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| <u>10.4 Building Services – 20<sup>th</sup> May, 2002</u>  | 117 |
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| <u>10.5 Health Services – 20<sup>th</sup> May, 2002</u>  | 118 |
| <u>H16/05/02 MOSQUITO &amp; MIDGE CONTROL (A0647)</u>  | 118 |
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| <u>10.6 Planning Development &amp; Environment – 20<sup>th</sup> May, 2002</u>   | 118 |
| <u>E036/05/02 PERTH BIODIVERSITY PROJECT – MEMORANDUM OF UNDERSTANDING WITH WA LOCAL GOVERNMENT ASSOCIATION FOR PROJECT GRANTS IN CONJUNCTION WITH LANDCARE CENTRE FOR GRANT (A0397)</u> | 118 |

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~~P125/05/02 – STRATA SUBDIVISION APPLICATION AND APPLICATION FOR RENEWAL OF DEVELOPMENT APPROVAL OF COMMERCIAL / RETAIL / SHOWROOMS / OFFICE UNITS – LOT 3 SOUTH WESTERN HIGHWAY, BYFORD (P00404) – 119~~

~~P128/05/02 – PROPOSED MOBILE PUG MILL – LOT 344 SOUTH WESTERN HIGHWAY WHITBY (P00035/01) – 121~~

~~P129/05/02 – PROPOSED HORSE ARENA, STABLE COMPLEX, ROUND YARD AND RIDING FOR THE DISABLED CLASSES – LOT 114 STOCKMANS CLOSE, OAKFORD (P00054) – 122~~

~~P130/05/02 – PROPOSED CHANGE OF USE FROM RESIDENTIAL TO OFFICES – LOT 3 CLIFTON STREET, BYFORD (P04445) – 124~~

~~P133/05/02 – PROPOSED SUBDIVISION – LOT 10 & 11 SOUTH WESTERN HIGHWAY, WHITBY (S118026) – 125~~

~~P134/05/02 – PROPOSED SUBDIVISION – LOT 156 SOUTH WESTERN HIGHWAY, SERPENTINE (S118278) – 126~~

~~11. CLOSE – 127~~

**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.

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 27<sup>th</sup> MAY, 2002. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00.00 PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. **PRESENT:** Crs JC Star Presiding Member  
DL Needham  
WJ Kirkpatrick  
AJ Simpson  
JA Scott  
JE Price  
IJ Richards  
KR Murphy  
THJ Hoyer

**APOLOGIES:**

**IN ATTENDANCE:**

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

**GALLERY:** 4

**2. PUBLIC QUESTION TIME**

Commenced at 7.02pm

Mrs Bond, Stockmans Close

- Q Has anyone from the Shire sought (from the owners of the Riding School) confirmation that they have Public Liability Insurance, not including the riders and volunteers of the riding school whom are covered by separate insurance, regarding liability for residents of the street in Stockmans Close?
- A The Presiding Member and the Director of Sustainable Development advised that this was not Council's responsibility, it was the Riding Schools responsibility.

Concluded at 7.04pm

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

Mrs Bond, Stockmans Close

- Q Would Council define what clean fill is?
- A The Department of Environmental Protection's *Landfill Waste Classifications and Waste Definitions* describe "Clean Fill" as "*Material that will have no harmful effects on the environment and which consists of rocks or soil arising from the excavation of undisturbed material.*"

Examples:

Virgin excavated material (e.g. clay, gravel, sand, soil and rock), or such material that is mixed with:

- \* waste that has been excavated from areas that are not contaminated, as a result of industrial, commercial, mining or agricultural activities, with manufactured chemicals and does not contain sulfidic ores or soils, or
- \* waste that consists of excavated natural materials that meet such criteria as approved by the Director, Pollution Prevention Division.

If any clarification is required of this definition the matter should be taken up with the Pollution Prevention Division of the Department of Water and Catchment Protection.

Paul Nield, Boomerang Road

Q Who logged (Cr Star declaration of interest in the transport operation on Rowley Road item) in the Financial Interest records?

A The Financial Interests register reflects that this error has been corrected. Refer to Ordinary Council Meeting Minutes January 2002 Item P069/01/02.

Q Re monitoring McLeans proposals, in particular land fill operations at Lot 12 Bird Road, Oldbury

1. Can Council advise how, after in excess of 200mm of rain during June 2000 the drain at Lot 12 was neither flowing into the leach basin nor was the basin overflowing Stormwater management on the subject site is the responsibility of the Department of Environmental Protection in accordance with conditions of Licence Number 7694/1 dated 13th June 2001.

A At its meeting of 25th February 2002 Council adopted a new policy DUTIES RELATING TO THE ENVIRONMENTAL PROTECTION ACT 1986. The policy states, in part:

*“Council having considered the provisions of Section 3.18(3) of the Local Government Act 1995 and the nature of Health Service services relating to matters regulated by the Environmental Protection Act 1986, is satisfied that the Shire of Serpentine-Jarrahdale will not be responsible for investigating matters relating to Licensed Premises under the Environmental Protection Act, as this service duplicates a service provided by another body or person.”*

Any further questions in relation to this matter should be directed to the Pollution Prevention Division of the Department of Water and Catchment Protection.

