **Comments**

The Equine Industry Development Officer, Linda Butterly presented the Project Draft Strategic Action Plan to an informal gathering of Shire Councillors on 22 October 2001.

The project will also work with equine related small businesses, Clubs & Associations by providing support and assistance in business skills workshops and raising the level of knowledge and skills for Committees in terms of roles and responsibilities.

Environmental issues will be addressed through the development of the equine policies.

The plan aims to work with equine related small businesses with a view to providing information and support in operating a business. Other implications that could restrict business growth are the current lack of equine policies.

**The minutes of the meeting of the Horse Industry Development Project held 17 October 2001 are with the attachments marked CRD22/11/01.2.**

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** The implementation of the Equine Industry Development Project has highlighted the need for the establishment of equine policies for the Shire

**Financial Implications:** Funding is required to employ a consultant to assist in the establishment of the equine policies with funds

being sought through the Regional Investment Funds  
(WA Government)

**Strategic Implications:**

**Community Consultation:**

**Voting Requirements:** Normal

**CRCRD22 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Scott that Council adopts the Equine Industry Development Project Strategic Action Plan as presented.  
CARRIED 10/0

CRD24/11/01 ARMADALE HOME HELP SERVICE – PURPOSE BUILT FACILITY (A0173)			
Proponent	Cr Needham		
Officer		Date of Report	
Signatures	Author:	Senior Officer:	
Previously	CRD47/06/01, CRD45/05/01		
Disclosure of Interest			
<b><u>Delegation</u></b>	<b>Council</b>		

**CRCRD24 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Scott that a meeting be arranged within the next month between Armadale Home Help Service and the members of the Serpentine Country Women's Association (CWA) with a view to clarifying the use of the CWA hall as a satellite Centre.  
CARRIED 10/0

7.4 Strategic Management Committee Meeting – 19<sup>th</sup> November, 2001

**COUNCIL DECISION**

Moved Cr Kirkpatrick seconded Cr Simpson  
The minutes of the Strategic Management Committee Meeting held on 19<sup>th</sup> November, 2001 be received.  
CARRIED 10/0

SM029/11/01 JARRAHDALÉ HERITAGE PARK PARTNERSHIP AGREEMENT (P00509-04)			
Proponent	Director Sustainable Development		
Officer	Andrew Watson – Director Sustainable Development	Date of Report	3/10/01
Signatures	Author:	Senior Officer:	
Previously	A165/05/00; C016/07/00		
Disclosure of Interest			

**Preamble**

Adopt a partnership agreement and a Land Management Committee between the Shire and the National Trust of Australia for the responsibility to manage Jarrahdale (Bunnings) land as a viable publicly owned heritage place.

**Background**

This matter was considered at Council's meeting of 22 October 2001 wherein it was resolved:-

*“That this item be deferred to the November Strategic Management Committee Meeting.”*

At its meeting of 22<sup>nd</sup> May 2000 Council considered a report on a Partnership Agreement with the National Trust for management of the Jarrahdale Heritage Park. Council resolved:

*“Moved Cr Price seconded Cr Kirkpatrick that*

1. *Council agrees to enter into a “Partnership Agreement” with the National Trust of Australia for the management of the Jarrahdale (Bunnings) land and associated places owned by the National Trust of Australia as presented in the draft letter provided by the National Trust of Australia.*
2. *Council agrees to establish a “Jarrahdale Heritage Park Management Committee” in accordance with the draft “Terms of Reference” provided by the National Trust of Australia” and agrees to nominate the following representatives onto the inaugural committee.*
  - *Cr Star and Cr Price are appointed as Council’s representatives to act on the Jarrahdale Heritage Park Management Committee.*
  - *The CEO is also appointed to act as a Council representative on the Jarrahdale Heritage Park Management Committee*
  - *Cr Kirkpatrick is nominated as deputy from the Shire of Serpentine-Jarrahdale to act on the Jarrahdale Heritage Park Management Committee in the absence of an appointed member.*
3. *That the National Trust be advised that Council would prefer that the partnership agreement and the management committee be known as the Jarrahdale Heritage Park Management Committee.*

*Council also requests the National Trust to allow that the Peel Development Commission is offered the opportunity to provide a representative on to the Committee.*

*CARRIED 10/0”*



Following subsequent redrafting of the agreement, Council at its meeting of 31<sup>st</sup> July 2000 resolved:-

*“Moved Cr Rankin seconded Cr Kirkpatrick that:*

*Council delegates authority to the Shire President and Chief Executive Officer to accept the currently proposed, and any future amendments to the Partnership Agreement and/or the Land Management Agreement provided that the Council representatives on the Jarrahdale Heritage Park Management Committee unanimously agree with any amendment proposed.*

*If an amendment is not unanimously supported by the Council representatives then the matter must be referred to Council for a decision.*

*CARRIED 8/0”*

Due to limitations imparted by the Local Government Act 1995 the partnership agreement has never been executed.

### **Comments**

Following the receipt of legal advice by the National Trust in relation to the original Partnership Agreement a new management framework for the Jarrahdale Heritage Park is proposed. The basis of the new management arrangements involves the National Trust leasing its land to Council for a two-year period for a peppercorn rent (\$1.00 per annum). A new partnership agreement establishing the management regime for the Heritage Park is then, simply a framework for management of the place by the lessee and lessor. The Jarrahdale Heritage Park Management Committee will effectively continue to operate as it has for the past eighteen months or so. If the partnership agreement is terminated in less than two years then the lease automatically terminates.

The draft lease agreement makes Council responsible for:

- Supervising any sub lease of the Place
- Supervising any employee of the Place
- Maintaining and caring for any gardens or landscaping within a Place, including, but not limited to reticulation or fertilisation
- All repairs costing five hundred dollars (\$500) or less except which shall be undertaken under the supervision of the Conservation Architect
- Supervising and collecting revenue
- Supervising and paying expenses
- Keeping the Place free from dirt and rubbish and to store and keep all trade waste, trash and garbage in the proper receptacles
- Taking all reasonable precautions to keep the Place free of rodents, vermin, insects, pests, birds and animals; and
- Keeping the place adequately secured at all times.

The draft lease specifically precludes Council using (or sub-leasing) the Mill Managers Cottage for any purpose other than “the conservation, promotion and maintenance of the place”. This will necessitate, unless the National Trust has carried out eviction, Council terminating the current occupancy of the Mill Managers Cottage. In this respect, if non-residential use is maintained as a condition of the National Trust in any executed agreement, Council should require the National Trust to carry out its own termination of any lease arrangements currently in place for the Mill Managers Cottage.

The draft lease prohibits the use of the land for any “noxious, noisome or offensive act, trade, business, occupation or calling or any act, matter or thing whatsoever which shall cause nuisance or disturbance to the Lessor or occupier of any building in the neighbourhood”. This provision should be borne in mind in respect of the sawmill currently operating on the subject land.

The draft lease prohibits Council lodging an absolute caveat over the land to protect its interest in the land

The draft documentation has been referred to McLeods for advice. The Chief Executive Officer then wrote to the National Trust to amend the draft documentation in accordance with the terms of such advice. Of the matters sought to be altered, the National Trust has not effected two.

Firstly, the draft lease precludes Council lodging a subject to claim caveat. McLeod's recommended that this clause be deleted, as Council would wish to protect its interest. This matter must be effected prior to the documents being executed. Secondly, there is the matter of residential use of the Mill Managers Cottage. The National Trust has declined to alter this clause. This is not seen as problematic so long as the National Trust agrees to be responsible for the current tenant.

It is intended that alterations to the Partnership Agreement be dealt with in accordance with the Council delegation granted on 31 July 2000. The matter of the lease, however, is referred to Council for consideration.

***A copy of the draft Partnership Agreement and draft lease for the National Trust land at Jarrahdale within the Heritage Park is with the attachments marked SM029.1/11/01.***

**Statutory Environment:** Local Government Act 1995

Draft partnership Agreement to be executed.

Draft lease to be executed.

**Policy Implications:** No Policy Implications

**Financial Implications:** The establishment of a "Partnership Agreement" with the National Trust will potentially enable additional Local Government Grant funding.

**Strategic Implications:** The development of the Jarrahdale Heritage Park is in line with Council's Strategic Plan

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. Council notes the draft Partnership Agreement with the National Trust for management of the Jarrahdale Heritage Park.
2. Council agrees to enter into a two year lease of the National Trust land referred to in the schedule of the draft lease agreement subject to:
  - a) The National Trust terminating any current arrangements in place of the Mill Managers House
  - b) The lease being amended to include a clause requiring equitable sharing of costs not specifically identified in the lease
  - c) In the event the National Trust seeks to dispose of the land, Council is given first option to acquire.
3. The National Trust of WA agrees to contribute 100 percent of any costs associated with recommendations associated with the Jarrahdale Heritage Park Conservation Plan on their land.
4. The Chief Executive Officer and Shire President be authorised to execute lease documents in accordance with Councils resolution above.

### **Committee Recommended Resolution**

## ORIGINAL MOTION

Moved Cr Price, seconded Cr Kirkpatrick that

1. Council agrees to enter into a two year lease of the National Trust land referred to in the schedule of the draft lease and partnership agreement subject to:
  - a) The National Trust being responsible for termination of any current arrangements in place of the Mill Managers House;
  - b) The lease and partnership agreement being amended to include a clause requiring equitable sharing of costs not specifically identified in the lease and partnership agreement;
  - c) In the event the National Trust seeks to dispose of the land, Council is given first option to acquire.
2. Prior to the lease being signed, clarification as to the status of the lease between the National Trust and the working mill (Mr T Keogh) is sought. If a lease has been put in place between the National Trust and Mr Keogh, then this draft lease is amended to reflect this arrangement.
3. The partnership agreement Schedule 1 reflect the following ownership details:-
  - a) Shire of Serpentine-Jarrahdale owned land Lot 663, portion of Lot 282;
  - b) The National Trust of WA owned land as detailed in the schedule of the draft lease agreement between the National Trust of WA and Shire of Serpentine-Jarrahdale.
4. The above changes to the partnership agreement and lease documents be referred back to the National Trust and Council for finalisation.

## AMENDMENT

Moved Cr Simpson seconded Cr Hoyer that the words “and before being executed” be added to the end of the sentence on point 4 to clarify the situation..

## **COUNCIL DECISION**

1. Council agrees to enter into a two year lease of the National Trust land referred to in the schedule of the draft lease and partnership agreement subject to:
  - a) The National Trust being responsible for termination of any current arrangements in place of the Mill Managers House;
  - b) The lease and partnership agreement being amended to include a clause requiring equitable sharing of costs not specifically identified in the lease and partnership agreement;
  - c) In the event the National Trust seeks to dispose of the land, Council is given first option to acquire.
2. Prior to the lease being signed, clarification as to the status of the lease between the National Trust and the working mill (Mr T Keogh) is sought. If a lease has been put in place between the National Trust and Mr Keogh, then this draft lease is amended to reflect this arrangement.
3. The partnership agreement Schedule 1 reflect the following ownership details:-
  - a) Shire of Serpentine-Jarrahdale owned land Lot 663, portion of Lot 282;
  - b) The National Trust of WA owned land as detailed in the schedule of the draft lease agreement between the National Trust of WA and Shire of Serpentine-Jarrahdale.
4. The above changes to the partnership agreement and lease documents be referred back to the National Trust and Council for finalisation and before being executed.

CARRIED 10/0

Proponent	Chief Executive Officer		
Officer	David Price – Chief Executive Officer	Date of Report	25/10/01
Signatures	Author:	Senior Officer:	
Previously	9.1/09/99; 9.1/11/99; A165/05/00, C005/07/00, P083/01/01, SM027/02/01		
Disclosure of Interest			

### Preamble

Status report on Council decision of 22 November 1999 following the purchase of Bunnings land known as Jarrahdale Heritage Park (viz lot 663 and portion of lot 282) Jarrahdale.

(Note: A previous status report has also been provided to Council on this matter in July 2000 and January 2001).

### Background

Council resolved the following at the Ordinary Council Meeting of 22 November 1999;

- “1. That the CEO be given delegated authority to finalise the purchase of lot 663 and portion of lot 282.
2. The CEO and Shire President be authorised to sign and seal all documents relating to the purchase.
3. The CEO and President be authorised to proceed with all functions relating to the subdivision and subsequent excision of land relating to lot 282.
4. The CEO and Shire President be authorised to proceed with subdividing and advertising for sale (as per market appraisal) cottages contained in the parcel of land when appropriate, and that all attempts be made to allow existing tenants to purchase respective properties.
5. The CEO and Shire President be authorised to seek all grants aimed at assisting with the development of the land and buildings contained on the purchased land.
6. The funds obtained from the sale of the cottages be used firstly to eliminate the debt associated with the purchase of the land after which any excess funds will be utilised to secure grants for developing the land.”

### Comments

#### Status Report

The following is a status report for Councillors information;

1. That the CEO be given delegated authority to finalise the purchase of lot 663 and portion of lot 282 - **Completed** (Settlement took place on 30 June 2000)
2. The CEO and Shire President be authorised to sign and seal all documents relating to the purchase - **Completed**
3. The CEO and President be authorised to proceed with all functions relating to the subdivision and subsequent excision of land relating to lot 282 - **Completed**
4. The CEO and Shire President be authorised to proceed with subdividing and advertising for sale (as per market appraisal) cottages contained in the parcel of land when appropriate, and that all attempts be made to allow existing tenants to purchase respective properties - **A subdivision plan for the cottages has been in part approved by the WA Planning Commission. The cottages on Staff Street were excluded from the approval.**
5. Since the subdivision plan for the cottages was submitted, Council has resolved the following at the Ordinary Council Meeting of July 2000 - **“That prior to point 4 of Council decision of 22 November 1999 being acted upon, Council must**

***approve a concept plan and associated actions for the Jarrahdale Heritage Park (the National Trust and Council land)."***

(Note: Council is currently seeking tenders from suitable consultants to undertake the development of a Concept Plan for the Heritage Park and associated Management Plans.)

6. The CEO and Shire President be authorised to seek all grants aimed at assisting with the development of the land and buildings contained on the purchased land. – Current grants being sought include. - **See below;**

The following are current applications, which the Chief Executive Officer is aware of;

- a) A grant application of \$40 000 is sought from the Lotteries Commission of WA to assist in funding the development of a concept plan for the Heritage Park. - **Successful**

The funds obtained from the sale of the cottages be used firstly to eliminate the debt associated with the purchase of the land after which any excess funds will be utilised to secure grants for developing the land – **No action to date, refer to point 5 above.**

General Information

- a) The Jarrahdale Heritage Park Management Committee has met on a two monthly basis since it was established in mid 2000.

A copy of the minutes of the committee meetings has been referred to Council via the Strategic Management Committee Information Report.

***A copy of the minutes of the Jarrahdale Heritage Park Management Committee meeting of 26 September 2001 are with the attachments marked SM030.1/11/01.***

- b) Council resolved in September 2000 to appoint a professional property management agency to undertake a number of administrative functions that arise as a consequence of Council being a residential landlord. These include:
- Collection of rent;
  - Standard and currency of lease documentation;
  - Vacancies;
  - Screening of tenants;
  - Emergency maintenance;
  - Bonds;
  - Inspections; and
  - Debtors

In November 2000, Roleystone Real Estate was appointed to undertake property management of the Jarrahdale cottages. At the time of writing, all cottages are occupied on lease agreements up to 12 months.

This initial agreement has expired. As it has operated successfully, however, it is not considered necessary to go back to the market at this time.

It should be noted that the cost of maintaining the cottages is considerably high and is being monitored by staff.

- c) Council resolved in July 2000 that "Conditions of cottage leases to be reviewed". This request is also being undertaken progressively by Roleystone Real Estate as part of their engagement as property managers for the cottages, when existing lease

agreements are renewed. Standard Real Estate Institute of Western Australia leases are replacing the former Bunnings leases.

- d) The other important matter is the securing of the Mill site. Council's insurer has inspected the site and advises that it is a significant risk and requires some immediate works to cover any potential liability claims.

The works suggested include securing the site completely by fence and placing appropriate signage on the gates. Work has been undertaken to erect appropriate signage, however, the securing of the site has not been completed due to Council agreeing in January 2001 to demolish the mill structure.

As a result of seeking expressions of interest from auctioneers and scrap merchants, Brads Scrap Metal Recyclers have been commissioned to remove the contents of the old Mill. This work commenced in the last week of October 2001 and is expected to take up to six weeks. When the mill has been emptied the question of what to do with the building itself will be revisited.

**Statutory Environment:** No Statutory Implications

**Policy Implications:** No Policy Implication

**Financial Implications:** No financial implications. Status report only.

**Strategic Implications:** Key Result Area 3.4 of the Shire of Serpentine-Jarrahdale 2000-2004 Strategic Plan has the following strategy - "Create a new economic future for Jarrahdale".

