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NOTE:

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 27th JUNE, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.06PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
KR Murphy
EE Brown

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr M Beaverstock Director Asset Services
Mrs E Cox Acting Director Corporate Services
Ms C Eldridge Acting Director Sustainable Development
Mrs S Langmair Minute Secretary

APOLOGIES: Cr IJ Richards
Cr JA Scott

GALLERY: 3

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Public Question Time commenced at 7.06pm

Peter Hector, Mundijong

Q Re Lot 54 and the Cheese Factory he is in process of applying for a rural subdivision. If the Department of Environment is satisfied that the odour report does not require further modelling will Council accept this?

A The Presiding Member took this question on notice.

Colleen Rankin & Ric Giblett

Presentation to Council, as an interim measure, the Mundijong RSL Charter. Mr Giblett presented the Charter to the Shire President together with a letter from the RSL – Armadale Branch. Mr Giblett advised that there are moves a foot for the RSL to return to the Shire. In the meantime he would like this Charter to be hung somewhere appropriate within the Shire.

Public Question Time concluded at 7.10 pm.

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Wigg declared an interest of impartiality in item CGAM092 as a member of the Serpentine Golf Club.

Cr Price declared a financial interest in item CGAM089 which refers to Deputy President allowance as it directly effects him.

Cr Star declared a financial interest in item SD087 as she has a commercial relationship in the item.

Crs Hoyer, Kirkpatrick, Star, Needham and M Beaverstock declared an interest in common in item SD090 and advised this will not affect the way they vote.

Cr Hoyer declared a financial interest in item SD085 as he does some work for the neighbour who is an objector to the proposal.

Crs Star, Wigg, and Needham declared an interest of impartiality in item CGAM084 due to their association with the Landcare Centre and advised that this will not affect the way they vote on this matter.

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

7.1 Ordinary Council Meeting – 23rd May, 2005

COUNCIL DECISION

Moved Cr Star seconded Cr Price

That the minutes of the Ordinary Council Meeting held on 23rd May, 2005 be confirmed.

CARRIED 8/0

7.2 Special Council Meeting – 3rd June, 2005 commencing at 1.09pm

COUNCIL DECISION

Moved Cr Wigg seconded Cr Price

That the minutes of the Special Council Meeting held on 3rd June, 2005 be confirmed.

CARRIED 8/0

7.3 Special Council Meeting – 3rd June, 2005 commencing at 3.00pm

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Brown

That the minutes of the Special Council Meeting held on 3rd June, 2005 be confirmed.

CARRIED 8/0

REPORTS OF COMMITTEES:

SD083/06/05 MUNDIJONG PRIMARY SCHOOL COUNCIL REPRESENTATIVE (RS0137)		
Proponent:	Mundijong Primary School Council Chairperson, Peter Erceg	In Brief The Chairperson of the Mundijong Primary School Council is requesting nomination of a Central Ward Councillor to serve on the School Council.
Owner:	N/A	
Officer:	Community Development Officer – Robyn Brown	
Signatures Author:		
Senior Officer:		
Date of Report	3.06.05	
Previously	C094/03/02	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest	
Delegation	Council	

Background

In a letter dated 10 March 2005, Mr Erceg advises:

"The new Education Act (1999) requires government schools to establish School Councils with the express function of representing the interests and views of the school and its community in matters relating to the school's objectives, its priorities and its general policy directions. This may necessitate some involvement in the planning of financial arrangements, the evaluation of school performance, consultation and the promotion of the school in the community.

The membership of the Council is to be made up of representatives from the teaching staff, the P & C Association, the parent community and, where appropriate, from the local Shire Council.

A copy of a letter from Peter Erceg dated 10 March 2005 is with the attachments marked SD083.1/06/05.

Sustainability Statement

Resource Implications: The request is to continue the current arrangement whereby a Councillor allocates time to attend Mundijong Primary School Council meetings.

Social – Quality of Life The main purpose of the Mundijong Primary School Council is to support student learning and to foster partnerships and participation within the school community.

Social and Environmental Responsibility and Social Diversity: Establishing and reviewing the school's objectives, priorities and general policy direction in partnership with parent, community and staff members

Statutory Environment: Education Act 1999

Policy/Work Procedure Implications: No policy implications

Financial Implications: No financial implications

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategy:

4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

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

4. Governance

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

Strategy

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

Community Consultation:

The appointment of School Council community representatives will enhance local community consultation.

Comment:

Mr Erceg has requested that a Central Ward Councillor representative from the Serpentine Jarrahdale Shire be a member of the Mundijong Primary School Council.

Cr Price has held this position since 2002. The position is for another three year term should he wish to re-nominate.

Council's current Central Ward Councillors are Councillors Star, Kirkpatrick and Price.

Voting Requirements:

Normal

SD083/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Wigg

Council nominates Cr Price to be Council's representative on the Mundijong Primary School Council.

CARRIED 8/0

SD084/06/05 RESPONSE TO PROPOSED AMENDMENTS TO DRAFT JANDAKOT STRUCTURE PLAN (A0576-02)		
Proponent:	Shire of Serpentine-Jarrahdale	In Brief That Council consider the proposed comments on amendments to the draft Jandakot Structure Plan as prepared by the Western Australian Planning Commission.
Owner:	Various	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	21 June 2005	
Previously	P125/04/02	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>	
Delegation	Council	

Owner: Various
 Owner's Address: Various
 Applicant: Western Australian Planning Commission
 Applicant's Address: Albert Facey House
 469 Wellington Street, Perth 6000
 Date of Receipt: October 2001
 Advertised: Draft Jandakot Structure Plan advertised October to December 2001
 Proposed amendments not advertised
 Submissions: 51 submissions with regard to the draft Jandakot Structure Plan
 Lot Area: Various
 L.A Zoning: 'Rural'
 MRS Zoning: 'Rural'
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Rural
 Rural Strategy Overlay: Oakford Village Possible Site
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: Sites 347, 348, 353
 Date of Inspection: NA

Background:

The Western Australian Planning Commission ("WAPC") published the draft Jandakot Structure Plan ("the draft structure plan") for public comment in October 2001. The draft structure plan overlaps the boundaries of the Town of Kwinana and Shire of Serpentine-Jarrahdale ("the Shire"), covering the localities of Mandogalup, Casuarina, Wellard, Anketell, Wandi, Bertram, The Spectacles, Oldbury and Oakford. The localities of Oldbury and Oakford exist within the Shire district.

The draft structure plan broadly aims to guide the future urbanisation of the area covered by the plan while:

- i. Protecting, as a priority, the adjacent Jandakot Underground Water Pollution Control Area;
- ii. Appropriately addressing through urbanisation the environmental constraints of the area; and
- iii. Providing an appropriate urban and semi-urban form which reflects the area's strategic location for future growth as part of the south west corridor of Perth.

The original consultation period ran from October to December 2001, and was further extended until January 2002 to allow for submissions from the Shire and Town of Kwinana to be received. The Shire made the following comments in this respect (summary only):

- i. Further fragmented subdivision between Rowley Road and Thomas Road was not supported;
- ii. The constraints map missed a number of existing uses within the Shire which had an associated buffer to development;
- iii. Zoning terminology between the draft structure plan and Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") was not consistent;
- iv. Land proposed for public open space could only be properly identified through further detailed planning and not at the broad scale of the draft structure plan;
- v. Proposed landform/landscape protection areas needed to recognise current uses such as sand mining within the Shire;
- vi. There was clarification needed as to the responsibilities for further detailed planning and investigation of the proposed Oakford village;
- vii. The need for a containment buffer as an interface between the proposed Oakford village and surrounding 'Rural' zoned land was supported; and
- viii. The possible realignment of Thomas Road through the proposed Oakford village was not supported due to it being a highly trafficked heavy haulage route.

A copy of the Shire's full response is with the attachments marked SD084.1/06/05.

As a result of the consideration of submissions received, a number of amendments to the draft structure plan are now proposed. Two amendments importantly affect the Shire, and concern:

- i. Amending reference to the proposed Oakford village from medium term urban to longer term urban potential; and
- ii. Including provisions which provide that further subdivision of land south of the proposed Oakford village will only be supported if in conjunction with rural economic enterprises.

Amendment i. has been proposed in recognition that urban development at Oakford is not achievable in the short term. This is due to the severe servicing and environmental constraints of the area, and the need for much further detailed planning and investigation to take place inline with new sustainability assessment criteria. The amendment therefore proposes to move the Oakford village to a longer term urban prospect, while still maintaining the potential for an appropriate urban village to take place.

While the basis for this amendment is noted, it is recommended that Council not support a direct change to longer term urban potential but instead support a change to medium to longer term urban potential. Also, it is recommended that an option be included within this change to provide that urban potential may be brought forward if studies undertaken by landowners and/or developers reveal that both servicing and environmental constraints can be suitably overcome for the proposed Oakford village.

Amendment ii. recognises that further subdivision solely for rural living purposes (i.e. without any viable agricultural intent) south of the proposed Oakford village is not appropriate. This land can be better used for rural living purposes in conjunction with rural economic enterprises, with a general approach of lots no smaller than 4ha. Subject to the general stipulation of a minimum 4ha lot size and that subdivision can only take place once the proposed Oakford village has been established, this amendment is recommended for support. Further subdivision should be deferred until establishment of the proposed Oakford village so that a suitable level of local services and facilities can be provided to the area.

A number of other minor amendments are proposed which address the remaining points raised in the Shire's original submission. These include:

- i. Amending the constraints map to include the uses within the Shire which were originally omitted;

- ii. Including provisions which identify the need for further detailed planning and investigation to occur for the proposed Oakford village, and that this is not the responsibility of Council;
- iii. Including reference to existing sand mining operations within the Shire; and
- iv. Including provisions for an appropriate containment buffer to be included around the proposed Oakford village.

These minor amendments are recommended for support by Council without change.

A copy of the draft structure plan is with the attachments marked SD084.2/06/05.

Sustainability Statement:

As a previous sustainability statement has been considered by Council for the overall draft structure plan, general sustainability comments are provided following with regard to the two major amendments which affect the Shire.

The proposed Oakford village is situated in the north east part of the draft structure plan area, at the junction of Thomas, Anketell and Nicholson Roads. The original proposal came from the Shire's 1994 Rural Strategy, which through its settlement hierarchy identified an Oakford village as a possible future urban settlement. This village was intended to provide an alternative lifestyle opportunity for living in a rural environment, without the large lot subdivision approach which had been normal practice in the past. The village was to provide for a residential catchment and a centre for commercial, civic, primary school and village green.

At the time of preparing the draft structure plan there was community support for such a concept. However, there were conditions attached to such a concept including that detailed planning for the village needed to occur to address the severe servicing and environmental constraints of the area in order to demonstrate that adverse impacts through urbanisation could be avoided. The draft structure plan hence concluded that this village would require its own sewage treatment plant or rising main to the existing sewerage system and be required to meet stringent drainage and nutrient discharge criteria - or be deferred until such criteria became achievable. This finding was generally consistent with the Shire's 2003 Rural Strategy Review, finding that upon adoption of the draft structure plan there would be a need to review the proposed Oakford village concept.

Since the draft structure plan was released in 2001 there have been a number of significant changes in philosophy linked to the commitment to sustainability. The proposed Oakford village is now considered somewhat against this commitment, particularly in relation to the objectives of the State Sustainability Strategy and draft Network City Strategy. For example, the proposed Oakford village is required to demonstrate how the development can be efficiently serviced by transport, water, wastewater disposal and energy infrastructure. In this regard, it is considered that it would be more suitable in the short term to accommodate any anticipated population growth based on the draft Network City framework whereby development is to occur along already serviced activity and transport corridors. For the Shire this is specifically along South Western Highway from Armadale through to Byford and Mundijong.

As a result, it is considered that the realisation for urban development at Oakford is not achievable in the short term. However, an outright change to longer term urban potential as proposed by the WAPC should not be supported as it goes against community expectations for the area and conflicts with the settlement hierarchy as depicted under the Shire's Rural Strategy. Instead, it is recommended that Council support a change to medium to longer term urban potential, with an option that urban potential can be brought forward if studies undertaken by landowners and/or developers reveal that both servicing and environmental constraints can be suitably overcome for the proposed Oakford village. This is considered more appropriate in terms of the expected timeframe for growth within this area of the Shire.

Also, the proposed amendment to only allow subdivision south of the proposed Oakford village where in conjunction with rural economic enterprises is appropriate, as it should enable agricultural potential to be maintained through the subdivision of land. It is recommended however that a general stipulation of 4ha minimum lot sizes be imposed, and that subdivision can only take place once the proposed Oakford village has been established to provide necessary local services and facilities.

Statutory Environment:

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Western Australian Planning Commission Act 1985
Town Planning Scheme No. 2

Policy/Work Procedure
Implications:

State Sustainability Strategy
Draft Network City Strategy
State Planning Strategy
Statement of Planning Policy No. 1 (*State Planning Framework Policy*)
Draft Statement of Planning Policy No. 1 (*State Planning Framework Policy Variation 2*)
Statement of Planning Policy No. 2 (*Environment and Natural Resources Policy*)
Statement of Planning Policy No. 2.1 (*The Peel-Harvey Coastal Plain Catchment Policy*)
Statement of Planning Policy No. 2.3 (*Jandakot Groundwater Protection Policy*)
Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning Policy*)
Statement of Planning Policy No. 2.7 (*Public Drinking Water Source Policy*)
Draft Statement of Planning Policy No. 2.8 (*Bushland Policy for the Perth Metropolitan Region*)
Draft Statement of Planning Policy No. 2.9 (*Water Resources Policy*)
Draft Statement of Planning Policy No. 3 (*Urban Growth and Settlement Policy*)
Statement of Planning Policy No. 3.1 (*Residential Design Codes Policy*)
Draft Liveable Neighbourhoods Operational Policy
Shire of Serpentine-Jarrahdale Rural Strategy
Shire of Serpentine-Jarrahdale Rural Strategy Review

Financial Implications:

There are no Financial implications to Council related to this application/issue. It has been noted within the proposed amendments that Council is not responsible for the further detailed planning and investigation required for the proposed Oakford village. This requirement will fall on developers and/or landowners into the future.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

A total of 51 submissions were received during the original public consultation period for the draft structure plan. Of these:

- 23 were from individual landowners and members of the public;
- 9 were from companies representing a member of the public or community group;
- 2 were from community groups;
- 6 were from businesses;
- 2 were from local government; and
- 9 were from state government agencies.

Comment:

With regard to the Shire's original submission to the draft structure plan, the following points were raised (summary only);

- i. Further fragmented subdivision between Rowley Road and Thomas Road was not supported;
- ii. The constraints map missed a number of existing uses within the Shire which had an associated buffer to development;
- iii. Zoning terminology between the draft structure plan and Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") was not consistent;
- iv. Land proposed for public open space could only be properly identified through further detailed planning and not at the broad scale of the draft structure plan;
- v. Proposed landform/landscape protection areas needed to recognise current uses such as sand mining within the Shire;

- vi. There was clarification needed as to the responsibilities for further detailed planning and investigation of the proposed Oakford village;
- vii. The need for a containment buffer as an interface between the proposed Oakford village and surrounding 'Rural' zoned land was supported; and
- viii. The possible realignment of Thomas Road through the proposed Oakford village was not supported due to it being a highly trafficked heavy haulage route.

These are proposed by the WAPC to be addressed through a number of amendments to the draft structure plan. These are succinctly:

- i. Amending reference to the proposed Oakford village from medium term urban to longer term urban potential;
- ii. Including provisions which provide that further subdivision of land south of the proposed Oakford village will only be supported if in conjunction with rural economic enterprises;
- iii. Amending the constraints map to include the uses within the Shire which were originally omitted;
- iv. Including provisions which identify the need for further detailed planning and investigation to occur for the proposed Oakford village, and that this is not the responsibility of Council;
- v. Including reference to existing sand mining operations within the Shire; and
- vi. Including provisions for an appropriate containment buffer to be included around the proposed Oakford village.

With regard to amendment i., an outright change to longer term urban potential is not supported as it goes against community expectations for the area and conflicts with the settlement hierarchy as depicted under the Shire's Rural Strategy. Instead, it is recommended that Council support a change to medium to longer term urban potential for the proposed Oakford village, with an option stating that urban potential can be brought forward if studies undertaken by landowners and/or developers reveal that both servicing and environmental constraints can be suitably overcome for the area. This is considered more appropriate in terms of the expected timeframe for growth within this area of the Shire.

With regard to amendment ii., this is recommended for support on the proviso that a general stipulation of 4ha minimum lot sizes is imposed and that subdivision can only take place once the proposed Oakford village has been established to provide necessary local services and facilities for the area.

The remaining amendments are generally minor and recommended for support without change.

Voting Requirements: Normal

Officer Recommended Resolution:

Council, in response to the proposed amendments to the draft Jandakot Structure Plan which specifically affect the Shire of Serpentine-Jarrahdale, advise the Western Australian Planning Commission that:

- a) Council does not support a direct change to longer term urban potential for the proposed Oakford village, but instead supports a change to medium to longer term urban potential with an option that urban potential can be brought forward if studies undertaken by landowners and/or developers reveal that both servicing and environmental constraints can be suitably overcome for the area;
- b) Council supports the proposed amendment to only allow subdivision south of the proposed Oakford village where in conjunction with rural economic enterprises, subject to the general stipulation of a minimum 4ha lot size and that subdivision can only take place once the proposed Oakford village has been established.

- c) The proposed amendment modifying the constraints map to include the uses within the Shire which were originally omitted is supported;
- d) The proposed amendment including provisions which identify the need for further detailed planning and investigation to occur for the proposed Oakford village, and that this is not the responsibility of Council, is supported;
- e) The proposed amendment including reference to existing sand mining operations within the Shire is supported; and
- f) The proposed amendment including provisions for an appropriate containment buffer to be included around the proposed Oakford village is supported.

SD084/06/05 Committee Recommended Resolution:

Moved Cr Murphy seconded Cr Brown

Council, in response to the proposed amendments to the draft Jandakot Structure Plan which specifically affect the Shire of Serpentine-Jarrahdale, advise the Western Australian Planning Commission that:

- a) **Council does not support a direct change to longer term urban potential for the proposed Oakford village, but instead supports a change to medium to longer term urban potential with an option that urban potential can be brought forward if studies undertaken by landowners and/or developers reveal that both servicing and environmental constraints can be overcome for the area, in a manner acceptable to the Council;**
- b) **Council supports the proposed amendment to only allow rezoning/subdivision south of the proposed Oakford village where in conjunction with rural economic enterprises, subject to the general stipulation of a minimum 4ha lot size and that the rationale for this rezoning is linked to a future Oakford village.**
- c) **The present 4ha lots situated in Tuart Road, Cumming Road, Orton Road and King Road in the general area of the JSP Urban village not be permitted to be reduced to 2ha, in order to retain the areas rural character in accordance with Council's Rural Strategy. This is further consistent with maintaining minimum 4ha lot sizes for rural economic enterprises in accordance with DPI recommendations.**
- d) **The proposed amendment modifying the constraints map to include the uses within the Shire which were originally omitted is supported;**
- e) **The proposed amendment including provisions which identify the need for further detailed planning and investigation to occur for the proposed Oakford village, and that this is not the sole responsibility of Council, is supported;**
- f) **The proposed amendment including reference to existing sand mining operations within the Shire is supported; and**
- g) **The proposed amendment including provisions for an appropriate containment buffer to be included around the proposed Oakford village is supported.**

LOST 2/6

FORESHADOWED MOTION

Cr Star foreshadowed a motion changing part b) and c) if the item under debate is defeated

SD084/06/05 COUNCIL DECISION

Moved Cr Star seconded Cr Wigg

Council, in response to the proposed amendments to the draft Jandakot Structure Plan which specifically affect the Shire of Serpentine-Jarrahdale, advise the Western Australian Planning Commission that:

- a) **Council does not support a direct change to longer term urban potential for the proposed Oakford village, but instead supports a change to medium to longer term urban potential with an option that urban potential can be brought forward if studies undertaken by landowners and/or developers reveal that both servicing and environmental constraints can be overcome for the area, in a manner acceptable to the Council;**
- b) **Council supports the proposed amendment to only allow rezoning/subdivision south of the proposed Oakford village where in conjunction with rural economic enterprises, subject to the general stipulation of a minimum 4ha lot size and that this proposal does receive endorsement as part of Council's local planning strategy. This proposal and the Oakford Village site are intrinsically linked and should not progress individually until detailed planning has occurred through the development of the Shire's local planning strategy.**
- c) **That council advise the Western Australian Planning Commission that until detailed planning has been completed for the Oakford Village site and surrounding area in the Shire's local planning strategy that no further subdivision of lots should occur (particularly the subdivision of 4 hectare lots to 2 hectares) that will prejudice the outcomes of the investigations.**
- d) **The proposed amendment modifying the constraints map to include the uses within the Shire which were originally omitted is supported;**
- e) **The proposed amendment including provisions which identify the need for further detailed planning and investigation to occur for the proposed Oakford village, and that this is not the sole responsibility of Council, is supported;**
- f) **The proposed amendment including reference to existing sand mining operations within the Shire is supported; and**
- g) **The proposed amendment including provisions for an appropriate containment buffer to be included around the proposed Oakford village is supported.**

CARRIED 7/1

Committee Note: The Officer Recommended Resolution was amended as there was a need to clarify the link between the Oakford village and the proposed agribusiness area.

Council Note: The Committee Recommended Resolution was changed in part b) to clarify the link between the Oakford Village and the proposed agribusiness area by setting out that the local planning strategy is the appropriate planning mechanism to address issues and detailed planning of the area and by way of clarification in part c) to reinforce the Shire's planning process in regards to addressing land use in this area.

Cr Hoyer declared a financial interest in item SD085 as he does some work for the neighbour who is an objector to the proposal and left the meeting at 7.56pm

SD085/06/05 PROPOSED STABLES, DRESSAGE & TRAINING ARENA – LOT 22 (#28) COLLEGE COURT, SERPENTINE (P02253/01)		
Proponent:	Dykstra & Associates	In Brief The applicant seeks planning approval for stables, dressage & training arena. It is recommended that the application be conditionally approved.
Owner:	G & S Price	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	27 May 2005	
Previously	NA	
Disclosure of Interest	Cr Hoyer	
Delegation	Council	

Owner: G & S Price
 Owner's Address: 28 College Court, Serpentine
 Applicant: Dykstra & Associates
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott
 Date of Receipt: 23 February 2005
 Advertised: 5 April – 6 May 2005
 Submissions: 4 submissions from neighbours and government agencies
 Lot Area: 4.4811 ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural Living B
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 25 May 2005

Background

The applicant seeks planning approval from the Shire for the establishment of stables, a dressage and training arena and the keeping of horses on the subject property.

Extracts of the development application as submitted by Dykstra & Associates are as follows:

Overview:

The application proposes an equestrian facility with stables, dressage and training arena and pastured paddock areas for a maximum of ten (10) horses. The landowners intend to breed and train their own horses for performance in dressage and eventing competitions.

The key land uses and development depicted on the Development Plan include:

*Allocation of eight (8) irrigated paddocks for the keeping of horses;
 A post and rail fenced area of 60 x 20m to be allocated for international sized dressage arena;
 A stable of suitable size (20 x 20m) to house ten (10) horses and store associated machinery and equipment.*

A copy of the Development Site Plan and Stable Plans are with attachments marked SD085.1/06/05.

Siting & Design:

The development and land use arrangements have been designed with an emphasis on protecting and enhancing the visual appearance of the land from College Court, protecting the rural residential amenity of adjoining properties, reflecting existing developments and structures on site and recognising different levels of land capability on the site.

The existing and proposed buildings will have adequate setbacks and screening from the College Court frontage.

Management Plan:

Pasture Types

Four of the fenced paddocks closest to College Court are currently irrigated, and the remaining four non-irrigated paddocks will be irrigated as part of this proposal, with the intent of providing a substantial yearly food supply for the horses.

Pasture Management & Maintenance

To prevent overgrazing, paddocks will be subjected to one night's grazing every two days and horses will be stabled 36 hours over a 48 hour period during the summer months. During winter, horses will graze during the day and be stabled every night. Irrigated pastures will be fertilised and seeded on a regular basis.

Waste & Manure Management

Manure from stables and all pastures is to be collected on a regular basis and is to be taken off site or used on site as fertiliser where required. Manure is stockpiled on a suitable hardstand surface and covered with plastic for a short period to allow composting to occur and to keep the manure dry. Once the manure has been composted it is used to fertilise pasture.

Dust Management

The training area will be topped with crushed limestone to a depth of 100mm. A sprinkler system is to be installed within the dressage and training arena to prevent wind blown dust.

Drainage Swale

A seasonal drainage swale traverses the land in an east-west direction at the rear of the paddock nearest to the southern boundary. The swale will be fenced on both sides to restrict access by the horses. Wash down water from stables and manure storage areas will be contained and managed on site via the use of the proposed landscape nutrient stripping detention basin.

Further, stables and manure storage areas are well set back from the swale and stormwater generally will be collected via soak wells located on the property.

Vegetation

Horses will be fenced in pastured areas away from existing trees and bushland. The property boundary is fenced also to avoid stock from entering the site. Tree planting is proposed in appropriate locations throughout the property and all fencing will consist of a post and two rail arrangement.

Horse Management

A horse in training and work, plus selected breeding horses (up to a total of ten [10]) will be stabled at night and turned out to paddocks during the day. Horses will be provided with supplementary feed of chaff, grain and hay twice daily.

Sustainability Statement

Effect on Environment: If the land is managed in accordance with the submitted Stock Management Plan then it is considered that the impact on the environment will be minimal. The applicant has obtained a Groundwater Licence from the Water and Rivers Commission to irrigate 2 hectares of the property. This will help to maintain the pasture in the paddocks and will help to suppress dust.

The proposed practice of hand feeding the horses in the paddocks reduces the amount of vegetative cover eaten and the continual rotation of the horses into different paddocks ensures that the paddocks have a chance to regenerate. Under the Planning Guidelines for Nutrient and Drainage Management within Council's Rural Strategy relating to the stabling of horses, the current use of the property falls under Class 2. This requires the applicant to have a strong understanding of horse management. This is demonstrated in the management plan.

The proposal may have an impact on the underground aquifers through nutrient discharge on the property which may in turn affect the adjoining Organic Spring Water Bottling Company. This issue will require further investigation to demonstrate there will not be an adverse impact prior to commencement of construction and use.

Resource Implications: It is considered that there are no resource implications associated with the proposal as the subject lot is already serviced and has a licence from the Water and Rivers Commission to draw groundwater for the purpose of irrigation.

Use of Local, Renewable or Recycled Resources: It is considered that the proposal may use locally available and produced resources for the operation of the horse activities on the property.

Economic Viability: It is considered that the proposal will be economically viable in a way that incorporates its external costs.

Economic Benefits: If contamination of the underground aquifer occurs through nutrient discharge on the property, then the adjoining Organic Spring Water Bottling Company may be impacted.

Social – Quality of Life and Social and Environmental Responsibility: It is considered that the proposal will not impact dramatically on the quality of life for surrounding residents. The only issue that may arise relates to the possible contamination of the underground aquifer through nutrient discharge. This issue will require further investigation to demonstrate there will not be an adverse impact prior to commencement of construction and use.

It is considered that the proposal will be environmentally responsible if managed in strict accordance with the Stock Management Plan.

Social Diversity: The proposal does not disadvantage any social groups.