2. Since the unapproved bund wall at Lot 12 Bird Road seems to have drastically altered the drain concept, can Council advise how possibly 20,000 cubic metres of water could not get into the leach basin on that site?

A See answer to Part 1 of question (above).

**4. STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS**

Commenced at 7.04pm

Mr P Nield, 195 Boomerang Road, Oldbury

Last week the Shire President, Jan Star advised me that I had no credibility. I wish to advise President Star that my credibility and integrity has been judged in the petty sessions many times lately mostly in opposition to Shire polluter Gordon McLean. My credibility and integrity was similarly judged in a district court by a judge and jury for six days and I was found not guilty by a unanimous decision. Once again apart from dishonest local police John Bouwman and Nick Frances and main witnesses were Shire polluter McLean and his

associates. Obviously my integrity and credibility was not found wanting. In that court it was shown that the local police had failed to properly investigate crimes of violence that McLean had some involvement with. I wish to point out that the Shire polluter and Star acquaintance McLean has in fact not fared so well in the courts and has made a false and dishonest application to the court that was not found on his behalf but on mine. I understand that one who enjoys quite some status with this Shire has a criminal record and it is felt necessary to point out to the Council that the courts of law are not as simple to confuse as say a corrupt and or negligent Council embarked perhaps on force of extreme negligence designed apparently to thwart any apparent likeness to good government and effectively acting out of accordance with good government. In pointing out this to the Shire President and Councillors I would remind you that I have been judged. President Star, Councillors, Council officers and past officials have so far not to date enjoyed that privilege. However that is not to say that the day is not in the near future. It is further desired to state that I feel that it may be appropriate to strip ex Councillor Shire President Colleen Rankin of any community award recognition such as Freeman of the Shire this I feel is justified since I understand that Ms Rankin knowingly as a Councillor proposed the foolishness of publishing a known dishonest advertisement in the Weekend Examiner whilst apparently aware that she had failed to disclose and interest in that publication. An act as I understand it may have been illegal it seems also that Ms Rankin has sat on Shires committees as Councillor that have put large amounts of Shire Ratepayers funded monies through that very same publication again without disclosing an interest that as I understand it Shire President Star some Councillors past and present were aware of. As I understand it the Shire are knowingly currently making inappropriate use of the Shires legal indemnity insurance that will likely cause ratepayers the loss of possibly hundreds of thousands of dollars whilst fully aware that the indemnity offers advice in regard to acting out of good faith dishonesty negligence. The Shires action it seems to me to be in the name of negligence and bad government. An inappropriate sequence of events that is understood to be the brain child of Councillor Rankin and CEO David Price. Will the Council ask for the resignation of David Price and stripping of Shire honours of ex Councillor Shire President Rankin.

Neil McCormack, 119 Punrack Road, Serpentine

Statement regarding recent meeting with Broiler Industry and called for a public meeting between Council, the Broiler industry and the general public and to debate all complaints and issues at hand (ie transport, noise, dust and smell). If no further action is to be taken until the Minister hands down her decision, that all present or future plans and developments for new broiler farms be put on hold until such time as all matters concerning noise, dust and smells be finalised. That is for all new and present broiler farms – no expansions – no nothing – no exceptions. That proper guidelines be put in place and achieved by the planning authority of this Shire covering noise, dust and smells.

The following questions from Mr P Nield of 195 Boomerang Road, Oldbury were not asked during Question Time but were submitted to the Chief Executive Officer in writing during the meeting.

Regarding McLeans MRIs application for retrospective planning approval it is noted that on Page 18 that there is no apparent discussion or reference to Lot 1 Jackson Road, is this neglect on the part of the Shire?

Under officer recommended resolution item 2, it states that the site be managed in accordance with the original management plan of 1996, as I understand it the Shire had conditions ie. 1.8m security fences all around and pucker monitoring bores, the Shire recognised the inadvisability of tipping this waste within 50 metres of water ways. Is any management plan current in 1996 appropriate and fully conversant with the latter DEP management plan.

Regarding moved Hoyer seconded Price that the issue be deferred until a current management plan of the site can be shown. Andrew Watson has the latest management plan fully showing the drainage that should be there, why aren't the Shire observing the DEP approved management plan?

The Shire Planning Committee were advised by McLean that the drainage is not there and never has been fully functional. Wouldn't proper auditing have shown this gross departure from the management plan to be of concern on these contaminated Shire properties?

McLean referred to Jan having an understanding is that understanding legitimate?

Is it minuted in the Shire records?

Are all Councillors fully aware of the understanding that the Shire polluter has with the Shire President Jan Star

Councillor Tom Hoyer stated to McLean at the Council Planning meeting that he was aware of a further application/intention of some sort to apparently fill yet another Shire property, is this an understanding solely between C Hoyer and McLean or are other Councillors aware of further fill plans by this questionable Shire polluter.