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRSM030 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that

1. Council accepts the Status Report on the progress of the Council decision of 22 November 1999.
2. Council endorses the continuation of Roleystone Real Estate as Property Managers, subject to ongoing review of performance.

CARRIED 10/0

SM031/11/01 PEEL STRUCTURAL REFORM PROGRAMME (A0109-02)			
Proponent	Peel Economic Development Unit		
Officer	David Price - Chief Executive Officer	Date of Report	12/10/01
Signatures	Author:	Senior Officer:	
Previously	SM050/05/01, C014/08/01		
Disclosure of Interest			

### **Preamble**

Council is requested to endorse the Resource and Technical Expertise Sharing (Strategies and Action Plans) final report.

### **Background**

Council agreed to the following at the May 2001 Ordinary meeting of Council:-

- “1. Council agrees to participate in the Peel Structural Reform Programme (Resource and technical expertise sharing strategy and action plans/strategies) to develop a Regional Strategy that will identify Resource and Technical Expertise sharing opportunities and establish Action Plans/Strategies.*
- 2. The final report and recommendation is to be referred back to Council for consideration.”*

Council agreed to the following at the August 2001 Corporate Services Committee under committee delegation (In accordance with Resolution SM049/05/01):-

- “1. Councillors provide feedback to Mr Jorgensen in relation to the project “objectives” outlined in this item.*
- 2. The members of the Strategic Management Committee and the Chief Executive Officer agree to form a reference group. The role of the reference group will be to:*
  - a) Work with Murray Jorgensen and Associates, at both a Shire level and at a Regional level on the development of a Regional Strategy that will identify resource and technical Expertise sharing opportunities and establish Action Plans/Strategies.*
  - b) Refer the final report and recommendation back to Council for consideration.*
- 3. Mr Jorgensen be thanked for his presentation.”*

### **Comments**

Although the Councils in the Peel region already undertake limited sharing of resources, there has been a growing recognition that more focus in this area is required, if local government is to meet the increasing demands for improved quality and cost of services to the many and diversified Peel communities.

This project was designed to be a consultative process to bring the resources and will of the participating councils together to achieve improved regional cooperation, sharing of assets, services and staff to benefit local communities.

Amongst both elected members and staff, there was an extremely high level of support for any initiatives that encouraged resource sharing and improved services. As a concept, the benefits clearly outweighed the disadvantages, however, when implementing resource-sharing initiatives, participants will need to be mindful of the concerns expressed during the consultative process. Councils will not support regional resource sharing if it is all about centralising services in one community, say Mandurah, or if it means reducing services or employment in the smaller communities.

Since the Council decision in August, the consultants (Murray Jorgensen and Associates (MJA) have been undertaking a series of workshops with Council representatives (both elected and officer level).

The following represent Councils from across the Region have attended the workshops conducted:-

No	Theme	Date	Time	Location
1	Corporate Service Initiatives	Tuesday 11 September	9.30 am to 12.30 pm	Boddington Shire Council

**Participants**

Title (Mr Mrs Ms)	Given Name	Family Name	Position (CEO, Councillor)	Organisation
Mr	Laurie	Tilbrook	DCEO	Waroona Shire
Mr	Paul	Needham	Manager Planning & Development Services	Waroona Shire
Mr	Ray	McDermott	Director of Finance	Boddington Shire
Mr	Peter	Black	Director of Corporate Services	Murray Shire
Mr	David	Price		Serpentine- Jarrahdale Shire
Mr	Glen	Dougall		Serpentine- Jarrahdale Shire
Cr.	Kevin	Murphy		Serpentine- Jarrahdale Shire
Mr	Richard	Knight		Mandurah
Mr	Jim	Olynyk		Mandurah
Mr	Jeff	Jones		Mandurah

No	Theme	Date	Time	Location
2	Technical Service Initiatives	Wednesday 12 September	9.30 am to 12.30 pm	Murray Shire Council

**Participants**

Title (Mr Mrs Ms)	Given Name	Family Name	Position (CEO, Councillor)	Organisation
Mr	Noel	Dew	Councillor	Waroona Shire
Mr	Kevin	O'Connor	CEO	Waroona Shire
Mr	Les	Egerton	Manager Env. Health & Building Services	Waroona Shire
Mr	Charlie	Eatts	Manager Works & Services	Waroona Shire
Mr	Greg	Donhardt	Manager Works & Services	Boddington Shire
Mrs	Elizabeth	Hoek	Councillor	Boddington Shire
Mr	Steve	Patten	Councillor	Boddington Shire
Mr	Neil	Leach	Chief Executive Officer	Murray Shire
Mr	Michael	Littleton	Director of Technical Services	Murray Shire
Mr	Robert	Harris	Director Asset Services	Serpentine- Jarrahdale Shire
Mr	Simon	Kenworthy Groen	Design Engineer	Serpentine- Jarrahdale Shire
Cr.	Tony	Simpson	Councillor	Serpentine-



Title (Mr Mrs Ms)	Given Name	Family Name	Position (CEO, Councillor)	Organisation
				Jarrahdale Shire
Mr	Grahame	Heal	Design Engineer	Mandurah

No	Theme	Date	Time	Location
3	Planning and Community Service Initiatives	Thursday 13 September	9.30 am to 12.30 pm	Mandurah City Council

#### Participants

Title (Mr Mrs Ms)	Given Name	Family Name	Position (CEO, Councillor)	Organisation
Ms	Carolyn	Hull	Councillor	Waroona Shire
Mr	Laurie	Tilbrook	DCEO	Waroona Shire
				Waroona Shire
Mr	Les	Egerton	Manager Env. Health & Building Services	Waroona Shire
Mr	Ray	McDermott	Director of Finance	Boddington Shire
Mr	Dennis	Veitch	Shire President	Boddington Shire
Mr	Robert	Harris	Director Asset Services	Serpentine-Jarrahdale Shire
Ms	Joanne	Abbiss	Manager Sustainable Development	Serpentine-Jarrahdale Shire
Cr.	Kevin	Murphy	Councillor	Serpentine-Jarrahdale Shire
Mr	John	Gabrielson	Manager Environmental Health Services	Mandurah
Ms	Michele	Emmerson	Acting Director Community Services	Mandurah
Mr	Tony	Free,	Manager Development Services	Mandurah
Mr	Andy	Taylor	Principal Building Surveyor	Murray
Cr.	Christine	Germain	Councillor	Waroona
Mr	Perter	Black	Director of Corporate Services	Murray

Three workshops were held to consider the discussion paper, endorse/modify existing resource sharing practices and to prepare business case overviews for the priority initiatives. A mixture of elected members and staff attended the workshops.

It was noted that some initiatives as described in the discussion paper carried more than one project opportunity. Further there was overlap in the way the initiatives were recorded and interpreted resulting in a duplication of the scoring of some of the initiatives.

Each workshop was structured to carry out two business case overviews. The participants used three factors to guide the selection of the business case topics:

1. To address those initiatives that could deliver short term results to the region and participating councils so as to build a successful confidence base on which other new initiatives could be launched
2. To present a diversity of initiatives to the steering committee for consideration.
3. To focus on potential services which would deliver a noticeable improvement of service to Council's customers

The workshops selected the six areas for priority assessment and details of those priorities are outlined in the next section.

It is important to note a number of decisions made by the workshop participants in selecting these business case overviews. Firstly, the engagement of a Regional Grants Officer was ranked highly in both the Corporate Services and Community Services workshops. It was noted that Mandurah had recently engaged an officer with grants responsibilities and that Serpentine-Jarrahdale were investigating a similar engagement. The workshops indicated that these two actions would give a good indication of the success potential for such a position.

A number of initiatives were considered to be suitable for the issue of a collective tender and were identified as being best pursued through this means. Initiatives grouped in this category include:

- IT services from IT Vision
- Audit Services
- Legal services
- Regional Banking Services.

In the final community services workshop it was difficult to gain absolute clarity in terms of which specific project to tackle first. Staff support was seen as a very key issue however it became evident that a detailed needs analysis would be necessary to further this item. Similarly the second area chosen for a business case overview was broadly termed community development. It was noted that a Youth Officer was the key issue but that an application had already been prepared by PDC and submitted to the Minister. It was determined that this application should not be compromised by any other activity until its fate was known. Consequently the potential to establish a community transport service was discussed.

As a result of the workshops and discussions with the Steering Committee, there is clear support from the Steering Committee, participating elected members and staff, for Councils to:

1. Appoint a formal body with responsibility to pursue the benefits of regional resource sharing in accordance with a constitution and clear delegation guidelines from participating councils. The Steering Committee recommended that the Peel Economic Development Unit (PEDU) be appointed as the responsible body.
2. Request PEDU to implement the Strategic/Action Plan in this report.
3. Continue the existing resource sharing services, identified during the project, namely:
  - Crossing the boundaries Landcare
  - Occupational Health and Safety
  - Mosquito Control
  - ABC and SBS TV Retransmission
4. Conduct immediate testing of the financial and service benefits to individual councils, through the collective tendering the following services:
  - Information technology support to existing IT Vision systems
  - Audit
  - Legal
  - Banking
  - Swimming Pool Inspections
5. Undertake a structured and gradual implementation of new resource sharing initiatives, on the basis that a few early successes are likely to build a solid foundation and confidence, from which the region could launch further services. The priority services for implementation over the next year is:
  - Engineering Service
  - Waste Management
  - Local Government Staff Support and Relief Services

- Personnel Development and Facilitation Service(Elected members and staff)
6. Monitor the progress of the current PDC grant application for a Youth Officer to serve the region and if it is unsuccessful have the regional body consider other options to provide the service
  7. Request the PDC to undertake a feasibility study into the provision of a Community Transport System to service the Peel region (as per Business Case Overview).

Council has already acknowledged one of the opportunities identified and recommended in the Resource and Technical Expertise Sharing (Strategies and Action Plans) final report. Council agreed in October 2001 (Item no SM024/10/01) "Regional Waste Services Tender" to progress the "Business Case Overview" for the "Collective Waste Collection Disposal and Services".

In accordance with Councils point 5 of its August decision "*Refer the final report and recommendation back to Council for consideration*", Consultant MJA will present back to Council, via the Strategic Management Committee ***the Summary Final Report which is provided for Council consideration and discussion is with the attachments marked SM031.1/11/01.***

**Statutory Environment:** Local Government Act

**Policy Implications:** No Policy Implications are known at this time.

**Financial Implications:** Federal funding has been made available to undertake this consultancy.

**Strategic Implications:** It is hoped that a Regional Strategy that will identify Resource and Technical Expertise sharing opportunities and establish Action Plans/Strategies will be achieved from this work.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. Council endorses the Peel Resource and Technical Expertise Sharing report and adopts Section 8.3, the Regional Strategies and Action Plans for Resource Sharing.
2. Subject to the Peel Local Governments setting out the Terms of Reference for the Peel Economic Development Unit, the Council agree in principle to appointing the Peel Economic Development Unit to oversee resource sharing matters, and implementation of the Peel Resource and Technical Expertise Sharing Strategies and Action Plans.
3. Council endorses the maintenance of all existing resource sharing activities within the Peel Region.
4. Council acknowledges that priority status and timing of any of the recommendations suggested in the Resource and Technical Expertise Sharing (Strategies and Action Plans) final report may need to be varied in some cases. In any such events Council authorises the Chief Executive Officer to act on behalf of the Shire of Serpentine Jarrahdale via PEDU to determine the appropriate variation if required.

**CRSM031 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that

1. Council endorses the Peel Resource and Technical Expertise Sharing report and adopts Section 8.3, the Regional Strategies and Action Plans for Resource Sharing subject to the inclusion of Serpentine Jarrahdale into strategy 4.9 “Community Transport”.
2. Subject to the Peel Local Governments setting out the Terms of Reference for the Peel Economic Development Unit, the Council agree in principle to appointing the Peel Economic Development Unit to oversee resource sharing matters, and implementation of the Peel Resource and Technical Expertise Sharing Strategies and Action Plans.
3. Council endorses the maintenance of all existing resource sharing activities within the Peel Region.
4. Council acknowledges that priority status and timing of any of the recommendations suggested in the Resource and Technical Expertise Sharing (Strategies and Action Plans) final report may need to be varied in some cases. In any such events Council authorises the Chief Executive Officer to act on behalf of the Shire of Serpentine Jarrahdale via PEDU to determine the appropriate variation if required.

CARRIED 10/0

SM034/11/01 OCCUPATIONAL SAFETY & HEALTH MANAGEMENT POLICY (A0105)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Robert Harris Director Asset Services	Date of Report	17/10/01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			

**Preamble**

Council is requested to adopt a new policy CSP28 Occupational Safety and Health Management.

**Background**

Council as an employer has wide ranging responsibilities under the Occupational Safety and Health Act and various other statutory provisions for the safety of its employees and the workplace.

A Safety Management Plan has been developed to define the roles and responsibilities of management and all employees for workplace and employee safety, and to set out the commitment of the Council to safety, and the processes for identifying and addressing hazards. The Safety Management Plan meets Council’s requirements under relevant legislation and provides for actions required of management and employees. Work procedures and processes are required to comply with the provisions of the Plan. It is proposed the Plan be adopted by Council as its Occupational Safety and Health Management Policy.

***A copy of the draft policy CSP28 Occupational Safety and Health Management is with attachments marked SM034.1/11/01.***

**Comments**

Adoption of the policy establishes Council’s commitment to ensuring a safe workplace and to ensuring management and all employees acknowledge and act to ensure Council’s obligations under the Occupational Safety and Health Act and other statutes are satisfied.

**Statutory Environment:** Occupational Safety and Health Act.

**Policy Implications:** New Policy.

**Financial Implications:** Nil.

**Strategic Plan Implications:** Aligns with Council’s “People in Partnership” organizational/staff development program.

**Community Consultation:** Not required.

**Voting Requirement** Normal.

**CRSM034 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that Council adopts new policy CSP28 Occupational Safety and Health Management.  
CARRIED 10/0

SM035/11/01 WASTE SERVICES REVIEW (A0663)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Robert Harris Director Asset Services	Date of Report	13/11/01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			

**Preamble**

In principle support for a proposed waste services program to be implemented from the expiry of the current waste collection contract on 30 June 2002 is sought as the basis of community consultation and preliminary contract document preparation.

**Background**

Council’s current waste collection contract expires at 30 June 2002. Tenders and appointment of a successful tenderer to conduct the service and any enhanced waste service intended to be introduced by Council are to be invited to enable a contract commencement on 1 July 2002.

The program to meet the timeline is;

- Consultation and future waste services scope ..... mid December 2001
- Contract tender documentation and tenders invited ..... mid January 2002
- Tender close and assessment ..... mid March 2002
- Contractor appointment ..... mid March 2002
- Contractor preparation, community consultation, bins ..... end June 2002
- Contract commencement ..... start July 2002

At Council’s meeting of 22 October 2001 Council resolved;

- “1. *The report on the waste study tour of Victoria and South Australia by the Asset Services Committee Presiding Member and Director of Asset Services be received and noted.*
2. *A workshop of Councillors and officers be convened to develop a preferred waste services proposal.*
3. *The community be consulted on waste service enhancement options under consideration by Council.”*

Council further resolved to support the preparation and inviting of a waste services contract jointly with other interested Peel Councils and to contribute with them to the engagement of a consultant to assist in preparing tender documents (SM024/10/01).

Buckland Cross Pty Ltd waste management consultants from Melbourne were subsequently engaged by the Shire of Murray, Waroona and Serpentine-Jarrahdale to assist in preparing the waste service's contract tender documents.

Mr Steve Gore of Buckland Cross conducted a workshop with Serpentine-Jarrahdale Councillors and Officers on 12 November 2001 to canvass options on waste services delivery and develop a model as the basis of Council's waste service to be included in the proposed service delivery contract.

The workshop developed a waste collection service proposal for Council consideration which incorporated the following features:-

1. A regional contract serving the municipalities of Shire of Murray, Shire of Waroona and Shire of Serpentine-Jarrahdale.
2. A single contract with separable schedules for putrescible waste collection, recyclable's collection and recyclable's processing with capacity for offers for portions or the whole of the works.
3. A weekly 140 litre Mobile Garbage Bin putrescible waste collection, and a fortnightly 240 litre Mobile Garbage Bin recyclable's collection.
4. Supply of additional bins required to be by the contractor with ownership transferring to Council at the expiry of the contract term. Provision to be made for a separate price for bin assembly and delivery to allow local service groups to submit offers for this role.
5. Contract term of eight years to align with end of current City of Mandurah contract expiry to facilitate future expanded regional contract.
6. Waste collection service district extended to entire Shire. Provision to be made for collection points at nearest serviceable location for tenements inaccessible to collection vehicle. Exemptions to be considered for tenements unable to be practically serviced.
7. Contract provision to be made for additional services and cost escalation aligned to CPI. Contractor to accept risk for market price movements in recyclables material.
8. Litter bins to be converted to Mobile Garbage Bins with surrounds in high profile locations. Contract to include provision for contractor to service nominated community events with litter bins.
9. Bulk waste bin service provision by Council to be discontinued.
10. Council to administer waste collection enquiries for referral to contractor rather than contractor provided call centre service.