Statutory Environment:

Town Planning & Development Act 1928
Shire of Serpentine Jarrahdale Town Planning Scheme
No.2

Policy/Work Procedure Implications:

Shire of Serpentine Jarrahdale Rural Strategy 1994 –
'Planning Guidelines For Nutrient management'
SPP No.2 – The Peel-Harvey Coastal Plain Catchment

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategy:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategy:

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

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

Strategy

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

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Although not a legislative requirement under the Scheme, the proposal was referred to adjoining landowners for comment for a period of three (3) weeks. The application was also referred to the Department of Environment, the Bush Forever Office and Main Roads WA as

the lot abuts South Western Highway. Two submissions from neighbours were received as well as comments from the Department of Environment and Main Roads WA. No comments were received from Bush Forever.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/Support/Dismiss)
A3500	<p>Concerned for the following reasons: That the amount of watering proposed will lower the local water table.</p> <p>We have already had one bore run dry when the water bottling plant began operation nearby.</p>	<p>The Water & Rivers Commission has issued a groundwater licence to the applicant to irrigate up to 2ha of pasture. On the licence it states that "should the licensee's draw adversely affect the aquifer or other users in the area, the Water & Rivers Commission may reduce the amount that may be drawn". Any effects on the groundwater levels or on surrounding properties will be managed by the Water & Rivers Commission and not the Shire.</p>	Comments noted
A7700	<p>Concerned for the following reasons: We are very concerned about contamination such a proposal may inflict on the fragile environment of our location.</p> <p>Most of our concern is about manure and urine contamination of the soil along with chemical residues left by the maintenance and treatment of such an industry over time.</p> <p>Considering the nature of our business (bottling of organic spring water) we would object to the proposal unless Council can adequately demonstrate to us that such a venture would not affect our livelihood now or in the future.</p>	<p>Nutrient discharge from the proposal into the environment is a valid concern. The Department of Environment has requested that the flooring of the stables be constructed of concrete to prevent nutrients leaching into the ground. Furthermore, conditions can be imposed stipulating when and how manure is to be disposed of.</p> <p>Council's Environmental Health Officer visited the property with the submitter to discuss a few of the contamination issues. The Health Officer's comments are listed later in the report.</p> <p>Part of the recommendation to Council will be that the risk of contamination is assessed/established before any approval is issued to the applicant.</p>	Comments noted. Appropriate conditions can be placed on the approval to address these concerns.

Comments from Government Agencies

Department of Environment:

The Department of Environment has assessed the proposal and has no objections subject to the following conditions:

1. *Impervious Stable Floor*

The Department of Environment recommends that the entire stable floor should be concrete. The Department of Environment does not support the use of crushed limestone, for a stable designed for 10 horses, as an impervious floor.

2. *Water Quality Monitoring*

The Department of Environment recommends that Water Quality Monitoring be conducted twice yearly with the results provided to the Department of Environment Mandurah. The proponent should be required to install groundwater monitoring bores on the east and west side of the property, in line with the proposed Landscape Nutrient Stripping Detention Swale, to determine the quality of groundwater entering and exiting the subject property.

The Department of Environment also provided an advice note relating to the need to obtain a licence to abstract groundwater. The applicant has already obtained this licence.

Main Roads WA:

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

- 1 *No earthworks shall encroach onto the South Western Highway reserve.*
- 2 *No stormwater drainage shall be discharged onto the South Western Highway reserve.*
- 3 *No vehicle access shall be permitted onto the South Western Highway reserve.*
- 4 *The applicant shall make good any damage to the existing verge vegetation within the South Western Highway reservation.*
- 5 *Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost.*

The conditions that are recommended by the Department of Environment and Main Roads WA are included in the Officers Recommendation.

Officer's Comment:

Stocking Rates:

According to the Land Resources Map, the soil type on the property is F2b – Ridge Hill Shelf (foothills). This soil type covers the entire property.

Recommended stocking rates for the above mentioned soil type is 10DSE/ha on dry pasture and 25DSE/ha on irrigated pasture. Based on the Irrigation licence from the Water and Rivers Commission and the information contained within the Stock Management Plan, approximately 1.93 ha of the land will be irrigated with 0.96 ha remaining dry. The rates are as follows:

0.96ha of dry pasture = $0.96 \times 10 = 9.6\text{DSE}$

1.93ha of irrigated pasture = $1.93 \times 25 = 48.25\text{DSE}$

Total = 57.85 DSE = 5.8 horses.

If the applicant wants 10 horses then they need to be stabled for x hours per day.

$$X = 24 - [24 * (5.8/10)]$$
$$X = 10.08 \text{ hours}$$

The calculation shows that the land can sustain 5.8 horses if grazing 100% of the time. If the applicant is seeking to keep 10 horses on the property, then they will need to be stabled for a minimum of 11 hours out of each 24 hour period.

Although above the general recommended stocking rate, 10 horses can be kept on the property if stabled 11 hours a day and the land irrigated in accordance with the Licence to take Water and the Stock Management Plan.

Town Planning Scheme No.2:

The subject lot is zoned 'Special Rural' under Council's Town Planning Scheme No.2. Within the scheme, the proposed use fits the definition of a 'Rural Use'. A 'Rural Use' is defined as follows:

Rural Use - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (i) the growing of vegetables, fruit, cereals, or food crops except for domestic purposes;
- (ii) the rearing or agistment of goats, sheep, cattle, or beasts of burden;
- (iii) the stabling, agistment or training of horses, or other ungulates;
- (iv) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (v) the sale of produce grown solely on the lot.

The proposed use of the land for the keeping, breeding, training and stabling of horses complies with part (iii) above. A 'Rural Use' is classified as an 'AA' use within the scheme which means that Council may, at its discretion, permit the use.

Within the Scheme, Special Provision 6.1 of the 'Summerfields Estate' states that "*no building shall be constructed within 80 metres of the South Western Highway*". The location of the proposed stables complies with this requirement.

The proposed use complies with the requirements under Council's Town Planning Scheme No.2.

Rural Strategy:

Within the Rural Strategy, the subject lot is identified as 'Rural Living B'. An objective of the Rural Living zone is:

- RL8. To provide opportunities for, and control over, rural enterprises conducted in association with rural living, for example:
- Craft, cottage and tourist industries;
 - Truck parking, landscape supplies, and nurseries;
 - Horse management and riding school activities;** and
 - Home based light industry.

As such, stables are identified as a 'desirable' use within the Rural Living zone.

It is, therefore, considered that the proposed use complies with the intent of the Rural Living zone.

Appendix 4 of the Council's Rural Strategy – 'Planning Guidelines for Nutrient Management', refers to a three-class system which has been developed by Council to assist in administering the approval process. The classes are based on the intensity of stocking and the purpose for which stock is kept.

The proposal to stable 10 horses on the subject property is only for private use and is over the recommended stocking rate for dry pasture. The proposal for keeping of stock on the subject land is a Class 2 application. Class 2 proposals for keeping of stock are defined as follows in the Planning Guidelines For Nutrient Management:

Class 2 *"The keeping of stock at above the general recommended stocking rate determined by the Council, or any specific rate as may be struck by the Council for a specific lot, but not for the "purposes of trade, commercial reward or gain"*

The following is stated in Clause 3.2 of the Planning Guidelines for Nutrient Management:

"Stables under CLASS 2

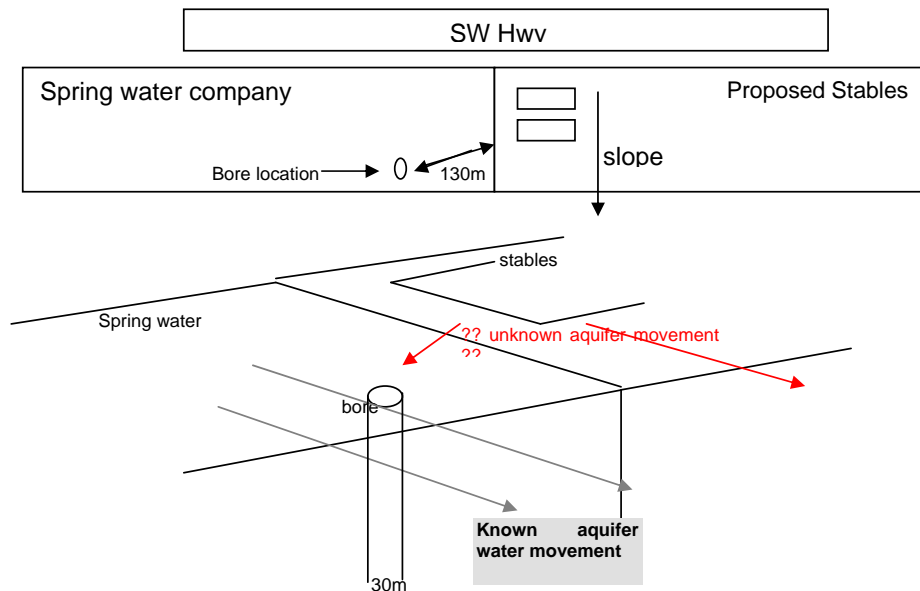
Planning approval will only be given in exceptional circumstances where the lot owner demonstrates a high level of competence and understanding of stock management and the potential for nutrient losses, and a management plan to the satisfaction of Council".

It is considered that the applicant has submitted a satisfactory management plan that details exactly how the land will be managed. However, insufficient information has been provided to assess the impacts on the adjoining Organic Spring Water bottling company. It is recommended that further investigation into the possible contamination of the adjoining properties occur prior to any approval being granted.

Environmental Health Comments:

Comments from Council's Environmental Health Officer in respect to the possible contamination of the adjoining Organic Spring Water Bottling Company are as follows:

Representation of the Site (not exact block shapes)



Area of interest	Officer Comments
Impacts from contaminates (nutrients and chemical) into underground aquifer.	Due to the unknown circumstances relating to the nature of the aquifer it is impossible to confirm that the stables will not influence the spring water quality.
Risk of Nutrients affecting water quality:	Low risk, due to the nature of the soils and the distance over which the nutrients would travel (over 100m horizontal separation).
Likelihood of Nutrients affecting water quality:	It is unlikely that the aquifer would flow across the slope of the land but is not impossible to assume and given the soil type and horizontal separation it would be extremely unlikely to occur. (this can be reinforced by scientific evidence from CSIRO (Simon Toze) in nutrient transport in aquifers)
Councils responsibility:	<i>To enforce Section 129 & 130 of the Health Act 1911 which states:</i> S129 Pollution of water Supply – Any person who pollutes a water supply or catchment...commits offence S130 Riparian rights - <i>Whenever the pollution of any water supply becomes or is likely to become injurious to health, the local government shall, for the purpose of preventing such pollution, have within its district the rights of a riparian proprietor, and may enforce such rights by proceeding in any court of competent jurisdiction against the person in default, and may generally prevent the pollution of water.</i>
Risk of Chemical contaminants affecting water quality:	There is some evidence to suggest that chemical contaminants can remain in suspension through aquifers for greater than the existing setbacks. The risk can be assumed to be high given that the unknown situation with the flow direction in the aquifer.
Likelihood of Chemical contaminants affecting water quality:	It is likely if the aquifer flows in the direction of the spring water bore, across the contours, (worst case scenario) that contamination will occur. It is unlikely if the aquifer flows in the direction of the natural slope of the land that any contamination will occur at all.
Councils responsibility:	To enforce Section 129 & 130 of the Health Act 1911

Recommendation

That the applicant engage a consultant to demonstrate that there will be no adverse impact on the underground aquifer.

The above recommendation is supported to ensure that no contamination of the aquifer will occur through the keeping of ten (10) horses on the property.

Conclusion

The proposed use of the land complies with the requirements as stipulated under Council's Town Planning Scheme No.2 and the Rural Strategy as it is a use which can be approved within the Special Rural zone. The Management Plan as submitted by the applicant is adequate and details how each aspect of the land will be managed. Furthermore, the number of horses that have been applied for can be adequately accommodated on the

property if they are stabled for part of the day and managed in accordance with the submitted Management Plan.

Generally an application such as this one can be approved relatively easily with a list of standard conditions that are imposed on all horse and stable applications. However, the presence of the Organic Spring Water Bottling Company on the northern boundary of the subject lot poses a number of concerns. The application briefly details how nutrients and waste on site are to be managed through regular disposal and a proposed landscaped nutrient stripping detention basin. Through a thorough assessment of the application and site visits to the property, it is not certain whether or not the underground aquifers will be contaminated through the proposed uses of the land.

Therefore, subject to the applicant providing evidence that the use will not contaminate underground water resources or adversely impact on the current approved use of the adjoining property, the application for Lot 22 College Court, Serpentine is recommended for approval.

Voting Requirements: ABSOLUTE MAJORITY

SD085/06/05 Committee/Officer Recommended Resolution:

- A. The applicant is to provide quantitative evidence and independent certification from a suitably qualified and experienced professional that the proposed use will not impact the underground aquifers in respect of both water quality and water quantity to the satisfaction of the Director Sustainable Development.
- B. Subject to compliance with A. above, the Director Sustainable Development is granted delegated authority to approve the application for stables and a dressage and training arena on Lot 22 (#28) College Court, Serpentine subject to the following conditions:
 - 1 A building licence is required to be obtained prior to the commencement of any development (including earthworks).
 - 2 Horses are to be kept and land managed in accordance with the management plan attached to and forming part of this approval.
 - 3 The stables are to be constructed of new materials.
 - 4 The stables are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
 - 5 No direct discharge of stormwater into watercourses or drainage lines.
 - 6 All stormwater runoff from roofs and hardstand areas to be disposed of on-site.
 - 7 Only materials and colours as identified on the approved plans are to be used in the construction of the structure unless the prior written approval of the Shire is obtained.
 - 8 A maximum of ten (10) horses are permitted to be kept on the property.
 - 9 Stock are to be stabled a minimum of eleven (11) hours out of each twenty-four (24) hour period.
 - 10 Manure from paddocks is to be collected twice weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
 - 11 The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
 - 12 Stock are to be kept out of any paddock that is partially or completely inundated with water.
 - 13 All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
 - 14 All existing drainage lines and areas are to be fenced off from stock.

- 15 All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
- 16 The stable is to be constructed with a concrete floor that shall contain all wash-down water and runoff and direct it to an alternative treatment unit for effluent disposal.
- 17 Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’ (attached).
- 18 The proponent is to install groundwater monitoring bores on the east and west side of the property near the boundary and undertake water quality monitoring of these bores for total nitrogen, nitrate, nitrite, ammonia, electrical conductivity, orthophosphate and phosphorous every six months as a minimum and provide the results to the Department of Environment.
- 19 All trees and vegetation are to be fenced off from stock prior to the commencement of use.
- 20 All declared and environmental weeds are to be eliminated from the lot.
- 21 All revegetation works are to be fenced to prevent access by stock.
- 22 No earthworks shall encroach onto the South Western Highway reserve.
- 23 No stormwater drainage shall be discharged onto the South Western Highway reserve.
- 24 No vehicle access shall be permitted onto the South Western Highway reserve.
- 25 The applicant shall make good any damage to the existing verge vegetation within the South Western Highway reservation.
- 26 Redundant driveways shall be removed and the verge and its vegetation made good at the applicant’s cost.

Advice Note:

- 1 In relation to condition 18, the proponent is required to install groundwater monitoring bores on the east and west side of the property to determine the quality of groundwater entering and exiting the subject property. Please contact the Department of Environment in Mandurah on 9550 4222 for further information.

SD085/06/05 NEW MOTION

Moved Cr Price

- A. The applicant is to provide quantitative evidence and independent certification from a suitably qualified and experienced professional that the proposed use will not impact the underground aquifers in respect of both water quality and water quantity to the satisfaction of the Director Sustainable Development.
- B. Subject to compliance with A. above, the Director Sustainable Development is granted delegated authority to approve the application for stables and a dressage and training arena on Lot 22 (#28) College Court, Serpentine subject to the following conditions:
 - 1 A building licence is required to be obtained prior to the commencement of any development (including earthworks).
 - 2 Horses are to be kept and land managed in accordance with the management plan attached to and forming part of this approval.
 - 3 The stables are to be constructed of new materials.
 - 4 The stables are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
 - 5 No direct discharge of stormwater into watercourses or drainage lines.
 - 6 All stormwater runoff from roofs and hardstand areas to be disposed of on-site.

- 7 Only materials and colours as identified on the approved plans are to be used in the construction of the structure unless the prior written approval of the Shire is obtained.
- 8 A maximum of six (6) horses are permitted to be kept on the property.
- 9 Manure from paddocks is to be collected twice weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
- 10 The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
- 11 Stock are to be kept out of any paddock that is partially or completely inundated with water.
- 12 All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
- 13 All existing drainage lines and areas are to be fenced off from stock.
- 14 All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
- 15 The stable is to be constructed with a concrete floor that shall contain all wash-down water and runoff and direct it to an alternative treatment unit for effluent disposal.⁸
- 16 Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’ (attached).
- 17 The proponent is to install groundwater monitoring bores on the east and west side of the property near the boundary and undertake water quality monitoring of these bores for total nitrogen, nitrate, nitrite, ammonia, electrical conductivity, orthophosphate and phosphorous every six months as a minimum and provide the results to the Department of Environment.
- 18 All trees and vegetation are to be fenced off from stock prior to the commencement of use.
- 19 All declared and environmental weeds are to be eliminated from the lot.
- 20 All revegetation works are to be fenced to prevent access by stock.
- 21 No earthworks shall encroach onto the South Western Highway reserve.
- 22 No stormwater drainage shall be discharged onto the South Western Highway reserve.
- 23 No vehicle access shall be permitted onto the South Western Highway reserve.
- 24 The applicant shall make good any damage to the existing verge vegetation within the South Western Highway reservation.
- 25 Redundant driveways shall be removed and the verge and its vegetation made good at the applicant’s cost.

Advice Note:

- 1 In relation to condition 18, the proponent is required to install groundwater monitoring bores on the east and west side of the property to determine the quality of groundwater entering and exiting the subject property. Please contact the Department of Environment in Mandurah on 9550 4222 for further information.

Motion LOST for want of a seconder

Council Note: Cr Price moved a new motion reducing the number of horses in condition 8 from ten horses to six horses and by deleting condition 9 of the original motion.

SD085/06/05 COUNCIL DECISION

Moved Cr Star seconded Cr Murphy

A. The applicant is to provide quantitative evidence and independent certification from a suitably qualified and experienced professional that the proposed use will not impact the underground aquifers in respect of both water quality and water quantity to the satisfaction of the Director Sustainable Development.

B. Subject to compliance with A. above, the Director Sustainable Development is granted delegated authority to approve the application for stables and a dressage and training arena on Lot 22 (#28) College Court, Serpentine subject to the following conditions:

- 1 A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
- 2 Horses are to be kept and land managed in accordance with the management plan attached to and forming part of this approval.**
- 3 The stables are to be constructed of new materials.**
- 4 The stables are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.**
- 5 No direct discharge of stormwater into watercourses or drainage lines.**
- 6 All stormwater runoff from roofs and hardstand areas to be disposed of on-site.**
- 7 Only materials and colours as identified on the approved plans are to be used in the construction of the structure unless the prior written approval of the Shire is obtained.**
- 8 A maximum of ten (10) horses are permitted to be kept on the property.**
- 9 Stock are to be stabled a minimum of eleven (11) hours out of each twenty-four (24) hour period.**
- 10 Manure from paddocks is to be collected twice weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.**
- 11 The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.**
- 12 Stock are to be kept out of any paddock that is partially or completely inundated with water.**
- 13 All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.**
- 14 All existing drainage lines and areas are to be fenced off from stock.**
- 15 All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.**
- 16 The stable is to be constructed with a concrete floor that shall contain all wash-down water and runoff and direct it to an alternative treatment unit for effluent disposal.**
- 17 Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’ (attached).**
- 18 The proponent is to install groundwater monitoring bores on the east and west side of the property near the boundary and undertake water quality monitoring of these bores for total nitrogen, nitrate, nitrite, ammonia, electrical conductivity, orthophosphate and phosphorous every six months as a minimum and provide the results to the Department of Environment.**
- 19 All trees and vegetation are to be fenced off from stock prior to the commencement of use.**
- 20 All declared and environmental weeds are to be eliminated from the lot.**

- 21 All revegetation works are to be fenced to prevent access by stock.
- 22 No earthworks shall encroach onto the South Western Highway reserve.
- 23 No stormwater drainage shall be discharged onto the South Western Highway reserve.
- 24 No vehicle access shall be permitted onto the South Western Highway reserve.
- 25 The applicant shall make good any damage to the existing verge vegetation within the South Western Highway reservation.
- 26 Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost.

Advice Note:

- 1 In relation to condition 18, the proponent is required to install groundwater monitoring bores on the east and west side of the property to determine the quality of groundwater entering and exiting the subject property. Please contact the Department of Environment in Mandurah on 9550 4222 for further information.

LOST 5/2 (NOT AN ABSOLUTE MAJORITY)

Council Note: The Council Decision was the original motion - Committee/Officer Recommended Resolution – which was lost and not an absolute majority.

Cr Hoyer returned to the meeting at 8.05pm

SD088/06/05 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 344 SOUTH WESTERN HIGHWAY, WHITBY (P00035/07)		
Proponent:	WA Blue Metal	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for crushed and screened granite. It is recommended that the extractive industry licence be granted for a six month period until 31 December 2005.
Owner:	Ransberg Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	24 May 2005	
Previously	P055/12/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner:	Ransberg Pty Ltd
Owner's Address:	PO Box 1457, Bibra Lake 6965
Applicant:	WA Blue Metal
Applicant's Address:	As above
Date of Receipt:	20 April 2005
Advertised:	N/A
Submissions:	N/A
Lot Area:	81.0 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	Landscape Protection Policy area
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A

Bush Forever: N/A
Date of Inspection: 3 May 2005

Background

Current Licence

Council at its meeting held on 20 December 2004 resolved to grant an Extractive Industry licence for a period of six months ending 30 June 2005.

A copy of the conditions imposed on the current extractive industry licence is with attachments marked SD088.1/06/05.

Appeal

The owner subsequently lodged an appeal on 17 January 2005 with the State Administrative Tribunal (SAT) under section s377(5) of the Local Government (Miscellaneous Provisions) Act 1960, against the Council's decision to only grant an extractive industry licence for 6 months. The Shire responded to the grounds of the appeal lodged by Ransberg Pty Ltd on 8 February 2005.

WA Blue Metal have also appealed conditions 5, 6, 8, 9, 12, 13, 14, 18, 19, 20, 21, 22, 25, 26 and 35 imposed on their licence. The application for appeal is in the process of mediation with the applicant and the Shire, and at this time no decision has yet been made on the application. The next hearing for mediation is 29 June 2005.

Sustainability Statement

Effect on Environment: The area is currently used as an extractive industry operation. Extractive industries have the potential to have a significant effect on the environment if the operations are not undertaken in accordance with statutory approvals and licence conditions. Possible impacts on the environment include noise, dust, water quality, vegetation and visual amenity. These issues are examined at the time of site visits by Shire officers and if any complaints are received from the public.

Resource Implications and Use of Local, Renewable or Recycled Resources: The proposal will extract a large volume of granite over the life of the extractive industry. The proposal does not specify any specific measures to minimise resource use. The proposal has the potential to use significant amounts of water for dust prevention and fuel for the operation of machinery.

Economic Viability: The extraction of granite has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the land, which is not taken into account in the economic cost of the operation.

Economic Benefits: The operation provides employment opportunities for the community.

Social – Quality of Life, Social and Environmental Responsibility and Social Diversity: The proposal may impact upon the community if the operations do not comply with statutory approvals and licence conditions.

Statutory Environment: Local Government Act 1995.
Town Planning and Development Act.
Extractive Industries – Local Law 1995

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

2.1 A person must not carry on an extractive industry -

- (a) Unless the person is the holder of a valid and current licence; and
- (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

3.2 On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.

RENEWAL OF LICENCE

4.3(4) Upon receipt of an application for the renewal of a licence, the local government may-

- a) refuse the application; or
- b) approve the application on such terms and conditions, if any, as it sees fit.

Policy/Work Procedure

Implications:

Landscape Protection Policy area. The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;
3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South Western Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses;
5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

Extractive Industry Planning Policy. The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.

2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining the level of non compliance with licence conditions to be applied in determining the length of extractive industry licence.
4. To set a process for determining audit review timeframes.
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire officers.

Financial Implications:

The Extractive industry renewal fee has been paid. Costs associated with staff time to undertake site visits for audit purposes and meeting with the landowners to discuss licence conditions would be significant if totalled for the past 6 months.

Strategic Implications:

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

1. People and Community

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

2. Consider specific sites appropriate for industry /commercial development

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

An inspection was undertaken on 3 May 2005, revealing outstanding planning and environmental issues associated with the extractive industry operation.

Staff have held numerous discussions with the landowners and their consultants over the last 6 months. These discussions have provided advice and given direction on how the conditions can be satisfied. The company has shown commitment to improve water quality on the site.

The current licence conditions were required to be satisfied at various dates over the last six months during the term of the current licence, which was granted in December 2004.

As a number of the conditions imposed on the licence are currently under appeal, these will not be reported on. The following is a summary of the operators conditions of that licence not under appeal that have not been complied with.

Condition 7 – Discharge of Suspended Solids

Substantial works have been undertaken on site during the past 6 months to ensure that sediment traps are working and to adequately manage surface water runoff. Revegetation has also been undertaken to help reduce the speed of surface water runoff and therefore is likely to reduce its sediment load.

In regard to the water quality and sediment levels on site, the Environmental Officer states:

An inspection of the brook itself indicated that the water quality was good both above and below the mine site outfalls. However, the site inspection took place on a dry day when there was no outflow from the mine site. Sediment within the brook and overlying the vegetation between the base of the overburden stock pile and the brook indicated that significant amounts of sediment still reach the brook during heavy rain events.

A majority of the water treatment measures to reduce sediment loads are working better and are a substantial improvement compared to the previous year. To ensure that improvements continue in this area, continued monitoring needs to occur. Therefore, it is recommended that the discharge of suspended solids to the environment continue to be monitored to ensure continued improvement to achieve compliance.

It is recommended that this condition remain on the licence.

Condition 15 – Control of Declared and Environmental Weeds

The Environmental Officer states:

The company is initiating another control technique by erecting a fence along the road with sheep being introduced into paddocks on the northern side to assist with weed control.

WA Blue Metal is continuing the same practices in regards to the control of weeds that they have undertaken previously. Although the infestation of weeds this year is worse than other

years, WA Blue Metal are endeavouring to keep this problem under control through other measures other than chemical spraying. It is recommended that this condition remain on the licence and that the Shire works closely with the mine operators to address the weed issue on site.

Condition 16 – 20m Buffer Along the Western Boundary
The Environmental Officer states:

No excavation is taking place within 20 metres of the western boundary. However, the new trench that has been constructed to slow surface waters is most likely within this area. The trench however, can be rehabilitated when the water quality problems are sorted out. The track that goes through this area of the mine is apparently not in use any more.

This is a minor non compliance that can be addressed through rehabilitation. It is recommended that this condition remain in the licence.

Condition 17 – 50m Buffer Along Manjedal Brook

The Environmental Officer states:

This buffer was breached some years ago. The company has measured and marked the buffer with stakes. However, this was not pointed out to officers while in this part of the mine site and was discussed in the office later.

This condition needs to remain on the licence to help minimise environmental damage through the extractive industry operations. The buffer was breached quite a few years ago and no further breach of the buffer has occurred since.

A number of other areas were audited and discussed with the company. These are areas of concern that are currently compliant and need to remain on the licence and be monitored.