Will Councillor Hoyer deny that one of those blocks he referred to was Lot 2 Bird Road or Lot 15 Bird Road

Under impacts it is claimed these impacts have been managed under DEP licence conditions this statement is obviously dishonest as per McLeans advice that the drains are not functional.

This site has been mismanaged by the operators the government departments and with the full knowledge of gross negligence by the Shire Councillors and Shire officers.

Mrs Christine Nield, 195 Boomerang Road, Oldbury

Statement regarding the Planning Meeting on 20<sup>th</sup> May and McLean Recycling Industries where Mr McLean was asked to produce another Management Plan. Wished to draw to Councillors attention that McLeans prepared an Management Plan in 1997 and there was another put together in January 2001 for Lot 1 Jackson Road Oldbury. McLeans informed Council that the drainage concept was not working, which is part of the works approval. Works approval is required under his licence conditions. Called on members of the Planning Committee to address this matter rather than requiring Mc McLean to provide another Management Plan.

Concluded at 7.15pm

## **5. ANNOUNCEMENTS BY PRESIDING MEMBER**

- \* The Environmental Protection Agency held a very significant workshop on the Peel Harvey ERMP Review. Without giving the findings, it was admitted that government agencies had not met expectations (though there was vigorous defence of the Agricultural Department from the floor), especially with respect to monitoring change.
- \* A week later the Peel Harvey Catchment Council (PHCC) held its annual community forum where both the Regional strategy for the SWCC and an Action Plan for PHCC were launched. Comment will be made by this Council. There was a very good presentation of the work of the various landcare groups including the Serpentine Jarrahdale Landcare Centre, which had obviously performed very well.
- \* There were usefull workshops on Sustainability by Rod Griffiths for both staff and Councillors.

- \* CEDA had a lunch with John Rimmer from NOIE speaking of the role of information technology in economic development. His emphasis on the need for effective management reform and employee involvement struck a chord and I was very pleased we had done just that.
- \* There were also meetings with Ministerial Advisors on Forest Management Plans, Mineral Sand Mining and Economic Development opportunities.

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting Minutes 22<sup>nd</sup> April, 2002

### **COUNCIL DECISION**

Moved Cr Needham seconded Cr Price

The minutes of the Ordinary Council Meeting held on the 22<sup>nd</sup> April, 2002 be confirmed.

CARRIED 9/0

## 7. REPORTS OF COMMITTEES & OFFICERS

### 7.1 Corporate Services Committee Meeting – 13<sup>th</sup> May, 2002

#### **COUNCIL DECISION**

Moved Cr Price seconded Cr Simpson

That the minutes of the Corporate Services Committee Meeting held on 13<sup>th</sup> May, 2002 be received.

CARRIED 9/0

|                        |   |                 |          |
|------------------------|---|-----------------|----------|
| C128/05/02             | FARMLAND RATE CONCESSION CRITERIA REVIEW (A0121-02) |                 |          |
| Proponent              | Corporate Services Committee                        |                 |          |
| Officer                | G.R. Dougall – Director Corporate Services          | Date of Report  | 09.04.02 |
| Signatures             | Author:   | Senior Officer: |          |
| Previously             | C195/06/01, C106/03/02                              |                 |          |
| Disclosure of Interest |   |                 |          |
| Delegation             | <b>Council</b>                                      |                 |          |

#### **Preamble**

To review the Farmland Concession criteria for the 2002/2003 rating year by placing main focus on the claiming of primary production on the property under the Australian Taxation Office Assessment.

#### **Background**

At the March Corporate Services Committee an application for this concession for a tree farming property at 115 Cumming Road was considered. During the consideration of this item the criteria for the concession was discussed. As the application would only be considered from 1 July 2002, the committee thought it reasonable to review the criteria prior to making any formal decision in the particular submission.

#### **Comments**

The Farmland Concession provides a 33% discount on the Rural rate in the dollar. The current criteria for this rate is:

- The property must be zoned rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
- Minimum property size of: 10 acres or 4.047 hectares;
- The business should be registered for the goods and services tax (GST), if not they are to provide a declaration that they are *currently* claiming primary production on their Australian Taxation Office return for this property;
- The rural pursuit must be one of the following – grazing, agistment, dairying, aquaculture, viticulture, horticulture, fruit growing, or crop growing;
- The applicant ordinarily resides on the property is farming it in association with a home property; and
- Where the applicant is a tenant of the property a copy of their lease that states they are required to pay Council rates.

The general intention of the concession was to maintain genuine farming interest in the district. This would maintain the rural character of the area in line with the strategic goals and vision of Council.



Requests for consideration for the concession have included flower growing businesses, tree growing businesses and nurseries. All these applications request consideration under the horticulture criteria as it is believed their business is horticulture. These applications to date have not been allowed as they were considered intensive and not necessarily a rural pursuit. With the continuing development of new industry in the area this criteria will continue to be tested.