11. Contract document to encourage environmental considerations such as alternate fuel vehicles and single pass collection vehicles.
12. Green waste and hard waste collections not to be included in contract. Collection and or receipt arrangements for green waste and hard waste to be separately addressed.
13. Closure or minimal opening hours of Watkins Road transfer station with customers directed to Hopkinson Road landfill operated by City of Armadale. Consideration be given to facilitating the establishment of a resource recovery and re-use centre.
14. Contract to provide for contractor to deliver a waste education and promotion program in consultation with Council(s).
15. Contract documents to encourage tenderers to submit alternate complying and non-complying offers to deliver services satisfying objectives by other means than specified.
16. Council's waste service charge to cover all costs for waste collection, processing, education and management as a full user-pay charge.

### **Comments**

The waste services' consultant has been instructed to initiate the preparation of draft contract tender documents based upon the above provisions. This is necessary for the timing requirements for the contract award and commencement to be satisfied.

Concurrently, it is proposed that community consultation on the new waste service be conducted, and that any service adjustments arising from community feedback be incorporated in the final contract tender documents.

### **Statutory Environment:**

Local Government Act 1995

### **Policy Implications:**

Waste collection proposal provides for equitable service access to all tenements across the Shire in accordance with policy.

### **Financial Implications**

Outcome will require financial provisions in Principal Activities Plan and forward budgets.

### **Strategic Plan Implications:**

Accords with People and Community objectives and strategies of quality of life and providing community facilities and needs.

Accords with Environmental objectives and strategies of encouraging best practice environmental management and making it a foundation of Council business.

### **Community Consultation:**

Preliminary community contact has indicated a desire for enhanced waste services, resulting in the current review.

Community input on enhanced service options to be canvassed by information leaflet seeking responses for further Council consideration.

### **Voting Requirement**

Normal.

**CRSM035 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that

1. Council notes and endorses in principle the waste collection service proposal developed at the Councillor and officer workshop on 12 November 2001 as the basis for community consultation and the preparation of a draft contract tender document.
2. Community comments be invited on the proposed waste collection service, and comments be considered by the Council for a review of the waste collection service proposal before final contract tender documents are prepared and tenders are invited.

CARRIED 10/0

SM036/11/01 ANNUAL REPORT 30 JUNE 2001 (A0006)			
Proponent	Local Government Act 1995		
Officer	Glen Dougall – Director Corporate Services	Date of Report	12/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			

**Preamble**

To accept the Annual Report and Audited Financial Statements for the period ending 30<sup>th</sup> June 2001.

**Background**

Section 5.53 of the Local Government Act 1995 requires local governments to prepare an annual report for each financial year. This report is to contain a report from the President, the Chief Executive Officer, the financial report and the auditors report. The Act also requires this report to be accepted by the local government prior to 31<sup>st</sup> December after that financial year.

Council Work Procedure CSWP2 requires that the Annual Elector meeting be held on the first Wednesday in December each year in Mundijong. It is a requirement of the Act that the Annual report be accepted prior to this annual meeting.

**Comments**

A copy of the audit report was received on 7<sup>th</sup> November 2001.

***A copy of this report and the audited financial statements for the period ending 30 June 2001 is with the attachments marked SM036.1/11/01.***

These significant results are brought to Council's attention:-

1. Outstanding creditors at year end was more than \$1,000,000 – the auditors did comment that it is better practice to ensure that transactions are at a minimum during June as it provides for easier reconciliation at year end and less chance of balance day adjustments as a result of goods returned or not received. Management did suspend purchase orders from May 2001 subject to Executive approval. This will be better managed during this financial year.
2. Outstanding sundry debtors was more than \$500,000 at year end. Steps have been taken to ensure this does not occur in the future.
3. Closing Balance – The actual cash closing balance at year was \$1,084,000 where the balance provided for budget is \$475,000. This provides a difference of \$609,000.



There are a number of post balance date adjustments to the current year budget that also need to be deducted from this result.

As provided in the quarterly financial report there are two significant items that require adjustment to the current budget. An amount of \$98,500 income was provided in the current budget for the regional energy project between Gosnells, Armadale and this Council. The money was actually received in June and therefore should be included as part of the brought forward balance as this year's income has decreased by this amount. Also, the mining tenement rate write-offs were provided for last year but did not occur until the current financial year, the amount of this adjustment is \$30,000. By considering these items the difference becomes \$480,500.

There are also five adjustments that require consideration as they were not brought forward. These items were originally recorded prior to 30<sup>th</sup> June, however as they did not occur at that time they now need to be brought forward into this budget. These items are:

- \$10,000 for the John Crescent Reserve Tennis Court resurfacing,
- \$9,000 for equipment purchases for Volunteer Fire Brigades
- \$5,000 for photocopier at the depot
- \$5,000 for retention monies for Bitumen repairs.
- \$7,000 computer equipment.

One final adjustment is for advice received from the Valuer Generals office advising that the 50% subsidy for valuations is to be withdrawn as a result of State Government reviews. This will require an additional \$10,000 on the proposed budget of \$10,000.

These adjustments leave the final balance difference at \$434,500. Much of this balance is due to operating expenditure not taken up during the year with some surplus cash. Examples of expenditure areas not taken up are postage, printing, consumables and training allocations.

The items that make up savings are listed below:

Training, postage, consumables etc	\$ 80,000
Gravel Pit work not expended	\$ 21,000
Private Works income not budgeted	\$ 27,000
Jarrahdale Communication Tower savings	\$ 42,000
Loan repayment savings by not taking up loans	\$ 54,000
Fire capital not expended	\$ 25,000
Sanitation expenditure savings	\$ 40,000
Webb Road reserve funding	<u>\$ 10,000</u>
TOTAL	<u>\$299,000</u>

**The remaining surplus can be attributed to general savings across the board in expenditure and amount to approximately 1% of budget expenditure.**

It is suggested that this balance of \$434,500 be allocated in the following areas:

- \$50,000 into a Waste Management Reserve – as monies were left over from this area and would greatly assist the future waste strategy.
- \$40,000 into a Revolving Energy Fund – to assist in energy efficient initiatives.
- \$100,000 into the current long service leave and sick leave – Councillors would be aware that the outside EB agreement allows for the accrual of sick leave for payment on termination and currently the long service leave entitlement is not fully cash backed. By increasing this provision Council will be covered for flexibility in staffing requirements.
- \$244,500 into the Investment Reserve – this reserve was created last year with the intent of placing any surplus funds at year end into an area for future use. These funds can be used to leverage future grant funds or provide special projects or assist with non budgeted unanticipated opportunities.

As the budget has become more accountable over the past two years, it is not anticipated that this type of balance differential will occur again at year end.

***A copy of the Annual Report for the period ended 30<sup>th</sup> June 2001 for acceptance by Council is with the attachments marked SM036.2/11/01.***

This report will be presented to the annual electors meeting on 5<sup>th</sup> December 2001 and provides a reflection of the projects and initiatives and their outcomes.

<b><u>Statutory Environment:</u></b>	Local Government Act 1995
<b><u>Policy Implications:</u></b>	No policy implications however work procedure CSWP2 provides that the annual meeting of electors be held on the first Wednesday in December each year.
<b><u>Financial Implications:</u></b>	The audit of financial statements will require some changes to the current budget.
<b><u>Strategic Implications:</u></b>	The annual report provides for open local government.
<b><u>Community Consultation:</u></b>	Is provided through the annual electors meeting.
<b><u>Voting Requirements:</u></b>	<b>Absolute Majority</b>

#### **Officer Recommended Resolution**

1. The Annual Report 2001/2002 be accepted.
2. The auditors report for the year ended 30<sup>th</sup> June 2001 be accepted.
3. The following adjustments be made to the 2001/2002 budget as a result of the year end balance for 30<sup>th</sup> June 2001:-
  - \$10,000 for the John Crescent Reserve Tennis Court resurfacing
  - \$9,000 for equipment purchases for Volunteer Fire Brigades
  - \$5,000 for photocopier at the depot
  - \$5,000 for retention monies for Bitumen repairs
  - \$7,000 computer equipment
  - \$50,000 into a Waste Management Reserve
  - \$40,000 into a Revolving Energy Fund
  - \$100,000 into the current long service leave and sick leave
  - \$244,500 into the Investment Reserve
  - \$10 000 addition to budget allocation for property valuations

**CRSM036 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Murphy seconded Cr Price that

1. The Annual Report 2001/2002 be accepted.
2. The auditors report for the year ended 30<sup>th</sup> June 2001 be accepted.
3. The following adjustments be made to the 2001/2002 budget as a result of the year end balance for 30<sup>th</sup> June 2001:-

\$10,000 for the John Crescent Reserve Tennis Court resurfacing  
 \$9,000 for equipment purchases for Volunteer Fire Brigades  
 \$5,000 for retention monies for Bitumen repairs  
 \$7,000 computer equipment  
 \$50,000 into a Waste Management Reserve  
 \$40,000 into a Revolving Energy Fund  
 \$100,000 into the current long service leave and sick leave  
 \$249,500 into the Investment Reserve  
 \$10 000 addition to budget allocation for property valuations

**CARRIED 10/0 ABSOLUTE MAJORITY**

SM032/11/01 PEEL ECONOMIC DEVELOPMENT UNIT CONSTITUTION (A0839-06)			
Proponent	Peel Economic Development Unit (PEDU)		
Officer	David Price - Chief Executive Officer	Date of Report	7/11/01
Signatures	Author:	Senior Officer:	
Previously	SM012/08/01		
Disclosure of Interest			

**Preamble**

Advise Council of the proposal to Incorporate of the Peel Economic Development Unit (PEDU).

**Background**

Council agreed to the following at the August 2001 Ordinary Meeting of Council;

- “1. Council openly supports and recognises that the Shire has a strong focus in the Peel Region, whilst acknowledging that it does have existing links with the metropolitan area, which need to be maintained.
2. Council supports a process at the regional level of pursuing the alignment of government agency boundaries with all regional areas in Western Australia.”

*Note: The Peel Region also forms a natural resource management area.*

As part of the Regional recognition, the PEDU has been developing a draft constitution over the recent past to enable the better promotion of a single regional focus, on both regional and local issues. This has been reported in the PEDU minutes provided to Council via the Information Reports in Strategic Management Committee agendas.

The current preference is for an Incorporated body rather than a Regional Council, as it is felt that the outcomes being sought are still able to be achieved, but without the concerns that possibly a number of local authorities may have if the process involved a Regional Council.

**Comments**

Members (City of Mandurah, Shire of Boddington, Murray, Serpentine-Jarrahdale and Waroona) of the Peel Economic Development Unit recognise that through working together in a genuine commitment to cooperative effort they will achieve more for their individual

communities than if they were to function separately. Through co-operative and collaborative arrangements, the members feel they can enhance the Peel Region by:

1. Providing Effective Leadership
2. Expanding the Regional Economic Base
3. Expanding the Region's Infrastructure
4. Stimulating Employment, Education and Training Opportunities
5. Generating Regional Investment Opportunities
6. Promoting the Region

To enable the progressing of this matter a draft constitution has been prepared.

***A copy of the draft Constitution is with the attachments marked SM032.1/11/01*** and has been prepared to establish a single Regional body to achieve the above vision. The draft Constitution was endorsed by the PEDU Executive at the 5 November 2001 meeting and is now being referred to Councils as part of the advertising period required when applying to be Incorporated.

The objectives of the proposed Association are to:

- a) Create an environment of sustainable development.
- b) Facilitate the economic, community and environmental well being of the region.
- c) Identify the economic, community and environmental needs of the region and make these needs known to key decision-makers.
- d) Foster co-operative and joint venturing initiatives between members and appropriate partners on projects of mutual benefit or to further joint interests.
- e) Concentrate available resources on seeking solutions to identify mutual problems and achieve savings in resources that can be gained through co-operative effort.
- f) Promote economic development within the region compatible with its comparative advantages and unique lifestyle.

Under the proposed constitution, Council will be a member of the Peel Economic Development Unit Incorporated and be represented by the Shire President, or an elected member acting as their nominee and Chief Executive Officer, or the next senior officer acting as their nominee.

Council is asked to endorse the draft PEDU Constitution and agree to the formalisation of the Peel Economic Development Unit Incorporated.

**Statutory Environment:** Establishment of a Constitution under the Association Incorporations Act 1987

**Policy Implications:** Council Policy will be that the Council will be a member of the Peel Economic Development Unit Incorporated and be represented by the Shire President, or an elected member acting as their nominee and Chief Executive Officer, or the next senior officer acting as their nominee.

**Financial Implications:** Financial Implication of Registering Association will be met by PEDU

**Strategic Implications:** Council will formally be part of a Regional Group known as the Peel Economic Development Unit Incorporated

**Community Consultation:** Will be advertised for comment in accordance with Associations Incorporated Act 1987.

**Voting Requirements:** Normal

**CRSM032 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Price that

1. Council endorses the draft PEDU Constitution and agrees to the formalisation of the Peel Economic Development Unit Incorporated.
2. Council agrees to be a member of the Peel Economic Development Unit Incorporated and will be represented by the Shire President, or an elected member acting as their nominee and Chief Executive Officer, or the next senior officer acting as their nominee.

CARRIED 10/0

SM033/11/01 GERALD VAN RONGEN & LONGALINE PTY LTD AND THE SHIRE OF SERPENTINE-JARRAHDAL ( A0686-05)			
Proponent	Chief Executive Officer		
Officer	David Price - Chief Executive Officer	Date of Report	15/11/01
Signatures	Author: Senior Officer:		
Previously	C070/10/00, SM042/04/01, SM015/08/01		
Disclosure of Interest			

**Preamble**

Council is required to provide direction to the Chief Executive Officer in relation to their resolution SM042/04/01.

**Background**

Council was informed of this matter and the possible legal proceedings at their April 2001 Ordinary Meeting of Council.

Point two (2) of the Council resolution (SM042/04/01) stated the following;

- “2. Council advises Phillips Fox to keep Council informed at all times and that no acceptance of liability is to be made without reference to this Council.”

**Comments**

The Chief Executive Officer, Council's Insurer's, Municipal Liability Scheme, and legal representation from Phillips Fox attended a mediation session in relation to this matter on Tuesday 14 November 2001.

The purpose of the mediation session was not to determine if any party is liable but rather to seek to find any common ground that could prevent the matter from proceeding to a higher authority. At this point the mediation process is ongoing.

If the mediation session process proves unsuccessful, then this matter is likely to proceed to the Supreme Court to be further considered.

Municipal Liability Scheme has verbally requested that the Chief Executive Officer seek Council permission to agree to them actively participating in the mediation of this matter. Council is therefore asked to confirm that they agree to allow Municipal Liability Scheme to act in this matter if required and therefore bring the matter to a close.

If requested by Council Insurers, Municipal Liability Scheme or Phillips Fox acting on their behalf, the Chief Executive Officer, subject to consultation and agreement by the Shire

President and Deputy Shire President, is given delegated authority to agree to the matter being closed, provided Council is not compromised in any way in relation to this matter

**Statutory Environment:** The matter is subject to legal action.

**Policy Implications:** No policy implications

**Financial Implications:** Council's insurers have confirmed *"that while Municipal Liability Scheme (MLS) reserves indemnity, MLS will run the claim on behalf of the Shire"*.

**Strategic Implications:** No Strategic Implications are known.

**Community Consultation:** Community Consultation is not required.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

If requested by Council Insurers, Municipal Liability Scheme or Phillips Fox acting on their behalf, the Chief Executive Officer, subject to consultation and agreement by the Shire President and Deputy Shire President, is given delegated authority to agree to the matter being closed, provided Council is not compromised in any way in relation to this matter.

### **CRSM033 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Murphy seconded Cr Price that if requested by Council Insurers, Municipal Liability Scheme or Phillips Fox acting on their behalf, the Chief Executive Officer, subject to consultation and agreement by the Shire President and Deputy Shire President, is given delegated authority to agree to the matter being closed, provided Council accepts no liability in any way in relation to this matter.