Condition 28 – Hazardous Chemicals

The Environmental Officer states:

The company stores fuel in a self bunded rap tank. A hard stand has been constructed at the base of the tank which drains to the centre. The adequacy of this hard stand was discussed on site with some consideration being given to the construction of a small bund around the edge of the hardstand to prevent spillage onto the gravel. An inspection of the self bunded rap tank showed that the spill tray was not full.

The representatives on site were advised of the further measures that can be taken in regards to the storage of chemicals, although the current measures of storage are compliant with this condition. It is recommended that this condition remain on the licence.

Cotton bush is particularly bad at the moment. The company employs the services of a contract weed sprayer but the infestation is worse than usual this year. An additional spraying could have taken place to better control this species this year.

Conclusion

There are three conditions on the current extractive industry licence which have not yet been complied with excluding those under appeal. There are two conditions that are currently compliant but of concern. These conditions need to remain on the current licence.

An assessment was not undertaken in regards to the Extractive Industry Planning Policy as many of the conditions are under appeal.

Over the past six months, a concerted effort has been made by WA Blue Metal to improve the operation of the extractive industry in a number of areas. The water treatment systems have been upgraded and are working more efficiently than previous years and revegetation works are continuing to be undertaken.

As a number of the conditions on the current licence are under appeal and no decision has been made on these, it is recommended that these conditions remain on the new licence. Part of the recommended resolution to Council includes a provision to grant the Director Sustainable Development delegated authority to amend any of the conditions on the new extractive industry licence to allow for changes once a decision on the appeal has been made.

It is therefore recommended that an extractive industry licence be issued for a period of six months until 31 December 2005 allowing for resolution of the outstanding issues. Following this, an assessment against the Extractive Industry Planning Policy will be undertaken to determine the recommended length of the licence.

Voting Requirements: Normal

SD088/06/05 Officer Recommended Resolution:

- A. The extractive industry licence be issued for granite extraction at Lot 344 South Western Highway, Whitby for a six month period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Director Sustainable Development by 15 September 2005. (AD1)
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)
3. The main access road from South Western Highway to Lot 344 is to be sealed and maintained so as not to produce dust emissions.
4. No works are to be exposed to the view from the South Western Highway and the Coastal Plain.

ENVIRONMENTAL

Water Quality

5. The licensee shall prepare by 1 August 2005, a revised Water Management Plan for Director Sustainable Development approval and thereafter implement the approved revised Water Management Plan in its entirety. (WQ1)
6. The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and incompletely vegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials. (W03)
7. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimized the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams. (W04)
8. The quality of water in Manjedal Brook at the western boundary of the site is to be within 10 percent of the quality of water at the eastern boundary of the site.
9. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after significant (25mm) rainfall events and are to be

analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory. (WQ7)

10. On receipt of water sample data which is non compliant with the target levels set out in conditions 8, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence. (WQ8)
11. The licensee is to ensure that there are no interruptions or obstructions to the flow of Manjedal Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation. (WQ9)

Biodiversity Management

12. The licensee shall prepare by 1 August 2005, a Biodiversity and Landscape Management Plan for Director Sustainable Development approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety. (BM1)
13. Revegetation of forest, bushland and riparian habitats is to be:
 - a) With locally occurring native tree, shrub and groundcover plant species;
 - b) Achieve a minimum survival of 500 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - c) Achieve a plant diversity of at least 60% of the plant diversity at an agreed natural community reference site with at least 5 species established per 100m²;
 - d) Be managed adaptively to approximate the community structure of an agreed natural community reference site for as long as quarry activities occur on the site and for a minimum of three years after complying with the density target above; and
14. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre. (BM4)
15. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development. (BM5)
16. The licensee is to maintain a 20 metre buffer along the western boundary of Location 344 South Western Highway. (BM6)
17. The licensee is to maintain a buffer zone extending at least 50 metres along either side of Manjedal Brook within which no vegetation is to be disturbed and no stockpile materials is to encroach.

Dust

18. The licensee shall prepare by 1 August 2005 a Dust Management Plan for Director Sustainable Development approval and thereafter implement the approved Dust Management Plan in its entirety. (D1)
19. The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons. (D2)
20. The licensee shall ensure that all loads entering and leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance. (D4)

Noise

21. The licensee shall prepare by 1 August 2005 a Noise Management Plan for Director Sustainable Development approval and thereafter implement the approved Noise Management Plan in its entirety. (N1)
22. Site works including haulage is to take place only between the hours of 6am and 6pm Monday to Saturday. (N3)
23. Blasting is to only take place between the hours of 7am and 6pm. (N3)
24. The licensee must notify the Director Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site. (N4)
25. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the *Environmental Protection (Noise) Regulations 1997*.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity. (N5)
26. The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure. (N6)
27. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;the licensee shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence. (N7)

Hazardous Chemicals

28. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. (HC1)
29. The compounds described in condition 28 shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and metres associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);

- e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water. (HC2)
30. The licensee shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. (HC3)
31. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations. (HC4)
32. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by Serpentine Jarrahdale Shire representatives. (HC5)
31. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. (HC6)

Minimal Impact Management

33. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility. (IMP1)
34. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties. (IMP2)

Engineering

35. The licensee shall submit by 1 August 2005 a report from a certified Geotechnical Engineer on the short, medium and long term stability of all non-operational stockpiles and bund walls. (ENG1)
- B. Council resolves to refer the potential breaches of Council's Extractive Industry Local Law identified within this report to Council's solicitors for assessment prior to making a recommendation to Council as to whether to undertake legal action.
- C. The Director Sustainable Development be granted delegated authority to amend any condition on the extractive industry licence once a decision has been made with respect to the current appeal and a future appeal if submitted for this licence.

Advice Notes:

PLANNING

1. The annual report is to:
- a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next twelve months
 - e) identify any proposed changes to approved management plans
2. Compliance with the conditions of the Shire of Serpentine – Jarrahdale planning approval dated 28 February 2002.
3. Compliance with Approval to Commence Development granted by the WA Planning Commission issued on the 23 December 2002. This approval expires on 23

December 2004 and a new planning approval must be obtained from the Western Australian Planning Commission.

4. 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.
5. A further licence renewal fee (for 2006) must be submitted to Council by the 1 November 2005 in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and would be subject to full compliance with the above conditions.

Water Quality

6. For the purpose of condition 8, "Quality" refers to the concentrations of total suspended solids, hydrocarbons and nutrients and heavy metals.
7. The Water Management Plan is to include text and diagrams that detail:
 - a) The designs and locations of pollution control infrastructure including traps, filters and bunds to meet water quality conditions;
 - b) Proposed management of existing natural water courses;
 - c) A water sampling programme describing the sample sites, and operation procedures for collecting samples, sending them for analysis, storing the data and notifying the Director Sustainable Development if required. (refer condition 5)
8. The written report in relation to condition 10 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
9. The Biodiversity and Landscape Management Plan (condition 12) should include text and diagrams and is to:
 - a) Include a statement of biodiversity values within that area of the site that is on the northern side of Manjedal Brook;
 - b) Identify threats to and pressures on biodiversity values;
 - c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
 - d) Include at least one scaled map of the site north of Manjedal Brook which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole site;
 - e) Illustrate and describe land contours at proposed stages of the development including the current stage of development and following completion of extractive industry activities;
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;
 - g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - h) Locate on the map and describe all end point land uses and associated vegetation types for example forest, agricultural parkland cleared, visual screening, aquatic, industrial and riparian;
 - i) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
 - j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
 - l) Illustrate and describe the drainage proposed at different stages of quarry activities including what is proposed on completion of the quarrying activities;
 - m) Locate fire breaks on the map (Include copies of any necessary State Government approvals for clearing).

- n) Describe stages and where possible, timeframes for proposed industry operation and site rehabilitation.

Dust

- 10. The Dust management Plan is to include information relating to:
 - a) The prevailing winds;
 - b) Buffers;
 - c) Proposed dust control measures including vegetated screening;
 - d) Any proposed dust monitoring;
 - e) Potential sources of complaints about dust including a map showing the proximity of dwellings and sensitive land uses;
 - f) Procedures to both document and address complaints with complainants and regulatory authorities. (refer condition 18).

Noise

- 11. The Noise Management Plan is to consist of text and diagrams and include-

An acoustic consultants report that identifies:

- a) All potential sources of noise;
- b) Shows noise contours;
- c) Details proposed noise management measures for each source which may include monitoring, crusher cover, buffers and vegetation or other screening;

Details of complaints management that identifies:

- a) Potential sources of complaints including local residences;
- b) Procedures to both document and address complaints with complainants and regulatory authorities. (refer to condition 21)

- 12. The written report in relation to condition 27 is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other limits prescribed in this licence, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
- 13. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the environmental management system is approved, further licenses could be redrafted to remove individual conditions and instead refer to the approved environmental management system document.
- 14. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
- 15. The geotechnical report refers generally to large structures which have already been rehabilitated, or the licensee plans to rehabilitate. It needs to address short (within five years), medium (20 years) and long term (50 to 100 years) time frames and should include for each structure:
 - a) an assessment of overall stability in relation to slumping;
 - b) the stability of individual components for example the likelihood and consequences of any boulder being dislodged from its current position on any rock wall;
 - c) the stability of surface layers in relation to rates of erosion;
 - d) engineering options to ensure the short, medium and long term stability if the geotechnical engineer considers any aspect of the structure to be unstable.

LOST 0/7

Committee Note: This motion was lost because the crusher noise has not been adequately addressed.

SD088/06/05 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Star seconded Cr Price

- A. The extractive industry licence be issued for granite extraction at Lot 344 South Western Highway, Whitby for a six month period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Director Sustainable Development by 15 September 2005. (AD1)
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)
3. The main access road from South Western Highway to Lot 344 is to be sealed and maintained so as not to produce dust emissions.
4. No works are to be exposed to the view from the South Western Highway and the Coastal Plain.

ENVIRONMENTAL

Water Quality

5. The licensee shall prepare by 1 August 2005, a revised Water Management Plan for Director Sustainable Development approval and thereafter implement the approved revised Water Management Plan in its entirety. (WQ1)
6. The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and incompletely vegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials. (W03)
7. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimized the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams. (W04)
8. The quality of water in Manjedal Brook at the western boundary of the site is to be within 10 percent of the quality of water at the eastern boundary of the site.
9. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after significant (25mm) rainfall events and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory. (WQ7)
10. On receipt of water sample data which is non compliant with the target levels set out in conditions 8, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence. (WQ8)
11. The licensee is to ensure that there are no interruptions or obstructions to the flow of Manjedal Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation. (WQ9)

Biodiversity Management

12. The licensee shall prepare by 1 August 2005, a Biodiversity and Landscape Management Plan for Director Sustainable Development approval and

- thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety. (BM1)
13. Revegetation of forest, bushland and riparian habitats is to be:
- With locally occurring native tree, shrub and groundcover plant species;
 - Achieve a minimum survival of 500 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - Achieve a plant diversity of at least 60% of the plant diversity at an agreed natural community reference site with at least 5 species established per 100m²;
 - Be managed adaptively to approximate the community structure of an agreed natural community reference site for as long as quarry activities occur on the site and for a minimum of three years after complying with the density target above; and
14. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre. (BM4)
15. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development. (BM5)
16. The licensee is to maintain a 20 metre buffer along the western boundary of Location 344 South Western Highway. (BM6)
17. The licensee is to maintain a buffer zone extending at least 50 metres along either side of Manjedal Brook within which no vegetation is to be disturbed and no stockpile materials is to encroach.

Dust

18. The licensee shall prepare by 1 August 2005 a Dust Management Plan for Director Sustainable Development approval and thereafter implement the approved Dust Management Plan in its entirety. (D1)
19. The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons. (D2)
20. The licensee shall ensure that all loads entering and leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance. (D4)

Noise

21. The licensee shall prepare by 1 August 2005 a Noise Management Plan having particular regard for the crusher for Director Sustainable Development approval and thereafter implement the approved Noise Management Plan in its entirety. (N1)
22. Site works including haulage is to take place only between the hours of 6am and 6pm Monday to Saturday. (N3)
23. Blasting is to only take place between the hours of 7am and 6pm. (N3)
24. The licensee must notify the Director Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site. (N4)
25. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
- the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the *Environmental Protection (Noise) Regulations 1997*.
 - the peak particle velocity from any single blast does not exceed 10 millimetres per second;

- c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.(N5)
26. The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure. (N6)
27. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
- a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;
- the licensee shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence. (N7)

Hazardous Chemicals

28. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. (HC1)
29. The compounds described in condition 28 shall:
- a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and metres associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water. (HC2)
30. The licensee shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. (HC3)
31. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations. (HC4)
32. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by Serpentine Jarrahdale Shire representatives. (HC5)

31. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. (HC6)

Minimal Impact Management

33. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility. (IMP1)
34. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties. (IMP2)

Engineering

35. The licensee shall submit by 1 August 2005 a report from a certified Geotechnical Engineer on the short, medium and long term stability of all non-operational stockpiles and bund walls. (ENG1)
- B. Council resolves to refer the potential breaches of Council's Extractive Industry Local Law identified within this report to Council's solicitors for assessment prior to making a recommendation to Council as to whether to undertake legal action.
- C. The Director Sustainable Development be granted delegated authority to amend any condition on the extractive industry licence once a decision has been made with respect to the current appeal and a future appeal if submitted for this licence.

Advice Notes:

PLANNING

1. The annual report is to:
- comply with provisions in the Serpentine Jarrahdale Extractive Industry Local law relating to requirements for documentation to accompany applications for renewal of licences;
 - include results of any dust, noise, water, biodiversity and complaints monitoring
 - provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence
 - provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next twelve months
 - identify any proposed changes to approved management plans
2. Compliance with the conditions of the Shire of Serpentine – Jarrahdale planning approval dated 28 February 2002.
3. Compliance with Approval to Commence Development granted by the WA Planning Commission issued on the 23 December 2002. This approval expires on 23 December 2004 and a new planning approval must be obtained from the Western Australian Planning Commission.
4. 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.
5. A further licence renewal fee (for 2006) must be submitted to Council by the 1 November 2005 in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and would be subject to full compliance with the above conditions.

Water Quality

6. For the purpose of condition 8, “Quality” refers to the concentrations of total suspended solids, hydrocarbons and nutrients and heavy metals.
7. The Water Management Plan is to include text and diagrams that detail:
 - a) The designs and locations of pollution control infrastructure including traps, filters and bunds to meet water quality conditions;
 - b) Proposed management of existing natural water courses;
 - c) A water sampling programme describing the sample sites, and operation procedures for collecting samples, sending them for analysis, storing the data and notifying the Director Sustainable Development if required. (refer condition 5)
8. The written report in relation to condition 10 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
9. The Biodiversity and Landscape Management Plan (condition 12) should include text and diagrams and is to:
 - a) Include a statement of biodiversity values within that area of the site that is on the northern side of Manjedal Brook;
 - b) Identify threats to and pressures on biodiversity values;
 - c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
 - d) Include at least one scaled map of the site north of Manjedal Brook which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole site;
 - e) Illustrate and describe land contours at proposed stages of the development including the current stage of development and following completion of extractive industry activities;
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;
 - g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - h) Locate on the map and describe all end point land uses and associated vegetation types for example forest, agricultural parkland cleared, visual screening, aquatic, industrial and riparian;
 - i) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
 - j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
 - l) Illustrate and describe the drainage proposed at different stages of quarry activities including what is proposed on completion of the quarrying activities;
 - m) Locate fire breaks on the map (Include copies of any necessary State Government approvals for clearing).
 - n) Describe stages and where possible, timeframes for proposed industry operation and site rehabilitation.

Dust

10. The Dust management Plan is to include information relating to:
 - a) The prevailing winds;

- b) Buffers;
- c) Proposed dust control measures including vegetated screening;
- d) Any proposed dust monitoring;
- e) Potential sources of complaints about dust including a map showing the proximity of dwellings and sensitive land uses;
- f) Procedures to both document and address complaints with complainants and regulatory authorities. (refer condition 18).

Noise

11. The Noise Management Plan is to consist of text and diagrams and include-

An acoustic consultants report that identifies:

- a) All potential sources of noise;
- b) Shows noise contours;
- c) Details proposed noise management measures for each source which may include monitoring, crusher cover, buffers and vegetation or other screening;

Details of complaints management that identifies:

- a) Potential sources of complaints including local residences;
- b) Procedures to both document and address complaints with complainants and regulatory authorities. (refer to condition 21)

12. The written report in relation to condition 27 is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other limits prescribed in this licence, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
13. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the environmental management system is approved, further licenses could be redrafted to remove individual conditions and instead refer to the approved environmental management system document.
14. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
15. The geotechnical report refers generally to large structures which have already been rehabilitated, or the licensee plans to rehabilitate. It needs to address short (within five years), medium (20 years) and long term (50 to 100 years) time frames and should include for each structure:
- a) an assessment of overall stability in relation to slumping;
 - b) the stability of individual components for example the likelihood and consequences of any boulder being dislodged from its current position on any rock wall;
 - c) the stability of surface layers in relation to rates of erosion;
 - d) engineering options to ensure the short, medium and long term stability if the geotechnical engineer considers any aspect of the structure to be unstable.

CARRIED 6/2

Committee Note: The Officer Recommended Resolution was amended by referring specifically to the crusher in condition 21.

Council Note: Crs Kirkpatrick and Wigg voted against this motion.

SD089/06/05 EXTRACTIVE INDUSTRY MID-YEAR COMPLIANCE INSPECTION – LOT 6 NETTLETON ROAD, CARDUP (P04655/05)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief To inform and update Council on the compliance with the extractive industry licence conditions issued to Austral Bricks on 3 February 2005.
Owner:	Austral Bricks	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25 May 2005	
Previously	P054/12/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Austral Bricks
 Owner's Address: Locked Bag 100 Midland 6936
 Applicant: Shire of Serpentine Jarrahdale
 Applicant's Address: 6 Paterson Street, Mundijong WA 6123
 Date of Receipt: N/A
 Advertised: N/A
 Submissions: N/A
 Lot Area: 39.68 ha.
 L.A Zoning: Special Use
 MRS Zoning: Urban deferred
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Raw materials extraction
 Rural Strategy Overlay: Landscape Protection Policy area
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 17 May 2005

Background

An Extractive Industry licence was issued to Austral Bricks for the extraction of shale on the subject lot on 3 February 2005. The licence expires on the 31 December 2005.

An inspection of the property and associated activities was undertaken recently by Council Officers to ensure that the conditions as stipulated on the licence are being complied with.

A copy of the current extractive industry licence is with attachments marked SD089.1/06/05.

Sustainability Statement

Effect on Environment: The area that is being extracted has previously been cleared of any native vegetation. The extractive industry has the potential to cause impacts on the environment by way of noise, vegetation, visual amenity, dust and water quality. These matters are examined at the time of site visits by Shire Officers and if any complaints are received from the public.

Resource Implications and Use of Local, renewable or recycled Resources: The proposal will extract a large volume of shale over the life of the extractive industry.

Economic Viability: The extraction of shale has the potential to significantly alter the existing landscape, reduce the visual amenity of the property and reduce biodiversity on the subject land, which is not taken into account in the economic cost of the operation.

Economic Benefits: The operation provides employment opportunities for the community.

Social – Quality of Life and Social and Environmental Responsibility and Social Diversity: The extractive operations may impact upon the community if the operations do not comply with statutory approvals and licence conditions.

Statutory Environment: Town Planning and Development Act 1928
Town Planning Scheme No.2
Shire of Serpentine-Jarrahdale Extractive Industry
Local Law 1995

Policy Implications: Extractive Industry Planning Policy. The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining the level of non compliance with licence conditions to be applied in determining the length of extractive industry licence.
4. To set a process for determining audit review timeframes.
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire officers.

Financial Implications: It is considered that there will not be any direct financial implications to Council as a result of this reporting.

Strategic Implications: Key Sustainability Result Areas
1 People and Community
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategy:
5 Protect built and natural heritage for economic and cultural benefits.
2 Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
1 Increase awareness of the value of environmental requirements towards sustainability.
3 Encourage protection and rehabilitation of natural resources.
6 Value, protect and develop biodiversity.
3 Economic
Objective 3: Effective management of Shire growth
Strategy:

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

Community Consultation: Not applicable

Comments:

An inspection of the property was undertaken on 17 May 2005 revealing a number of issues and areas of non-compliance. The conditions that are non-compliant are listed below:

Condition 6 – Dust Management Plan

The Environmental Officer states:

The existing plan has not been reviewed as required by this condition. It is envisaged that Shire officers will need to work more closely with the company to ensure that the required documentation is developed to an appropriate standard.

It is recommended that the Shire advise of this non compliance and provide advice to Austral if required to ensure that this plan is prepared to Council's satisfaction.

Condition 7 – Generation of Visible Particulates

The Environmental Officer states:

The company works the site in just two short periods each year to try to minimise dust emissions. However, during strong winds, dust has been severe during the last six months.

No written complaints have been received about dust from this site. However, verbal complaints have been received. These have not been recorded so there is no record of how many have been made.

As dust has been a problem on a few occasions due to strong winds, it is recommended that the Shire continue to liaise with Austral regarding dust minimisation techniques and ensure that appropriate measures are addressed within the Dust Management Plan.

Condition 10 – Noise Management Plan

The Environmental Officer states:

The existing plan has not been reviewed as required by this condition. It is envisaged that Shire officers will need to work more closely with the company to ensure that the required documentation is developed to an appropriate standard.

It is envisaged that this document will be discussed at a meeting proposed to take place in June 2005.

It is recommended that the Shire advise of this non compliance and provide advice to Austral if required to ensure that this plan is prepared to Council's satisfaction.

Condition 17 – Water Management Plan

The Environmental Officer states:

This plan has not been prepared. It is apparent that the preparation of this document will benefit from further consultation with Shire staff. Document preparation was the main topic of discussion during the site visit. The landscape and vegetation management plan will be addressed first but it will be made clear that all documents are required.

It is recommended that the Shire advise of this non compliance and provide advice to Austral if required to ensure that this plan is prepared to Council's satisfaction.

Condition 18 – Treatment of Discharged Water

The Environmental Officer states:

The company is working to ensure that water is treated. Additional sediment traps have been constructed and the camber of tracks has been adjusted to ensure that water flows into these ponds. One of the access tracks which crosses the outflow creek has been lined with old bricks to reduce the sediment loading of surface runoff.

There is still a problem with the access track where it crosses the main brook. At this point the track dips down and over the brook and water flowing down the slopes on both sides picks up water which flows directly into the brook. It should be recognised that the company has invested significant resources in this area. However, the Shire should encourage further works, for example, the sealing of the track crossing the brook and generally reducing the amount of land without vegetation.

It is recommended that the Shire advises that this area is non compliant and provide advice to Austral as required to ensure that the water discharge is treated adequately.

Conditions 24, 25 & 26 – Storage of Hazardous Chemicals

The Environmental Officer states:

Most of the chemical storage takes place outside the licenced area. However, two full drums of a hydrocarbon (oil) were located within the licensed area during the site visit. The drums had been left behind following the very recent removal of a mobile workshop. Two other drums were empty but the two full drums were not stored on a sealed, bunded surface as required. This was discussed on site and the company representatives committed to removing the drums straight away.

No action needs to be taken in respect of this condition as the representatives of Austral on site committed to removing the drums as soon as the site inspection had been undertaken.

Conditions 31, 32, 33 & 34 – Biodiversity & Landscape Management Plan and Revegetation

The Environmental Officer states:

These conditions were the focus of on-site discussions. The company is concerned about what they consider difficult and wasteful planting required by the Shire. The Shire officers were able to clarify that as long as it was clearly stated within an approved document, interim planting might well be acceptable. The company stated its need to maintain continuing access to their resource even if it was beneath replanted areas. The fear is that once planted, someone will prevent clearing again. It is clear, therefore, that the company's completion of satisfactory documentation will provide a level of certainty that will assist their operation greatly.

It is recommended that Austral be advised of the areas of non compliance in particular the need for preparation of the Biodiversity and Landscape Management Plan. This plan, once prepared adequately, will help to steer Austral in respect of what is required from the Shire in terms of revegetation on the property and ensure that the planting is undertaken to the satisfaction of the Shire.

Condition 38 – Protection of Remnant Vegetation from Stockpiling & Haulage

The details of where the fencing and marking is required will be included within the Biodiversity and Landscape Management Plan. This will need to be assessed once the plan is prepared.

Condition 39 – Use of Logs in Rehabilitation

The site visit confirmed that the logs are not yet being used for rehabilitation purposes. The Austral representatives advised that the revegetation works that have been undertaken on the property are to be in filled with shrubs and ground covers at a later time. When the infill occurs, the placement of the logs for rehabilitation purposes will be undertaken if agreement can be reached and documented in the required Biodiversity and Landscape Management Plan.

It is recommended that this condition be audited once the infill planting has occurred and the plan prepared to the satisfaction of the Shire.

Conclusion

There are 14 conditions under the current licence which have not yet been complied with by Austral Bricks. Many of these conditions deal with similar issues and will be addressed once a number of plans have been prepared to Council's satisfaction.

The Shire has recently adopted an Extractive Industry Planning Policy to determine the recommended length for extractive industry licences. Assessing the current compliance against this policy currently indicates a six month licence would be granted.

It is, therefore, recommended that Council officers advise of non compliance and provide advice to Austral Bricks to ensure that these conditions are met over the next couple of months prior the issue of the next Extractive Industry Licence. Austral Bricks is making a concerted effort to comply with the conditions imposed on their Extractive Industry Licence and have demonstrated they are willing to work with the Shire to obtain a sustainable outcome.

Voting Requirements: Normal

SD089/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Star

- 1. Council notes and endorses the report addressing the mid-year compliance inspection for Lot 6 Nettleton Road, Cardup.**
- 2. Council writes to the landowner and mine operator advising of the areas of non-compliance with the Extractive Industry Licence and setting deadlines for the completion of the outstanding conditions.**
- 3. Council notes that the remaining extractive industries that have not been inspected will be completed in June 2005 and reports presented to the Sustainable Development Committee in July.**

CARRIED 8/0

Crs Hoyer, Kirkpatrick, Star and Needham and M Beaverstock declared an interest in common in item SD090 and advised this will not affect the way they vote.

SD090/06/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 129 FOR FINAL APPROVAL (A1159)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Following advertising, amendment No. 129 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 is presented to Council for consideration of adoption for final approval. The amendment proposes to modify the Scheme Text in order to adequately incorporate the landscape protection policy area provisions as identified by the Shire's Rural Strategy and Local Planning Policy No. 8. It is recommended that the amendment be adopted for final approval without modification.
Owner:	N/A	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	21 June 2005	
Previously	P237/03/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: N/A
 Owner's Address: N/A
 Applicant: Shire of Serpentine-Jarrahdale
 Applicant's Address: 6 Paterson Street, Mundijong 6123
 Date of Receipt: 24 March 2003
 Advertised: Yes - 42 days
 Submissions: None
 Lot Area: N/A
 L.A Zoning: N/A
 MRS Zoning: N/A
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: Landscape Protection Policy Overlay
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: N/A

Background:

Amendment No. 129 ("the amendment") to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") was initiated by Council on 24 March 2003. The amendment proposes to modify the Scheme Text in order to adequately incorporate the landscape protection policy area provisions as identified by the Shire's Rural Strategy and Local Planning Policy No. 8 ("LPP No. 8"). This is to be done through:

- i. Amending clause 5.1.2d) of the Scheme to require planning consent to be obtained for any use or development of land within the landscape protection policy area;
- ii. Deleting the existing text in appendix 5 of the Scheme; and
- iii. Inserting a map of the landscape protection policy area into appendix 5 of the Scheme, to which clause 5.1.2d) of the Scheme and the provisions of LPP No. 8 will apply.