To ensure the intended vision of Council is maintained, it is proposed that the primary production declaration on income earned from the property would seem to appropriately address the criteria. Council last year replaced the need for sales tax exemption with the need to be GST registered or claiming primary production. This could be modified to only include those claiming primary production income from the property.

**Statutory Environment:** Section 6.47 of the Local Government Act 1995.

**Policy Implications:** No policy implications.

**Financial Implications:** Does reduce income earning capacity of Council but is considered to provide economic and social benefit.

**Strategic Implications:** In line with general strategic goal and vision to maintain rural character of the district.

**Community Consultation:** Community consultation not required for this review.

**Voting Requirements:** Normal

#### **Officer Recommended Resolution**

A Farmland Rate Concession being a discount of 33% on the rural rate be offered to residents in the 2002/2003 rating year based on demonstrating fully all of the following criteria;

1. The property must be zoned rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
2. Minimum property size of: 10 acres or 4.047 hectares;
3. The business should provide a declaration that they are currently eligible for and currently claiming primary production on their Australian Taxation Office return for this property;
4. The applicant ordinarily resides on the property or is farming it in association with a home property; and
5. Where the applicant is a tenant of the property and liable to pay the rates on the property a copy of their lease that states they are required to pay Council rates will need to be provided (the application is also required to comply with parts 1-4 of this criteria).

#### **CRC128 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:

A Farmland Rate Concession being a discount of 33% on the rural rate be offered to residents in the 2002/2003 rating year based on demonstrating fully all of the following criteria;

1. The property must be zoned rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
2. Minimum property size greater than 10 acres or 4.047 hectares;
3. The business should provide a declaration that they are currently eligible for and currently claiming primary production on their Australian Taxation Office return for this property;

4. The rural pursuit must be one of the following – grazing, agistment, dairying, aquaculture, viticulture, horticulture (food producing), fruit growing, or crop growing;
5. The applicant ordinarily resides on the property or is farming it in association with a home property; and
6. Where the applicant is a tenant of the property and liable to pay the rates on the property a copy of their lease that states they are required to pay Council rates will need to be provided (the application is also required to comply with parts 1-4 of this criteria).

CARRIED 9/0

Note: The Officers recommendation was changed to further refine the type of property use that may receive the concession under the criteria.

|  |  |                 |          |
|--|--|-----------------|----------|
| C129/05/02 RESERVE 34318 – LOT 71 KEYSBROOK (RS0002) |  |                 |          |
| Proponent  | Department of Land Administration          |                 |          |
| Officer  | G.R. Dougall – Director Corporate Services | Date of Report  | 16/04/02 |
| Signatures   | Author:                                    | Senior Officer: |          |
| Previously   |  |                 |          |
| Disclosure of Interest                               |  |                 |          |
| Delegation   | <b>Council</b>                             |                 |          |

### **Preamble**

To approve an easement being placed over Reserve 34318 for the purpose of protecting a Radio Communications mast anchor erected by Westrail.

### **Background**

In early 2001 Westrail contacted the Director Corporate Services to advise that the concrete anchors installed to hold their radio communications tower had been inadvertently placed on this reserve, which is vested in the Shire of Serpentine-Jarrahdale. At that time Westrail requested Council consideration for an easement to be placed on the reserve to rectify the issue.

The purpose of the reserve is a rubbish site.

The preferred option forwarded by officers of Council was to extend the boundary of the Westrail reserve to include the anchor, and for this to be funded by Westrail.

### **Comments**

After several written communications between Westrail, DOLA, the Department of Minerals and Energy and Council it appears Westrail do not wish to modify the boundaries and have requested consideration for an easement on Council's reserve.

Officers do not object to this request as it is not considered that the easement will affect any future use of the reserve, however as stated above the preferred option was to excise the area from the Council managed reserve.

The Department of Land Administration has requested the signing of a statutory declaration by Council, along with their approval for the easement to be placed on the reserve. All associated costs with this proposal will be the responsibility of Westrail.

**Statutory Environment:** Land Administration Act

**Policy Implications:** No policy implications

**Financial Implications:** No financial implications

**Strategic Implications:** No strategic implications

**Community Consultation:** No consultation required

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Approval be provided for an easement to be placed over Reserve 34318 for the protection of the Railway Radio Telecommunications Mast and the Shire President be authorised to sign a Statutory Declaration to this fact.