CARRIED 10/0

SM037/11/01 INFORMATION REPORT			
Proponent	Chief Executive Officer		
Officer	David Price – Chief Executive Officer	Date of Report	1/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			

SM037.1/11/01 WA LOCAL GOVERNMENT ASSOCIATION PEEL ZONE (A0027)

***The minutes of the 52<sup>nd</sup> Meeting of the WA Local Government Association Peel Zone held on 2<sup>nd</sup> October 2001 is with the attachments marked SM037.1/11/01.***

SM037.2/11/01 LOCAL ECONOMIC DEVELOPMENT UNIT COMMITTEE (A0436-04)

***The minutes of the Local Economic Development Unit Committee meeting held on Friday, 28<sup>th</sup> September 2001 are with the attachments marked SM037.2/11/01.***

SM037.3/11/01 PEEL ECONOMIC DEVELOPMENT UNIT EXECUTIVE GROUP (A0839-06)

***A copy of the minutes of the Peel Economic Development Unit Executive Group meeting held on 5<sup>th</sup> November 2001 are with the attachments marked SM037.3/11/01.***

**CRSM037 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Price that the Information Report to 9 November 2001 be received.  
CARRIED 10/0

7.5 Planning Development & Environment Meeting – 19<sup>th</sup> November, 2001

**COUNCIL DECISION**

Moved Cr Hoyer seconded Cr Richards  
The minutes of the Planning Development & Environment Committee Meeting held on 19<sup>th</sup> November, 2001 be received.  
CARRIED 10/0

E019/11/01 NORTHERN FORESTS COMMUNITY STAKEHOLDERS GROUP (A0318)			
Proponent	Department of Conservation and Land Management		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	15/11/01
Signatures	Author:	Senior Officer:	
Previously	E015/10/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Preamble**

Council requested to nominate representative to North Forest Community Stakeholders Group.

**Background**

The State Government is convening a Community Stakeholders Group for the Northern Forests as part of the timber industry restructure process. The re-structuring is due to the State Government's 'Protecting Out Old Growth Forests' policy. All Local Authorities in the Northern Forest Region have been invited to nominate a representative to the Community Stakeholders Group.

***The invitation is included in the attachments marked E019.1/11/01.***

**Comments**

As stated in the invitation:

*“ It is important to stress that the purpose of the meeting is to identify ways in which local industry can be assisted and to ensure that there is a consistent update provided of the Government's policies and programs. The forum is not designed to discuss the Government's overall “Protecting Our Old Growth Forest Policy” in either its broad principles or its application to individual areas”.*

The first meeting is to be held on Thursday 22 November at 11.00am in the Banksia Motel Collie.

**Statutory Environment:**

Nil

**Policy Implications:**

Council has established a position on logging in native forests (see E015/10/01 REGIONAL FOREST MANAGEMENT PLAN COUNCIL SUBMISSION. This position is that current logging practices and levels are considered unsustainable and should be reduced significantly.

**Financial Implications:**

No direct economic impacts for Council. However, the State Governments Old Growth Forest Policy is



causing significant industry impact. The extent to which this is affecting local industry is unknown.

**Strategic Implications:**

It is not known if businesses in the Shire would be eligible for any assistance under the industry re-structure packages.

**Community Consultation:**

Nil

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

Council nominates a representative to attend the first meeting of the Northern Forests Community Stakeholders Group.

**CRE019 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price, seconded Cr Murphy that Council nominates Cr Tom Hoyer as a representative to attend the first meeting of the Northern Forests Community Stakeholders Group.  
CARRIED 10/0

P053/11/01 DRAFT CONTAMINATED SITES BILL 2001 (A0680)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Jocelyn Cockbain – Special Projects & Policy Officer	Date of Report	5/11/01
Signatures	Author:	Senior Officer:	
Previously	E014.9/10/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Preamble**

Council to consider an action plan regarding the Contaminated Sites Bill 2001.

**Background**

The Department of Environmental Protection has been developing an approach to contaminated sites for over six years. Recently this led to the release for public comment of the Contaminated Sites Bill 2001.

This Bill highlighted the fact that there would be significant implications for Local Government if the Bill were adopted. Consequently the Municipal Waste Advisory Council undertook a legal review of the Bill. Council received a copy of this review in its information report at the 15<sup>th</sup> October 2001 Planning Development and Environment Committee.

The major implications for Local Governments under the Bill are as follows:

1. When contamination arises as a direct and unavoidable result of a direction given, or an action taken by Local Government, the State will not necessarily assume responsibility for remediation.
2. Although, as a general rule, the person causing or contributing to contamination is held liable for remediation, where Local Government owns the contaminated land, and the person who caused the contamination cannot be identified, located or is insolvent, Local Government will be responsible for remediation.
3. Local Government will face reporting and investigation obligations as either an owner or occupier of contaminated land.

4. And finally, the State has proposed that Local Government be responsible for investigations, development of land – use and financial strategies, remediation and long – term land use of all land owned, occupied, vested in or managed by Local Government.

The Municipal Waste Advisory Council (MWAC) has made a preliminary submission to the Department of Environmental Protection regarding the draft Contaminated Sites Bill (2001) highlighting the following issues relevant to Local Government:

- Clause 5 “Vested Land/Management body for the Crown land” – In law the position of an owner of freehold land is differentiated from a person vested with, or responsible for, management of Crown land. The Bill removes this distinction and for the purposes of the Bill, Local Government is treated as an owner even where freehold title does not exist.
- Clause 41 (1) a Liability for directions given – This clause essentially limits state government liability where there has been a direction given by a Local Authority (to the extent that the direction is material to determining liability). This may not be appropriate given that Local Governments are in many cases fulfilling a delegated authority for the State and should therefore be able to seek relief from the State.
- Clause 59 Exemption Certificates – At present the exemption certificate has a loophole, which requires contamination to have occurred prior to the transfer of land. This would not cover the situation where Local Government is vested with land in say 1930, which is subsequently contaminated by persons unknown.
- Clauses 28,30 and 32 – The Bill only specifies that the State can recover costs for investigation and remediation. This does not cover the situation where the CEO of the DEP requires Local Government to undertake (and fund) an investigation, which subsequently identifies that the Local Government is not at fault for the contamination.
- Clause 38 Change of Land use – Where a Local Government is deemed as the owner by virtue of vesting or management responsibilities it is not necessarily able to control the change of land use. Accordingly it should receive relief from being considered responsible in this case.
- Clause 44 Orphan Sites – There is some inconstancy in the way Local Government is treated in the Bill and associated documents. For orphaned sites it is considered as part of the State whereas for lawful directions under clause 41 it is treated as separate from the State.

***A copy of the draft 11 Contaminated Sites Bill 2001 is with the attachments marked P053.1/11/01.***

The draft Bill provides the following definition of “contaminated”, *in relation to land or underground water, means that a substance is present in, on or under that land, or in that underground water, at a concentration that presents a risk, or has the potential, a risk of harm to human health or any environmental value.*

### **Comments**

The Special Projects and Policy Officer attend a Contaminated Sites Bill focus group facilitated by MWAC on the 2<sup>nd</sup> November 2001. The purpose of the first focus group meeting was to discuss the key issues and concerns of the Bill and to assist MWAC in preparing a submission to the DEP on the draft Bill. The DEP intends to introduce the Bill to Parliament in December.

In late September Council's Special Projects and Policy Officer made a submission to the DEP following WAMA releasing an ‘Infopage’ on government agency roles in the management of orphan sites. Orphan sites are those sites where contamination has occurred and investigation and/or remediation is required but where no party can be identified or located, or held responsible.

**The draft Bill attempts to allocate a level of responsibility to Local Government where the “land is occupied by, owned by, vested in or managed by local government”. This is not consistent with the statement that the State will be responsible and blurs lines of responsibility in favour of the State. The draft Bill basically makes Local Governments responsible for the investigation and further remediation of a contaminated land vested in, owned by, occupied by or managed by Local Government. This has significant cost implications for Local Governments as some management strategies will continue long into the future.**

The following points were lodged with the DEP by the Special Projects and Policy Officer on the WAMA 'Infopage':

- “1. The proposal indicates that for land that is occupied by, owned, vested in or managed by local government that the local government authority shall be the proponent and therefore responsible for the investigation, remediation and ongoing monitoring of the contaminated site. Local Government authorities do not have the resources, expertise and funds available to carry out these types of procedures.*
- 2. The proposal outlines the funding mechanism available to the State for the investigation and/or remediation of contaminated sites owned by the State. This funding mechanism should be made available to Local Government authorities.*
- 3. Often Local Government authorities do not have any control over the vesting nor management of land in the local governments name. It is unreasonable to expect Local Governments to take on the investigation and rehabilitation of a site if Council had no say in receiving the land.”*

**As discussed briefly above clause 59 of the draft Bill allows for Local Government or any person to seek an exemption certificate if CEO of the DEP is satisfied of the following:**

- a) the land is contaminated;
- b) the contamination was not caused, or contributed to, by an action of the person;
- c) the person did not fail to prevent the contamination of the land, as far as it was reasonably within the person's control to prevent that contaminations; and
- d) the land was contaminated at the time the person became an owner of the land and, at that time, the person did not know, or suspect, and could not reasonably have know or suspected, that the land was contaminated.

The draft Bill states that applications for exemption certificates must be lodged within 2 years of the commencement of the Act, and following the lodgement of an application for an exemption certificate Council's have a further 12 months to make the disclosure statement.

Another area of particular concern is the remediation of a site. If a local authority owned a piece of land and in 1999 the surrounding land use was predominantly rural, the authority would remediate the site to a certain level. If the land use surrounding the site was to change to residential in 2005, the current draft Bill would require the local authority to 'upgrade' the remediation of the site as a result of the increased potential of health risk as a result of the land use change.

As indicated above MWAC are currently drafting further submissions to the DEP requesting that the issues raised above be addressed to the satisfaction of Local Governments prior to the Bill be submitted to Parliament. MWAC will be sending around a survey to Local Governments to attempt to get an idea of the amount of contaminated sites that Local Governments may have and what potentially could be the cost of investigating these sites, not remediation of the sites, just simply investigation of the site. The Town of Mosman Park have indicated to have one site investigated it would cost approximately \$50,000. This investigation would include the sinking of 12 test bores to see what materials are under the site and preparing a report on the site.

### What actions should a Local Government take?

As a result of the real unknown impacts of this Bill, the following action plan could be adopted by the local government immediately and this action plan be reviewed once a greater understanding of the full implications of the Bill are known:

1. Review the properties it owns or occupies in accordance with the draft Bill;
2. Review the feasibility of investigating properties it owns or occupies in accordance with the draft Bill;
3. Local government prepares to lodge disclosure statements where appropriate;
4. Local government review purchasing and leasing procedures to ensure that it receives disclosure statements from prospective sellers and owners.

It is recommended by the Strategic Planning Team that point 1 above would be the Local Government's priority first step in assessing the potential impact of the Bill if it were to be adopted by Parliament.

### Statutory Environment:

Draft Contaminated Sites Bill 2001

### Policy Implications:

In the future there may be a need for Council to request that all future land be vested or managed by Council (for example within a subdivision) is to be assessed for contamination prior to the land being handed over. There would be a need for disclosure statements to be provided by prospective sellers or owners that the land is or isn't contaminated. Council will have to develop a policy on the remediation of sites prior to vesting or management of the land to Council and there will be a need to address requirements for 'upgrade' remediation if surrounding land – uses change.

### Financial Implications:

Unknown at this stage but could run into millions of dollars. The preparation of a listing of potential contaminated sites is unknown.

### Strategic Implications:

There is an obvious need for contaminated sites to be remediated within WA. Council understands that someone must take responsibility for the remediation of those contaminated sites, however it is believed that the proposed Bill does not assist Local Governments (or the community) to remediate sites.

### Community Consultation:

It is understood that the draft Bill has been provided to the community for consideration.

### Voting Requirements:

Normal

### Officer Recommended Resolution

1. Council endorses the comments forward to the DEP on the WAMA 'Infopage' by Council officers.
2. Council undertakes the following action plan:
  - a) Review the properties it owns or occupies in accordance with the draft Bill;
  - b) Review the feasibility of investigating properties it owns or occupies in accordance with the draft Bill;
  - c) Prepare to lodge disclosure statements where appropriate;
  - d) Review purchasing and leasing procedures to ensure that Council receives disclosure statements from prospective sellers and owners.
3. Council writes to the Minister for the Environment and the Minister for Planning and Infrastructure pointing out the concerns that have been raised regarding the draft Bill.

**CRP053 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Murphy that

1. Council endorses the comments forward to the DEP on the WAMA ‘Infopage’ by Council officers.
2. Council writes to the Minister for the Environment, Minister for Planning and Infrastructure and local government (with a copy to the WA Municipal Association) and lobbies local members seeking deferment of the Bill to enable proper consultation with local government and protesting with respect to the concerns raised.
3. Council undertakes the following action plan:
  - a) Review the properties it owns or occupies in accordance with the draft Bill;
  - b) Review the feasibility of investigating properties it owns or occupies in accordance with the draft Bill;
  - c) Prepare to lodge disclosure statements where appropriate;
  - d) Review purchasing and leasing procedures to ensure that Council receives disclosure statements from prospective sellers and owners.
4. Council writes to the Minister for the Environment and the Minister for Planning and Infrastructure pointing out the concerns that have been raised regarding the draft Bill.

CARRIED 10/0

Note: The Officer Recommended Resolution was changed to allow wider consultation with Minister’s.

P057/11/01 STRUCTURE PLANNING SCHEDULE (A0119)			
Proponent	Director Sustainable Development		
Officer	Andrew Watson – Director Sustainable Development	Date of Report	12/11/01
Signatures	Author:	Senior Officer:	
Previously	Not applicable		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Preamble**

The purpose of this report is to establish a program of structure planning for inclusion in the 2002-2006 Principal Activities Plan.

**Background**

The 2001-2005 Principal Activities Plan identifies planned expenditure for structure planning over the last three years of the plan as follows:

2002-2003	\$51,500
2003-2004	\$52,530
2004-2005	\$54,106

No structure planning was scheduled for the 2001-2002 year given Council’s commitment to site master planning for the Jarrahdale Heritage Park (which given the limited opportunities for expansion of Jarrahdale serves as de-facto structure planning) and the outstanding requirements of the Byford Structure Plan.

A further commitment to structure planning will be sought for year four in the draft 2002-2006 Principal Activities Plan.

**Comments**

The following list of district level structure plans are required to be prepared in the short to medium term (not in priority order):

- Oakford
- Serpentine
- Mundijong

In addition to this, Council should also expect to have to prepare a number of detailed area plans, such as for the existing townsite in Byford and to carry out consultancy work in association with Town Planning Scheme No. 3.

To assist Council in determining an appropriate priority listing for these potential projects, the following brief comments are offered. It should be noted, however, that with the exception of the project identified for 2002-2003, for which preplanning should commence in the current financial year, there is some flexibility with any priority set by Council as the circumstances around each project evolve.

### Oakford

The WA Planning Commission has recently adopted the Jandakot Structure Plan for public exhibition. The structure plan includes the following notation in respect of the proposed Oakford Village:

*“Oakford Village (is) subject to severe servicing constraints due to remoteness of sewerage and the low lying nature of much of the area and potential environmental impacts.”*

There is a need for detailed area planning and scheme amendments to facilitate cost sharing similar to Byford. While the Oakford Village itself is in a small number of relatively large landholdings, thus facilitating easy co-ordination of detailed area planning by landowners, it is anticipated that surrounding areas identified for rural residential development will come on stream earlier than the village itself. It is in respect of outlying areas in particular that the need for early structure planning by Council will arise. Growth at Oakford in recent years has been significant and is not expected to abate.

The Oakford Village concept relies on servicing constraints being overcome. It can reasonably be assumed that the constraints notation in relation to Oakford has its basis in connection to deep sewer rather than a package treatment facility. Under these circumstances, the project is unlikely to become viable. Part of Council's investigations could take the form of feasibility study for a package treatment plant to ensure the project maintains momentum.

### Serpentine

Flowing from the 1994 Rural Strategy there has been steady and significant growth in rural living subdivisions in a ring around the Serpentine townsite. Opportunities for growth of the town within this ring are limited and depend upon servicing constraints being overcome. Definition of an urban growth boundary to establish the ultimate extent of the town and its associated rural living development is necessary. A number of rezonings in and around the town have been deferred indefinitely by the Department for Planning and Infrastructure pending structure planning for Serpentine.

Aside from the need for structure planning, there is a need for a townscape plan for Serpentine, particularly recognising the historic aspects of the original town and the precinct on the South Western Highway. Provision of funding for townscape plans are not part of the structure plan program. Any commitment to the provision of funds for a townscape plan for Serpentine should be considered separately when the Principal Activities Plan is reviewed in early 2002.