In accordance with Council's resolution and the requirements of section 7A1 of the *Town Planning and Development Act 1928*, the amendment was referred to the Environmental Protection Authority to determine whether formal environmental assessment would be required. In response the Environmental Protection Authority advised that the amendment would not be subject to formal environmental assessment.

Following this the amendment proceeded to advertising for a period of 42 days in accordance with the *Town Planning Regulations 1967*. No submissions were received as a result of advertising.

As the purpose of the amendment is to adequately incorporate the landscape protection policy area provisions into the Scheme, it is recommended for adoption for final approval. The amendment will provide for the better protection and control of development within the landscape sensitive areas of the Shire, and will specifically implement recommendation Nos. 9 and 10 of the 2003 Rural Strategy review. On this basis it is recommended for adoption for final approval without modification.

Sustainability Statement:

Resource Implications: The amendment will enhance not only the environment of the Darling Scarp which forms the scenic backdrop to the Shire and greater metropolitan region, but also provides Council with a tool to ensure better protection and control of development within landscape sensitive areas. The amendment is therefore consistent with Council's vision for achieving development that values the Shire's natural and scenic beauty and environmental assets.

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Regulations 1967
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

**Policy/Work Procedure
Implications:**

Shire of Serpentine-Jarrahdale Rural Strategy (1994)
Shire of Serpentine-Jarrahdale Rural Strategy Review
(2003)
Local Planning Policy No. 8 (*Landscape Protection*)

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategy:

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

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

Strategy:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategy:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

The amendment was advertised for public comment for a period of 42 days in accordance with the requirements of the *Town Planning Regulations 1967*. Advertising closed on 9 May 2005, and no submissions were received.

Comment:

Every landscape has a different capacity to successfully absorb change such as new subdivision and development, upgrading of roads and power lines, extractive industry and recreational pursuits. Some landscapes are more valued by the community and more sensitive to change than others. In making an informed assessment of these values, clause 6.4.2 of the Scheme states:

6.4.2 *In determining an application for planning consent the Council shall have regard to such of the following as are appropriate:*

- (a) *the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) *the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- (c) *the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- (d) *the provisions of the Scheme and any Council policy affecting the land;*
- (e) *any comments received from any authority consulted by the Council;*
- (f) *any submissions received in response to giving public notice of the application;*
- (g) *the orderly and proper planning of the locality; and*
- (h) *the preservation of the amenity of the locality.*

While these cover a wide range of matters to consider before determining an application for planning consent, they do not provide specific reference to the landscape protection policy area as originally identified in the Shire's Rural Strategy and LPP No. 8. This is considered to be a flaw in the Scheme, which needs to be corrected so that specific reference is made between development control and the landscape protection policy area.

Amendment No. 129 seeks to do this through:

- i. Amending clause 5.1.2d) of the Scheme to require planning consent to be obtained for any use or development of land within the landscape protection policy area;
- ii. Deleting the existing text in appendix 5 of the Scheme; and
- iii. Inserting a map of the landscape protection policy area into appendix 5 of the Scheme, to which clause 5.1.2d) of the Scheme and the provisions of LPP No. 8 will apply.

The map to be inserted into appendix 5 is an amalgamation of the land identified as the landscape protection policy area in map 4 of Council's 1994 Rural Strategy, and the lands identified as high scenic quality in the Darling Range Regional Park and Landscape Study.

The amendment will accordingly provide for the better protection and control of development within the landscape sensitive areas of the Shire, and will specifically implement

recommendation Nos. 9 and 10 of the 2003 Rural Strategy review. On this basis it is recommended for adoption for final approval without modification.

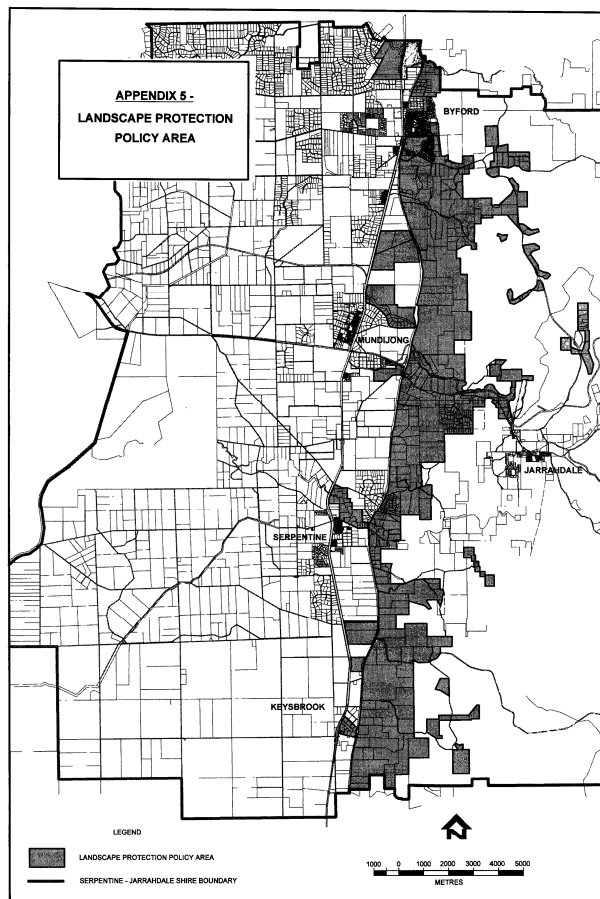
Voting Requirements: Normal

SD090/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Price

1. Council notes that no submissions were received in respect of amendment No. 129 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
2. Council adopts for final approval without modification amendment No. 129 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 for the purposes of:
 - i. Deleting clause 5.1.2d) of the Scheme Text.
 - ii. Inserting a new clause 5.1.2d) to the Scheme Text as follows:

"5.1.2 d) the erection of a single dwelling house, including ancillary outbuildings, on a lot in any zone where such use is a permitted use under Clause 3.2 of the Scheme except in the Jarrahdale Heritage and Townscape Precincts, Special Use Zone - Appendix 2 (Section 3) and the Landscape Protection Policy Area as shown in Appendix 5."
 - iii. Deleting appendix 5 of the Scheme Text.
 - iv. Inserting a new appendix 5 to the Scheme Text titled 'Landscape Protection Policy Area', and this appendix displaying the landscape protection policy area map as follows:



- 3. The amendment documentation be signed and sealed without modification and then submitted to the WA Planning Commission along with the steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.**

CARRIED 7/1

Council Note: Cr Star voted against this motion.

SD091/06/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 135 FOR FINAL APPROVAL (A1207)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Following advertising, amendment No. 135 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 is presented to Council for consideration of adoption for final approval. The amendment proposes to modify clause 7.13.3(1) of the Scheme Text in order to strengthen the power of Council to protect trees from damage particularly by livestock. It is recommended that the amendment be adopted for final approval without modification.
Owner:	N/A	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	21 June 2005	
Previously	P034/10/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: N/A
 Owner's Address: N/A
 Applicant: Shire of Serpentine-Jarrahdale
 Applicant's Address: 6 Paterson Street, Mundijong 6123
 Date of Receipt: 27 October 2003
 Advertised: Yes - 42 days
 Submissions: None
 Lot Area: N/A
 L.A Zoning: N/A
 MRS Zoning: N/A
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: N/A

Background:

Amendment No. 135 ("the amendment") to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") was initiated by Council on 27 October 2003. The amendment proposes to modify clause 7.13.3(1) of the Scheme Text in order to strengthen the power of Council to protect trees from damage particularly by livestock. This is to be done through inserting the phrase "...or cause or suffer to permit the removal or destruction of or damage to any tree..." into clause 7.13.3(1) of the Scheme Text as indicated following:

"No person shall remove, destroy or damage any tree or cause or suffer to permit the removal or destruction of or damage to any tree within the District having at least one well defined stem or trunk of a height greater than 4 metres or diameter greater than 150mm

measured at a height of 1.2 metres above the natural ground level, except with the prior planning consent of the Council given on an application under sub-clause 6.1.1, or unless the tree is exempted pursuant to subclause 7.13.4.”

In accordance with Council's resolution and the requirements of section 7A1 of the *Town Planning and Development Act 1928*, the amendment was referred to the Environmental Protection Authority (“EPA”) to determine whether formal environmental assessment would be required. In response the EPA advised that the amendment would not be subject to formal environmental assessment.

Following this the amendment proceeded to advertising for a period of 42 days in accordance with the *Town Planning Regulations 1967*. No submissions were received as a result of advertising.

Clause 7.13.3(1) of the Scheme Text, once modified through the amendment, will provide Council with the power to prosecute not only those people who directly damage, remove or destroy a tree, but also make them responsible if they:

- i. Cause someone or something else to damage, remove or destroy a tree (i.e. hire or direct someone else to remove a tree or put horses in a paddock with unprotected trees); or
- ii. Do not take action to protect a tree from further damage (i.e. by fencing to keep stock away).

As the amendment will further strengthen the power of Council to protect trees and vegetation within the Shire, it is recommended for approval without modification.

Sustainability Statement:

Resource Implications: The amendment will enhance the environment by providing Council with better tools to ensure the preservation of trees and vegetation within the Shire district. The amendment is therefore consistent with Council's vision for ensuring that the area's environmental assets are protected.

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Regulations 1967
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

Policy/Work Procedure Implications:

Statement of Planning Policy No. 2 (*Environment and Natural Resources*)
Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)
Shire of Serpentine-Jarrahdale Rural Strategy (1994)
Shire of Serpentine-Jarrahdale Rural Strategy Review (2003)
Local Planning Policy No. 8 (*Landscape Protection*)

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategy:

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

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

Strategy:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategy:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

The amendment was advertised for public comment for a period of 42 days in accordance with the requirements of the *Town Planning Regulations 1967*. Advertising closed on 9 May 2005, and no submissions were received.

Comment:

In terms of explaining the background to this amendment, the Council previously sought to prevent damage occurring to trees that were being severely ringbarked by horses kept on a property by advising the landowner that this constituted an offence under clause 7.13.3(1) of the Scheme. Currently, clause 7.13.3(1) of the Scheme states:

“....., except with the prior planning consent of the Council given on an application under sub-clause 6.1.1, or unless the tree is exempted pursuant to subclause 7.13.4.”

Following receipt of written response from the landowner disputing the use of clause 7.13.3(1) in this case, the Council obtained the following legal advice:

“The provisions of the Scheme state “No person shall ...”. The Town Planning Scheme does not state “No person shall permit...” thus it must be a person who actually ringbarks the tree, unless it can be shown on the evidence that the person put the horses in the area to have the horses ringbark the trees. This would be difficult to prove, and other than by an admission it would not be possible to prosecute on the basis that the person’s horses ringbarked a tree. This is a deficiency in the Scheme and is easily amended by including “No Person shall permit” or alternatively “No person shall allow”, or even more forcefully, “A Person who fails to take reasonable measures to prevent...”. By amending the Town

Planning Scheme it will be possible to prosecute a person who owns horses that ringbark a tree.”

In order to adequately address this noted deficiency, it is intended to insert the phrase “...or cause or suffer to permit the removal or destruction of or damage to any tree...” into clause 7.13.3(1) of the Scheme Text as indicated following:

*“No person shall remove, destroy or damage any tree **or cause or suffer to permit the removal or destruction of or damage to any tree** within the District having at least one well defined stem or trunk of a height greater than 4 metres or diameter greater than 150mm measured at a height of 1.2 metres above the natural ground level, except with the prior planning consent of the Council given on an application under sub-clause 6.1.1, or unless the tree is exempted pursuant to subclause 7.13.4.”*

Once modified in the above manner, clause 7.13.3(1) of the Scheme Text will provide Council with the power to prosecute not only those people who directly damage, remove or destroy a tree, but also make them responsible if they:

- i. Cause someone or something else to damage, remove or destroy a tree (i.e. hire or direct someone else to remove a tree or put horses in a paddock with unprotected trees); or
- ii. Do not take action to protect a tree from further damage (i.e. by fencing to keep stock away).

As the amendment will further strengthen the power of Council to protect trees and vegetation within the Shire, it is recommended for approval without modification.

Voting Requirements: Normal

SD091/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Hoyer

1. Council notes that no submissions were received in respect of amendment No. 135 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
2. Council adopts for final approval without modification amendment No. 135 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 for the purposes of amending clause 7.13.3(1) of the Scheme Text as follows:
“7.13.3(1) No person shall remove, destroy or damage any tree or cause or suffer to permit the removal or destruction of or damage to any tree within the District having at least one well defined stem or trunk of a height greater than 4 metres or diameter greater than 150mm measured at a height of 1.2 metres above the natural ground level, except with the prior planning consent of the Council given on an application under sub-clause 6.1.1, or unless the tree is exempted pursuant to subclause 7.13.4.”
3. The amendment documentation be signed and sealed without modification and then submitted to the WA Planning Commission along with the steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.

CARRIED 8/0

SD092/06/05 INITIATION OF SCHEME AMENDMENT – LOT 224 (#1025) ORTON ROAD, OAKFORD (P04619)		
Proponent:	Development Planning Strategies	In Brief Request for Council to initiate a scheme amendment to rezone the subject lot from 'Rural' to 'Rural Living A' under the provisions of Town Planning Scheme No. 2. Rezoning is required to allow the subdivision of the land into 17 lots of 2ha and 1 lot of 3.5ha with further subdivision possible. It is recommended that the rezoning be initiated.
Owner:	D'Orazio Holdings Pty Ltd & Daprato Holdings Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 June 2005	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: D'Orazio Holdings Pty Ltd & Daprato Holdings Pty Ltd
 Owner's Address: Lot 41 Forrest Road, Jandakot WA 6164
 Applicant: Development Planning Strategies
 Applicant's Address: PO Box 8088, Subiaco East WA 6008
 Date of Receipt: 15 April 2003
 Advertised: Not Applicable
 Submissions: Not Applicable
 Lot Area: 39.92 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not Applicable
 Rural Strategy Policy Area: Rural Living A
 Rural Strategy Overlay: Roadsides Conservation Overlay
 Municipal Inventory: Not Applicable
 Townscape/Heritage Precinct: Not Applicable
 Bush Forever: Not Applicable
 Date of Inspection: September 2004

Background

Council is in receipt of an application to rezone the above parcel of land.

After the 2001 Rural Strategy Review was undertaken the Council, at its meeting of 28 January 2003, adopted an amendment to the Strategy that resulted in Lot 224 Orton Road, Oakford being included within the 'Rural Living A' policy area.

In April 2003, the applicant submitted a request to the Shire to rezone the subject land from 'Rural' to 'Rural Living A'. The proposal has been the subject of numerous discussions between the applicant and Shire officers in relation to the proposed subdivision guide plan and various issues affecting the land.

Sustainability Statement

Effect on Environment: Rezoning of the property to Rural Living A will enable the preservation, rehabilitation and enhancement of the property. Remnant vegetation can be protected and additional revegetation can be undertaken on the property. This will assist in

biodiversity and enable the protection of existing animal habitats and provision of additional habitats.

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

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

Resource Implications: Scheme water is not available in the area and rainwater tanks will be required when lots are developed for residential purposes.

The subject site is within the Mundijong Drainage District within which drainage outfalls from development are limited. As such, a drainage basin will be constructed prior to discharging to outfall drains.

Economic Viability/Benefits: The proposal will attempt to address its external costs through the preservation and enhancement of biodiversity (through revegetation, weed management) and reduction to land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of landuse controls).

Social and Environmental Responsibility and Social Diversity: The rezoning and subsequent subdivision will enable improvement to the existing road network through road upgrading contributions. The larger lots will provide an alternative to the smaller lifestyle lots in the local area.

Also, the proposal addresses existing environmental concerns associated with grazing and the clearing of the land. It provides for a more sustainable use of the land whilst establishing a number of measures to reduce the impact of the increased population on the site.

Statutory Environment: Town Planning and Development Act
 Town Planning Regulations
 Town Planning Scheme No. 2
 Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the Town Planning and Development Act and the Town Planning Regulations. At this stage of the amendment it is the provisions relating to advertising and referral requirements for Scheme Amendments that must be adhered to as per Section 7 of the Town Planning and Development Act 1928 (as amended) as is detailed below:

"7. Preparation of schemes

- (2) Subject to subsection (2aa), a town planning scheme prepared or adopted, or an amendment to a town planning scheme prepared, by a local government shall --*
- (a) After compliance with sections 7A1 and 7A2 in respect of that town planning scheme or amendment, be advertised for public inspection in accordance with the regulations; and*
- (b) After advertisement under this subsection and compliance with sections 7A3 and 7A4 in respect of that town planning scheme or amendment, be submitted to the Minister for his approval.*
- (2aa) A local government shall, before submitting a town planning scheme or amendment to the Minister under subsection (2)(b), make reasonable endeavours to consult in respect of the town planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the town planning scheme or amendment.*

7A1. *Reference of proposed town planning schemes, and proposed amendments to town planning schemes, to Environmental Protection Authority.*

When a local government resolves to prepare or adopt a town planning scheme, or to prepare an amendment to a town planning scheme, under section 7, the local government shall forthwith refer the proposed town planning scheme or amendment to the EPA by giving to the EPA --

- (a) written notice of that resolution; and*
- (b) such written information about the town planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the town planning scheme or amendment"*

Policy/Work Procedure

Implications:

LPP 4 – Revegetation
LPP 6 – Water Sensitive Design

Financial Implications:

Not Applicable

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategies:

- 1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation has been carried out to date. However, if initiated, the scheme amendment will require advertising for a period of not less than 42 days.

Comment:

It is proposed to amend the Scheme by rezoning Lot 224 Orton Road, Oakford from 'Rural' to 'Rural Living A'. The proposed rezoning is consistent with the amendment to the Rural Strategy adopted by Council on 28 January 2003 that provided for Lot 224 to be incorporated within the 'Rural Living A' policy area.

Within the 'Rural Living A' policy area land can be subdivided into lots with an area between 0.4 and 1.0 hectare. The rezoning is intended to facilitate the subdivision of the land into lots with a minimum size of 2.0 hectares with provision for future subdivision into 1.0 hectare lots when infrastructure services are available. This approach was adopted in 2003 by the Council and the Western Australian Planning Commission (WAPC) for adjoining Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford.

In addition to the zoning provisions incorporated in TPS 2 (Clause 5.12) for the Rural Living A zone, specific zoning provisions and land uses permitted will be included in the Scheme as part of the rezoning proposal.

Planning Context

The subject land is zoned Rural in the Metropolitan Region Scheme and Town Planning Scheme No. 2 (TPS 2). The land to the west of the site is zoned 'Rural' with the land to the east and south zoned 'Rural Living A'.

Town Planning Scheme No.2 states the following objectives and scheme provisions for the Rural Living A zone:

- “5.12.1** The purpose and intent of the rural Living a and rural Living B zones is described within the Council's Rural Strategy as amended and adopted by Council and the State Planning Commission dated April 1994.*
- 5.12.2** The Rural Living A Zone is intended to cater for rural residential development on a rang of lots between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.*
- 5.12.3** The Rural Living B Zone is intended to cater for rural-residential development and ancillary rural related uses on a range of lots between two hectare to four hectare in accordance with the objectives and guidelines of the Rural Strategy.*
- 5.12.4** Notwithstanding sub clause 5.12.2 and 5.12.3 above, where land capability and site constraints dictate a larger lot size than one hectare (Rural Living A) or four hectares (Rural Living B) may be required.*
- 5.12.5** Before including land within the Rural Living A and Rural Living B zones, the Council will require the owners or developers of the land to prepare a submission in support of its inclusion and any submission shall include those matters set down in sub-clause 5.9.3 of this Scheme.*
- 5.12.6** Reticulated water supply shall be required for development on new lots under 2 hectares unless approved otherwise by the Council and the State Planning Commission. Where reticulated water is not required or the land is greater than 2 hectares a guaranteed rainwater supply of 90,000 litres will be required.*
- 5.12.7** A description of the land included in the Rural Living A and rural Living B zones together with land uses permitted and any special provisions relating to the land are set out in Appendix 4A and Appendix 4B respectively. Such uses will be dependent upon site survey and reference to land capability and other planning data.*

5.12.8 *There shall be a plan of subdivision entitled subdivision Guide Plan for each specified parcel of land included in the Rural Living A and Rural Living B zones endorsed by the Shire Clerk and approved by the State Planning Commission."*

As identified by the approved Rural Strategy Review, the subject land is ideally suited to 'rural living' subdivision and development.

The applicant has stated that the rezoning of the subject land to 'Rural Living A' is justified for the following reasons:

- The site's close proximity to Byford;
- Much of the surrounding land has been or is in the process of being developed for 'Rural Living' purposes;
- 'Rural Living' subdivision will facilitate revegetation of the site both initially and over the longer term; and
- The site is located within close proximity to a number of regional and district roads and hence has high levels of accessibility to Armadale, Fremantle and the Perth CBD.

The following information is a summary of the scheme amendment report provided by the applicant in support of the proposal:

Location

The subject land is located approximately 5.8 kilometres from the Byford townsite on the corner of Orton and Kargotich Roads within the locality of Byford. The subject land has an area of 39.92 hectares.

Existing & Surrounding Land Uses

The land has been predominately cleared of native vegetation and is utilised for livestock grazing. A 60m wide power line easement traverses through the middle of the property. In accordance with Western Power policy, no parallel roads or buildings are permitted to be constructed within this easement.

Much of the land to the east, north and south has been subdivided into Special Rural allotments. Immediately to the south, the land has been identified in the Rural Living A policy area as part of the recent review of the Local Rural Strategy. To the west the land remains zoned Rural and is predominately used for rural pursuits.

Vegetation

The site has been predominantly cleared for the purposes of grazing livestock and hence there is little vegetation on site.

A copy of the aerial photograph is with attachments marked SD092.1/06/05.

Remaining trees considered worthy of protection will be protected through the Shire of Serpentine-Jarrahdale Scheme [clause 5.12.9(k)], the proposed Special Provisions and appropriate conditions of subdivision approval relating to vegetation protection.

The proposal involves revegetation of the site including the use of tree belts to minimise the impact of the power lines and external roadways, and the use of wetland dependent species along the route of realigned farm drain to improve nutrient stripping of an existing drain.

Approval of the proposal will also enable strategic revegetation of the land that will:

- *Reduce the impact of internal and external infrastructure corridors upon residential development of the land;*

- *Rehabilitate a natural depression and exclude development from there in;*
- *Facilitate improvement to the management of stormwater through the land; and*
- *Improve the general aesthetics of the area.*

The Special Provisions outline a requirement for a landscaping plan to be prepared as a condition of subdivision approval. Landowners will also be encouraged to revegetate their properties. It is hoped that by encouraging revegetation that a greater sense of 'rural living' will be achieved.

Effluent Disposal

The subject site is remote from the Water Corporation's reticulated sewerage network with residential development therefore being dependent on the use of on-site effluent disposal systems. Site conditions are likely to require the use on Alternative Treatment Units (ATU's) in order to meet the requirements of relevant authorities and these will be located within the sand pad of each residence.

Subdivision Guide Plan

This plan outlines:

- *The alignment of the existing power line easement;*
- *The proposed road network, lot layout and building envelope locations;*
- *The need for most envelopes to be raised in order to facilitate conventional housing construction;*
- *Areas required for water management including the adjacent Water Corporation controlled drainage reserve;*
- *Road widenings required to facilitate legal access to lots fronting Orton Road;*
- *The proposed multiple use trail/strategic firebreak network; and*
- *The proposed areas of revegetation.*

A copy of the Subdivision Guide Plan is with attachments marked SD092.2/06/05.

Road Pattern

The majority of lots are to be accessed by a cul-de-sac connecting to Orton Road. Four lots fronting Kargotich Road are to obtain vehicular access from Kargotich Road via dual crossovers, limiting the number of vehicular access points onto Kargotich Road to two.

Future subdivision will not compromise this design outcome, with the overlay design depicting ultimate use of each crossover by up to four dwellings utilising reciprocal rights-of-carriageway lodged on the title of portions of adjoining allotments.

Multiple Use Trails

A multiple use trail network has been identified on the guide plan in accordance with the network depicted in the Shire's Local Planning Policy No.9 (Trails Master Plan). A further link has been identified between the end of the proposed cul-de-sac and the future multiple use trail network that will be established upon the subdivision of Lot 1254 to the north.

These trails will double as a strategic firebreak network and will be placed into public ownership via dedication as pedestrian access ways. The only exception is west of the proposed cul-de-sac head, where a right of carriageway will be created over a privately owned battle-axe leg allowing on-going public access. The 10 metre width of the leg will easily accommodate the low volumes of traffic associated with each purpose.

Officer Comment

The current Subdivision Guide Plan shows the northern Public Access Way (PAW) and Bridle Trail located entirely outside of the subject property running along the adjoining northern property. Comments from Council's Environmental Officer and Community Emergency Services Manager suggest that this PAW should be on Lot 224 Orton Road and link in with the trails on the adjoining block. However, under the Shire's Trail Master Plan, this trail is located entirely on the adjoining northern block absolving the need for the current rezoning application to construct this trail. The trail along the northern boundary will be constructed once the adjoining northern property is rezoned and subsequently subdivided.

The proposed multiple use paths are in accordance with the Shire's Trails Master Plan. It is a positive factor that most of the surrounding properties would have access to a continued multiple use trail which would provide opportunities for horse recreation, access for pedestrians and pushbike riders as well as emergency access. The location of the proposed PAW's and Bridle Trails are considered satisfactory on the current Subdivision Guide Plan.

Building Envelopes

In accordance with Scheme requirements, a 2000m² building envelope has been identified on each of the proposed allotments with setbacks complying with Council requirements.

Officer Comment

The proposed locations of the building envelopes on the lots affected by the Power Easement have been carefully chosen in order to make sure that there is no health risk to prospective residents whose properties would be affected by the location of the power lines. Tree planting along the easement is also proposed to minimize the visual impact of the power lines.

Power Line Corridor

The subdivision layout has been designed around this constraint, with a key objective of the landscape plan being to minimise the visual impact on nearby building envelopes.

Fire Management

Strategic firebreaks will be constructed along the alignment of the multiple use trail network depicted on the Subdivision Guide Plan to the requirements of the Shire and the Fire and Emergency Service (FESA). The preparation of a Fire Management Plan is a requirement within the Special Provisions.

Officer Comment

The Shire's Community Emergency Services Officer has requested that the northern PAW/emergency access way be constructed to the cul-de-sac head with emergency access way gates constructed and with the access way gazetted. This view is supported.

Fill Requirements

Fill will be required on each subdivisional lot to provide proper foundation conditions for house construction, drainage and effluent disposal. Due to the soil conditions, which indicate that the water table is likely to be at the surface in winter, a minimum fill level of 1.2 metres above the natural surface level is recommended within each of the undeveloped building envelopes depicted on the Subdivision Guide Plan.

Drainage

The subject site is located within the Mundijong Drainage District within which drainage outfalls from developments are limited. A compensating basin is therefore needed prior to stormwater discharging to outfall drains. A compensating basin with a 2000m² surface area and 1600m³ capacity is to be constructed adjacent to the Kargotich Road drain.