**CRC129 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:  
That a letter be written to the Department Of Land Administration advising that Council wishes to liaise further with Westrail prior to making a comment and would appreciate deferring any comment until after a meeting with Westrail.  
CARRIED 9/0

Note: The Committee changed the officer's recommendation so that a meeting may be arranged between Westrail and Council to discuss the matter.

|   |  |                 |          |
|---|--|-----------------|----------|
| C137/05/02 WEBB ROAD RESERVE – REQUEST TO ASSIST IN SECURING ACCESS TO THE RESERVE (RS0069) |  |                 |          |
| Proponent   | Mundijong Thoroughbred Trainer's Association (Inc) |                 |          |
| Officer   | G R Dougall – Director Corporate Services          | Date of Report  | 06/05/02 |
| Signatures  | Author:  | Senior Officer: |          |
| Previously  |  |                 |          |
| Disclosure of Interest  |  |                 |          |
| Delegation  | <b>Council</b>                                     |                 |          |

**Preamble**

To assist the Mundijong Thoroughbred Trainer's Association in securing the rear access to the Webb Road Reserve by considering the supply and installation of a fence of about ten metres in length in the 2002/2003 budget.

**Background**

The Webb Road Reserve is currently leased to the Mundijong Thoroughbred Trainer's Association until April, 2008 (There is an option clause to extend this period to 2013). The Association operates a training track for trotters and as the lease provides for exclusive use of the facility users of this facility pay a membership to the Association.

**Comments**

The reserve has access via a locked gate off Webb Road and via a rear bridle entrance from Flemington Downs estate. This rear entrance is open allowing easy access to the reserve. The opening is approximately eight to ten metres wide.

The Mundijong Thoroughbred Trainer's Association advise that members of the community are gaining access to the reserve via this rear opening and that some of those gaining access via this opening are not members of their Association. This has become a concern to the Association since the recent insurance issues regarding this facility and the need for the

Association to ensure it has the ability to generate membership to support the operating costs of running the facility.

The Association now wishes to erect a fence and gate so that only members may access the facility for which they have exclusive use. They have also requested Council assistance in erecting the fence, the Association will provide and erect the gate, chain and lock. It is estimated the cost of erecting the fence may be approximately \$500 however firm quotes have not been sought. An allocation can be submitted in the 2002/2003 draft budget for consideration.

**Statutory Environment:** Local Government Act 1995, Lease agreement.

**Policy Implications:** No policy implications

**Financial Implications:** the cost to erect the fence estimated at \$500 subject to firm quote being sought.

**Strategic Implications:** No strategic implications.

**Community Consultation:** No consultation required. It is suggested that local residents of the Flemington Downs Estate be advised in writing when the fence is to be erected and that access can only be gained as a member of the Mundijong Thoroughbred Trainer's Association.

**Voting Requirements:** Normal

#### **Officer Recommended Resolution**

An allocation for consideration in the draft 2002/2003 budget for the provision to supply and erect a fence to the rear access of the Webb Road Reserve, this consideration also include the sending of a letter to the residents of the Flemington Downs estate that access is being limited to members of the Mundijong Thoroughbred Trainer's Association in accordance with their lease provisions.

#### **CRC137 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:

1. An allocation for consideration in the draft 2002/2003 budget for the provision to supply and erect a fence to the rear access of the Webb Road Reserve, this consideration also include the sending of a letter to the residents of the Flemington Downs, Pure Steel Estate and Randall Road estate that access is being limited to members of the Mundijong Thoroughbred Trainer's Association in accordance with their lease provisions.
2. Negotiate with Mundijong Thoroughbred Trainer's Association to provide a variety of uses on the reserve for their members.

CARRIED 8/1

Note: The Committee changed the officer's recommendation to include a wider area of residents for the information letter and to liaise with the Mundijong Thoroughbred Trainers Association on using the reserve for a greater variety of activities for their members.

7.2 Asset Services – 13<sup>th</sup> May, 2002

**COUNCIL DECISION**

Moved Cr Kirkpatrick seconded Cr Hoyer

That the minutes of the Asset Services Committee Meeting held on 13<sup>th</sup> May, 2002 be received.

CARRIED 9/0

| AS076/05/02 POLICY FOR CONSENT FOR EVENTS ON ROADS UNDER ROAD TRAFFIC ACT (A1048/04) |  |                |          |
|--|--|----------------|----------|
| Proponent  | Director Asset Services                  |                |          |
| Officer  | Robert Harris<br>Director Asset Services | Date of Report | 02.05.02 |
| Signatures   | Author: Senior Officer                   |                |          |
| Previously   |  |                |          |
| Disclosure of Interest   |  |                |          |
| Delegation   | Council                                  |                |          |

**Preamble**

A new policy is proposed to facilitate the processing of requests for Council consent of events on roads within the district under the provisions of the Road Traffic Act 1974.

**Background**

The Road Traffic Act 1974/Regulations make provision for roads to be temporarily closed for special events such as processions, street parties and car rallies, and for the temporary suspension of provisions of the Road Traffic Act/Regulations for the conduct of events such as cycle time trials on roads where regulations may be broken e.g. speeding, cyclists riding several riders abreast etc.

The Council has previously delegated authority to the Chief Executive Officer to consider such applications referred to Council. Such applications require the consent of the local police, local government authority and where appropriate Main Roads before being approved by Police.

A review of Council delegations has considered Council current delegations to the Chief Executive Officer to approve or refuse cycle time trials and events on roads (delegations AS-5 and AS-6) inappropriate, and that a Council policy on the matter would be a more appropriate way of dealing with such requests, enabling staff to act in accordance with Council's adopted policy.