### Mundijong

Amendment No. 69 to Town Planning Scheme No. 2 brought the local scheme into general conformity with the Metropolitan Region Scheme in terms of both the Byford and Mundijong urban cells. Significant urban development at Mundijong is still many years off and relies on infrastructure issues, particularly deep sewerage and to a lesser extent extension of the Tonkin Highway and electrification of the railway. The ongoing uncertainty surrounding mineral sand mining east of the Perth-Bunbury Railway line is a significant constraint to development of the Mundijong urban cell. Significant parts of the urban cell were retained as Urban Deferred when Amendment No. 69 was finalised in recognition of the continuing decision making process in relation to sand mining.

If carried out before sand mining were completed, any structure plan for Mundijong would have to be revisited once the extent of constraints on mined land were fully understood.

There is some pressure for infill subdivision west of the railway line now that the Urban Development zoning is in place. Subdivision is, however, restricted by the provisions of Government Sewerage Policy which limits the extent and minimum lot size of subdivided lots. In the absence of a contribution plan Council is precluded from taking development contributions. This is considered insignificant in terms of the overall future development of the urban cell and is counterbalanced by rate revenue coming on stream immediately from the few additional lots created.

Preparation of design guidelines for Paterson Street are scheduled for the second half of the current financial year.

In view of the circumstances described, structure planning for Mundijong is not considered a high priority relative to other projects described.

### Byford Detailed Area Planning

Amendment No. 69 put in place a framework for district level structure plans providing a broad outline for development under which a series of detailed area plans provide more specific controls on urban form.

The structure planning process adopted by Council generally envisages that landowners will take responsibility for preparation of Detailed Area Plans. In the case of Precincts 7 and 12 within the Byford Development Area, however, it would be unreasonable to expect that co-operation between so many land owners will occur, simply because there are so many involved and generally each will achieve little personal (financial) benefit from detailed area planning. The benefits of good planning will flow to the whole community and to Council through co-ordination of many small developments and subdivisions. It can be expected that some pressure for development and subdivision within the old part of Byford will flow immediately given the completion of the Infill Sewerage Program in this locality.

### ***A plan showing Precincts 7 and 12 is with the attachments marked P057.1/11/01.***

Finalisation of the Byford Structure Plan is dependent upon completion of the Byford Urban Water management Strategy, delivery of which is not anticipated before June 2002. It is recommended that preparation by Council of Detailed Area Plans for Precincts 7 and 12 within the Byford Development Area occur as a priority within the Principal Activities Plan Program.

Commitment to this project as a priority within the Structure Planning program at this time will allow supplementary sources of funding to be investigated and preliminary project planning to be carried out.

### Town Planning Scheme No. 3

Town Planning Scheme No. 3 is a significant project for which specific resources have not been allocated. It is a requirement that planning schemes be reviewed on a five yearly basis. Town Planning Scheme No. 2 was gazetted in 1989. Despite being well past its review date, the current scheme has been kept contemporary with the initiation by Council of several significant scheme amendments in recent years that draw on the Model Scheme Text.

Constraints on resource allocation has contributed to delays in some projects such as the rural strategy and resulted in no internal resources being able to be dedicated to the planning scheme review. Comprehensive review of the town planning scheme is considered a priority.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended)

**Policy Implications:** Establishment of structure planning priorities for the Principal Activities Plan 2002-2006

**Financial Implications:** Within Principal Activities Plan projections

**Strategic Implications:** Facilitates achievement of Strategic Plan Key Result Area, viz.:

We will retain the rural and natural atmosphere of the Shire with its variable landscape that is a reflection of our heritage and agricultural activities. We will support a choice of lifestyles and harmony between rural and urban areas. Careful planning of development will preserve the urban integrity and protect heritage. We will live in a Shire that has successfully integrated the Green Town's philosophy with its sense of community, protection, support and inclusiveness. Communities will be defined in neighbourhoods with a distinct community focus. There will be regional and local open space, including buffers between urban development and rural areas, which will be adequately maintained. The essential beauty of the Shire will be maintained in its landscapes.

**Community Consultation:** Not applicable. Community consultation will be an integral part of each project. The priorities for structure planning projects will be advertised as part of the Principal Activities Plan review in early 2002.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. The preparation of Detailed Area Plans for Precincts 7 and 12 within the Byford Development Area occur be carried out in 2002-2003 as part of the Principal Activities Plan Structure Planning Program.
2. For the purposes of advertising the Draft Principal Activities Plan 2002-2006, Council adopts the following priorities for the Structure Planning program:

2002-2003	Detailed Area Planning for Byford Precincts 7 and 12
2003-2004	Town Planning Scheme No. 3
2004-2005	Oakford Structure Plan
2005-2006	Serpentine Structure Plan
2006-2007	Mundijong Structure Plan



**CRP057 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Murphy that

1. The preparation of Detailed Area Plans for Precincts 7 and 12 within the Byford Development Area occur be carried out in 2002-2003 as part of the Principal Activities Plan Structure Planning Program.
2. For the purposes of advertising the Draft Principal Activities Plan 2002-2006, Council adopts the following priorities for the Structure Planning program:
 

2002-2003	Detailed Area Planning for Byford Precincts 7 and 12 / Mundijong Structure Plan
2003-2004	Oakford Structure Plan
2004-2005	Serpentine Structure Plan
3. Consideration and budget allocation for Town Planning Scheme No. 3 be referred to the Principal Activities Plan for review in early 2002.

CARRIED 10/0

Note: The Officer's Recommended Resolution was changed to bring forward the Mundijong Structure Plan and to deal with Town Planning Scheme No 3 as a separate budget item.

**BUILDING**

B10/11/01 WHOLESALE PLANT NURSERY, LOT 381 KARNUP ROAD, HOPELAND – OBJECTION TO FENCING APPROVAL (P00150)			
Proponent	K Stevens		
Officer	Wayne Chant - Principal Building Surveyor	Date of Report	06.11.01
Signatures	Author: _____ Senior Officer: _____		
Previously	B05/09/01, B02/08/01, P149/06/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

Owner:	Goldpeak Pty Limited
Applicant:	The Planning Group
Lot Area:	19.5109ha
LA Zoning:	Rural
MRS Zoning:	Rural
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	N/A
Bush Forever:	Conservation Category Wetland
Date of Inspection:	08.08.01

**Preamble**

Council is requested to reconsider the colour specified in the approval granted for the screen fence to be erected around Lot 381 Karnup Road, Hopeland.

**Background**

The owners of Lot 381 Karnup Road were granted development approval in June 2001 to establish a wholesale plant nursery on Lot 381. Following on from this approval, they lodged a building licence application for some of the infrastructure including a screen fence around the perimeter of the property.

Council considered the proposal in September as the proposed screen fence exceeded Council's Local Law specification for a sufficient fence in a rural area. Council's resolution was as follows:

*Moved Cr Needham seconded Cr Simpson that Council approves the construction of a 1.8 metre high unobtrusive green colorbond steel screen fence around the perimeter of Lot 381 Karnup Road, Hopeland in accordance with the site plan dated June 2001 subject to:*

- 1 The fence along the Karnup Road frontage being set back a minimum of two metres from the Karnup Road boundary and screening vegetation established within this setback according to Council's Info Note PS03 clause 1(a).*
- 2 The provision of sight line truncations to the fence at all driveways into Lot 381 in accordance with the provisions of Council's Fencing Local Law.*

The owner has since lodged an objection in accordance with Part 9 of the Local Government Act 1995 requesting reconsideration of the stipulated colour.

### **Comments**

The proposed fence will consist of steel framework clad with colorbond (Mountain Blue) steel sheeting with an overall height of 1.8 metres above ground level. ***A site plan of Lot 381 and drawings of the proposed fence will be tabled at the meeting.***

Council's Local Law Relating to Fences specifies a sufficient fence in rural areas as post and wire with a minimum above ground height of 1.2 metres. The Local Law does permit fences constructed of other materials subject to approval of the Shire with Council giving due consideration to the safety and amenity of the locality prior to granting the approval. Town Planning Scheme No 2 is silent on fences within rural areas.

In support of their request for reconsideration, The Planning Group has provided the following justification:

#### **COLOUR THEME**

The relocation of the Canning Plant Farm was proposed with the intention of creating a professional, attractive facility on the subject site. Part of this philosophy was to ensure that the improvements on the site acted in a coordinated manner, complementing the setting, purpose of the site and local amenity. In keeping with this philosophy the selection of the "Mountain Blue" colorbond colour was undertaken and incorporated into the overall planning of the site.

*This colour was approved by Council through the planning approval and building licence for the buildings as acceptable for this locality and environment. It is requested that Council reconsider its position with respect to the requirement for a green fence, in order that the colour theme may be extended to incorporate the fencing.*

#### **AMENITY**

*In lodging an application for fence that is different to the satisfactory detailed in the Fencing Local Law, Council is required to give consideration to the amenity of the locality. Whilst we understand why Council has requested that the fencing be green colour, a colour complimentary to vegetation, we consider that there is also a case that is consistent with the amenity of the locality to support the mountain blue colour.*

*When considering the amenity of the locality, a number of factors are relevant, including the development on the site, surrounding development and the setting of the locality. As previously detailed, the development on site will maintain the mountain blue colour theme providing a setting from which the fence colour will draw. As the buildings are located in the*

*front portion of the site, continuity and coordination is particularly important. A green fence set against the background of mountain blue buildings will appear ad hoc and will not complement the overall development of the site. Thus, in this case we consider that the blue fencing will have a greater beneficial impact on the local amenity than the green fencing.*

*Within the context of the local environment, both green and blue are colours naturally dominating the landscaping, with green in the vegetation and blue in the sky. Drawing these colours from the environment is in keeping with the amenity of the locality and does not conflict in the way a strong colour, such as red or orange would.*

*Accordingly, it is considered that the mountain blue colour, given the existing approvals of the buildings on site, will have a greater beneficial affect on the amenity than a green coloured fence. This is an important consideration as amenity is a case by case basis and Council has already indicated its support for this colour scheme through the approval of the buildings which will be visible from Karnup Road.*

## LANDSCAPING

*The applicants, in accordance with condition 1 of the approval, will be landscaping the 2 metre setback area provided along the Karnup Road frontage. This strip, totalling 953.5sqm, will be densely planted with vegetation. In order to ensure this landscaping area remains dense and fills out quickly to provide an effective screen, the landscaping area will be fully reticulated. This landscaping feature is considered an important component of the development by Canning Plant Farm as it is representative of its business and reflects on the company and its operations.*

*With these measures in place, it is important to recognise that the fencing along Karnup Road will not be a solid mass of blue, rather it will be significantly broken up and screened by planting. The effect that the blue will have behind the green vegetation is that the blue colour will add depth to the landscaping area and it will visually appear that the landscaping area is greater than the actual 2 metre depth.*

*It is considered that the 953.5sqm, in addition to the 20 metre section along the Manning Road boundary (totalling 7,966sqm), provides a significant contribution of the lot to the external amenity of the site. This area is an equivalent of approximately 5% of the site and will be supplemented by extensive landscaping inside the boundary fence.*

## CONCLUSION

*In accordance with the provisions of the Local Government Act, 1995 this objection is lodged with the Shire of Serpentine Jarrahdale to request that Council reconsider the decision to require that the fence for the Canning Plant Farm be constructed in an “unobtrusive green” colour.*

*Whilst it is understood that a green fence is in keeping with the amenity of the locality, it is also considered that the mountain blue colour has the same benefits as green in its amenity considerations. The mountain blue colour has the added benefit of complementing the already approved buildings located on site and will form part of the Canning Plant Farm. The maintenance of the blue colour theme across the site will assist Canning Plant Farm in providing a professional image that is reflective of the business and the service it provides and enhance the local amenity.*

*The blue colour will assist with the landscaping by providing an appearance of depth and the 2 metre section of landscaping along Karnup Road will be reticulated to ensure healthy dense growth of the vegetation. A landscaping provision of approximately 5% external to the boundary fence is generous and will effectively provide an attractive, professional site.*

*Accordingly, it is requested that Council reconsider the decision to require an “unobtrusive green” colour and permit the fencing to maintain the mountain blue colour theme already established on site.*

**Statutory Environment:** Fencing Local Law, Local Government Act 1995

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Community Consultation:** Letter of no objection received from the owner of the adjoining property to the north, and attempts have been made to contact the owner of the adjoining property to the west.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Following consideration of the points raised in The Planning Group’s submission on the change of stipulated colour for the proposed screen fence around Lot 381 Karnup Road, Council approves the screen fence to be constructed in colorbond Mountain Blue.

### **CRB10 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Murphy

- 1 That Council approves the screen fence to be constructed in Mountain Blue colorbond on condition that very local plants, as approved by the Environmental Officer, be used to create a thick screen.
- 2 That a bond of \$2,000, to be held for two years, be lodged with Council to ensure the screening is complete.

CARRIED 10/0

Note: The Officers Recommended Resolution was changed to require a planting bond.

B11/11/01 PROPOSED STORAGE SHED – 136 (LOT 1) GALVIN ROAD, WHITBY (P00151)			
Proponent	Daly & Shaw Building Pty Limited		
Officer	Wayne Chant – Principal Building Surveyor	Date of Report	08.11.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

Owner: GA & JA Ahmat  
 Applicant: Daly & Shaw Building Pty Limited  
 Lot Area: 2.0041ha  
 LA Zoning: Special Rural  
 MRS Zoning: Urban Deferred  
 Rural Strategy Policy Area: Rural Living B Policy Area  
 Rural Strategy Overlay: N/A  
 Bush Forever: Conservation Category Wetland southeastern corner of site  
 Date of Inspection: 25.10.01

### **Preamble**

Council is requested to consider an application for approval to construct a storage shed on Lot 1 Galvin Road, Whitby. The proposed storage shed will have a floor area of 188m<sup>2</sup> which, when combined with the floor area of an existing stable block on the site, will result in outbuildings with a total floor area of 696m<sup>2</sup> on Lot 1.

### **Background**

A planning approval was granted for the stable block in September 1999. The stable block was then constructed without a building licence. A retrospective approval has since been issued for the stable block.

The owner of Lot 1 has provided a written justification for the proposed storage shed requesting that the building be approved to replace an existing machinery shed, that will be demolished. The new shed will have a floor area 50m<sup>2</sup> greater than the machinery shed to be demolished. ***Plans received with building application 408/01 will be tabled at the meeting.***

The owner of Lot 1 has requested that the new shed be constructed at the same setback as the machinery shed, that is, 4.7 metres from the western side boundary.

Given the increase in floor area and the side boundary setback variation, comment has been sought from the owner of the property adjoining the western boundary. ***A copy of the neighbour's comments is with the attachments marked B11/11/01.***

### **Comments**

In summary, the owner of the adjoining property has no objection to the increase in floor area of the proposed shed over the outbuilding that it will replace, however, she is concerned with the proposed side boundary setback of 4.7 metres. Town Planning Scheme N<sup>o</sup> 2 clause 5.4.2(a) requires a side boundary setback of 10 metres for special rural properties. The owner of the adjoining property has no objections to the proposed building being constructed 10 metres from the side boundary.

The proponent has provided a justification for the reduced setback, which refers to the need to maximise space to the east of the development for vehicle turn-around and horse yard purposes. This is difficult to support as even with a 10 metre side setback, the new shed will not encroach further into the yard than the existing stables and machinery shed.

A further issue requiring clarification is the use of the property for horse agistment, training and farrier services. A planning application will be requested so that the use may be assessed for compliance with Town Planning Scheme N<sup>o</sup> 2 requirements.

On the basis that the new shed will be used for storage purposes, not necessarily related with the business activities being undertaken on Lot 1, it is recommended that building licence application 408/01 be approved. This approval should be granted subject to the required side boundary setback of 10 metres being achieved from the western boundary of Lot 1 Galvin Road.

**Statutory Environment:** Town Planning Scheme 2, Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960

**Policy Implications:** Combined floor areas of proposed and existing outbuildings on Lot 1 exceeds the limit set by policy BP2 of Council's Policies and Procedures Manual.

**Financial Implications:** N/A

**Strategic Implications:** N/A

**Community Consultation:** The owner of the adjoining property, which may be potentially affected by the proposal, has been given the opportunity to comment on the development.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

- 1 Building licence 408/01 be approved for the construction of a new outbuilding on Lot 1 Galvin Road, Whitby; this outbuilding replacing an existing machinery shed on site. This approval be granted subject to the new outbuilding being setback a minimum of 10 metres from the western side boundary of Lot 1 in accordance with the requirements of Clause 5.4.2(a) of Council's Town Planning Scheme N<sup>o</sup> 2.
- 2 The owner of Lot 1 Galvin Road, Whitby be requested to submit a planning application for the equine business use on Lot 1.