Officer Comment

Drainage on the subject land is partially affected by the low point (swamp) located towards the eastern edge of the property. This land has the potential to become inundated with water as the existing farm drain running across the property drains into this low point. Previous suggestions from Council Officer's have suggested that this swamp should be placed in an area of public open space in order to be managed effectively. An Officer recommendation was that this swamp should be rehabilitated, a suggestion which has been addressed on the subdivision guide plan by way of being revegetated with wetland species. As there is no requirement by the subdivider to provide areas of public open space within Rural Living subdivisions, it is considered that Council may need an indication of how this swamp is going to be maintained under private ownership. Although no specific indication of this management has been provided within the rezoning documentation, it is considered that the management techniques can be imposed at the subdivision stage. Also, the revegetation of the swamp area will be included within the Landscape Management Plan as required within the proposed Special Provisions of the estate.

Servicing

Power services exist along Orton Road. Power will be extended up both the internal subdivisional road and Kargotich Road in order to service this development.

The Byford West telephone exchange is located in the north west corner of the intersection of Orton and Kargotich Roads. It is proposed that these services will be extended into the development in order to service the lots created.

The extension of the nearest reticulated water supply to the subject block is not economically viable at this point in time.

Officer Comment

It is a requirement of Council's Town Planning Scheme No.2 (clause 5.12.6) that where reticulated water is not required or the land is greater than 2 hectares, a guaranteed rainwater supply of 90,000 litres will be required. All the lots proposed are 2 ha and above in size, so the above-mentioned requirement in regards to provision of rainwater supply would apply to the proposed subdivision. Council's Community Emergency Services Manager has stipulated the requirement for rain water supply to be 102,000 litres instead of 90,000 litres. This is to allow for 10,000 litres to be used for fire fighting purposes as part of the Fire Management Plan.

Keeping of Stock

Soil testing of the subject lot has been undertaken as part of the Geotechnical assessment submitted with the rezoning report. The assessment highlights that the predominant soil type over the land is Sandy Clay of the Guildford Formation. Further investigation identifies the land as part of the Pinjarra Plain system with the soil type identified predominantly as P2a within the 'Stocking rate guidelines for rural small holdings' document as published by the Department of Agriculture. This soil type corresponds with the stocking rate unit code SR5.1 and a recommended dry stocking rate of 0-2DSE/ha or 0-0.2 horses per hectare. The SR5.1 stocking rate unit code also states that an irrigated stocking rate is usually not suitable for swamps and salty areas.

The low stocking rate associated with this particular soil type will make it difficult for any horses to be sustained on the land at all. If the land cannot be irrigated as it is deemed to be unsuitable, then on a property of size 1.8ha (excluding the 0.2ha of building envelope) with a dry stocking rate of 2DSE/ha, a single horse will need to be stabled for a minimum of 16 hours per day in order to be kept. Two horses will need to be stabled for a minimum of 20 hours per day. If the land is ever subdivided into 1ha parcels in accordance with the overlay, then the horses will need to be stabled for over 20 hours per day. This intense stabling is considered unsuitable and therefore, the keeping of horses and the construction of horse stables should not be permitted within this subdivision.

A copy of the Horse Stocking Calculation sheets are with attachments marked SD092.3/06/05.

The largest lot shown on the Subdivision Guide Plan (3.5ha) may be able to sustain one or two horses based on the size of the block alone, however this block contains the swamp as previously discussed. Therefore, the keeping of even one horse on this size block is unlikely to be meet nutrient requirements due to the proximity of the swamp area.

Although the keeping of horses is considered unsuitable on the subject parcel of land, the keeping of other animals (such as ponies, llama's, alpaca's and goats) could be supported as the stocking rates for these animals are much lower.

Being a 'Rural Living A' estate proposal with the majority of lots just over 2ha, there is usually an expectation from the community that the keeping of horses would generally be permitted within these types of estates. Under Council's Town Planning Scheme No.2, clause 5.12.9 of the Rural Living A and Rural Living B zone ensures that the keeping of stock on the proposed lots comply with the stocking requirements of Agriculture WA and do not result in land degradation.

There are a couple of steps that can be taken in order to ensure that horses are not kept on these lots and that there is no misunderstanding for the prospective purchasers of the land who will expect to be able to keep horses on all the created lots within the estate. Firstly, a Special Provision can be included within the Scheme for this rezoning highlighting that horses are not permitted to be kept on any of the lots although other stock may be permitted at the discretion of Council. Secondly, a note can be place on the subdivision guide plan also stating this. Although horses would not be permitted on the land, the proposed discretionary use class of 'stables' should remain within the Special Provisions of the estate. This is because 'stables' relates not only to the stabling of horses but also to the stabling of other ungulates.

Peel-Harvey Coastal Plain Catchment

The subject land is located within the Peel-Harvey Coastal Plain Catchment area making the issue of nutrient input and responsible land management even more important. Objectives of the policy are *"to ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage"* and *"to prevent land uses likely to result in excessive nutrient export into the drainage system"*.

Within the Rural residential policy provisions it also states that:

"the keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for this policy area".

It is considered that by allowing horses to graze on the lots as shown on the Subdivision Guide Plan that the above objectives will be jeopardised. The subject land has a relatively high water table ensuring that waste management is of highest priority. Stocking rates for the land will not be complied with unless the horses are stabled for a minimum of 16 hours per

day and this length of stabling time is considered excessive. Also, once the land is subdivided into 1 ha lots it will be considerably overstocked, conflicting with the guidelines for the Peel-Harvey Catchment area. It is considered that the land is not suited to the keeping of horses and thus needs to be a prohibited use under the proposed Subdivision Guide Plan.

Conclusion

The proponents proposal is considered to be consistent with the desired approach for Rural Living Areas as set out in the Rural Strategy. The subdivision guide plan prepared by the applicant indicates that the site will be developed in two stages. The first being an initial subdivision of 17 lots of approximately 2 ha in size and 1 lot of 3.5 ha. The second stage identifies how these 18 lots may be further subdivided when the relevant service infrastructure is available.

The initial amendment documentation was received by the Shire in April 2003. Since then, numerous discussions have been held with the applicant to produce the most recent documentation submitted April 2005. Within the rezoning documentation there are a few textual changes that need to be undertaken as identified by Council Officers. These changes can be undertaken easily by the applicant and will not change the intent of the subdivision or the nature of controls imposed on development. Also, there are a couple of issues that have been discussed previously that will require further attention. Further work towards these issues will form part of the Officer recommendation.

The proposed rezoning is compliant with the requirements under Council's Town Planning Scheme No.2 and the Rural Strategy. The land has been identified as 'Rural Living A' under the scheme to allow for a subdivision of this nature to occur. It is considered that the proposed Subdivision Guide Plan will produce a 'Rural Lifestyle' development in keeping with the recently subdivided Northerly Lane and Mount Eden Lane subdivision on adjoining properties.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. The applicant be required to:
1. Modify the scheme amendment documents to reflect the textual provisions adopted by Council;
 2. Modify the scheme amendment map to show the northern public accessway (PAW) constructed to the cul-de-sac head;
- B. Subject to A above, to the satisfaction of the Manager Planning and Regulatory Services, Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:
1. Rezoning Lot 224 Orton Road, Oakford from "Rural" to "Rural Living A".
 2. Amending the Scheme map accordingly.
 3. Including Lot 224 Orton Road, Oakford in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:

22.	Lot 224 Orton Road, Oakford	1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council: Use classes permitted (P) Single House
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		<p>Public Recreation Public Utility Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables (horses are prohibited)</p> <p>All other uses are prohibited.</p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>2. No dwelling shall be approved by the Council unless it is connected to an effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>3. Topsoil stripping, proof rolling and elevation of the land with a minimum of 1.2 metres of free draining, engineered sand fill, will be required in order to achieve a suitable site classification and meet the requisite building and environmental requirements for residential development and effluent disposal within this estate.</p> <p>4. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate discretionary (AA) uses listed in Special Provision 1; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of the Council.</p> <p>5. The subdivider shall place notifications on the certificates of title for each lot advising prospective purchasers that the keeping of horses is not permitted. The keeping of other stock shall be at the discretion of Council.</p> <p>6. The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including the planting of indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner.</p>
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	<p>7. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>8. The subdivider shall prepare and implement a Fire Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use network depicted on the endorsed Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>9. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Drainage Management Plan provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. The Drainage Management Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Management Plan. Any reserves or easements required to implement the plan shall be provided free-of-cost.</p> <p>10. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, proposed pad level, existing trees and strands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>The site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>11. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p>
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		<p>12. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.</p> <p>13. The Subdivision Guide Plan referred to in Clause 11 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>14. The land is situated within the catchment of the Peel-Harvey estuarine system where active nutrient management and the responsible use of fertiliser application is crucial to the health of the catchment and estuary. The application, type and distribution of fertiliser to the land shall be within limits set by the Department of Environment for irrigated and non-irrigated land.</p> <p>15. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Any approval to keep any grazing animal will require fencing of all remnant vegetation and planted vegetation by the landowners to the satisfaction of Council.</p>
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- C. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.
- D. The applicant be required to pay the planning fee of \$1,500 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment).
- E. That the Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by section 7A1 of the Act, and on receipt of a response from the Environmental Protection Authority indicating that the Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.
- F. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the *Town Planning Regulations 1967* (as amended) for not less than 42 days.

SD092/06/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Murphy seconded Cr Star
Item SD092/06/05 be deferred to the July Sustainable Development Committee meeting.
CARRIED 8/0

Committee Note: The Officer Recommended Resolution was amended as there was concerns that this development has to incorporate a public accessway (PAW) along the northern edge and protection of the wetland is not sufficiently addressed in the current subdivision guide plan.

Crs Star, Wigg, and Needham declared an interest of impartiality in item CGAM084 due to their association with the Landcare Centre and advised that this will not affect the way they vote on this matter.

CGAM084/06/05 LANDCARE CENTRE STORAGE SHED RESERVE 32180 (RS0040)		
Proponent:	Serpentine Jarrahdale Community Landcare Centre	In Brief
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Jenni Andrews Reserves Officer	Council is requested to consider the proposed construction of storage shed on Reserve 32180.
Signatures Author:		
Senior Officer:		It is recommended that Council endorse the construction of the proposed storage shed in provision of relevant planning and building approval.
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Serpentine Jarrahdale Community Landcare Centre has been guaranteed funding by Lotterywest Western Australia to replace the existing storage shed with a new larger colour bond shed. The proposed new shed is 12m x 6m x 2.45 m in dimensions which will fit the existing concrete pad on Reserve 32180. The shed is to be green in colour so as to not detract from the existing heritage value of the adjacent Landcare Centre which was previously the Mundijong school.

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Reserve 32180 contains the federation style timber weatherboard clad building which was previously the original school in Mundijong. The old schoolhouse and the adjacent school building built on the same site are recommended in the June 2000 Serpentine Jarrahdale Municipal Historical Inventory update as a Management Category for 1a Conservation Essential site: *a place that may meet the criteria for inclusion on the state register of heritage places on an individual level ie warrants referral to Heritage Council WA for assessment to be on the State Register of Heritage Places*. The reserve is also contained in the Local Planning Policy 16 Paterson Street Design Guideline area.

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The current shed measures 3m x 4m and has been vandalized and is in state of disrepair. The Serpentine Jarrahdale Conservation District Committee and Landcare SJ Inc store most of its revegetation and bushland regeneration equipment in the shed. Much of this equipment is available for communal use. The current shed offers little protection from thieves and vandals and contains limited storage space for equipment. The Community

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Landcare Centre currently stores some equipment at the shire depot and several reports recently of vandalism have been received. This proposal also requests that installation of security is undertaken to safeguard the Landcare SJ Inc equipment. This may be fencing, alarms or light sensors.

In addition there are further items which are stored within the Meeting Place (within the Community Landcare Centre). The Meeting place is regularly utilized by community organizations and individuals. This use is managed by Landcare SJ Inc. These items are to be relocated to the proposed new shed, hence providing more room for community activities.

Sustainability Statement

Effect on Environment: The Community Landcare Centre activities enable community groups to manage the land, water and vegetation in a sustainable manner.

The Heritage Values of the reserve and its associated building have been taken into account in the design of the proposed shed.

Resource Implications: The location of the proposed shed replaces the existing shed in disrepair and utilizes the existing building pad.

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Use of Local, renewable or recycled Resources: The Community Landcare Centre provides direct services to 2000 properties in the shire and assists more than 10 community Landcare Groups in natural resource management activities such as planning, training, accessing resources and information.

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Economic Viability: The financing of the shed has been given by the Lottery West Commission Western Australia. The security measures are dependent on funds of Landcare SJ Inc.

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Economic Benefits: Contribution to the local community through development of social and environmental skills provides external benefits to the wider community in reparation and awareness building.

Social – Quality of Life User groups and individuals are able to gain information and resources for natural resource management on both public and freehold land.

Social and Environmental Responsibility: The Community Landcare Centre provides both social and environmental skills in sustainable management and development.

Social Diversity: The Community Landcare Centre is available to all residents and patrons in the shire.

Statutory Environment: Absolute Majority Required

Policy/Work Procedure Implications:

Reserve Improvement / Development By The Community
LPP 16 Paterson Street Design Guidelines
Building Approval
Planning Approval

Financial Implications:

There are no Financial implications to Council related to this application/issue. Landcare SJ Inc has received external funding from Lotterywest Western Australia.

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Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.

3. Economic

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

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Community Consultation:

Required: No

As per AP26 Reserve Improvement / Development by the Community an application has been received and been tabled at the Reserve Working Group. The Reserves Working Group feel that the proposed shed will provide an important secure storage space and will complement heritage values of the reserve.

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Comment:

Given the close working relationship between Landcare SJ Inc, the Serpentine Jarrahdale Land Conservation District Committee and the local community it is recommended that the planning and building application fees are waived. In the Service Level Accord agreement with the shire the reserve and its building is managed cooperatively. The Landcare SJ Inc and Serpentine Jarrahdale Shire together protect and repair natural resources within the shire and strive for the sustainable use of natural resources. The primary purpose of Landcare SJ Inc is to provide the means for people to care for the land today in a way that will leave it better for tomorrow a step towards ecologically sustainable development. It also provides leadership to access, initiate and integrate resources to enable community groups to manage the land, water and vegetation in a sustainable manner in partnership with the government.

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Voting Requirements: **ABSOLUTE MAJORITY**

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CGAM084/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Brown

1. Council endorse the construction of the proposed storage shed on Reserve 32180 subject to relevant planning and building approvals being obtained.

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2. The planning and building application fees are waived in consideration of the large community contribution provided by the Serpentine-Jarrahdale Landcare Centre.

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CARRIED 8/0 ABSOLUTE MAJORITY

CGAM086/06/05 2005/06 STATE BLACK SPOT PROGRAMME (A0355-02)	
Proponent:	Main Roads WA
Owner:	Shire of Serpentine-Jarrahdale
Officer:	Patrick Rose – Senior Technical Officer
Signatures Author:	
Senior Officer:	Bryce Coelho
Date of Report	27 th May 2005
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.
Delegation	Council
In Brief	
The Shire of Serpentine-Jarrahdale has received advice of additional funding available under the 2005/06 State Black Spot Programme and the Council is requested to consider approving \$6,666.00 in the 2005/06 budget which is the required contribution to obtain the \$13,333.00 Main Roads contribution.	

Deleted: Committee in accordance with resolution SM051/06/04

Background

The Shire submitted an application in 2004 for improvements at the Kargotich Road and Abernethy Road intersection as part of the 2005/06 State & National Black Spot Programs. Officers were advised that the application was unsuccessful as the project did not rate high enough and therefore missed the “cut off” level of funding available for the 2005/06 Programme. The funding application submitted was for a total project cost of \$20,000.00.

Main Roads WA has now advised the Shire of Serpentine-Jarrahdale that as a result of cancellations and surplus funding being returned from other completed Black Spot Projects, Main Roads WA has revised the 2005/06 programme and recommended to the Minister for Planning and Infrastructure to approve additional projects that had not previously made the 2005/06 funding allocation.

Sustainability Statement

The provision of a high quality and well maintained distributor road network will reduce the likelihood of traffic using the minor road network within the Shire and provide a safer road system with lower transport costs.

Effect on Environment: The proposal would result in the reduction of gas emissions to the environment due to less machinery vehicles needed to carry out routine road maintenance.

Resource Implications: A properly managed road asset network would result in minimal road and land resource usage.

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Use of Local, renewable or recycled Resources: The proposal utilizes local and regionally available resources in reconstruction of roads.

Economic Viability: This proposal would reduce future costs for council for it improves the condition of the Shire's road network which would reduce road maintenance expenditure and it prolongs the lifespan of our roads.

Economic Benefits: The proposal would encourage road users to travel on arterial roads instead of minor access roads.

Social – Quality of Life: This proposal improves the quality of life by improving the quality of our road assets thus creating a safer road network

Social and Environmental Responsibility: The proposal is designed to be socially and environmentally responsible by providing a safe and sustainable road network.

Social Diversity: This proposal improves the safety for all road users from motorist to passenger and pedestrians.

Statutory Environment: Not Applicable

Policy/Work Procedure Implications:

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

Financial Implications:

Budget allocation of \$6,666.00 required is intended to be accommodated within the Road Safety Improvements allowance to be recommended for inclusion in the 05/06 budget.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Community Consultation:

Required: No

Comment:

The Shire of Serpentine-Jarrahdale has received advice of additional funding available under the 2005/06 State Black Spot Programme and the Council is requested to consider approving \$6,666.00 in the 2005/06 budget which is the required 1/3rd contribution to obtain the 2/3rd (\$13,333.00) Main Roads contribution.

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The benefits achieved by accepting the grant offer include:

- Improve the safety of the intersection for all road users.
- The project is 2/3rd funded by Main Roads WA, therefore maximising the use of Shire funding for minimal outlay of Shire funds.
- Improvements will now be able to be carried out to this intersection that Shire funding alone would not be able to achieve.

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It is therefore recommended that the Council approve the inclusion of \$6,666.00 in the 2005/06 budget as the required 1/3 funding of the \$20,000.00 total project cost for improvements to the Kargotich & Abernethy Road intersection as part of the 2005/06 State Black Spot Program.

Voting Requirements:

ABSOLUTE MAJORITY

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CGAM086/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Wigg

That Council approve the inclusion of \$6,666.00 in the 2005/06 budget as the required 1/3 funding of the \$20,000.00 total project cost for improvements to the Kargotich & Abernethy Road intersection as part of the 2005/06 State Black Spot Program.

CARRIED 8/0 ABSOLUTE MAJORITY

CGAM087/06/05 ADOPTION OF SERPENTINE JARRAHDALE CEMETERIES LOCAL LAW 2005 (A0090/06)		
Proponent:	Serpentine Jarrahdale Shire	In Brief It is recommended that Council adopt the revised Local Laws.
Officer:	M. Wright Cemeteries Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 May 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

Following the review of the existing Local Law in accordance with the Local Government Act 1995 and as presented to Council in February item CGAM016/02/05 the amended draft local laws were advertised in the West Australian requesting submissions about the proposed law closing on 18 May 2005.

Council resolved at the February 2005 Ordinary Council Meeting:-

1. *Under the powers conferred by the Cemeteries Act 1986, and all other powers enabling it, the Council of the Shire of Serpentine Jarrahdale proposes to adopt the Model Local Law (Cemeteries) 1998 as published in the Government Gazette on 12 May 1998 for application to the Serpentine and Jarrahdale Cemeteries, with such modifications as are hereunder set out –*
 1. *Preliminary*
 - 1.1 *Wherever the name of the Local Government is to be inserted, insert "Shire of Serpentine Jarrahdale".*
 - 1.2 *Wherever the name of the Local Law is to be inserted, insert "Serpentine and Jarrahdale Cemeteries Local Law, 2005".*
 - 1.3 *Wherever the street address of the Local Government is to be inserted, insert "6 Paterson Street, MUNDIJONG", and wherever the postal address of the Local Government is to be inserted, insert "6 Paterson Street, MUNDIJONG WA 6123".*
 - 1.4 *In the arrangement of contents "PART 1 – PRELIMINARY" –*
 - (a) *renumber items 1.2 and 1.3 as 1.3 and 1.4 respectively; and*
 - (b) *insert new item –*
"1.2 Application".
 - 1.5 *In the arrangement of contents "PART 3 – APPLICATION FOR FUNERALS" – delete item 3.2 and renumber items 3.3 to 3.5 inclusive as 3.2 to 3.4 respectively.*
 - 1.6 *In the arrangements of contents "PART 5 – FUNERALS" –*
 - (a) *delete Divisions 2 and 3 entirely; and*
 - (b) *insert new item –*
"Division 2 – Placement of Ashes
5.7 Disposal of Ashes".
 - 1.7 *In the arrangement of contents "PART 7 – MEMORIALS AND OTHER WORKS" –*
 - (a) *delete Divisions 2 and 3 entirely;*
 - (b) *renumber Division 4 as Division 2; and*
 - (c) *renumber items 7.16 to 7.20 inclusive as 7.13 to 7.17 respectively.*
 2. *PART 1 – PRELIMINARY*
 - 2.1 *Renumber clauses 1.2 and 1.3 as 1.3 and 1.4 respectively.*
 - 2.2 *Insert the following new clause -*
"1.2 Application
This Local Law applies to the Serpentine and Jarrahdale Cemeteries located on Lot 162 (Reserve 10661) South West Highway, Serpentine, and Lots 4504 and 4522 (Reserve 626) Atkins Road, Jarrahdale."
 - 2.3 *Delete clause 1.3 Repeal, renumbered as 1.4, and substitute the following new clause –*
"1.4 Repeal
The Local Law Relating to Serpentine and Jarrahdale Cemeteries published in the Government Gazette on 23rd December 1997 is repealed."
 3. *PART 2 – ADMINISTRATION*
 - 3.1 *In clause 2.1 delete the word "cemetery" where it appears, and substitute "Serpentine and Jarrahdale cemeteries".*
 4. *PART 3 – APPLICATION FOR BURIALS*
 - 4.1 *Delete clause 3.2 entirely.*
 - 4.2 *Renumber clauses 3.3 to 3.5 inclusive as 3.2 to 3.4 respectively.*
 - 4.3 *In clause 3.3, renumbered as clause 3.2 -*
 - (a) *delete "clauses 3.1 and 3.2" and substitute "clause 3.1"; and*
 - (b) *delete "clause 3.4" and substitute "clause 3.3".*
 - 4.4 *In sub clause (1) of clause 3.4, renumbered as clause 3.3, delete "or crematorium within the cemetery,".*
 - 4.5 *In clause 3.5, renumbered as clause 3.4, delete "twenty four" and substitute "forty eight".*

5. *PART 4 – FUNERAL DIRECTORS*

- 5.1 *In clause 4.2, delete ", or crematorium".*
- 5.2 *In clause 4.3, delete "or crematorium,".*

6. *PART 5 – FUNERALS*

- 6.1 *In clause 5.1, paragraph (a) delete "or cremation".*
- 6.2 *In clause 5.2, delete "or cremation" and "or clause 3.2".*
- 6.3 *In clause 5.6 paragraph (d), delete the complete text, and substitute "bury that dead body;".*
- 6.4 *Delete the whole of Division 2 - Cremation.*
- 6.5 *In Division 3 - Placement of Ashes -*
 - (a) *renumber Division 3 as Division 2;*
 - (b) *renumber clause 5.12 as 5.7;*
 - (c) *in subclause (1) of clause 5.12 renumbered as clause 5.7, delete -*
 - "Niche Wall*
 - Memorial Wall*
 - Garden of Remembrance*
 - Ground Niche*
 - Memorial Rose, Tree or Shrub*
 - Family Shrub*
 - Memorial Desk*
 - Granite Seat*
 - Family Grave*
 - Book of Remembrance*
 - Scattering to the Winds*
 - Memorial Gardens*
 - Other memorials approved by the Board";**and substitute the following –*
 - "Niche Wall;*
 - Memorial Walk consisting of Family Niche, Ground Niche, and Kerb Niche;*
 - Family Grave;*
 - Scattering to the Winds; or*
 - Other memorials approved by the Board."; and*
 - (d) *delete clauses 5. 13 and 5.14.*

7. *PART 6 – BURIALS*

- 7.1 *In clause 6.2, delete sub clauses (1) to (5) inclusive, and substitute the following –*
 - "A brick grave, crypt, vault or mausoleum shall not be constructed within the Serpentine or Jarrahdale cemeteries.".*

8. *PART 7 – MEMORIALS AND OTHER WORK*

- 8.1 *In clause 7.3, delete the words "the same" and substitute "those works".*
- 8.2 *In clause 7.12, delete all words after the heading and substitute -*
 - "A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act.".*
- 8.3 *Delete the whole of Division 2 - Lawn Section.*
- 8.4 *Delete the whole of Division 3 - Memorial Plaque Section.*
- 8.5 *In Division 4 - Licensing of Monumental Masons -*
 - (a) *renumber Division 4 as Division 2;*
 - (b) *renumber clauses 7.16 to 7.20 inclusive as 7.13 to 7.17 respectively;*
 - (c) *in clause 7.17 renumbered as clause 7.14 paragraph (a), delete "7.20" and substitute "7.17";*
 - (d) *in paragraph (a) of clause 7.18 renumbered as clause 7.15, delete "7.16" and substitute "7.13".*

9. *Second Schedule*

In the Second Schedule –

- (a) delete the prefix "19" where it is used as part of the date an alleged offence occurred and substitute "20"; and*
- (b) delete "(Authorised Person)" where it appears and substitute "(Authorised Officer)".*

10. *Third Schedule*

In the Third Schedule delete "(Authorised Person)" where it appears and substitute "(Authorised Officer)".

2. *That the proposal for making a Serpentine and Jarrahdale Cemeteries Local Law be advertised for a period of 42 days and submissions be presented to Council.*

CARRIED 9/0

The proposed changes in the draft local law give a clearer indication of titles for the various burial methods the shire's cemeteries have to offer and delete those not applicable.

A copy of the Local Law is with attachment marked CGAM087/06/05.

Sustainability Statement

Resource Implications: The provision of a cemeteries local law enables Council to control the use of reserves allocated for the purposes of a cemetery.

Deleted: **Effect on Environment:** Not applicable.¶

Social – Quality of Life Allows Council to administer its policy through a local law specific to the Serpentine and Jarrahdale cemeteries.

Deleted: **Use of Local, renewable or recycled Resources:** Not applicable.¶
¶
Economic Viability: Not applicable.¶
¶
Economic Benefits: Not applicable.¶

Social and Environmental Responsibility: The amended local law is consistent with Council's policy that a link with the shire must be demonstrated for a right of burial to be issued.

Social Diversity: These Local Laws do not disadvantage any social group in our community.

Statutory Environment:

Cemeteries Act 1986
Local Government Act Section 3.11 to 3.17
Local Government (Functions and General) Regulations 3 7.

Policy/Work Procedure

Implications:

The work procedure CSWP19 Local Law Procedural - checklist was followed and complied with. These Local Laws are compatible with existing Council Policies and Management processes

Financial Implications:

Enforcement of the Local Laws; Council's Legal Budget and cost of gazettal notice. The approximate cost for a Gazettal Notice is \$600 .

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Support/Object: One submission was received from Mrs J. Star as follows:-

"In relation to Council's intention to make a Cemeteries Local Law, I make the following submission.

Section 7.8 relates to prohibiting the use of wood as follows:-

'7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around a grave, other than as a temporary marker and with the prior approval of the Board.'