**Comments**

A number of car rallies are held on public roads in the district (not necessarily on local government roads) organized by Eventscorp/WA Tourism Commission and others; a significant number of (bi)cycle time trials are held on district roads organized by Australian Time Trial Association and several cycling groups and clubs; occasional street closures are sought for public processions and parades, street events such as Serpentine Fair and private street parties. Such activities require Council consent as part of the approval process, and timing frequently makes it impractical for applications to be referred to Council for consideration.

A Council policy position which approved such applications where considered to be in the public interest subject to terms and conditions appropriate to the specific circumstances as determined by a Council officer would facilitate the processing of straightforward

applications. In situations where the public benefit or disruption potentially caused by the event raises concerns at approval being granted the officer would be able to refer the specific application to Council for consideration.

The following policy is proposed for adoption by Council;

**"EVENTS ON ROADS**

Council authorizes the Closure of Roads under the provisions of the Road Traffic Act and Regulations, and the Temporary Suspension of the Road Traffic Act, Regulations and Code for the conduct of Events on Roads within the Shire district where the event is considered to be in the interest of the community and measures are in place to the reasonable satisfaction of the Director Asset Services to advise affected parties, minimize disruption to road users and to protect the public and Council assets."

|   |  |
|---|--|
| <b><u>Statutory Environment:</u></b>                  | Road Traffic Act.<br>Road Traffic Regulations.<br>Road Traffic Code.   |
| <b><u>Policy Implications:</u></b>                    | New policy to replace delegation to Chief Executive Officer.   |
| <b><u>Financial Implications:</u></b>                 | Nil.   |
| <b><u>Strategic Plan Implications:</u></b>            | Facilitates economic and social infrastructure development in accordance with Council's Strategic Plan.        |
| <b><u>Community Consultation:</u></b>                 | Not required.  |
| <b><u>Employment &amp; Economic Implications:</u></b> | Events on Roads in the district generate local economic activity and stimulate return visitors and employment. |
| <b><u>Voting Requirement</u></b>                      | Normal.  |

**COUNCIL DECISION – EN BLOC RESOLUTION 1/05/02**

Moved Cr Richards seconded Cr Price that Council adopts en bloc the recommendations of the Asset Services Committee of the 13<sup>th</sup> May 2002 in items AS076 and AS078.  
CARRIED 9/0

**CRAS076 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Council adopts the following policy:  
"EVENTS ON ROADS  
Council authorizes the Closure of Roads under the provisions of the Road Traffic Act and Regulations, and the Temporary Suspension of the Road Traffic Act, Regulations and Code for the conduct of Events on Roads within the Shire district where the event is considered to be in the interest of the community and measures are in place to the reasonable satisfaction of the Director Asset Services to advise affected parties, minimize disruption to road users and to protect the public and Council assets."  
CARRIED BY EN BLOC RESOLUTION NO 1/05/02

|  |  |                |          |
|--|--|----------------|----------|
| AS078/05/02 COUNCIL GRAVEL RESERVES (A0798-03) |  |                |          |
| Proponent                                      | Director Asset Services                  |                |          |
| Officer  | Robert Harris<br>Director Asset Services | Date of Report | 02.05.02 |
| Signatures                                     | Author: Senior Officer                   |                |          |
| Previously                                     |  |                |          |
| Disclosure of Interest                         |  |                |          |
| Delegation                                     | Council                                  |                |          |

### **Preamble**

Approval is sought to progress a Department of Conservation and Land Management (CALM) lease over Crown land off Admiral Road Byford for Council road making gravel needs, and to pursue securing of the site as a Gravel Reserve with the Management Order vested in the Council. Approval is also sought to further investigate and secure additional gravel bearing sites on Crown land to meet Council's long term resource needs.

### **Background**

In September 1996 Council resolved to abandon a proposal to jointly develop its gravel reserve off Scrivener Road with Quarry Park Pty Ltd for commercial and Shire purposes. The intention has been that the Scrivener Road reserve would be surrendered by the Shire allowing its incorporation into the Serpentine National Park in exchange for an alternate gravel reserve of equivalent resource.

Subsequent to that time investigations of a number of potential sites have been carried out. In more recent years efforts have focussed on a substantially smaller site off Admiral Road.

In February 2002 the Western Australian Planning Commission granted conditional approval for the Shire to quarry for and extract gravel at the Admiral Road site. The conditions imposed include;

- Approval is for a period of 5 years only. Extension requires a new approval.
- The Management Plan for the operation is to be modified before commencement to the requirements of the Water Corporation and Water & Rivers Commission.
- A lease or other legal arrangement being obtained from Department of Conservation and Land Management for use of the site for gravel extraction.

### **Comments**

Whilst the above and other less onerous conditions will require further time before gravel winning operations can commence, and will have a significant cost impact on the operations, Council officers are optimistic the site can be brought into service to secure gravel for the 2002/03 road construction program at reasonable production costs.