### **Committee Recommended Resolution**

- 1 Building licence 408/01 be approved for the construction of a new outbuilding on Lot 1 Galvin Road, Whitby; this outbuilding replacing an existing machinery shed on site. This approval be granted subject to the new outbuilding being setback a minimum of 10 metres from the western side boundary of Lot 1 in accordance with the requirements of Clause 5.4.2(a) of Council's Town Planning Scheme N<sup>o</sup> 2.
- 2 The owner of Lot 1 Galvin Road, Whitby be requested to submit a planning application for the equine business use on Lot 1.

Councillors may wish to avail themselves of the opportunity to inspect the property prior to the Ordinary Council Meeting to be held on 26 November 2001.

## **AMENDMENT**

Moved Cr Richards seconded Cr Kirkpatrick

That this matter be deferred to the December 17<sup>th</sup> Council meeting for further consideration.  
LOST 5/6

## **FORSHADOWING MOTION**

Moved Cr Hoyer seconded

- 1 Building licence 408/01 be approved for the construction of a new outbuilding on Lot 1 Galvin Road, Whitby; this outbuilding replacing an existing machinery shed on site. This approval be granted subject to the new outbuilding being setback a minimum of 5 metres from the western side boundary of Lot 1 in accordance with the requirements of Clause 5.4.2(a) of Council's Town Planning Scheme N<sup>o</sup> 2.
- 2 The owner of Lot 1 Galvin Road, Whitby be requested to submit a planning application for the equine business use on Lot 1.

MOTION NOT REQUIRED

## **CRB11 COUNCIL DECISION**

Moved Cr Buttfield seconded Cr Murphy

- 1 Building licence 408/01 be approved for the construction of a new outbuilding on Lot 1 Galvin Road, Whitby; this outbuilding replacing an existing machinery shed on site. This approval be granted subject to the new outbuilding being setback a minimum of 10 metres from the western side boundary of Lot 1 in accordance with the requirements of Clause 5.4.2(a) of Council's Town Planning Scheme N<sup>o</sup> 2.
- 2 The owner of Lot 1 Galvin Road, Whitby be requested to submit a planning application for the equine business use on Lot 1.

CARRIED 8/2

Cr Hoyer voted against the motion

HEALTH

H07/11/01 INFORMATION REPORT			
Proponent	N/A		
Officer	J Abbiss – Manager Assessments	Date of Report	06.11.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

H07.1/11/01 Delegated Authority – October 2001 (A0039)

CS1 – Section 26

Building applications – effluent approvals 15

CS7 – Temporary Accommodation

Approvals 1

H07.2/11/01 Professional Excellence Award – David Richards, Environmental Health Officer (H0032)

At the 28<sup>th</sup> National Australian Institute of Environmental Health Conference held 15 – 19 October 2001 at the Burswood Convention Centre, Mr David Richards was presented with a Professional Excellence Award by the State President, Mr Llew Withers.

His colleagues nominated David for this award in recognition of his work in coordinating and promoting careers nights throughout the State. David undertook a review of the entire careers promotion program and then contacted all State High School Principals offering Institute members as speakers. Outdated promotional material was replaced with new brochures and display boards and a poster based on the recent career video. This entire process was undertaken in less than three months and the Institute is truly indebted to David for his hard work.

H07.3/11/01 Health Act 1911 and the need for Amendments to Health Local Laws (A0588)

The Parliamentary Joint Standing Committee on Delegated Legislation, having considered a number of sets of Health Local Laws made under powers set out in the Health Act 1911, have questioned the validity of –

- several local laws made under the provisions of section 158 governing the regulation of lodging houses; and
- a local law made under section 249 for the purposes of preventing or controlling the spread of an infectious disease

The Minister has undertaken to take appropriate steps to provide for deletion of the following provisions that currently appear in Health Local Laws through section 343B of the Act.

The following clause in the Shire of Serpentine-Jarrahdale Health Local Laws 1999:

A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Fire and Emergency Services Authority of Western Australia or any division thereof and approved by Council will be replaced by



*A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by Council*

Also the clause:

*Whenever there is one or more lodgers in a lodging house, a keeper or manager shall –  
(a) reside continuously in the lodging house; and  
(b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house*

is considered *ultra vires* (beyond the scope of the enabling legislation) and will be replaced by:

No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof

Finally the Health Local Laws will have the following clause deleted:

The medical officer may enter any house and examine bacteriologically or otherwise any inmate of such house, or any person found thereon at the time of such visit, for the purpose of ascertaining whether such inmate or person is suffering from an infectious disease, and such person shall submit to such examination and shall permit the medical officer to remove such specimens as he considers necessary to a proper examination

and not replaced. In addition the Infectious Diseases (Inspection of Persons) Regulations are to be repealed.

In order to save individual local governments, whose Health Local Laws contain provisions the same or similar to the provisions in issue, from having to make the requisite amendments to their existing local laws, it is considered that the most equitable and effective means of accomplishing that requirement is by invoking the processes available through section 343B of the Act. Under section 343B of the Act, the Governor may make a local law to amend the text of, or repeal, a local law.

The Principal Environmental Health Officer has notified the Department of Health, Western Australia of the numbers of the relevant clauses to be altered or removed from within the Shire of Serpentine Jarrahdale Health Local Laws in the local law to be made by the Governor.

### **Officer Recommended Resolution**

That Council accepts the October 2001 Information Report.

### **CRH07 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy

- 1 That Council accepts the October 2001 Information Report.
- 2 That Council congratulates David Richards on receiving a Professional Excellence Award at the recent National Australian Institute of Environmental Health Conference.

CARRIED 10/0

H08/11/01 GREY WATER (A0655)			
Proponent	Cr JC Star		
Officer		Date of Report	
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

**Committee Recommended Resolution**

That Council pursues the issue of grey water use.

**CRH08 COUNCIL DECISION**

Moved Cr Needham seconded Cr Murphy that Council pursues the issue of grey water use. The Manager Sustainable Development report to Council on a strategy for introducing the use of domestic grey water for garden irrigation  
CARRIED 10/0

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

**9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:**

**9.1 INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS**

**9.2 COUNCILLORS QUESTIONS**

C065/11/01 LEAVE OF ABSENCE – CR IAN RICHARDS (A0906)			
Proponent	Cr Ian Richards		
Officer		Date of Report	26.11.01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			

Cr Ian Richards requested leave of absence from the December Ordinary Council Meetings to be held on 10<sup>th</sup> and 17<sup>th</sup> December, 2001.

**COUNCIL DECISION**

Moved Cr Murphy seconded Cr Buttfield  
That Cr Richards be granted leave of absence for December Ordinary Council Meetings.  
CARRIED 10/0

## 10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY

10.1 Corporate Services – 12<sup>th</sup> November, 2001

C049/11/01 CONNECTED FAMILIES, CONNECTED COMMUNITIES GRANT (A0094)			
Proponent	Director Corporate Services		
Officer	L Keys - Principal Librarian	Date of Report	26.10.01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

### **C049 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson:

Council submit a grant application to the Lotteries Commission of Western Australia for the Connected Families/Connect Communities Grant for the Alcoa Library.

CARRIED 5/0

C050/11/01 COMMUNICATION AND MARKETING GUIDE ACTION 5.6 (A0301)			
Proponent	Shire of Serpentine Jarrahdale		
Officer	D.E Price - Chief Executive Officer	Date of Report	26-10-01
Signatures	Author:	Senior Officer:	
Previously	C047/09/00, SM037/03/01, SM043/04/01, C204/06/01, SM008/08/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

### **C050 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:

An interested Councillor from each Ward are invited to nominate to work with the Chief Executive Officer to further develop how and when Action 5.6 "cold calling" will be trialed and the type of questions that will be asked.

West Ward Nomination	No nomination
South Ward Nomination	Cr Buttfield
North Ward Nomination	Cr Scott, Cr Simpson
Central Ward Nomination	Cr Kirkpatrick

CARRIED 4/1

C051/11/01 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT (A0163-05)			
Proponent	Western Australian Municipal Association		
Officer	D.E Price - Chief Executive Officer	Date of Report	30-10-01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

### **C051 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Simpson:

Council supports Western Australia Municipal Association's position on Local Government preparing a petition to be presented to the House of Representatives in early 2002 requesting the Federal Government to enact legislation and take all action necessary to bring about the recognition of Local Government within the Australian Constitution.

Individual Councillors and members of the community may elect to sign the petition at their own accord. To facilitate this, Council agrees to make the petition available for Councillors and members of the community to sign via the Customer Service Centre at the Mundijong Office prior to returning the petition to Western Australia Municipal Association by no later than 21 January 2002."

CARRIED 5/0

C053/11/01 VISITATION BY SHIRE OF DENMARK (A0943)			
Proponent	Shire of Denmark		
Officer	D.E Price - Chief Executive Officer	Date of Report	
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**C053 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Simpson:

1. Council notes the pending visit by the delegation from the Shire of Denmark.
2. Council agrees to hold a reception at 5:30pm on the 14 November 2001 to welcome delegates from the Shire of Denmark to the Shire of Serpentine-Jarrahdale.

CARRIED 5/0

C055/11/01 COUNCIL TRAINING, DEVELOPMENT AND CONFERENCE ATTENDANCE POLICY (A0153)			
Proponent	Chief Executive Officer		
Officer	D.E Price - Chief Executive Officer	Date of Report	02-11-01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**C055 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:

Council adopts the council training, development and conference attendance policy and guidelines.

CARRIED 5/0

C057/11/01 DIFFERENTIAL RATE REVIEW (A0128)			
Proponent	2001/2002 Budget		
Officer	G R Dougall – Director Corporate Services	Date of Report	03/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**Officer Recommended Resolution**

A sub-committee of Corporate Services Committee be formed to review the differential rate structure for the Shire of Serpentine-Jarrahdale from 1 July 2002. This review is to consider the equity of the rate burden between categories and the consideration of extending the number of rate categories rated through a gross rental valuation.

**C057 COMMITTEE DECISION**

Moved Cr Hoyer seconded Cr Simpson:

A sub-committee of Corporate Services Committee be formed to review the differential rate structure for the Shire of Serpentine-Jarrahdale from 1 July 2002. This review is to consider the equity of the rate burden between categories and the consideration of extending the number of rate categories rated through a gross rental valuation. Crs Simpson, Hoyer and Buttfield were nominated as the representatives on the sub-committee.

CARRIED 5/0

C058/11/01 NORTH MURRAY NETBALL ASSOCIATION – REQUEST TO WAIVE FEES (A0036-02)			
Proponent	North Murray Netball Association		
Officer	G R Dougall – Director Corporate Services	Date of Report	07/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

### **C058 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:

The North Murray Netball Association be advised that their request to waive their fees is only accepted for the 2001 season in accordance with recent practice for Clubs contributing to resurfacing. This will only be done upon written confirmation from the Netball Association that they have provided a contribution to the Basketball Association for the resurfacing of the courts.

CARRIED 5/0

C059/11/01 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)			
Proponent	Director Corporate Services		
Officer	P.I. Igglesden – Acting Finance Officer	Date of Report	02/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

### **C059 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson:

That Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the month of August, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 5/0

C060/11/01 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)			
Proponent	Director Corporate Services		
Officer	J. Fletcher – Customer Services Officer/Cashier	Date of Report	02/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**C060 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:  
That Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 1 November 2001.  
CARRIED 5/0

C061/11/01 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)			
Proponent	Director Corporate Services		
Officer	J. Fletcher – Customer Services Officer/Cashier	Date of Report	02/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**C061 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson:  
That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 1 November 2001.  
CARRIED 5/0

C062/11/01 RATE DEBTORS REPORT (A0917)			
Proponent	Executive Manager Corporate Services		
Officer	Evan Parker – Rates Officer	Date of Report	02/11/2001
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**C062 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Simpson:  
That Council receive and note the report the Rate Debtors accounts as at 31 October 2001.  
CARRIED 5/0

C063/11/01 INFORMATION REPORT			
Proponent	Director Corporate Services		
Officer	G.R. Dougall – Director Corporate Services	Date of Report	Various
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – In accordance with Resolution SM049/05/01</b>		

**C063 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:  
That the information report be received.  
CARRIED 5/0

10.2 Asset Services – 12<sup>th</sup> November, 2001

AS040/11/01 KARNUP & RICHARDSON ROADS RECONSTRUCTION DESIGN (R0007)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Patrick Rose Technical Officer - Design	Date of Report	2.11.01
Signatures	Author:	Senior Officer	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS040 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Buttfield seconded Cr Simpson:-

1. Council endorses the proposed design improvements for Karnup Road between Richardson Road and Rapids Road and Richardson Road between Summerfield Road and Karnup Road.
2. Council initiates the acquisition of land on the north side of Karnup Road opposite Punrak Road and land on the south-west corner of Karnup Road and Punrak Road intersection adjoining Karnup Road, from Lots 836, 350 and 373 Karnup Road for future road re-alignment purposes.

CARRIED 5/0

AS042/11/01 WASTE & RECYCLE 2001 CONFERENCE PERTH, WA (A0032)			
Proponent	Director Asset Services		
Officer	Robert Harris Director Asset Services	Date of Report	22.10.01
Signatures	Author:	Senior Officer	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS042 COMMITTEE DECISION**

Moved Cr Buttfield seconded Cr Scott one officer and one Councillor (nominee Cr K. Murphy) representative of Council attend the Waste and Recycle 2001 conference in Perth.  
CARRIED 4/0

AS044/11/01 DISPOSAL OF SHIRE GRADER SJ28 (a0782)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Robert Harris Director Asset Services	Date of Report	15.10.01
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS044 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Buttfild the option under the 1996 purchase contract with Westrac Equipment for the buy-back of Council's Caterpillar 12H motor grader SJ28 be exercised and the proceeds be applied to Council's 1996 plant purchases loan N<sup>o</sup> 77.  
CARRIED 4/0

AS045/11/01 METROPOLITAN REGIONAL ROAD PROGRAM FUNDING (A0427/A0353-02)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Robert Harris Director Asset Services	Date of Report	18.10.01
Signatures	Author: Senior Officer		
Previously	AS032/09/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS045 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Buttfild seconded Cr Murphy the report on outcomes of representations to address inequities to the Shire of Serpentine-Jarrahdale in the project funding criteria for State funding of local road projects via the Metropolitan Regional Road Group is noted.  
CARRIED 4/0

AS046/11/01 EMERGENCY SERVICES LEVY (A0905)			
Proponent	Fire and Emergency Services Authority of WA		
Officer	G R Dougall – Director Corporate Services	Date of Report	03/11/01
Signatures	Author: Senior Officer:		
Previously	AS036/10/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS046 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Murphy the Chief Executive Officer continue to lobby Western Australian Municipal Association and the Fire & Emergency Services Authority to ensure all residents are charged the Emergency Services Levy service level of five (5) on behalf of the Shire of Serpentine-Jarrahdale.  
CARRIED 4/0



AS047/11/01 INFORMATION REPORT			
Proponent	Director Asset Services		
Officer	Various	Date of Report	Various
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM049/05/01</b>		

**CRAS047 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Scott that Council receives the information report to the 30 October 2001.  
CARRIED 4/0

10.3 Community & Recreation Development – 12<sup>th</sup> November, 2001

CRD23/11/01 INFORMATION REPORT			
Proponent	N/A		
Officer	D Henderson – Relief Community Development Officer	Date of Report	2.11.01
Signatures	Author: Senior Officer:		
Previously	N/A		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Scott that Council accepts the October 2001 information report.  
CARRIED 5/0

10.4 Building Services – 19<sup>th</sup> November, 2001

B12/11/01 PROPOSED RELOCATED RESIDENCE – LOT 101 GULL ROAD, SERPENTINE (Prop.File)			
Proponent	DC Saxon		
Officer	Wayne Chant – Principal Building Surveyor	Date of Report	05.11.01
Signatures	Author: Senior Officer:		
Previously	N/A		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer that Council authorises the issuing of a building licence for the placing of a relocated residence on Lot 101 Gull Road, Serpentine in accordance with plans submitted with Building Licence Application 409/01 subject to:

- 1 A bond of \$5,000 being lodged with Council prior to the issue of the building licence.
- 2 The bond being released following the completion of re-cladding works and external painting.