As our Shire's history evolved around the Timber Industry in the 1800's I feel it appropriate to be able to use such material in our cemeteries.

Whilst it is appreciated that white ants are a threat to the historical on ground record, wood can adequately be treated in this day and age.

I would respectfully request therefore that the veto of wood be deleted."

Comment:

Although wood can be adequately treated and for a very small percentage of graves is all the inscription they may receive, they are still prone to earlier destruction than that of stone or concrete and are also too easily destroyed or moved by vandals. As Serpentine and Jarrahdale cemeteries are an integral part of the historical records of this shire it is recommended that Council does not delete section 7.8 in the local law as presented -

'7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around a grave, other than as a temporary marker and with the prior approval of the Board.'

Voting Requirements: Normal

Officer Recommended Resolution:

1. Under the powers conferred by the Cemeteries Act 1986, and all other powers enabling it, the Council of the Shire of Serpentine Jarrahdale proposes to adopt the Model Local Law (Cemeteries) 1998 as published in the *Government Gazette* on 12 May 1998 for application to the Serpentine and Jarrahdale Cemeteries, with such modifications as are hereunder set out –
 1. Preliminary
 - 1.1 Wherever the name of the Local Government is to be inserted, insert "Shire of Serpentine Jarrahdale".
 - 1.2 Wherever the name of the Local Law is to be inserted, insert "Serpentine and Jarrahdale Cemeteries Local Law, 2005".
 - 1.3 Wherever the street address of the Local Government is to be inserted, insert "6 Paterson Street, MUNDIJONG", and wherever the postal address of the

- Local Government is to be inserted, insert "6 Paterson Street, MUNDIJONG WA 6123".
- 1.4 In the arrangement of contents "PART 1 – PRELIMINARY" –
(a) renumber items 1.2 and 1.3 as 1.3 and 1.4 respectively; and
(b) insert new item –
"1.2 Application"
- 1.5 In the arrangement of contents "PART 3 – APPLICATION FOR FUNERALS" – delete item 3.2 and renumber items 3.3 to 3.5 inclusive as 3.2 to 3.4 respectively.
- 1.6 In the arrangements of contents "PART 5 – FUNERALS" –
(a) delete Divisions 2 and 3 entirely; and
(b) insert new item –
"Division 2 – Placement of Ashes
5.7 Disposal of Ashes".
- 1.7 In the arrangement of contents "PART 7 – MEMORIALS AND OTHER WORKS" –
(a) delete Divisions 2 and 3 entirely;
(b) renumber Division 4 as Division 2; and
(c) renumber items 7.16 to 7.20 inclusive as 7.13 to 7.17 respectively.
2. PART 1 – PRELIMINARY
- 2.1 Renumber clauses 1.2 and 1.3 as 1.3 and 1.4 respectively.
- 2.2 Insert the following new clause -
"1.2 Application
This Local Law applies to the Serpentine and Jarrahdale Cemeteries located on Lot 162 (Reserve 10661) South West Highway, Serpentine, and Lots 4504 and 4522 (Reserve 626) Atkins Road, Jarrahdale."
- 2.3 Delete clause 1.3 Repeal, renumbered as 1.4, and substitute the following new clause –
"1.4 Repeal
The Local Law Relating to Serpentine and Jarrahdale Cemeteries published in the *Government Gazette* on 23rd December 1997 is repealed."
3. PART 2 – ADMINISTRATION
- 3.1 In clause 2.1 delete the word "cemetery" where it appears, and substitute "Serpentine and Jarrahdale cemeteries".
4. PART 3 – APPLICATION FOR BURIALS
- 4.1 Delete clause 3.2 entirely.
- 4.2 Renumber clauses 3.3 to 3.5 inclusive as 3.2 to 3.4 respectively.
- 4.3 In clause 3.3, renumbered as clause 3.2 -
(a) delete "clauses 3.1 and 3.2" and substitute "clause 3.1"; and
(b) delete "clause 3.4" and substitute "clause 3.3".
- 4.4 In sub clause (1) of clause 3.4, renumbered as clause 3.3, delete "or crematorium within the cemetery,".
- 4.5 In clause 3.5, renumbered as clause 3.4, delete "twenty four" and substitute "forty eight".
5. PART 4 – FUNERAL DIRECTORS
- 5.1 In clause 4.2, delete ", or crematorium".
- 5.2 In clause 4.3, delete "or crematorium,".
6. PART 5 – FUNERALS
- 6.1 In clause 5.1, paragraph (a) delete "or cremation".
- 6.2 In clause 5.2, delete "or cremation" and "or clause 3.2".
- 6.3 In clause 5.6 paragraph (d), delete the complete text, and substitute "bury that dead body;".
- 6.4 Delete the whole of Division 2 - Cremation.
- 6.5 In Division 3 - Placement of Ashes -

- (a) renumber Division 3 as Division 2;
- (b) renumber clause 5.12 as 5.7;
- (c) in subclause (1) of clause 5.12 renumbered as clause 5.7, delete -
"Niche Wall
Memorial Wall
Garden of Remembrance
Ground Niche
Memorial Rose, Tree or Shrub
Family Shrub
Memorial Desk
Granite Seat
Family Grave
Book of Remembrance
Scattering to the Winds
Memorial Gardens
Other memorials approved by the Board";
and substitute the following –
"Niche Wall;
Memorial Walk consisting of Family Niche, Ground Niche, and Kerb Niche;
Family Grave;
Scattering to the Winds; or
Other memorials approved by the Board."; and
- (d) delete clauses 5. 13 and 5.14.

7. PART 6 – BURIALS

- 7.1 In clause 6.2, delete sub clauses (1) to (5) inclusive, and substitute the following –
"A brick grave, crypt, vault or mausoleum shall not be constructed within the Serpentine or Jarrahdale cemeteries."

8. PART 7 – MEMORIALS AND OTHER WORK

- 8.1 In clause 7.3, delete the words "the same" and substitute "those works".
- 8.2 In clause 7.12, delete all words after the heading and substitute -
"A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act."
- 8.3 Delete the whole of Division 2 - Lawn Section.
- 8.4 Delete the whole of Division 3 - Memorial Plaque Section.
- 8.5 In Division 4 - Licensing of Monumental Masons -
 - (a) renumber Division 4 as Division 2;
 - (b) renumber clauses 7.16 to 7.20 inclusive as 7.13 to 7.17 respectively;
 - (c) in clause 7.17 renumbered as clause 7.14 paragraph (a), delete "7.20" and substitute "7.17";
 - (d) in paragraph (a) of clause 7.18 renumbered as clause 7.15, delete "7.16" and substitute "7.13".

9. Second Schedule

In the Second Schedule –

- (a) delete the prefix "19" where it is used as part of the date an alleged offence occurred and substitute "20"; and
- (b) delete "(Authorised Person)" where it appears and substitute "(Authorised Officer)".

10. Third Schedule

In the Third Schedule delete "(Authorised Person)" where it appears and substitute "(Authorised Officer)".

- 2. That the Serpentine and Jarrahdale Cemeteries Local Law 2005 as adopted be:-
 - (i) gazetted via State Law Publisher,

- (ii) advertised in the West Australian,
- (iii) forwarded for advice to the Minister for Local Government and to the Joint Standing Committee on Delegated Legislation, and
- (iv) become law 14 days after the date the law is advertised.

CGAM087/06/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

1. Under the powers conferred by the Cemeteries Act 1986, and all other powers enabling it, the Council of the Shire of Serpentine Jarrahdale proposes to adopt the Model Local Law (Cemeteries) 1998 as published in the *Government Gazette* on 12 May 1998 for application to the Serpentine and Jarrahdale Cemeteries, with such modifications as are hereunder set out –

1. Preliminary

1.1 Wherever the name of the Local Government is to be inserted, insert "Shire of Serpentine Jarrahdale".

1.2 Wherever the name of the Local Law is to be inserted, insert "Serpentine and Jarrahdale Cemeteries Local Law, 2005".

1.3 Wherever the street address of the Local Government is to be inserted, insert "6 Paterson Street, MUNDIJONG", and wherever the postal address of the Local Government is to be inserted, insert "6 Paterson Street, MUNDIJONG WA 6123".

1.4 In the arrangement of contents "PART 1 – PRELIMINARY" –

(a) renumber items 1.2 and 1.3 as 1.3 and 1.4 respectively; and

(b) insert new item –

"1.2 Application"

1.5 In the arrangement of contents "PART 3 – APPLICATION FOR FUNERALS" –

delete item 3.2 and renumber items 3.3 to 3.5 inclusive as 3.2 to 3.4 respectively.

1.6 In the arrangements of contents "PART 5 – FUNERALS" –

(a) delete Divisions 2 and 3 entirely; and

(b) insert new item –

"Division 2 – Placement of Ashes

5.7 Disposal of Ashes".

1.7 In the arrangement of contents "PART 7 – MEMORIALS AND OTHER WORKS" –

(a) delete Divisions 2 and 3 entirely;

(b) renumber Division 4 as Division 2; and

(c) renumber items 7.16 to 7.20 inclusive as 7.13 to 7.17 respectively.

2. PART 1 – PRELIMINARY

2.1 Renumber clauses 1.2 and 1.3 as 1.3 and 1.4 respectively.

2.2 Insert the following new clause –

"1.2 Application

This Local Law applies to the Serpentine and Jarrahdale Cemeteries located on Lot 162 (Reserve 10661) South West Highway, Serpentine, and Lots 4504 and 4522 (Reserve 626) Atkins Road, Jarrahdale."

2.3 Delete clause 1.3 Repeal, renumbered as 1.4, and substitute the following new clause –

"1.4 Repeal

The Local Law Relating to Serpentine and Jarrahdale Cemeteries published in the *Government Gazette* on 23rd December 1997 is repealed."

3. PART 2 – ADMINISTRATION

3.1 In clause 2.1 delete the word "cemetery" where it appears, and substitute "Serpentine and Jarrahdale cemeteries".

4. PART 3 – APPLICATION FOR BURIALS

4.1 Delete clause 3.2 entirely.

4.2 Renumber clauses 3.3 to 3.5 inclusive as 3.2 to 3.4 respectively.

4.3 In clause 3.3, renumbered as clause 3.2 -

(a) delete "clauses 3.1 and 3.2" and substitute "clause 3.1" ; and

(b) delete "clause 3.4" and substitute "clause 3.3".

4.4 In sub clause (1) of clause 3.4, renumbered as clause 3.3, delete "or crematorium within the cemetery,".

4.5 In clause 3.5, renumbered as clause 3.4, delete "twenty four" and substitute "forty eight".

5. PART 4 – FUNERAL DIRECTORS

5.1 In clause 4.2, delete ", or crematorium".

5.2 In clause 4.3, delete "or crematorium,".

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6.1 In clause 5.1, paragraph (a) delete "or cremation".

6.2 In clause 5.2, delete "or cremation" and "or clause 3.2".

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(b) renumber clause 5.12 as 5.7;

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Memorial Wall

Garden of Remembrance

Ground Niche

Memorial Rose, Tree or Shrub

Family Shrub

Memorial Desk

Granite Seat

Family Grave

Book of Remembrance

Scattering to the Winds

Memorial Gardens

Other memorials approved by the Board";

and substitute the following –

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Memorial Walk consisting of Family Niche, Ground Niche, and Kerb Niche;

Family Grave;

Scattering to the Winds; or

Other memorials approved by the Board."; and

(d) delete clauses 5. 13 and 5.14.

7. PART 6 – BURIALS

7.1 In clause 6.2, delete sub clauses (1) to (5) inclusive, and substitute the following –

"A brick grave, crypt, vault or mausoleum shall not be constructed within the Serpentine or Jarrahdale cemeteries.".

7.8 Use of Wood

Wooden fences, railings, crosses or other wooden erections may be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Board.

8. PART 7 – MEMORIALS AND OTHER WORK

8.1 In clause 7.3, delete the words "the same" and substitute "those works".

8.2 In clause 7.12, delete all words after the heading and substitute -

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8.4 Delete the whole of Division 3 - Memorial Plaque Section.

8.5 In Division 4 - Licensing of Monumental Masons -

(a) renumber Division 4 as Division 2;

(b) renumber clauses 7.16 to 7.20 inclusive as 7.13 to 7.17 respectively;

(c) in clause 7.17 renumbered as clause 7.14 paragraph (a), delete "7.20" and substitute "7.17";

(d) in paragraph (a) of clause 7.18 renumbered as clause 7.15, delete "7.16" and substitute "7.13".

9. Second Schedule

In the Second Schedule –

(a) delete the prefix "19" where it is used as part of the date an alleged offence occurred and substitute "20"; and

(b) delete "(Authorised Person)" where it appears and substitute "(Authorised Officer)".

10. Third Schedule

In the Third Schedule delete "(Authorised Person)" where it appears and substitute "(Authorised Officer)".

2. That the Serpentine and Jarrahdale Cemeteries Local Law 2005 as adopted be:-

(i) gazetted via State Law Publisher,

(ii) advertised in the West Australian,

(iii) forwarded for advice to the Minister for Local Government and to the Joint Standing Committee on Delegated Legislation, and

(iv) become law 14 days after the date the law is advertised.

CARRIED 8/0

Committee Note: The Officers Recommendation Resolution was changed to add 7.8 to allow wood to be used at the cemetery with prior approval from the board.

CGAM088/06/05 WALGA VOTING DELEGATES (A0163/06)		
Proponent:	Not applicable	In Brief Council is requested to nominate 2 voting delegates to the Annual General Meeting, Western Australian Local Government Association to be held on Sunday 7 August 2005.
Owner:	Not applicable	
Officer:	Elizabeth Cox – A/Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	3/6/05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Deleted: ¶

Background

Notice has been received from the Western Australian Local Government Association requesting Council to nominate two (2) voting delegates to the Annual General Meeting. Voting delegates may be either elected members or serving officers. Delegates will be provided with the reports and notices of motion prior to the meeting.

Statutory Environment:

WALGA Constitution provides for all Member Councils to be represented by two (2) voting delegates at the Annual General Meeting.

Policy/Work Procedure Implications:

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

Financial Implications:

Budget provision has been made for delegates attending the AGM. There are no Financial implications to Council related to this application/issue.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

The WALGA constitution provides for each member council to be represented by two (2) voting delegates at the WALGA Annual General Meeting. The meeting provides delegates with an opportunity to participate in policy and decision making on issues relating to the Shire and local government in general.

Council could consider the recently elected SE Zone representatives or nominate persons of their choice who may be either elected members or serving officers.

Voting Requirements:

Normal

CGAM088/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Kirkpatrick

That Council nominates Cr Star and Cr Hoyer as Shire of Serpentine Jarrahdale's delegates to the Western Australian Local Government Association Annual General Meeting to be held at Local Government Week on Sunday 7 August 2005.

CARRIED 8/0

Deleted: two Councillors

Cr Price declared a financial interest in item CGAM089 which refers to the Deputy President allowance as it directly effects him and left the meeting at 8.17pm.

CGAM089/06/05 DEPUTY PRESIDENT ALLOWANCE (A0906)		
Proponent:	Director Corporate Services	In Brief To recognize the role of the Deputy President through the payment of an annual allowance.
Officer:	E Cox – A/ Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	9/06/05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Local Government Act 1995 makes provision for the payment of an allowance to the Deputy President that is in addition to that Councillor's annual allowance for attending meetings. The role of Deputy President is developing as the Shire grows. It is appropriate that Council considers the increasing support role for the President and recognizes the position by payment of an annual allowance in accordance with the requirements of the Local Government Act 1995.

Statutory Environment:

The Local Government Act 1995 section 5.98A provides :

A local government may decide to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

The Local Government (Administration) Regulations 1996 Regulation 33A states:

For the purposes of section 5.98A(1) the prescribed percentage is 25%.

Approval requires an absolute majority vote.

The allowance to be paid to the Deputy President is over and above the councillor's annual attendance fee.

Policy/Work Procedure Implications:

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

Financial Implications:

Budget allocation provided.

Strategic Implications:

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

4. Governance

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

Comment:

The role of the Deputy President is evolving as the Shire grows and changes to meet the needs of the community. In supporting the role of President the Deputy may also be called upon to deputise for the President at functions, events and meetings. It is now appropriate that an acknowledgement of the position by way of an allowance be given consideration. The Local Government Act provides for the recognition of the position by way of an annual allowance paid in addition to a Councillor's annual attendance fee. It is proposed that an allowance of \$2,000 be considered at this time with a further review of the allowance in 12 months.

Voting Requirements:

ABSOLUTE MAJORITY

Deleted: **ABSOLUTE
MAJORITY**

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CGAM089/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Wigg

That Council recognizes the role of the Deputy President and in doing so provides for an annual allowance of \$2,000, to be reviewed annually until the maximum allowable level is attained, to be paid in addition to the Councillor annual attendance fee.

CARRIED 7/0 ABSOLUTE MAJORITY

Cr Price returned to the meeting at 8.18pm.

CGAM090/06/05		WRITE OFF OF RATES LOT 2 TONKIN STREET, SERPENTINE (P02823)	
Proponent:	Mr Muller	In Brief Write off \$3,617.38 in rates and charges raised incorrectly for Lot 2 Tonkin Street Serpentine as the assessment should have been terminated in December 2000.	
Owner:	Mr Muller		
Officer:	V Tapp – Finance Officer - Rates		
Signatures Author:			
Senior Officer:			
Date of Report	27/05/2005		
Previously			
Disclosure of Interest	<u>No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act</u>		
Delegation	Council		

Background

Council has been approached by the owner of Lot 124 Tonkin Street querying the rates assessments received for Lot 2 Tonkin Street Serpentine for the years 00/01, 01/02, 02/03, 03/04 and 04/05.

In December 2000, Lot 2 Tonkin Street Serpentine (Assessment 49100) was subdivided into two (2) lots, Lot 1 (Assessment 396600) and Lot 124 (Assessment 396601). These lots were then sold to two separate parties. After this subdivision, Lot 2 Tonkin Street failed to be flagged as terminated on Council's property system, and was subsequently transferred to the owner of Lot 124 Tonkin Street and has remained as an active property attracting rates

and penalties since then. An amount of \$3,617.38 in rates and penalties have accumulated in error and made up as follows:

Levies	Receipts	Balance	C/A	Description
615.43	0.00	615.43	C	Rates
1679.83	0.00	1679.83	A	Rates
407.65	0.00	407.65	C	Interest
141.00	0.00	141.00	A	BUSHFIRE LEVY
2.47	0.00	2.47	A	ESL PENALTY INTEREST
185.00	0.00	185.00	C	RUBBISH COLLECTION RATE
526.00	0.00	526.00	A	RUBBISH COLLECTION RATE
30.00	0.00	30.00	C	EMERGENCY SERVICES LEVY
30.00	0.00	30.00	A	EMERGENCY SERVICES LEVY
				=====
3617.38	0.00	3617.38		*** TOTALS ***

As the rates for Lot 2 Tonkin Street Serpentine have been raised in error for the years 00/01, 01/02, 02/03, 03/04, 04/05 it is recommended they be written off.

Sustainability Statement Not applicable

Statutory Environment:

Approval requires a absolute majority of the council to vote in support of the recommendation.

Policy/Work Procedure

Implications:

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

Financial Implications:

Write off \$3,617.38 in rates and charges and penalty

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

Write off rates incorrectly charged for Lot 2 Tonkin Street Serpentine.

Voting Requirements: ABSOLUTE MAJORITY

CGAM090/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Brown

Council agrees to write off \$3,617.38 in rates and charges raised incorrectly for Lot 2 Tonkin Street, Serpentine as the assessment should have been terminated in December 2000.

CARRIED 8/0 ABSOLUTE MAJORITY

Cr Wigg declared an interest of impartiality in item CGAM092 as a member of the Serpentine Golf Club and left the meeting at 8.19pm.

CGAM092/06/05 APPLICATION TO INCREASE GROUND WATER ALLOCATION AT SERPENTINE SPORTS RESERVE 19134 AND 27453 (RS0180 & RS0006)		In Brief To acquire delegation for the Chief Executive Officer to sign Application to amend a 5C license to take Groundwater (Form B) from the Leederville Aquifer for use on the Serpentine Sports Reserve.
Proponent:	Shire of Serpentine Jarrahdale	
Owner:	Under care control management of Serpentine Jarrahdale Shire	
Officer:	Jenni Andrews – Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	02 June 2005	
Previously	E002/08/04 E007/11/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Serpentine Sports Reserve has an area of 39 hectares of irrigated turf. Within this area 9.5 hectares of the John Lyster Equestrian Ground is used by the Serpentine/Foothills Polocrosse Club, another 9.5 hectares of the David Butfield Ground is used by the Serpentine Horse and Pony Club, and 20 hectares is used and leased by the Serpentine and Districts Golf Club.

Groundwater extraction from both the superficial and artesian systems in the Serpentine Groundwater Area is controlled by the Department of Environment. Licensees need to be obtained for the use of these water resources. The shire currently holds a license to extract 75, 000 kilolitres (kL) per year from the Leederville Aquifer (License number GWL 105634). This license covers the two extraction points or bores and is valid until 2009.

The Draft Serpentine Sports Reserve Management Plan estimated that in total the Serpentine Sports Reserves' irrigated turf was using over twice the allocated amount, an estimation of 170, 000 kL per annum. The shire managing irrigation of the two equestrian grounds of 19 hectares with application of 75,000 kL and the Serpentine District Golf Club managing 20 hectares of turf with 95,000 kL. With confirmed readings of the flow meters installed on both bores in the reserve in October 2004 the calculations of these original estimations have been revisited.

The Serpentine District Golf Club when purchasing a new bore in January 2001 were under the understanding that the shire were in application for a second ground water license allocation for the second bore. This to date has not occurred. The shire had supported the club through consecutive community grants for the Serpentine District Golf Club to implement reticulation on the fairways and to upgrade the turf to its current status.

The Serpentine Jarrahdale Shire is participating in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign. The Water Campaign is an iterative program designed to increase the efficiency of water use and reduce the impacts on water

quality in the environment, through Councils' own operations and also by their communities as a whole.

The Serpentine Jarrahdale Shire has set specific water efficiency and quality improvement goals through its participation in the campaign. This includes to achieve a 15% reduction in water consumption (per capita population of the Shire) based on 1999/2000 consumption data by the year 2010/11 and to ensure no net increase in consumption over the same period.

Specifically at the Serpentine Sports Reserve ICLEI targets achieved in the period of two years are illustrated below in Figure1. Serpentine Sports Reserve Water Consumption. Flow meters were implemented in October 2004 thus 2004 / 2005 data is more accurate than estimations made from water application calculations made in 2003 / 2004.

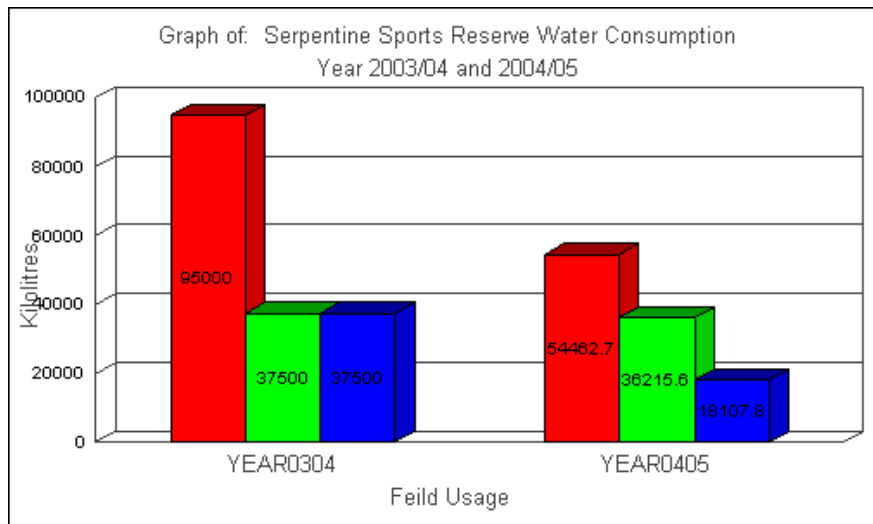


Figure 1. Serpentine Sports Reserve Water Consumption red = golf club turf, green = pony club turf, blue = polocrosse turf.

A 29% reduction in water consumption has been achieved from the original figures gathered in the Water Campaign Milestone 1: *Inventory of Water Consumption and Water Quality Issues* and the Draft of Serpentine Sports Reserve Management Plan with a total consumption in the 2004 / 2005 year of 108,786.20 kL in comparison to 2003 / 2004 estimated 170,000 kL.

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Groundwater allocation in the area at the time of the writing of the Draft Serpentine Sports Reserve Management Plan was guided by the *Serpentine Groundwater Area - Leederville Aquifer Recharge and Discharge Zones Policy - 1999 (confined aquifer policy)*. The Shire had then been advised that an application to increase the current allocation of 75,000 kL would unlikely be successful. With recent contact with Department of Environment in May 2005 the new directive taken by the Department of Environment regarding licensing groundwater licenses within the Serpentine Groundwater Area is as follows:

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As the previous policy had been applied inconsistently and was causing some problems, advice was sought as to its validity. A subsequent review of the water resources in the area revealed that the policy was no longer relevant and should be discontinued.

The directive stated that effective as of March 17 2005, use of the previous policy should be discontinued. Licensing is now based on the true aquifer the bore is drawing from based on the stratigraphy (or the down hole rock types).

There is currently 276,262 kilolitres available in the Serpentine 3 subarea (64% allocated)- however that could reduce quite quickly after that we wont be able to give any more licenses out.

It is the opinion of reserve management officers and the Serpentine Sports Reserve Management Committee that if water is available from the aquifer, and it will be allocated to other sources in the Serpentine Area, an additional water allocation within sustainable limits should be sought.

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The amount requested is an extra 50, 104.13 kL a 15% variance on what has been used this financial year. This figure is 15% on top of the water used in the 2004/05 year minus the current allocation of 75,000kL. The summer period was mild and had low evapotranspiration rates. The 15% variance should allow any additional water application to be accounted for rather than having a deficit. The water applied is already well below best practice management as recommended by the Department of Environment's Environmental Guidelines for the Establishment and Maintenance of Turf and Grassed Areas. Any less application would be detrimental to the integrity of the grass area.

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Sustainability Statement

Effect on Environment: The license allocation system is regulated by the Department of the Environment, the Department is charged with the responsibility to ensure that usage of ground water resources remains within sustainable limits and impacts on the environment are managed.

Resource Implications: The proposal seeks to fulfil compliance of current water extraction levels to maintain the regional reserves' existing turf infrastructure. Evidence shows that water usage has decreased significantly in the last two years with clubs going below recommended best management turf practises with lower rates of water application.

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Use of Local, renewable or recycled Resources: The proposal if granted will sustain the grounds which are used locally within the shire, regionally and for interstate events.

Economic Viability: The proposal aims to sustain the irrigated turf infrastructure in respect to the past investment on developing and maintaining the grounds. In future it is envisaged that further investment will be allocated to the efficiency of the water use and achieving water quality targets set in the Water Campaign within the reserve.

Economic Benefits: Indirectly the shire will receive benefits through tourism and business potential of recreational events which draw a range of local and national participants and spectators.

Social – Quality of Life The provision of recreational areass for the community is fundamental to the health of our society. The Serpentine Sports Reserve is recognised for its regional recreational and environmental values with potential to further develop the equestrian grounds and the only Golf Course within the district.

Social and Environmental Responsibility: This proposal has identified the need for social resources and environmental responsibility in respect to sustainable water use.

Social Diversity: This proposal does not disadvantage any social groups.