The Admiral Road site provides a potential resource approximately one-third the size of the Scrivener Road reserve. Accordingly, should Council be able to secure the Admiral Road site as a Gravel Reserve vested in Council it would leave the Council requiring to secure further gravel resource sites before the Scrivener Road site was relinquished. In the interim it would be reasonable for Council to offer to relinquish a portion of the Scrivener Road reserve for an equivalent reserve area vested in the Council at Admiral Road.

Further investigation and negotiation is required to achieve Council's overall objective of discontinuing the Scrivener Road operation. Whilst gravel resources are relatively plentiful in the hills area, there are substantial constraints in terms of water catchments, environmental issues, accessibility and gravel haulage routes. The offsetting benefits of releasing the Scrivener Road site have not been sufficiently recognized by the relevant

consent authorities, and it is probable that lengthy negotiation and political intervention will be required to achieve the objective.

Subject to finalizing arrangements to access the Admiral Road site it will be possible to use this resource for road making gravel needs for works in the northern half of the Shire and to limit the use of the Scrivener Road reserve for gravel requirements for road works in the southern half of the Shire and areas requiring die-back free gravel until an alternative to Scrivener Road is obtained.

It is not considered practical to discontinue use of the Scrivener Road reserve until an alternative source is secured because;

- It is the only source of die-back free gravel currently available to Council in the Shire.
- The Admiral Road site is a significant distance from road works scheduled in the south of the Shire (eg Karnup Road and Elliott Road improvements, routine maintenance and re-sheeting) with substantial additional cartage costs over Scrivener Road.
- The life of Admiral Road is relatively short (10 years of Shire total needs) and there is no certainty of other sites being available in future.
- Two-thirds of the Admiral Road site is within the Wongong dam catchment and gravel extraction in that area is subject to demonstrated satisfactory outcomes in the area outside the catchment. No surety of access to the catchment area is presently possible.

**Statutory Environment:**

Local Government Act 1995.  
Town Planning & Development Act.

**Policy Implications:**

Nil.

**Financial Implications:**

The cost effective supply of gravel supplies for the Shire's ongoing road works program has a substantial impact on construction and maintenance costs.

**Strategic Plan Implications:**

Access to cost effective gravel supplies impacts on Council's capacity to meet its infrastructure development and management objectives in the Strategic Plan.

**Community Consultation:**

Not required at this stage.

**Employment & Economic Implications:**

The securing of Council's own gravel resources has a significant impact on local employment and on local economic development.

**Voting Requirement**

Normal.

**Officer Recommended Resolution**

1. Council negotiates terms and conditions for a lease from Department of Conservation and Land Management for land off Admiral Road, Byford for the purpose of gravel extraction.
2. Council negotiates with Department of Conservation and Land Management and the Department of Land Administration for the creation of a Gravel/Reserve vested in Council off Admiral Road in exchange for Council relinquishing an equivalent area of Council Gravel Reserve 26080 off Scrivener Road, Serpentine.
3. Use of the Scrivener Road site continue for road works needs in the southern half of the Shire and for die back free gravel needs pending the securing of a gravel reserve with alternate resources totaling the Scrivener Road site resource.
4. Consultation and negotiation continue on the securing of alternate gravel reserves equal to the Scrivener Road site resource on the basis Council discontinues use of



the site and relinquishes its Management Order for the reserve when equivalent alternative reserves are vested in Council

**CRAS078 COUNCIL DECISION/Committee/Officer Recommended Resolution**

1. Council negotiates terms and conditions for a lease from Department of Conservation and Land Management for land off Admiral Road, Byford for the purpose of gravel extraction.
  2. Council negotiates with Department of Conservation and Land Management and the Department of Land Administration for the creation of a Gravel/Reserve vested in Council off Admiral Road in exchange for Council relinquishing an equivalent area of Council Gravel Reserve 26080 off Scrivener Road, Serpentine.
  3. Use of the Scrivener Road site continue for road works needs in the southern half of the Shire and for die back free gravel needs pending the securing of a gravel reserve with alternate resources totaling the Scrivener Road site resource.
  4. Consultation and negotiation continue on the securing of alternate gravel reserves equal to the Scrivener Road site resource on the basis Council discontinues use of the site and relinquishes its Management Order for the reserve when equivalent alternative reserves are vested in Council
  5. Council has given careful consideration to the use of Scrivener Road for gravel transport, and concludes that as the vehicles and drivers are under the control of Council it is reasonable to continue gravel cartage on Scrivener Road subject to reasonable maintenance and control measures remaining in place.
  6. Council in the 2002/03 budget consideration considers the allocation of additional resources to expedite the securing of additional gravel reserves in the Shire.
  7. That a working group of officers, Councillors and representatives of residents of the Scrivener Road area be formed to progress securing of additional gravel sites.
- CARRIED BY EN BLOC RESOLUTION NO 1/05/02

Note: Parts 5, 6 and 7 of the Committee Recommendation were added to clarify that Committee had considered the traffic issues related to gravel haulage on Scrivener Road and recommends that the Council allocates the resources and facilitates to a working group to expedite the securing of additional gravel reserves.