CARRIED 5/0

B13/11/01 PROPOSAL TO IMPROVE ACOUSTICS – CLEM KENTISH HALL AND GRUNO GIANATTI HALL (RS0109, RS0032)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Wayne Chant - Principal Building Surveyor	Date of Report	06.11.01
Signatures	Author:	Senior Officer:	
Previously	CRD27/02/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Hoyer Mr Nick Delagatta be appointed to undertake acoustics tests and prepare reports on improvements for the Clem Kentish Hall and the Bruno Gianatti Hall, and the estimated costs be included in the five year building maintenance program for consideration in the Principal Activities Plan review.  
CARRIED 5/0

B14/11/01 INFORMATION REPORT			
Proponent	N/A		
Officer	S Searle – Assessments Support Officer	Date of Report	08.11.01
Signatures	Author:	Senior Officer:	
Previously	N/A		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee – in accordance with resolution SM049/05/01</b>		

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Hoyer That Council accepts the October 2001 Information Report.  
CARRIED 5/0

10.5 Health Services – 19<sup>th</sup> November, 2001  
Nil

10.6 Planning Development & Environment – 19<sup>th</sup> November, 2001

E016/11/01 DRAFT SOUTH WEST REGIONAL STRATEGY FOR NATURAL RESOURCE MANAGEMENT (A0309)			
Proponent	South West Catchments Council		
Officer	Andrew Del Marco – Environmental Officer	Date of Report	7/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**E016 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Hoyer that the Draft South West Regional Strategy For Natural Resource Management report form Council’s comment to the draft South West Regional Strategy for Natural Resource Management.  
CARRIED 5/0

E017/11/01 DRAFT LOCAL PLANNING POLICY NO. 6 – WATER SENSITIVE DESIGN (A0972)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Andrew Del Marco - Environmental Officer	Date of Report	8/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

### **E017 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Hoyer that Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme N. 2 resolves to adopt Local Planning Policy No. 6 – Water Sensitive Design as follows:

### **LOCAL PLANNING POLICY NO. 6 - WATER SENSITIVE DESIGN**

#### **1. Operation of this Local Planning Policy**

- (a) This local planning policy has been prepared to meet the requirements of Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No 2.
- (b) This policy does not bind the Council in respect of any application for planning approval but the Council will have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

This policy is also intended to:

- i) Assist Council's consideration of structure plans; and
  - ii) Guide Council's advice to the Western Australian Planning Commission regarding fulfillment of subdivision conditions.
- (c) If a provision of this policy is inconsistent with the:
- (i) Statement of Planning Policy No. 2 (Peel-Harvey Coastal Plain Catchment), the Statement of Planning Policy prevails;
  - (ii) Environmental Protection (Peel-Harvey Estuarine System) Policy 1992, the Environmental Protection Policy prevails;
  - (iii) Shire of Serpentine-Jarrahdale Town Planning Scheme;

the Scheme prevails.

- (d) This policy applies to all rezonings, structure plans, detailed area plans, subdivisions and development proposals and applies throughout the Shire of Serpentine-Jarrahdale.
- (e) Detailed specifications to help meet the objectives of this policy will be maintained in the Byford Urban Stormwater Management Strategy and are contained within the Water and Rivers Commission's Manual for Managing Urban Stormwater Quality in WA.

#### **2. Definitions**

**"best management practice" (BMP)** means best management practices as published in the Water and Rivers Commission's *"A Manual for managing urban stormwater quality in Western Australia"* dated August 1998 will be used in conjunction with the Principles for design and assessment of best management practices (i.e. Section 5 of this policy).

**Conservation wetland** – see wetland management categories below.

**“constructed wetland”** means “wetland” that has been purposely designed and constructed to meet the objectives of this policy. See definition of wetland below.

**“fringing vegetation”** means native vegetation that

- a) occurs in or adjacent to; or
- b) is dependent for its survival upon,  
a watercourse or protected wetland.

**“Multiple use wetland”** – see “wetland management categories”

**“native vegetation”** means any locally indigenous plant species or community of plants.

**“open drain habitat”** means that part of the drain that is permanently or seasonally inundated including the portion vegetated with aquatic vegetation. Its area can be determined (in square metres) from the extent of inundation and aquatic vegetation. Open drain habitat usually provides habitat for aquatic fauna such as water beetles and frogs. In some instances and particularly in rural areas, open drain habitat occurs along roads, but it is generally confined to trunk drainage.

**“protected wetland”** means a wetland or portion of a wetland protected under Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 or its successor (i.e. the Environmental Protection (Swan Coastal Plain Wetlands) Policy or any wetland mapped as a Conservation Category wetland by the Water and Rivers Commission. Determination of Conservation Category Wetlands shall be based on vegetation condition (as in aerial photography held by the Shire dated January 2000) and wetland assessment criteria as described in Hill *et al* 1996 (Wetlands of the Swan Coastal Plain Volume 2A)

**Resource Enhancement wetlands** – see wetland management categories.

**Stormwater management system** – all designs and proposals included in a development to achieve the objectives of water sensitive design ad this policy

**“watercourse”** means -

- a) any river, creek, stream, brook or drain , whether artificially improved or altered or not;
- b) any conduit that wholly or partially diverts a river, creek, stream or brook from its natural course and forms part of that river, creek, stream or brook; or
- c) any natural collection of water into, through, or out of which any thing referred to in paragraph (a) or (b) flows, whether artificially improved or altered or not,

in which water flows or is contained whether permanently, intermittently or occasionally.

**Water sensitive design (WSD)** – a multi-disciplinary approach to stormwater management based on addressing the multiple objectives of water flow control, water quality improvement, flood protection, nature conservation, and enhancement of recreational, landscape and educational opportunities.

**“wetland”** an area of seasonally waterlogged or inundated, or permanently inundated land, characterised by hydric soils or vegetation typical of these waterlogged or inundated conditions.

**“Wetland management categories”** – Wetlands in the Shire have been allocated to one of three management categories by the Water and River Commission. These categories are Conservation, Resource Enhancement and Multiple Use. The categories are based on the natural attributes of the wetland. Where the management category of a wetland is in dispute, the Water and Rivers Commission shall be the arbiter.

### **3. Policy Objectives**

The objectives of the policy are as follows:

- a) Assist in enhancing the beneficial uses of all watercourses and wetlands in the Shire. In particular, these beneficial uses are their use:
  - i) as a habitat for:  
locally indigenous fauna, including migratory or threatened species; or  
locally indigenous flora, including threatened species;
  - ii) for the maintenance of the diversity and abundance of locally indigenous fauna and flora species;
  - iii) to provide a biologically productive and genetically diverse natural environment and maintain ecological processes
  - iv) to reduce the impact of storm events and flooding'
  - v) to create and enhance recreational opportunities in parts of the Shire of Serpentine-Jarrahdale;
  - vi) in helping form the natural, rural landscape and amenity of the Shire;
  - vii) their value and association with Aboriginal spirituality and European heritage.
- (b) Ensure water sensitive design best management practices are implemented for all new proposals in the Shire;
- (c) Improve water quality in the Shire and quality of water entering receiving water bodies;
- (d) Develop a network of multiple use corridors throughout the shire.

### **4. Principles for design and assessment of best management practices**

Council shall ensure that all development utilises best water sensitive design (WSD) management practice when exercising its decision-making and compliance auditing in respect to rezonings, structure plans, subdivisions or development approvals. The following principles will be used to assess the extent to which a proposal meets best WSD management practice.

The key principles of Water Sensitive Design are:

- a) a whole of catchment approach
- b) retention and treatment of water 'at source'; and
- c) use of 'best management practices' in a treatment train approach.

#### **4.1 Catchment based approach to stormwater management**

- i) Sub-catchments within the development shall be identified to:
  - a) show surface water flows including peak flow characteristics,
  - b) water related environments and places of significance,
  - c) pollution sources and loads, and
  - d) support the proposed design, treatment trains, location of best WSD management practices and Multiple Use Corridors.

ii) Stormwater management systems shall address stormwater flows entering the development's catchment(s). Developments shall be designed with due regard to proposed land use as reflected in the Town Planning Scheme, Rural Strategy, Local Planning Strategy and the volumes of water likely to be generated upstream of the development.

#### **4.2 Water resource management is addressed at all catchment levels**

All development proposals shall address water quantity and quality at each stage or scale of development. For example, subdivisions shall consider minimisation of run-off at the lot, street and subdivision scales.

#### **4.3 Stormwater retention, use and quality treatment shall occur at source or as high as possible in the catchment**

This is a key principle of water sensitive design and applies to all catchment scales from the smallest catchment (e.g private residential lot) to the river catchment scale.

#### **4.4 Best Water Sensitive Design management practices**

Stormwater management systems shall be based on best Water Sensitive Design management practices appropriate to the catchment and natural environment characteristics, type of development, proposed land use and the impact of the proposed drainage approach.

The selection and siting of best WSD management practices shall be based on the individual characteristics of the site, the desired performance objectives, and any impacts of the BMP. BMP's should meet all water sensitive design objectives, be cost effective, attractive and an environmental enhancement. All BMPs will be assessed for their effectiveness in minimising or trapping pollution, especially pollutants in the 'first flush'.

Best WSD management practices are included in *A Manual for Managing Urban Stormwater Quality in Western Australia*.

It is recognised that new best WSD management practices will be developed over the life of this policy and shall be assessed as to how well they meet the objectives of this policy.

WSD management practices shall address the provision of habitat for indigenous flora and fauna to achieve Policy objectives a) i, ii and iii.

The design of best WSD management practices shall address public health and safety aspects, including physical safety, fire management and impact on midge and mosquito breeding and numbers.

The Environmental Protection Authority *Guidelines for Environment and Planning* specify a general requirement that "all stormwater be disposed on-site to the extent that 1 in 10 year storm event of 72 hour duration is retained for three to seven days" before disposal off-site. Proponents will be required to demonstrate compliance with the Environmental Protection Authority criteria until such time as the Water and Rivers Commission or Environmental Protection Authority develop new criteria (presumably based on hydrologic effectiveness and detention times as recommended in the Commissions *A manual for managing urban stormwater quality in Western Australia*).

Wherever possible use should be made of stormwater run-off, especially from hard paved areas. Components of stormwater management should be located so they follow natural contours.

#### **4.5 Measures shall be considered to avoid pollution in the first instance**

Proposals shall consider how pollution (including nutrients) will be limited from entering the stormwater management system. These are referred to as source control and include such examples as community awareness programs to reduce input of fertilisers and litter traps.

#### **4.6 The stormwater management system adopts a treatment train approach**

A treatment train approach is where best WSD management practices are applied in sequence to maximise water quality improvement and achieve other objectives of water sensitive design at the appropriate scale of development.

#### **4.7 Property is protected from flooding or damage by surface water or groundwater**

##### *4.7.1 Watercourses and main drains*

All development along watercourses, main drains and overland flow paths for the 100 year storm recurrence interval shall have floor levels at least 300mm above the 100 year flood level. Council recommends floor levels to be 500mm above the 100 year level, particularly in areas with heavy soils. If the 100 year flood level is not known building floor levels shall be at least 300 mm above the surrounding road network of the development.

Watercourses and drainage reserves should be of sufficient width to allow for 1:6 batters, appropriate access for maintenance, and the floodway associated with the 100 year event. A minimum reserve width of 30m with an average of 50 m is required to allow for the natural meandering of a watercourse and the flood plain, revegetation, and maintenance accessways or multi-use paths.

##### *4.7.2 Groundwater levels*

To protect housing from flooding and rising damp from groundwater, development in areas where the Average Annual Maximum Groundwater Level (AAMGL) is at or within 1.2m of the surface, the importation of fill will be required together with the provision of sub surface drainage, placed at the AAMGL. In areas where the AAMGL is more than 1.2m from the surface, sub-surface drainage may still be required to restrict the rise in groundwater and ensure that adequate separation of building floor slabs from groundwater is achieved.

The AAMGL should be determined to the satisfaction of the Water and Rivers Commission.

#### **4.8 Post development outflows approximate pre-development conditions (i.e. water level and flow regimes are maintained)**

##### *4.8.1 Water flows – watercourses*

In order to prevent in-stream erosion, peak flows in watercourses should not exceed pre-development conditions for the particular storm average recurrence interval (eg. the peak flow reaching the watercourse from the catchment in a 10 year event should remain the same after development).

Longer duration low-level flows in watercourses to maximise detention times on-site consistent with advice in the Water and Rivers Commission *A manual for managing urban stormwater quality in Western Australia* are acceptable to enable increased water volumes to be discharged off-site.

Adequate on-site detention is required to ensure this criterion can be met.

##### *4.8.2 Water levels – Protected wetlands*

A hydrological study shall be undertaken by the developer/proponent where a proposal includes or is adjacent to protected wetland(s). Hydrological investigations should determine

the level of impact of the development on wetland water levels, and address what measures will be implemented to mitigate against hydrological impacts.

No stormwater shall directly enter to Conservation or Resource Enhancement category wetlands. The interval for overflow from the treatment system to the C or R wetland must be determined through appropriate research and modelling.

Where subsoil drains are used for development abutting protected wetlands, a 100m hydrological buffer between the sub surface drain and the wetland is required to allow the groundwater to assume its natural level adjacent the wetland.

Where protected wetland is likely to be or is a perched wetland, a protective swale is required upstream of the wetland to prevent flooding from groundwater rises, with the depth of the swale being determined based on an assessment of the vegetation around the wetland.

**4.9 Stormwater management system design shall incorporate natural (ecological) features of watercourses and wetlands and restore or construct them where appropriate. Buffers widths shall be based on the purpose(s) of the buffer, using the best advice.**

*4.9.1 Buffers to wetlands, watercourses and water sensitive design features*

Buffers to wetlands, watercourses and water sensitive features are required to protect the 'water based ecosystem from adjacent land uses, and vice-versa.

In considering the width of buffers Council shall give consideration to the purpose(s) of the buffer and the characteristics of the adjacent land use(s). Council should seek advice from the appropriate State Government agencies when making decisions which affect buffer widths or effectiveness.

Buffers shall be revegetated with native vegetation to reflect original vegetation community types.

Non-native vegetation shall be removed and replaced with native vegetation, except where the non-native vegetation has identified landscape or heritage value.

Buffer zones for significant watercourses, protected wetlands and Multiple Use Corridors shall become reserves vested in Council.

4.9.2 Vegetation protection

Tight controls on the removal of native vegetation exist in Serpentine-Jarrahdale, and such controls apply to vegetation associated with wetlands, watercourses and water sensitive design features.

Proposals which require the removal of native vegetation will generally be refused.

4.9.3 Vegetation restoration and revegetation

Where wetland vegetation is absent or in poor condition, then measures are required to restore the vegetation in terms of species diversity, plant numbers and original plant community structure and zonation.

Buffers to wetlands, watercourse and water sensitive design features shall be revegetated with native vegetation to reflect original vegetation community types.

Watercourses should be vegetated with native vegetation for at least 15m either side of the watercourse and maintenance accessway. Watercourses within Multiple Use corridors



should be vegetated with native vegetation for a minimum of 20m either side of the watercourse and maintenance accessway. Where wider buffers to watercourses are required, then wider revegetation areas may be required.

Protected wetlands and Resource Enhancement wetlands should be revegetated consistent with the vegetation types and plant groupings that occur in the wetland (to the outer edge of the damp zone).

Batters and reserve widths are addressed under “Protection of property from flooding” above.

Non-native vegetation shall be removed and replaced with native vegetation, except where the non-native vegetation has identified landscape or heritage value.

Measures shall be implemented by the developer to control erosion until the vegetation has been established.

#### 4.9.4 Biodiversity and fauna habitat

Features that provide fauna habitat and improve water quality shall be incorporated into stormwater management systems, and include:

Native vegetation – particularly sedges and rushes to promote filtering;  
Pool and riffle sequences to improve aeration and oxygenation;  
Ponds, pools or stormwater gullies designed as sediment traps;  
Watercourse profiles that provide a range of fauna habitats.

#### **4.10 Development of a network of Multiple Use Corridors (MUCs)**

Multiple Use Corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities. They form the major spines of the stormwater management and wildlife corridor systems throughout the Shire.

The design of MUC's will be assessed on:

- a) The treatment train of best WSD management practices;
- b) Management of peak and base flows including flood flows;
- c) Net ability to remove pollutants and reduce movement of pollutants
- d) Their enhancement of local amenity, especially for those developments adjacent to the Corridor; (Development surrounding the MUC should in turn maximise public and private views into the Corridor).
- e) Creation of recreational and educational opportunities.
- f) Net impact on biodiversity and fauna habitat

Public safety and health - The design of best MUCs shall address public health and safety aspects, including physical safety, fire management and impact on midge and mosquito breeding and numbers; and  
Provision of access for management.

Multiple Use Corridors shall be developed throughout the Shire on the following watercourses:

- a) all watercourses shaded on the plan marked 'Major watercourses of Serpentine-Jarrahdale' attached to this policy; and
- b) watercourses identified as MUCs in the Byford Structure Plan
- c) watercourses designated as MUC's as part of amendments to Council's Town Planing Scheme; and
- d) other watercourses as designated by Council.