Statutory Environment: Absolute majority required

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.

2. Environment

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

Strategies:

4. Reduce water consumption.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

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

Strategies:

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The Serpentine Sports Reserve Management Committee is directly involved in achieving Water Campaign targets. Individual consultation has occurred with the Serpentine District Golf Club and the Serpentine Horse and Pony Club. The John Lyster Equestrian Ground had a significant water reduction in water application and it was not seen as necessary to meet with the Serpentine /Foothills Polocrosse Club.

| When the application is submitted the Department of Environment would advise if any additional consultation or advertisement is required.

Comment:

Actions and proposed actions taken by the shire and clubs since the endorsement of Water Campaign Milestone 2: *the setting of consumption reduction and water quality goals* and the knowledge of non compliance with water allocations have been:

- Flow meters installed on golf club and equestrian bore in October 2004 and monthly measurements recorded.
- Water the polocrosse field once with 25mm per fortnight rather than 25mm per week and monitor.
- Water the pony club grounds once per week with 25mm as per current practise.
- Apply wetting agent to the pony club grounds
- Discussions undertaken with individual user groups for water reduction methods.

The Serpentine District Golf Club with the support of the shire has invested over \$200,000 on the Golf Course in the last 5 years developing the grounds including reticulation of the fairways, construction of dams and a shed. They would like to sustain this as they have increased membership and have regular club visits from other locations.

The shire itself has invested over \$600,000 on developing the turf infrastructure of the David Buttfield Equestrian Park which was remodelled to improve drainage and turf quality in 1999. This cost does not include maintenance costs of both the Equestrian grounds.

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▲ The water applied by both the Shire and the Serpentine District Golf Club is well below best practice management as recommended by the Department of Environments Environmental Guidelines for the Establishment and Maintenance of Turf and Grasses Areas. Any less application would be detrimental to the integrity of the grass area.

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Voting Requirements:

ABSOLUTE MAJORITY

CGAM092/06/05 Committee/Officer Recommended Resolution:

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

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CGAM092/06/05 NEW MOTION

Moved Cr Hoyer seconded Cr Murphy

Delegation is given to the Chief Executive Officer to sign an application to amend a 5C license to take Groundwater (Form B) from the Leederville Aquifer on license GWL 105634 for an increase to the limit of any opportunity allowed.
LOST 2/5

Council Note: The new motion was different to the Committee/Officer recommended resolution by removing “an additional 50,000 kilolitres and adding “an increase to the limit of any opportunity allowed”.

FORESHADOWED MOTION

Cr Price foreshadowed that he would moved the original Committee/Officer Recommended Resolution, if the motion under debate was defeated under absolute majority requirements.

CGAM092/06/05 COUNCIL DECISION

Moved Cr Price seconded Cr Star

Delegation is given to the Chief Executive Officer to sign an application to amend a 5C license to take Groundwater (Form B) from the Leederville Aquifer on license GWL 105634 for an additional 50,000 kilolitres.
CARRIED 6/1 ABSOLUTE MAJORITY

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Cr Hoyer voted against the motion.

Cr Wigg returned to the meeting at 8.43pm.

CGAM097/06/05 RECREATION CENTRE CONSTRUCTION AND MAINTENANCE COSTS (A0900-03)		
Proponent:	Director Asset Services	In Brief Council is requested to approve a minor adjustment to the Recreation Centre Construction Account and create a Recreation Centre Maintenance Reserve Account <u>in the 2005/06 budget.</u>
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	13 June 2005	
Previously	CRAS077/05/04 SD023/02/05 SD025/02/05 CGAM051/04/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

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Background

On 24 May 2004, Council resolved to award the contract for the Design and Construction of the Serpentine Jarrahdale Community Recreation Centre to Merym Constructions for the lump sum price of \$4,322,215. An allowance of \$250,000 was also to be made in the 2004/05 budget as a contingency fund which reflected that a number of items deleted from the contract with Merym Constructions would be required however alternate funding sources would be sought if possible. The allowance was also deemed necessary as projects of this nature require variations due to unforeseeable circumstances.

When the 2004/05 budget was adopted, the total funding allocated for the project was \$4,780,000 comprised of \$4,330,000 for the construction contract, \$250,000 for gymnasium equipment and a reduced contingency sum of \$200,000.

In February 2005 Council approved a contract variation of \$4,931 (excluding GST) to modify the Briggs Park power supply to meet current regulatory standards. At the same meeting a further variation was approved which modified the Extreme Sports area however this was to be within the existing budget. In April 2005, Council resolved to reallocate \$20,000 from the Extreme Sports budget to the Mundijong Skatepark project.

Funding for the Recreation Centre project was comprised of a loan taken by Council of \$3,200,000, a grant from the State Government of \$1,000,000, a Federal Government Grant

of \$310,000, \$125,000 from Reserve Funds and a further loan for the Contingency allowance.

In January 2005 the Director Corporate Services reported via the Quarterly Financial Report that, due to drawing down the Recreation Centre Loan progressively, net savings in the repayment of the loan in 2004/05 of \$136,975 are expected.

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Additional works at the Recreation Centre were approved by the Director Asset Services and undertaken by the shires Operations Team which were required either due to unforeseen circumstances or to ensure the Centre was complete by the opening date. These works included subsoil drainage systems, asphaltting of the carpark, reconstruction of 160m of Mead Street, landscaping, works to sections the BMX track affected by the project, new materials for the relocation of cricket practice nets and complimentary works around the building for its opening.

The final invoice has been received from Merym Constructions which includes the initial contract price of \$4,322,215 (excluding GST) and adjustments of \$124,004 which were items identified in the original Options Schedule and not able to be funded from alternate sources. In addition some waste/resource minimization items were at a cost higher than provisional sums made at the time the tender was submitted. The total payment to Merym Constructions for the project is \$4,446,219 (excluding GST).

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Sustainability Statement

Effect on Environment: Cost adjustments were necessary during the project to ensure the waste / resource minimization outcomes for the project were achieved.

Resource Implications: Where possible, specifications to components of the Centre were adjusted to ensure minimum energy and resources are required for the operation of the facility.

Economic Viability: Some components within the Centre were procured at higher cost than the builders Provisional Sum allocations allowed for. This has occurred due to cost/benefit analysis being undertaken throughout the project to determine best value for money with regard to minimizing future maintenance expenditure which, on occasion, required a higher capital investment.

Economic Benefits: The Recreation Centre has resulted in approximately 40 employment opportunities being made available to our community. Utilisation of the Centre has exceeded expectations to date with membership numbers exceeding that budgeted.

Social – Quality of Life: Recreational programs and opportunities are now available within the shire that previously required residents to travel to other districts.

Social and Environmental Responsibility: The Recreation Centre is both socially and environmentally responsible through its design and services offered.

Social Diversity: The Recreation Centre has been designed allowing access for all persons and programs will be developed to meet their needs as these become known.

Statutory Environment:

Approval requires an absolute majority of the Council to vote in support of the recommendation.

Policy/Work Procedure Implications:

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

Financial Implications:

The total cost (excluding GST) for the Recreation Centre at Practical Completion stage is as follows:

Construction Cost (Merym Constructions)	\$4,322,215
Adjustments (Merym Constructions)	\$124,004
Gymnasium Equipment (YMCA of Perth)	\$250,000
Other Works (Serpentine Jarrahdale shire)	\$80,673
TOTAL	\$4,776,892

The total cost is within the allowance of \$4,780,000 made in the 2004/05 budget however this allowance did not include the full \$250,000 contingency as only \$200,000 was requested when the budget was prepared. Additionally, savings of \$136,975 are expected through drawing down the primary loan progressively.

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As the project is at Practical Completion stage it is unlikely that further major expenditure is required, however some minor works (carpark linemarking, etc) will still be required. It is recommended that the allocation for the Recreation Centre of \$4,780,000 (OSR903) is increased to \$4,800,000 to cover any outstanding minor works with funds transferred from the Loan Interest account (OSR628). It is further recommended that the \$20,000 allocation for the Mundijong Skate Facility is also sourced from savings in the Loan Interest account and remaining savings are considered for transfer to a Recreation Centre Reserve Account to be created in the 2005/06 budget which would be used for future maintenance activities.

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Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.

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

Strategies:

4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

4. Reduce water consumption.
5. Reduce green house gas emissions.

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: Not applicable

Comment:

The \$250,000 contingency approved by Council was based on a previously identified Options Schedule of \$150,000 and an allowance of \$100,000 for Other Works which often arise on projects of this nature. The Options Schedule was achieved at a cost of \$124,004 and Other Works for \$80,673, ahead of budget allowances.

It was intended to seek external funding for items in the Options Schedule such as the Climbing Wall, etc however this proved to be extremely difficult as potential sponsors were not comfortable in investing in what, at that stage, were concepts only. An allowance of \$40,000 has been made in the Operating Income and the YMCA have been requested to seek this sponsorship via naming rights, etc.

At present a Building Maintenance Reserve Account does not exist and in recent years a number of major maintenance activities have been necessary. As discussed in the September 2004 Asset Services Management Strategy, further major building maintenance works will become necessary in the near future and currently there is no strategy in place to fund these. The provision of Reserve Accounts is important and, as the Recreation Centre will be a highly utilized facility, it is prudent to ensure funds will be available to undertake preventative maintenance activities when scheduled so as to minimize the risk of major expenditure in the future. It is recommended that a Recreation Centre Reserve Account is created in 2005/06 budget.

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Voting Requirements: **ABSOLUTE MAJORITY**

CGAM097/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Kirkpatrick seconded Cr Brown
Council:**

1. Approve a budget adjustment for Recreation Centre (OSR903) to \$4,800,000 with the additional funds sourced from savings achieved in Loan Interest (OSR628);
2. Approve the allocation of \$20,000 for Mundijong Skate Facility being sourced from savings achieved in Loan Interest (OSR628); and
3. Approve the creation of a Recreation Centre Reserve Account in the 2005/06 budget.

CARRIED 8/0 ABSOLUTE MAJORITY

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Cr Star declared a financial interest in item SD087 as she has a commercial relationship regarding the item and left the meeting at 8.45pm.

SD087/06/05 PROPOSED PRIVATE RECREATION (PAINTBALL GAMING FACILITY) – LOT 135 (#540) HOPELAND ROAD, HOPELAND (P02635/01)		
Proponent:	Irene Everett & Alyson Morgan (Big Game Paintball Adventures)	In Brief The applicant seeks planning approval for the establishment of a private recreation (paintball) facility on Lot 135 Hopeland Road, Hopeland. It is recommended that the application be conditionally approved.
Owner:	John Kukulj	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	23 May 2005	
Previously	N/A	
Disclosure of Interest	Cr Star	
Delegation	Council	

Owner:	John Kukulj
Owner's Address:	315 Jarrahdale Road, Jarrahdale
Applicant:	Irene Everett & Alyson Morgan (Big Game Paintball Adventures)
Applicant's Address:	P0 Box 7510, Cloisters Square Post Office WA 6850
Date of Receipt:	24 February 2005
Advertised:	11 April – 2 May 2005
Submissions:	Two referral authority submissions
Lot Area:	53.0 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	27 April 2005

Background

The applicant seeks planning approval for the establishment of a private recreation (paintball gaming) facility on Lot 135 Hopeland Road, Hopeland. The subject land is zoned 'Rural' under Council's Town Planning Scheme No. 2 whereby 'private recreation' is an 'AA' use which may be permitted at Council's discretion. The subject land is also contained within the

Rural Policy Area under the Shire's Rural Strategy, which provides for appropriately scaled recreational uses to be undertaken which will not impact on the agricultural intent of the area.

By way of law, the game of paintball became legal on 1 January 2005, when the *Firearms Amendment Act 2004* was enacted. This made the paintball gun a recognised firearm under the *Firearms Act 1973*, and subject to all appropriate approvals being obtained allowed for the game of paintball to be undertaken within WA. In terms of appropriate approvals, both local government approval (in the form of planning consent) and police approval (in the form of a category E corporate firearms licence) are required.

The proposed application was advertised widely to surrounding landowners for comment. The application was also referred for comment to the Department of Environment and the Water Corporation, as the subject lot abuts a Water Corporation Drain and contains a conservation category wetland, and to the Department for Planning and Infrastructure due to the nature of the use within the 'Rural' zone under the Metropolitan Region Scheme. Resulting from advertising no comments from the public were received with two submissions received from referral authorities.

It should also be noted that strict requirements have been imposed on the applicant by the Western Australian Police Service through the issuing of a Paintball Corporate Licence and a Paintball Range Licence. Council should also consider the conditions of these licences in their determination of the application.

A copy of the site and development plans of the proposal are with attachments marked SD087.1/06/05.

Sustainability Statement

Effect on Environment: It is considered that the proposal will not have any adverse impacts on the environment. By law, the use can only be undertaken within designated controlled playing fields and patrons will be restricted from important areas of remnant vegetation. All these areas will be further protected via appropriate fencing and signage.

The paintballs themselves are biodegradable and water soluble, being made up of the following chemicals - mineral oils, food colouring, ethylene glycol and iodine.

Resource Implications: As reticulated sewerage is not available, alternative on-site effluent disposal needs to be provided to the satisfaction of the Shire and the Department of Health.

Use of Local, renewable or recycled Resources: The proposed use is likely to support local businesses through attracting patrons to the Shire.

Economic Viability: The proposed use is considered to be economically viable in a way that incorporates external costs. This is particularly measured in relation to limiting any impacts on the environment or local biodiversity, as well as undertaking ongoing revegetation and rehabilitation of the site.

Economic Benefits: As mentioned above, the proposed use is likely to support local businesses through attracting patrons to the Shire.

Social – Quality of Life: The proposed use is considered to represent an area of interest to both the local community and wider area. While not appealing to everyone, the proposal will attract a wide diversity of participants, from children (supervised by parents) through to the elderly. This is considered to add to the Shire's social diversity and quality of life.

Statutory Environment: Town Planning and Development Act 1928

Metropolitan Region Town Planning Scheme Act 1959
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

**Policy/Work Procedure
Implications:**

Shire of Serpentine-Jarrahdale Rural Strategy
Statement of Planning Policy No. 1 (*State Planning Framework*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources*)
Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)
Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*)

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

The application was advertised widely to surrounding landowners. The application was also referred for comment to Department of Environment, Water Corporation and Department of Planning and Infrastructure, due to there being a conservation category wetland on the property, abutting a Water Corporation Drain and due to the nature of the use within the 'Rural' zone under the Metropolitan Region Scheme.

Resulting from advertising no public submissions were received. Responses were, however, received from the Department of Planning and Infrastructure, Department of Environment and the Water Corporation. The Department of Planning and Infrastructure stated that they have no objection to the proposal with the Department of Environment and Water Corporation offering the following comments:

Department of Environment:

The Department of Environment has assessed the proposal and considers that this proposal will provide an environmental benefit to the wetland area as it currently exists. Therefore, the Department of Environment has no objections subject to the following condition:

Stock Exclusion from Wetland Buffer:

On the basis of observations made during the site inspection, the Department of Environment has no objections to the use of the property for a Paintball facility, but still requires the protection of the Conservation Category Wetland drain reserve from stock impacts. The Department of Environment requires that all stock on site be prevented from entering within 50m of the drainage reserve. Furthermore, the Department of Environment requires that all remnant native vegetation is preserved and enhanced with additional plantings of local native species.

The Department of Environment has also recommended that the existing on-site effluent disposal system on site be upgraded and that an Alternative Treatment Unit be utilised rather than a traditional septic system.

Water Corporation:

Water

The proposed development is remote from any existing Water Supply Scheme and therefore reticulated scheme water supply is currently not available to the subject property.

Sewerage

This area is remote from the reticulated sewerage scheme. On-site disposal should be in accordance with the requirements of the Health Department and the Shire of Serpentine-Jarrahdale.

Drainage

The subject development is within the Mundijong Drainage District and abuts the Corporation's Dirk Brook Sub A Drain (90202). Any protective screening to be erected along the northern boundary of the property is to be a stand alone barrier and not form part of any existing boundary fence with the drain reserve.

Comment:

Town Planning Scheme No.2

The Scheme identifies 'private recreation' as an 'AA' use for the 'Rural' zone, which may be undertaken at the discretion of Council. In exercising this discretion, Council must be satisfied that the proposed use will be consistent with the stated objectives for the 'Rural'

zone, and will not detract from the overriding agricultural intent of the area. Consideration should also be given to the Shire's Rural Strategy, which provides for appropriately scaled recreational uses to be undertaken as long as they do not detract from the intent of the Rural Policy Area.

In terms of assessment against these objectives, the proposed use is considered compliant. Allowing for 'private recreation' uses in the 'Rural' zone recognises that it is often larger rural lots that provide the appropriate space and isolation for such uses to be undertaken without any detrimental impact to other properties or landowners. This is considered true for the subject property, being 53.0ha in area and hence providing space and separation for the use to be undertaken in an appropriate manner.

Accordingly, subject to compliance with the recommended conditions, it is considered that the proposed use can be undertaken without any detrimental impacts on the environment or surrounding 'Rural' zoned land.

WA Police Service:

Together with approval from the Local Government to operate the Paintballing activities from the land, the applicant requires approval from the Western Australian Police Service in the form of a Paintball Corporate Licence issued under the section 21(1) of the Firearms Act (1973). The applicant has obtained this licence, together with a Paintball Range Licence, subject to a number of conditions.

A copy of the Paintball Corporate Licence and Paintball Range Licence are with attachments marked SD087.2/06/05.

Environmental Officer:

Comments from the Shire's Environmental Officer are as follows:

This site is adjacent to a water corporation drain, and a conservation category wetland extends within that portion of land being used for paint ball games. The vegetation has been grazed and is therefore damaged but mature paper bark and marri trees remain with some areas of melaleuca regrowth and sedges. The adjoining drain reserve contains 'Eucalyptus rudis' and a dense cover of ungrazed ground cover consisting of both native and weed species.

The paintball game fields are located primarily within grazed areas though some native vegetation is interspersed amongst the game obstacles. The proponents indicated that they would be pleased to undertake additional planting to both complement the habitat value of the site and provide additional cover for game players.

The applicants indicated that no clearing of vegetation was proposed.

Tyres are used on one field. These can cause a fire hazard but previous discussions with the Fire and Emergency Services Officer has indicated that the hazard is manageable. However, proponents should be advised to check with the Department of Environment because the storage and/or use of more than a certain number of tyres requires a licence.

A new high fence is to be constructed on the inside of the firebreak that runs along the northern boundary of the lot. This needs to be constructed in such a manner that it does not cause any unnecessary clearing and any unavoidable damage is minimized.

A single toilet is located on site with a septic tank but no leach drain. This toilet facility is within a few metres of the conservation category wetland and should be reviewed by the health officers.

The issues that have been raised by the Shire's Environmental Officer can be addressed through placing appropriate conditions on the approval, such as conditions relating to revegetation.

Government Authorities:

The comments that were received from the Water Corporation, as previously transcribed, can be addressed through stipulating appropriate conditions on the approval, such as the provision of an adequate on-site effluent disposal system. The applicant is proposing to construct a 2m high screen along the inside of the firebreak along the northern boundary as required by the Western Australian Police Service. This screen will be made of shade cloth and will be standalone as required by the Water Corporation.

The Department of Environment requirement that stock be prevented from entering within 50m of the drainage reserve will be imposed as a condition. Likewise, a condition will also be stipulated requesting that all native vegetation be protected.

Conclusion:

The proposal presents an opportunity for a 'private recreation' facility to be established within the Shire. This paint balling operation will help cater for the recreational needs of residents within the Shire together with acting as a tourism generator as many of the players using the facilities will be from surrounding areas.

It is considered that the proposal will have minimal impacts, if any, on surrounding properties as the paint balling activities are confined to the northern portion of the lot and separated from the nearest road by a Water Corporation Drain. This is substantiated by the fact that no submissions were received by Council during the public advertising period.

It is considered that through compliance with the recommended conditions and strict enforcement of the Corporate and Range licences as issued by the Western Australian Police Service, that the Private Recreation (Paintball) facility on Lot 135 Hopeland Road, Hopeland can be undertaken with minimal impact on surrounding properties. It is therefore recommended that the application be conditionally approved.

Voting Requirements: Normal

SD087/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Wigg

The application for a private recreation (paintball gaming) facility on Lot 135 Hopeland Road, Hopeland be approved subject to the following conditions:

- 1 Development shall be in accordance with the Approved Development Plans attached to and forming part of this approval. Major variations to the Approved Development Plan as determined by the Shire will require further planning approval to be obtained, however, minor variations may be approved if deemed necessary and in accordance with the objectives of the Scheme.**
- 2 Development shall be in accordance with the Paintball Corporate Licence and the Paintball Range Licence as issued by the Western Australian Police Service.**
- 3 A building licence must be applied for and issued by the Shire before any work commences on the site. This is to detail any proposed structures, screen fencing, public amenities and public safety requirements.**
- 4 All proposed structures and screen fencing are to be of non reflective material and in a colour of natural and earth tones to compliment the surroundings and to be maintained to a high standard to the satisfaction of the Shire.**
- 5 The use is not to interfere with the agricultural intent or amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes,**

- smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise. The development area shall be kept in a neat and tidy condition at all times to the satisfaction of Shire.
- 6 The use is limited to operation between the times of 8am to 6pm only, Monday to Sunday and shall not exceed a maximum of forty (40) patrons (excluding staff) per day during these times to the satisfaction of the Shire.
- 7 All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas preventing direct disposal of stormwater onto the road or neighbouring properties.
- 8 An approved alternative treatment unit for effluent disposal must be installed to the satisfaction of the Shire and Department of Health prior to commencement of the development the subject of this approval. Details of the proposed system are to be submitted and approved prior to the commencement of use of the land for paintball gaming activities.
- 9 All on-site effluent disposal systems shall be set back a minimum distance of 30 metres from any streams, rivers or water courses (including non-perennial streams) and have a minimum 1.2 metre vertical separation from the groundwater table.
- 10 All sewerage and wastewater being disposed of to the specification and requirements of the Shire and the Department of Health.
- 11 All stock on site are to be prevented from entering within 50 metres of the Water Corporation Drainage Reserve.
- 12 The protective screening erected along the northern boundary of the property is to be stand alone barrier, is not to form part of any existing boundary fence with the drain reserve and is to be setback a minimum of 4 metres from the existing boundary fence.
- 13 The applicant shall prepare for Council approval a Landscape and Revegetation Management Plan of that portion of Lot 135 Hopeland Road to be used for activities associated with paintball games that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs and groundcover species to be established.
- 14 The approved Landscape and Revegetation Management Plan shall be implemented within 12 months of approval being granted and vegetation within that portion of Lot 135 Hopeland Road to be used for activities associated with paintball games shall thereafter be managed in accordance with this approved plan.
- 15 Prior to the commencement of site works, the proponent shall provide a bond in accordance with Shire policy to the value of \$1,500 with the Shire of Serpentine-Jarrahdale. The bond may be in the form of cash, cheque or bank guarantee, and is a performance guarantee against satisfactory completion of the auditable completion criteria in the approved Landscape and Revegetation Management Plan. The performance guarantee will be refunded in full, immediately the outstanding works are completed/established as required in the approved Landscape and Revegetation Management Plan. Any such bond is to be accompanied by a written authorisation from the owner of the land that the Shire may enter the land to complete or rectify any outstanding works in accordance with the approved Landscape and Revegetation Management Plan. The Shire will recover the bond, or part of the bond, as appropriate, the cost to the Shire, including administrative costs, of completing or rectifying any outstanding works.
- 16 No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, provisions within the approved Landscape and Revegetation Management Plan or by the proponent obtaining the prior consent of the Council in writing, where such vegetation is dangerous or where the clearing is required to accommodate approved developments.

- 17 A sign licence application including a plan or description of all signs for the proposed development shall be submitted and approved by the Shire prior to the erection of any signage on the site.**

Advice Notes:

- 1 A planning consent is not an approval to commence any works. A building licence must be obtained for all works.**
- 2 Your application for a building licence must be accompanied by a photocopy of the Form 2 Approval, and all plans, where appropriate, must satisfy the conditions specified.**
- 3 In relation to condition 13, the Landscape and Revegetation Management Plan shall:**
- (a) Include a scaled map which can be placed as an overlay over a recent (since 2003) aerial photograph of that portion of Lot 135 Hopeland Road to be used for activities associated with paintball games;**
 - (b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or is not to be retained as a result of buildings, fences, drains and other surface water features, firebreaks, power lines and other access ways and services;**
 - (c) Locate buildings and other significant features on the map;**
 - (d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;**
 - (e) Locate on the map and describe for each area of vegetation that is to be established, the component species, plus the planting densities, soil preparation and plant protection to be undertaken;**
 - (f) Locate fire breaks on the map.**
 - (g) Clearly state auditable vegetation management targets including weed control and revegetation outcomes for audit at the time of vegetation management bond return and thereafter as follows –**
 - i establish a self sustaining cover of locally occurring native tree, shrub, groundcover and shoreline plant species indicative of nearby woodland, and wetland communities;**
 - ii Achieve stem densities and ratios of trees, shrubs, groundcovers and shoreline plants indicative of nearby woodland and wetland communities when a minimum of 80% of the plants have survived at least two summer seasons (for most dry communities, this is approximately 1 plant per square meter and most shoreline sedge and rush communities should be planted at densities of approximately 6 plants per square meter);**
 - iii Achieve a plant diversity of at least 60% of the plant species that are listed under each of the community types on the Shire Planting List, and**
 - iv Maintain a weed burden at levels not likely to threaten the native species.**
- 4 Native vegetation is valued and protected in the Shire of Serpentine-Jarrahdale. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.**
- 5 The Environmental Protection (Noise) Regulations 1997 contain penalties where the noise limits prescribed are exceeded and it is suggested that you have due regard for this in the operation of your development.**
- 6 The operations of the development must comply with all environmental standards as specified in any works approval licence conditions, policies or conditions of approval applied under the Environmental Protection Act 1985.**
- 7 The Shire has a Local Business Directory on the Shire's website (www.sjshire.wa.gov.au) which can be used by anyone who runs a business locally. All you need to do is register your details online at no charge and you**

- will be issued a password. You are then able to update your own details as the need arises.
- 8 This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in obtaining a vegetation clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, from the Department of Environment. Further information should be obtained from the Department of Environment.
- 9 The applicant is advised to liaise with the Department of Environment regarding the storage and use of tyres on the property for activities relating to the paintball facility.
- 10 This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in obtaining approval from the Department of Environment for any works which may impact on any wetland on or within proximity of their property. Further information should be obtained from the Department of Environment.
- 11 This development is defined as a public building and shall comply with the provisions in the Health Act 1911 relating to public buildings, the Public Building Regulations and Shire guidelines for establishment of public buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application.
- 12 This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in notifying Environment Australia of their proposal for consideration of impacts in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*. Further information can be obtained from Environment Australia.
- CARRIED 7/0**

Cr Star returned to the meeting at 8.53pm.

SD093/06/05 PLANNING INFORMATION REPORT		
Proponent	Acting Director Sustainable Development	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 June 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

SD093.1/06/05 PLANNING SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is with the attachments marked SD094.1/06/05.

SD093.2/06/05 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Development & Property	Approved / Refused
27/04/05	Lot 1121 Boomerang Road, Oldbury – Oversize Shed	Approved
27/04/05	Lot 177 Paterson Street, Mundijong – Garage & Patio	Approved
27/04/05	Lot 578 Harwood Pass, Darling Downs – Single Dwelling	Approved
27/04/05	Lot 20 Curo Street, Jarrahdale – Single House	Approved
03/05/05	Lot 116 (site 20) South Western Highway, Serpentine – Carport & Patio	Approved

Date Issued	Development & Property	Approved / Refused
03/05/05	Lot 554 Bruns Drive, Darling Downs – Swimming Pool	Approved
03/05/05	Lot 116 (site 59) South Western Highway, Serpentine – Carport & Patio	Approved
03/05/05	Lot 268 Stanley Road, Byford – Water Tank & Oversize & Overheight Shed	Approved
04/05/05	118689 – Lot 795 Hall Road (cnr Wattle Road), Serpentine (CLEARANCE OF LOT 17 ONLY)	Approved
04/05/05	Lot 14 Keirnan Street, Mundijong – Shed	Approved
04/05/05	Lot 8 Rowley Road, Darling Downs – Place of Public Worship (Church)	Approved
04/05/05	Lot 152 Abernethy Road, Byford – Oversize & Overheight Shed	Refused
04/05/05	Lot 11 Bullich Retreat, Jarrahdale – Single Dwelling	Approved
04/05/05	Lot 237 Wright Road, Mardella – Shed	Approved
04/05/05	Lot 19 Baskerville Road, Mundijong – Shed	Approved
04/05/05	Lot 15 South Western Highway, Jarrahdale – Shed	Approved
06/05/05	Lot 14 Keirnan Street, Mundijong – Additions to existing dwelling	Approved
06/05/05	Lot 254 Pethick Close, Byford – Patio & Verandahs	Approved
10/05/05	123469 – Byford by the Scarp – Stages 1A & 1B ONLY	Approved
10/05/05	Lot 71 Ray Close, Byford – Patio	Approved
10/05/05	Lot 565 Bruns Drive, Darling Downs – Single Dwelling	Approved
10/05/05	Lot 565 Bruns Drive, Darling Downs – Shed & Water Tank	Approved
12/05/05	Lot 548 Bruns Drive, Darling Downs – Single House	Approved
12/05/05	Lot 687 Nettleton Road, Karrakup – Single House	Approved
17/05/05	Lot 2 Bradshaw Road, Byford – Patio	Approved
18/05/05	Lot 101 Marginata Parade, Jarrahdale – Water Tanks	Approved
18/05/05	Lot 220 Bangap Place, Oakford – Shed & Lean-To	Approved
18/05/05	Lot 1980 Nettleton Road, Karrakup – Amended Approval for construction of a new dwelling, change of use of the existing dwelling to “Ancillary Accommodation – Rural Workers’ Dwelling”, additions to the existing dwelling and construction of a storage shed	Approved
18/05/05	Lot 568 Bruns Drive, Darling Downs – Single Dwelling	Approved
18/05/05	Lot 152 Abernethy Road, Byford – Oversize & Overheight Shed (previous application refused)	Approved
18/05/05	Lot 52 Butcher Street, Mundijong – Single Dwelling	Approved
18/05/05	Lot 264 Linton Street North, Byford – Carport	Approved
18/05/05	Lot 213 Wright Road, Mardella – Patio & Shed	Approved
19/05/05	Lot 42 White Gum Rise, Byford - Patio	Approved
20/05/05	Lot 5 Dalley Street, Byford – Garage / Shed	Approved
20/05/05	Lot 536 Bruns Drive, Darling Downs – Single Dwelling	Approved
20/05/05	Lot 607 Bruns Drive, Darling Downs – Shade House	Approved
20/05/05	Lot 586 Harwood Pass, Darling Downs – Carport Extension to Existing Shed, Retaining Wall & Two (2) Rain Water Tanks Outside of Building Envelope	Approved
20/05/05	Lot 822 Mount Eden Lane, Oakford – Water Tank	Approved
20/05/05	Lot 102 Marginata Parade, Jarrahdale – Patio, Spa & Pool Fencing	Approved
24/05/05	Subdivision 127871 – Lots 1 & 2 Larsen & Thomas Roads, Byford – Byford Central Stage 2	Approved
26/05/05	Lot 116 (site 17) South Western Highway, Serpentine – Carport & Patio	Approved
26/05/05	Lot 116 (site 37) South Western Highway, Serpentine – Carport & Patio	Approved

Date Issued	Development & Property	Approved / Refused
30/05/05	Lot 246 Bilya Avenue, Mardella – Shed	Approved
30/05/05	Lot 308 Salmon Bark Road, Serpentine - Stables & Shed Outside of Building Envelope & Keeping of Horses	Approved
30/05/05	Lot 51 Cousens Street, Jarrahdale – Shed	Approved
30/05/05	Lot 308 Meadowbrook Retreat, Oakford – Shed	Approved
30/05/05	Lot 80 Marginata Parade (corner Darwinia Court), Jarrahdale – Single House	Approved
30/05/05	Lot 41 Keirnan Street, Mundijong – Additions and alterations (to existing Single House)	Approved
30/05/05	Lot 24 White Gum Rise, Byford – Patio	Approved
30/05/05	Various land as identified on the approved plans - Serpentine Trunk Main Refurbishment	Approved
31/05/05	Lot 60 Cavanagh Close, Cardup – Shed, Tank & Relocation of Building Envelope	Approved
31/05/05	Lot 52 Waterside Pass, Byford – Garage & Relocation of Existing Garage	Approved
31/05/05	Lot 14 Helen Crescent, Byford – Patio	Approved

SD093.3/06/05 CONCEPT FORUM – JUNE AGENDA ITEMS

ITEMS FOR PRELIMINARY DISCUSSION	
1	Lot 112 Soldiers Road, Cardup – Proposed Relocation of Building Envelope
2	Lot 25 McKay Drive, Serpentine – Proposed Over height Outbuilding within the Landscape Protection Policy Area
3	Lot 819 Nettleton Road, Jarrahdale – Proposed Shed
4	Jarrahdale Heritage Park Project – Proposed Information Signage
5	Lot 12 & Lot 13 Park Road, Byford – Proposed Subdivision into five lots
6	Lot 3 Clifton Street, Byford – Proposed Change of Use from “Offices” to “Office” and “Showroom”

General Business

1. Appeal - NLG Sands, L1304 Coyle Road, Oldbury (Carlie Eldridge)
2. Appeal - WA Blue Metal Update (Brad Gleeson); and Cook Industries, L422 King Road, Oldbury – Update/Discussion Weed Control (Brad Gleeson & Sue Osborne)
3. Peel-Harvey draft Local Planning Policy Briefing (Andrew Trosic)
4. RSL Charter (Carole McKee)
5. Designating Bushfire Prone Areas (discussion paper attached) (Wayne Chant)
6. Oakford/Oldbury Small Lot – Agri-Precinct Concept Report Briefing (Ken Fisher/Brad Gleeson)
7. DCU Meeting held on 26 May 2005

SD093.4/06/05 PROPOSED SUBDIVISION – LOT 240 HALL ROAD, SERPENTINE (S127458)

Owner: G & J Squire
Proposal: 22 Rural Living A lots - 0.4ha to 1.0ha
L.A.Decn: Approved
Mfpdecn: Approved

SD093.5/06/05 PROPOSED SUBDIVISION – LOT 19 KING ROAD, OAKFORD (S127498)

Owner: R & S Burrows
Proposal: Two 2ha Rural lots
L.A.Decn: Refused

Mfpdecn: Approved

SD093/06/05 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Wigg seconded Cr Hoyer
The Planning Information Report to 15 June 2005 be received.
CARRIED 8/0**

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

SD094/06/05 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 4 (#309) KING ROAD, OLDBURY (P00068/01)		
Proponent:	Readymix Holdings Pty Ltd	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand at Lot 4 King Road, Oldbury for a 6 month period expiring 31 December 2005. It is recommended that the Extractive Industry Licence be granted for a period of only 6 months.
Owner:	Alex Cumming	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	23 June 2005	
Previously	P052/12/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

A copy of “Locality King” is in the attachments marked SD094.a/06/05

Owner: Alec Cumming
 Owners Address: PO Box 9 Byford 6122
 Applicant: Readymix
 Applicants Address: PO Box 555 Victoria Park, WA 6979
 Date of receipt: 23 June 2005
 Advertised: Not applicable
 Submissions: Not applicable
 Lot Area: 14 hectares
 LA Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Raw Materials Extraction
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Not applicable
 Townscape/ Heritage: Not applicable
 Precinct:
 Heritage Precinct: Not applicable
 Bush Forever: Not applicable
 Date of Inspection: 22 June 2005

Background

Planning approval under the Town Planning Scheme for this development expired in February 2005. A new planning application for an extractive industry has been received by the Shire and is currently being assessed. A separate report will be presented to Council relating to the planning application. Also, planning approval was granted by the Western Australian Planning Commission (WAPC) on 8 February 2000 for a period of 5 years. The approval expired on 8 February 2005 and the owner is required to seek a new approval for

an Extractive Industry from the WAPC under the provisions of the Metropolitan Region Scheme.

An extractive industry licence for the subject land was issued by the Shire on 31 December 2004 and is valid until 30 June 2005.

A copy of the conditions placed on this Extractive Industry Licence is with the attachments marked SD094.1/06/05.

Sustainability Statement

Effect on Environment: The area to be extracted has generally been cleared of vegetation.

Resource Implications: The proposal will extract a large volume of sand over the life of the extractive industry. Although the proposal does not specify any specific measures to minimise resource use, there is no water on site. There is the potential for fuel to be used for the operation of the machinery.

Use of Local, renewable or recycled Resources: The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

Economic Viability: The extraction of sand has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the subject land if not well managed.

Economic Benefits: If a new extractive industry licence is granted, the operation has the potential to create employment for residents in the Shire.

Social – Quality of Life: It is considered that the proposal will not impact on the quality of life for the community if well managed.

Social and Environmental Responsibility: The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment.

Social Diversity: The proposal does not disadvantage any social groups.

<u>Statutory Environment:</u>	Local Government Act 1995. Extractive Industries Local Law Town Planning and Development Act. Metropolitan Region Scheme
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Extracts from the Extractive Industries Local Law is outlined below:

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 A person must not carry on an extractive industry -
- (a) Unless the person is the holder of a valid and current licence; and
 - (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.
- Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

- 4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-
refuse the application; or
approve the application on such terms and conditions, if any, as it sees fit.*

Policy Implications:

Extractive Industry Planning Policy. The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining the level of non compliance with licence conditions to be applied in determining the length of extractive industry licence.
4. To set a process for determining audit review timeframes.
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire officers.

Note: The length of licence has not been assessed under this policy as it was not considered appropriate to offer a licence longer than six months until the planning approval had been achieved for the site.

Financial Implications:

The Extractive Industry Licence annual fee has been paid.

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not applicable.

Comment:

A site visit to the property was undertaken on 22 June 2005 by Council's Planning Officer and Environmental Officer. The site visit revealed that Readymix have undertaken substantial work to bring their operations into compliance with the current extractive industry licence conditions. The previous inspection to the property on 22 November 2004 revealed that seven conditions had not been complied with. The seven outstanding conditions have now been completed to the satisfaction of Shire Officers. The conditions of the current licence that are partially compliant are as follows:

Condition 5 – Covering of all Loads

The Environmental Officer states:

The quarry company uses most of the sand resource from this site in its other operations. Readymix representatives indicated that trucks leaving the site that are owned and operated by Readymix comply with this condition. As small amounts of sand are purchased by outside operators, some of these operators do not comply with this condition even though it is also a requirement under traffic regulations. This was discussed on site with company representatives who indicated that some operators don't even bring a cover to the site. Their concern is that the only option they have under these circumstances is to refuse sale. Some operators are also belligerent about putting a cover on their load for short runs even though it is a requirement under traffic regulations and there is no water on site to assist damp down the loads.

It is noted that it is difficult for Readymix to enforce this condition when dealing with trucks and operators outside of the company. It is recommended that Readymix site operators continue to advise clients that it is a requirement by the Shire and traffic regulations that all loads are to be covered when leaving the site.

It is recommended that this condition remain on the licence.

Conditions 15, 16, 17 and 21 – Planting & Revegetation

The Environmental Officer states:

Replanting on site has not yet commenced. Some discussion took place in relation to the direction in which the Shire is approaching re-vegetation. The need to specify the purpose of vegetation and then commit to standards appropriate to each purpose was explained to the Readymix representatives. The company representatives also indicated that they had collected seeds from the local area to ensure an appropriate species mix of plant best adapted to the local conditions.

Furthermore, the establishment of parkland pastures was discussed on site and the Shire officers made a commitment to forward the contact details of the seed supplier who will be able to give good advice in this regard. The Shire officers indicated that there would be a strong preference for pasture species that had little or no capacity to escape as weeds into the bush.

These conditions have not yet been met as Readymix are still investigating the types of pasture and seeds that are best suited for the site. Readymix have made a commitment to continue working closely with the Shire to achieve these outcomes. It is recommended that these conditions remain on the licence.

One condition relating to dieback is compliant but of concern:

Condition 19 – Implementation of Dieback Hygiene Measures

The Environmental Officer states:

Company representatives and Shire officers discussed dieback issues on site. There is currently no dieback evident on or adjacent to the quarry pit. The site manager demonstrated an understanding of dieback issues and how it is spread. No specific processes are currently in operation on site even though machinery has been used extensively during the last six months to rebuild the previously extracted area and batter to the north of the quarry pit.

The discussion on site touched on the need to ensure that any mulch brought on site was clean or well composted prior to use.

Although there is currently no die back on the property and the company is therefore compliant, Readymix representatives were advised by Council Officers to monitor the issues carefully and to liaise with the Shire should any dieback problems arise. It is recommended that this condition remain on the licence.

Conclusion

Although there are five conditions on the current Extractive Industry Licence which have only been partially complied with, four relate to the planting of vegetation and pasture which is still being investigated by the company and will be agreed upon through close consultation with the Shire. The other conditions relate to the covering of all loads which is difficult to enforce on external small scale operators. Readymix have made substantial progress with regards to bringing their operations into compliance with the current licence conditions.

As Readymix do not have a current valid planning approval for the property, it is recommended that a licence be issued for a period of six (6) months only to allow for planning approval to be issued by the Shire and the WAPC. Once the planning approvals have been issued and assuming a compliance with the licence conditions, it is likely that a longer licence term could be granted after assessment of the operations against Council's recently adopted Local Planning Policy relating to Extractive Industry Licences.

Voting Requirements: Normal

SD094/06/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

The extractive industry licence be issued for sand extraction at Lot 4 King Road, Oldbury for a six (6) month period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Director Sustainable Development by 15 November 2005. (AD1)
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)

ENVIRONMENTAL

Dust

3. The licensee shall prepare by 1st August 2005 a revised Dust Management Plan for the Director Sustainable Development approval and thereafter implement the approved revised Dust Management Plan in its entirety (D1).
4. The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using, where necessary, appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
5. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance (D4).

Noise

6. The licensee shall prepare by 1 August 2005 a revised Noise Management Plan for the Director Sustainable Development approval and thereafter implement the approved revised Noise Management Plan in its entirety (N1).
7. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).
8. The licensee shall not store or use explosives on site without the prior written approval of, and in compliance with any conditions required by, the Director Sustainable Development (N9).

Hazardous Chemicals

9. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound (H1).
10. The compounds described condition 9 shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water (H2).

11. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside any low permeability compounds (H3).
12. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be brought on-site and made available for immediate inspection by the Shire of Serpentine Jarrahdale staff during site audits (H5).
13. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (H6).

Biodiversity Management

14. The licensee shall prepare by 1 August 2005 a revised Biodiversity and Landscape Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).
15. Management of existing, plus revegetation of, banksia woodland and lowland bushland areas is to achieve:
 - a) a self sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent banksia woodland on the batters, around the periphery of the excavated sand pit and in areas identified for banksia woodland in the approved Biodiversity and Landscape Management Plan;
 - b) a self sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of lowland vegetation in areas identified for lowland bushland revegetation on the approved Biodiversity and Landscape Management Plan;
 - c) a minimum survival of 500 local native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.
 - d) a plant diversity of at least 60% of the plant diversity at agreed natural community reference sites and a minimum species richness of 5 native species per 100 square metres.
 - e) a weed burden at levels not likely to threaten the native species;
16. Banksia woodland and lowland bushland areas are to be managed adaptively to approximate the community structures of agreed natural community reference sites until all areas within the extractive industry site are compliant with the completion criteria listed in condition 15 above.
17. Revegetation and maintenance of parkland cleared land is to achieve:
 - a) Stable soils resistant to wind erosion;
 - b) A 90% cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt or love grasses;
 - c) Clumps of locally occurring trees and large shrubs (greater than 2 metres) indicative of local native lowland habitats at densities of no less than 100 stems per hectare; and
 - d) A minimal and controlled weed burden of declared weeds in rehabilitated areas throughout the period of extractive industry activities on site and for a minimum of three years from commencement of any stage of rehabilitation (BM3).
18. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development (BM5).

19. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas of the site other than the sand pit area (BM6).
20. Where stockpiling, extraction, screening, loading or haulage operations occur within close proximity (30 metres) of remnant vegetation or revegetated areas, the boundaries of the vegetation and revegetation areas are to be defined by star pickets and brightly coloured tape or some other mechanism to the satisfaction of the Director Sustainable Development to prevent machinery encroaching and damaging these areas (BM9).
21. Remnant vegetation and revegetated areas, including clumps of trees and large shrubs within parkland cleared areas are to be fenced in a manner that allows native animal access but prevents domestic stock from entering and degrading these areas (BM10).
22. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt (BM12).
23. Extraction of the western end of the sand pit is not to occur until a visual vegetation buffer has been established to the satisfaction of the Director Sustainable Development.

Impact Management

24. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility (IMP1).

Advice Notes:

1. The Dust Management Plan is to include information relating to:
 - a) The prevailing winds;
 - b) Buffers;
 - c) Proposed dust control measures including vegetated screening;
 - d) Any proposed dust monitoring;
 - e) Potential sources of complaints about dust including a map showing the proximity of dwellings and sensitive land uses;
 - f) Procedures to both document and address complaints with complainants and regulatory authorities (D1).
2. The Noise Management Plan is to consist of text and diagrams and should include:
 - a) All potential sources of noise;
 - b) Detail proposed noise management measures for each source which may include monitoring, buffers and vegetation or other screening.Details of complaints management that identifies:
 - c) Potential sources of complaints including local residences;
 - d) Procedures to both document and address complaints with complainants and regulatory authorities (N1).
3. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
 - a) Include a statement of biodiversity values on the site;
 - b) Identify threats to and pressures on biodiversity values;
 - c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
 - d) Include at least one scaled map of the premises which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole site;
 - e) Illustrate and describe land contours at proposed stages of the development including current contours and those proposed at completion of extractive industry activities;

- f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact on vegetation;
 - g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - h) Locate on the map and describe all end point vegetation types for example banksia woodland, lowland bushland or agricultural parkland cleared;
 - i) Describe the species, projected sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
 - j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden and the placement of logs for habitat provision);
 - l) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
 - m) Locate fire breaks on the map.
 - n) Provide time frames for stages of proposed industry operations;
 - o) Include copies of any necessary State Government approvals for clearing (BM1).
4. In relation to condition 16, community structure refers to the heights, densities and growth forms of dominant taxa in accordance with level IV assessments using the National Vegetation System. Further advice in relation to vegetation structure can be provided by the Shire Environmental Officer (BM3).
5. In relation to condition 23, a determination in relation to the adequacy of a visual buffer must be received in writing from the Director Sustainable Development prior to the removal of sand from the western end of the sand pit (BM12).
6. In relation to condition 1, the annual report is to:
- a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 14 months;
 - e) identify any proposed changes to approved management plans (AD1).
7. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the Director Sustainable Development approved such a document, the licence conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document (AD3).

CARRIED 8/0

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM12/06/05 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report for the month of June 2005.
Officer	J Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	22 nd June, 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM12.1/06/05 COMMON SEAL REGISTER REPORT – MAY, 2005 (A1128)

The Common Seal Register Report for the month of May 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM12.1/06/05. (E02/5614)

OCM12.2/06/05 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT – JUNE 2005 (A0436-05)

The Economic & Tourism Development Officer report of priorities to 17th June, 2005 is with the attachments marked OCM12.2/06/05. (E05/3379)

OCM12.3/06/05 USE OF DELEGATION REPORT (A0039-02)

The Chief Executive Officer exercised the following delegations during the month of May, 2005:

AF- 29 - Write Off of Rates or Rate Interest

Write off small balances (under \$5.00) - \$1040.90 total

CS-9 – Internal & External Funding Applications Seeking Council Endorsement

Letter of support – Youth for Youth Investment Funding Application ((E05/2626)

OCM12.4/06/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN ZONE MINUTES MAY 2005 (A1164)

The Minutes of the WALGA South East Metropolitan Zone Meeting held on 28th May, 2005 are in the attachments marked OCM12.4/06/05 (IN05/6200)

OCM12.5/06/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MINUTES AND PRESIDENTS REPORT (A1164)

The Minutes of the WALGA Peel Zone Meeting held on 26th May 2005 are in the attachments marked OCM12.5a/06/05 together with the Presidents report for May/June marked OCM12.5b/06/05 (IN05/5750)

OCM12.6/06/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SUMMARY OF STATE COUNCIL MINUTES 1 JUNE 2005 (A1164)

A summary of the WALGA State Council Meeting Minutes for 1 June 2005 are in the attachments marked OCM12.6/06/05. (IN05/6024)

OCM12.7/06/05 THANK YOU LETTER FROM SERPENTINE JARRAHDALE YOUTH
ADVISORY COUNCIL (A1172)

In the attachments marked OCM12.7/06/05 (IN05/5058) is a letter of thanks from the Serpentine Jarrahdale Youth Advisory Council for the hospitality extended to the YAC and the opportunity to meet Councillors and Staff as well as congratulating the Chief Executive Officer upon her appointment.

OCM12/06/05 COUNCIL DECISION/Officer Recommended Resolution

**Moved Cr Price seconded Cr Brown
The Information Report to 22nd June, 2005 is received.
CARRIED 8/0**

Council Note: The Chief Executive Officer advised Councillors that the Mundi Bindi event issue raised previously has been further investigated and will be reported on at a later time when the event progresses.

10. URGENT BUSINESS:
Nil

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

12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 8.58pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD081/06/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	Information report
Signatures Author:		
Senior Officer:		
Date of Report	07.06.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD081/06/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the May 2005 Building Information Report.
CARRIED 7/0**

SD082/06/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	Information report
Signatures Author:		
Senior Officer:		
Date of Report	10.06.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD082/06/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the Health Information Report for May 2005.
CARRIED 7/0**

SD086/06/05 PROPOSED COMMERCIAL VEHICLE PARKING – LOT 181 (#26) LORD FURY COURT, DARLING DOWNS (P04756/01)		
Proponent:	Lindsay Della	In Brief The applicant is seeking planning approval for the parking of a commercial vehicle on the property. It is recommended that the application be conditionally approved.
Owner:	As above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	20 May 2005	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD086/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

The application for Commercial Vehicle Parking on Lot 181 (#26) Lord Fury Court, Darling Downs be approved subject to the following conditions:

- 1 Approval is for the parking of one (1) commercial vehicle only for the purpose of towing the horse float only.
- 2 Only one (1) commercial vehicle is permitted on the property at all times unless the prior written approval of the Shire is obtained.
- 3 Approval is specific to the applicant only and does not run with the land.
- 4 No commercial activities are to be undertaken from the property.
- 5 No mechanical servicing of the commercial vehicle is permitted on the subject land.
- 6 The commercial vehicle is not to be started or leave the property before 6:00am or return to the property after 6:00pm unless otherwise approved in writing by the Director Sustainable Development.
- 7 The commercial vehicle is only permitted to be parked as per the approved plan.
- 8 Parking of the commercial vehicle in front of the dwelling or on the road verge is not permitted.

CARRIED 7/0

Deleted: ¶

CGAM083/06/05		RESERVES ADVISORY GROUP	(A1216)
Proponent:		In Brief Council is requested to appoint the nominated members for the Reserves Advisory Group for a period of two years.	
Owner:	Not applicable		
Officer:	Jenni Andrews Reserves Officer		
Signatures Author:			
Senior Officer:			
Date of Report	07 th June 2005		
Previously	E024/05/03 7 th May 2003 E019/03/03 24 th Feb 2003		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution SM051/06/04		

CGAM083/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

- Council appoint the following persons as the Reserves Advisory Group for a period of two years until June 2007.
Bob Leighton
Christine Randall
Brian Newell
Therese Wade
Alan Elliot
Jan Godwin
Harry Nannup/Indigenous Representation
Colleen Rankin
 - Council considers the allocation of \$1,000 to support a Reserves Advisory Group in the draft 2005/06 budget and annually thereafter in budget considerations.
- CARRIED 7/0**

Deleted: consideration

CGAM085/06/05 DISTRICT EMERGENCY MANAGEMENT COMMITTEE – LOCAL GOVERNMENT REPRESENTATION (A0202)		
Proponent:	CEO, Shire of Murray	In Brief Council is requested to support the continuation of Councillor Christine Thompson as the Peel Region Representative on the District Emergency Management Committee.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	3 June 2005	
Previously	AS008/07/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM085/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council supports the continued representation of Councillor Christine Thompson from the Shire of Murray as the local government representative for the Peel Region on the District Emergency Management Committee.
CARRIED 7/0

CGAM091/06/05		RATE MODELLING (A0128)	
Proponent:	A/Director Corporate Services		In Brief
Owner:			
Officer:	Elizabeth Cox A/Director Corporate Services		To advise Councillors of the outcome of the rate modelling workshop.
Signatures Author:			
Senior Officer:			To seek approval to advertise the consensus from the workshop for budget consideration in accordance with section 6.36 of the Local Government Act 1995
Date of Report	3 June 2005		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution SM051/06/04		

CGAM091/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

That the intention to rate as determined by consensus at the rate modelling workshop as attached at CGAM091/06/05, be advertised as follows for public comment in accordance with section 6.36 of the Local Government Act 1995 and incorporated into the draft budget.

Rate Category	UV Rate in \$	GRV Rate in \$	Minimum Amounts
Rural	0.4500		\$694.00
Residential		8.0600	\$563.00
Residential/Vacant		16.6290	\$646.00
Commercial		9.7680	\$646.00
Public Purpose	0.7100		\$694.00
Special Use		10.0470	\$1,113.00
Special Residential		9.1920	\$646.00
Special Residential/Vacant		23.5120	\$646.00
Light Industry		15.2150	\$646.00
Units-Rowley Road		9.6350	\$471.00
Caravan Parks		8.4630	\$5,989.00
Intensive Farming	0.6560		\$694.00
Farmland	0.3105		\$694.00
Rural Living	0.4650		\$694.00
Conservation	0.2250		\$694.00
Mining Tenements	1.1420		\$694.00
Light Industry/Residential Comp		15.2150	\$646.00

CARRIED 7/0

CGAM093/06/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during May 2005
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM093/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of May 2005, 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 7/0

CGAM094/06/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 May 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM094/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

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 31 May 2005.
CARRIED 7/0

CGAM095/06/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 May 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM095/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 May 2005.
CARRIED 7/0

CGAM096/06/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 May 2005
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM096/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report the Rate Debtors accounts as at 31 May 2005.
CARRIED 7/0

Deleted: ¶
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CGAM098/06/05 INFORMATION REPORT		
Proponent:	Acting Director Corporate Services	In Brief To receive the information report to 31 May 2005
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM098/06/05 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 31 May 2005 be received.
CARRIED 7/0