Multiple use corridor width will vary according to site specific, bio-physical characteristics. An average width of 100 metres should be vested in public ownership as a minimum, with additional width if needed for recognising floodway characteristics, water sensitive design features (eg constructed wetlands), protection of riparian vegetation, or recreational needs. The 50m should be measured from the edge of the riparian vegetation not from the centreline of the watercourse.

Management Plans for MUCs shall form part of Stormwater Management Plans. MUCs should be divided into zones or priority use areas for management purposes and to avoid land use conflicts.

**4.11 Maintenance and operating requirements**

Proposals shall describe management requirements for the stormwater management system and include estimated costs of maintenance. Maintenance requirements costs are to include costs of specific best WSD management practices throughout the development and total Multiple Use Corridor maintenance.

**5. Application to proposals**

This policy applies to all rezonings, structure plans, detailed area plans, subdivisions and development proposals throughout the Shire of Serpentine-Jarrahdale.

Council will not consider any application for subdivision in the Byford Structure Plan Area, without first receiving a Stormwater Management Plan, which demonstrates development, will comply with this Policy and the Byford Urban Stormwater Management Strategy.

Council may request a Stormwater Management Plan for any other rezonings, structure plans, detailed area plans, subdivisions and development proposals throughout the Shire of Serpentine-Jarrahdale to ensure that development shall comply with this policy.

CARRIED 5/0

E018/11/01 INFORMATION REPORT						
Proponent	Environmental Officer					
Officer	Andrew Del Marco	-	Date of Report	1/11/01		
	Environmental Officer					
Signatures	Author:			Senior Officer:		
Previously						
Disclosure of Interest						
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>					

**E018 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Star that the Information Report to 9 November 2001 be received.

CARRIED 5/0

P050/11/01 PROPOSED CATTERY – LOT 50 ROWLEY ROAD, DARLING DOWNS (P00837)			
Proponent	J Sexton		
Officer	David Lodwick – Senior Planner	Date of Report	30/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P050 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Hoyer that Council approves the proposed establishment of a cattery at Lot 50 Rowley Roads, Darling Downs in accordance with application dated 9 October 2001 subject to the following conditions:

1. Approval is specific to applicant only;
2. Subject to licensing under Shire's Local Law Relating to Catteries and payment of annual licence fee;
3. Development to comply in all respects with the Shire's Local Law Relating to Catteries;
4. A landscape plan to include planting of screening vegetation on side and rear boundaries is to be submitted for Council approval within 60 days of Council issuing development approval. All landscaping is to comply with Council's Info Note PS03 – Landscaping and Revegetation on Developments Policy.
5. Landscaping to be implemented in accordance with the plan approved by Council by July 2002 and from thereon suitably maintained to Council requirements;
6. Drainage to be suitably compensated on site;
7. Building licence be obtained for development infrastructure;
8. Any proposed signage to comply with Council's Local Planning Policy No.5 'Control of Advertisements';
9. Waste management details of solids to be submitted for approval of Council;
10. Access to cattery facility to be via Masters Road only;
11. Pickup/delivery between 7.30am to 6.30pm seven days a week

CARRIED 5/0

P051/11/01 PROPOSED DEVELOPMENT EXTENSION (FOR SHOP/OFFICE PURPOSES) TO EXISTING COMMERCIAL DEVELOPMENT – LOT 15 BEENYUP ROAD, BYFORD (P01708)			
Proponent	Holton Connor Architects and Planners		
Officer	David Lodwick – Senior Planner	Date of Report	6/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P051 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy, seconded Cr Hoyer that Council refuses the application proposing development extensions (for purposes of Shop/Office use) to existing commercial development at Lot 15 Beenyup Road, Byford for the following reasons:

1. Insufficient car parking has been provided in contravention of Scheme requirements;
2. Adverse streetscape impact with such development with proposed nil setback to Beenyup Road.

CARRIED 5/0

P052/11/01 PROPOSED CHURCH MEETING HALL – LOT 93 TONKIN STREET, SERPENTINE (P01901)			
Proponent	Fewster and Stone		
Officer	David Lodwick – Senior Planner	Date of Report	12/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

### **Officer Recommended Resolution**

Council approves the church meeting hall in accordance with application dated 7 September 2001 and revised plans received on 19 October 2001 subject to the following conditions:

1. A landscape plan is to be submitted for Council approval within 60 days of development approval being given which provides for:
  - a) existing 5m vegetation buffer along western boundary to be retained;
  - b) retention of all other native vegetation (other than nominated for removal on plan – note: only two trees shown on plan to be removed);
  - c) placement of shade trees in or around carpark;
 All landscaping shall comply with Council's Info Note PS03 – Landscaping and Revegetation on Developments Policy;
2. Landscaping to be implemented in accordance with the plan approved by Council by July 2002 and from thereon suitably maintained to Council's satisfaction;
3. Provision of effluent disposal system to service the subject development to requirements of Council's Health Services Section;
4. Signage details are to be submitted for approval and are to accord with Council's Draft Local Planning Policy No.5 'Control of Advertisements';
5. Security systems shall be silent. If there is security lighting, it shall not be intrusive on adjoining neighbours;
6. A minimum of 18 car parking bays to be permanently provided onsite, sealed and marked for staff and visitor parking use. Vehicle manoeuvring/reversing space to be in accordance with Scheme requirements;
7. Provision of one disabled bay;
8. All hardstanding areas (driveways, crossovers, vehicle manoeuvring space etc) shall be designed and constructed as a sealed pavement in accordance with AUSTRROADS, Pavement Design or Main Roads WA Engineering Road Note No.9. Details of the Pavement Design shall be shown on the engineering drawings;
9. Stormwater shall be suitably compensated on site to ensure that discharge from the site is compensated to a maximum of 5.0L/s per gross hectare. Details of compensation structures shall be shown on the engineering drawings;
10. Two copies of engineering drawings showing the development car park and drainage management in accordance with the "Local Government Guidelines for Subdivisional Development", Institute of Municipal Engineering Australia WA Division Inc, October 1998, shall be provided to the Director Asset Services for approval prior to issue of certificate of Classification;
11. Roof material to be colourbond approved by Council rather than zincaluminum;
12. A Building Licence be obtained for development infrastructure.

#### Footnotes:

1. Applicant be advised that strict compliance with the Building Code of Australia does not obviate the need to comply with the Disability Discrimination Act 1992;
2. Compliance with Building Code of Australia for Class 9B Public/Assembly Buildings
3. Compliance with Health (Public Buildings) Regulations 1992;
4. In respect of landscaping conditions and required landscape plan, contact Council's Environmental Officer.

### **P052 COMMITTEE DECISION**

Moved Cr Hoyer, seconded Cr Price that Council approves the church meeting hall in accordance with application dated 7 September 2001 and revised plans received on 19 October 2001 subject to the following conditions:

1. A landscape plan is to be submitted for Council approval within 60 days of development approval being given which provides for:
  - a) existing 5m vegetation buffer along western boundary to be retained;
  - b) retention of all other native vegetation (other than nominated for removal on plan – note: only two trees shown on plan to be removed);
  - c) placement of shade trees in or around carpark;All landscaping shall comply with Council's Info Note PS03 – Landscaping and Revegetation on Developments Policy;
2. Landscaping to be implemented in accordance with the plan approved by Council by July 2002 and from thereon suitably maintained to Council's satisfaction;
3. Provision of effluent disposal system to service the subject development to requirements of Council's Health Services Section;
4. Signage details are to be submitted for approval and are to accord with Council's Draft Local Planning Policy No.5 'Control of Advertisements';
5. Security systems shall be silent. If there is security lighting, it shall not be intrusive on adjoining neighbours;
6. A minimum of 18 car parking bays to be permanently provided onsite, sealed and marked for staff and visitor parking use. Vehicle manoeuvring/reversing space to be in accordance with Scheme requirements;
7. Provision of one disabled bay;
8. All hardstanding areas (driveways, crossovers, vehicle manoeuvring space etc) shall be designed and constructed as a sealed pavement in accordance with AUSTRROADS, Pavement Design or Main Roads WA Engineering Road Note No.9. Details of the Pavement Design shall be shown on the engineering drawings;
9. Stormwater shall be suitably compensated on site to ensure that discharge from the site is compensated to a maximum of 5.0L/s per gross hectare. Details of compensation structures shall be shown on the engineering drawings;
10. Two copies of engineering drawings showing the development car park and drainage management in accordance with the "Local Government Guidelines for Subdivisional Development", Institute of Municipal Engineering Australia WA Division Inc, October 1998, shall be provided to the Director Asset Services for approval prior to issue of certificate of Classification;
11. Roof material to be colourbond approved by Council rather than zincaluminum;
12. A Building Licence be obtained for development infrastructure.

Footnotes:

1. Applicant be advised that strict compliance with the Building Code of Australia does not obviate the need to comply with the Disability Discrimination Act 1992;
2. Compliance with Building Code of Australia for Class 9B Public/Assembly Buildings
3. Compliance with Health (Public Buildings) Regulations 1992;
4. In respect of landscaping conditions and required landscape plan, contact Council's Environmental Officer.
5. Future carparking area subject to separate application to Council.
6. Applicant to be advised that Council encourages the use of a rainwater tank/s.

CARRIED 5/0

Note: The only difference between the Committee Decision and the Officer Recommended Resolution is the addition of footnotes 5 & 6.

P054/11/01 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 737 FIRNS ROAD, SERPENTINE (A0834-10)			
Proponent	Statewest Surveying and Planning obo Metro Brick		
Officer	Andrew Watson – Director Sustainable Development	Date of Report	26/10/01
Signatures	Author:	Senior Officer:	
Previously	P359/06/98; P030/08/99; P095/11/99; 9.1/12/99; P132/01/00; P163/02/00; P181/04/00; P215/06/00. P256/07/00, P257/07/00		
Disclosure of Interest			
Delegation	<b>Committee In Accordance With Resolution SM049/05/01</b>		

### **P054 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Hoyer that Council, pursuant to clause 4.3(4) of its Extractive Industries Local Law gazetted on 7<sup>th</sup> January 2000, refuse to grant an extractive industry licence renewal to Metro Brick for clay extraction on Lot 737 Firns Road, Serpentine for the following reasons:

1. The local laws require an applicant for an extractive industry licence to provide details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles.
2. It is considered that the number and size of trucks entering and leaving Lot 737 Firns Road each day and the route or routes to be taken by those vehicles, are relevant to the discretion of the Council in considering whether or not to approve an extractive industry licence renewal.
3. Council is aware that it is intended that trucks entering and leaving the site will use Kingsbury Drive. The size and number of trucks it is proposed will use Kingsbury Drive raise important traffic safety issues.
4. Kingsbury Drive is unsuitable for the change in traffic profile that will result from extraction of clay on the subject land; in particular the following deficiencies were identified in the Stage 5 Road Safety Audit Kingsbury Drive, Serpentine South Western Highway to Scarp Road North and Scarp Road North to Near Lot 737 Firns Road, November 1998:
  - the existing horizontal geometry is substandard in places and poses hazards particularly for opposing vehicles;
  - existing sealed carriageway widths (in part) do not provide sufficient lane widths for two way heavy traffic as required by the recommendations of the Ausroad Guidelines;
  - the radii of some horizontal curves are inconsistent with the speed zoning and the gradients along the route;
  - there is no line marking or pavement markers installed and where guideposts are installed these are in poor condition and do not conform to Australian Standard AS 1742;
  - sight distances around some curves are adversely affected by vegetation; and
  - the intersection geometry at Kingsbury Drive and South Western Highway does not adequately accommodate some turning movements.

CARRIED 5/0

P055/11/01 PIONEER CONSTRUCTION MATERIALS PTY LTD EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 11 SOUTH WESTERN HIGHWAY, WHITBY (A0830-02)			
Proponent	Pioneer Construction Materials Pty Ltd		
Officer	Jocelyn Cockbain – Special Projects & Policy Officer	Date of Report	12/11/01
Signatures	Author:	Senior Officer:	
Previously	P001/07/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P055 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Star that Council pursuant to the Shire of Serpentine-Jarrahdale Extractive Industry Local Law, issues an extractive industry licence renewal for hard rock extraction at Lot 11 South Western highway, Whitby for the period ending the 31<sup>st</sup> December 2003, subject to the following conditions:

1. The eradication program for cottonbush and all other declared weeds be continued as a matter of priority in 2002/2003.
2. All extractions to be kept east of the spur line and west of the creek line.
3. Council to be notified via facsimile a day prior to each blasting carried out on the site.
4. Compliance with the Excavation and Rehabilitation Management Plan – Byford Quarry dated 30<sup>th</sup> September 2001 prepared by Pioneer Construction Materials.
5. Floor of quarry to be self – draining.
6. Payment to Council annual renewal licence fee, which is based on the volume of extraction.
7. Complete boundary firebreaks to confine the working area of the site are to be carried out by the 30<sup>th</sup> November each year.
8. Applicant to lodge with Council an annual report on site performance in respect to conditions attached to the licence and operation of site by 30 November each year.

Advice Notes:

1. The development operation and rehabilitation of the quarry to be in accordance with the document “Environmental Management of Quarries” published by the Department of Minerals and Energy, 1974.
2. Compliance with Mines Act 1978 Mining Regulations 1981, Council’s Extractive Industry Local Law and the Mines Safety and Inspection Act 1974.
3. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
4. Conditions as per Environmental Protection Authority Works approval Licence No. 4415/6 dated the 19<sup>th</sup> September 2001 and any subsequent licences granted after the date of this approval.
5. All avenues for use and reuse of cleared vegetation material is encouraged. This may include mulching, timber use and/or plant salvaging.

CARRIED 4/1

Cr Price voted against

P056/11/01 COMMENTS ON FINAL DRAFT OF THE JARRAHDALÉ HERITAGE PARK CONSERVATION PLAN (A0945-03)			
Proponent	Shire of Serpentine-Jarrahdale		
Officer	Jocelyn Cockbain – Special Projects & Policy Officer	Date of Report	12/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P056 Committee Decision/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Price that

1. Council endorses the comments made above in relation to the final draft of the Jarrahdale Heritage Park Conservation Plan and Council forwards these comments to Palassis Architects for consideration and inclusion in the final Conservation Plan.
2. Urgent and short term conservation works for Council owned buildings and structures only be included in the five year building maintenance schedule and referred to the Principal Activities Plan review and Jarrahdale Heritage Park site master plan project for consideration.

CARRIED 5/0

P058/11/01 PROPOSED SURVEY STRATA SUBDIVISION - LOT 3 SOUTH WESTERN HIGHWAY, BYFORD (P00404)			
Proponent	Wadraft Pty Ltd		
Officer	David Lodwick – Senior Planner	Date of Report	16/10/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
Delegation	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P058 Committee Decision/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Murphy that

- A. Council recommends to the WA Planning Commission that the proposed survey strata subdivision of Lot 3 South Western Highway, Byford be refused for the following reasons:
  1. The creation of commercial zoned lots of only approx 351to 391m<sup>2</sup> in area is considered insufficient in size to accommodate the wide range of commercial oriented uses that Council has the discretion to approve under Town Planning Scheme No.2, whilst also complying with the Development Standards specified by the Scheme in respect of building setbacks, car parking, landscaping provision and plot ratio;
  2. If approval granted to such subdivision type, it would set an undesirable precedent for surrounding landowners to seek survey strata subdivision of similar undeveloped lots for commercial purposes along the main street of Byford (South Western Highway) currently earmarked 'Highway Commercial' under the Byford Structure Plan;
  3. Planning approval for proposed showroom/offices on the subject land has previously expired. Further approval for commercial use of the site would be subject to lodgement of a fresh development application for consideration of Council. Any development approval would need to satisfy Council's Town Planning Scheme Development Standards. Design option on submitted survey plan not supported in light of point 1 above.
- B. Council grants delegated authority to Chief Executive Officer to recommend refusal to the Western Australian Planning Commission for survey strata referrals for non-



residential zoned lots which do not comply with a current development approval issued by the Council

- C. Council would be prepared to support survey strata subdivision of the subject land subject to a fresh development application being lodged and approved by Council for showrooms/shops/offices which satisfies Council's Town Planning Scheme Development Standards for such uses. Such survey strata would need to accord in all respects with any development approval issued by Council.

CARRIED 5/0

P059/11/01 INFORMATION REPORT			
Proponent	Director Sustainable Development		
Officer	Lisa Fletcher – Support Officer Sustainable Development	Date of Report	1/11/01
Signatures	Author:	Senior Officer:	
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>		

**P059 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Hoyer that the Information Report to 12 November 2001 be received.

CARRIED 5/0

**11. CLOSE**

The meeting closed at 7.48pm