7.3 Community & Recreation Development Meeting – 13<sup>th</sup> May, 2002

**COUNCIL DECISION**

Moved Cr Scott seconded Cr Price

That the minutes of the Community & Recreation Development Committee Meeting held on 13<sup>th</sup> May, 2002 be received.  
 CARRIED 9/0

|  |  |                |          |
|--|--|----------------|----------|
| CRD49/05/02 COMMUNITY FUNDING PROGRAM 2002/2003 (A0169-03) |  |                |          |
| Proponent  | Council                                      |                |          |
| Officer  | Carole McKee - Community Development Officer | Date of Report | 02.05.02 |
| Signatures   | Author: _____ Senior Officer: _____          |                |          |
| Previously   | CRD50/06/01, CRD19/01/01                     |                |          |
| Disclosure of Interest                                     |  |                |          |
| Delegation   | <b>Council</b>                               |                |          |

Preamble

Council is requested to accept the recommendations of the Community Funding Program Working Group.

**Background**

Twenty eight funding applications, requesting a total of \$51,258, were received for the 2002/2003 Community Funding Program and assessed by the Working Party on 2 May 2002 in line with the assessment criteria outlined on *Policy CSP8 Requests for Financial Assistance*. **A copy of the policy is with the attachments marked CRD49/05/02.1.**

The policy states:

- *that the Community Funding Program Working Group assess all applications and make recommendations to Council as to how the total Community Funding Program budget allocation be divided between the selected groups.*
- *that an amount of up to \$20,000 be allocated for the Community Funding Program in each financial year.*

Comments

Twenty of the twenty-eight applications were recommended for approval through the Community Funding Program, with requested funds scaled down in several cases in order to assist all recommended applications within the budget of up to \$20,000. **The full list of applicants is with the attachments marked CRD49/05/02.2.**

Recommendations were also made for two applications, which involve Council participation in the monitoring of the service provided, to be considered for budget deliberation in the appropriate line items in the Community Development Budget as per the 2001/02 budget. These are as follows:

|                                     |                   |         |
|-------------------------------------|-------------------|---------|
| "CDO529 Youth"                      | Leeuwin Adventure | \$1,600 |
| "CDO575 Armadale Home Help Service" | Use of Shire bus  | \$7,900 |

The latter arrangement with Armadale Home Help Service has been ongoing for several years with Council granting an extension to this arrangement to include a second day in 1999/2000. These costs have, until now, been "absorbed" within the overall budget for the bus allocated in the Asset Services budget. With the new lease arrangement and

improvements to accounting procedures, it is now necessary to show specific cost centres through the Community Development budget. It is estimated that it will be necessary to anticipate a \$10,400 expenditure, minus an income generated of \$2,500, which would result in Council's contribution to this service being \$7,900. As per the existing arrangement, this service would be monitored and re-evaluated every six months.

The Working Group also recommended that the following criteria be added to update *Policy CSP8 Requests for Financial Assistance*:

- that a letter be sent out to recipients of grants part way through the year to remind them that they need to produce a project report
- that establishment of groups, training and the production of business plans are also given high priority.

|                                       |   |
|---------------------------------------|---|
| <b><u>Statutory Environment:</u></b>  | Local Government Act 1995   |
| <b><u>Policy Implications:</u></b>    | Policy "CSP8 Financial Assistance – requests for" to be updated as per recommendation   |
| <b><u>Financial Implications:</u></b> | Up to \$20,000 to be included in the 2002/2003 budget for the Community Funding Program under "CDO528 Community Funding"<br>2002/03 Budget deliberations to consider \$1,600 for Leeuwin Adventure under "CDO529 Youth" and a net expenditure of \$7,900 for Armadale Home Help Service |
| <b><u>Strategic Implications:</u></b> | 1.5 Strengthen community groups   |
| <b><u>Community Consultation:</u></b> | N/A   |
| <b><u>Voting Requirements:</u></b>    | Normal  |

**CRCRD49 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Neeham

1 That subject to adoption of the 2002/2003 budget, Council endorses the recommendations of the Community Funding Program Working Group as follows:

| Organisation                            | Project   | Funding         |
|---|---|-----------------|
| Operation Connect Network Inc.          | Wildfire Serpentine-Jarrahdale Bus Service to Youth Activities      | \$990           |
| Serpentine PCYC                         | Painting of Water Tank - a Youth/Cultural Development Project       | \$2,500         |
| Serpentine PCYC                         | Security Lighting and Club Advertising                              | \$380           |
| Mundijong Centrals Junior Football Club | First Aid Equipment   | \$600           |
| Mundijong Arts & Crafts Group           | Reverse Cycle Air Conditioner                                       | \$1,000         |
| Serpentine Foothills Polocrosse Club    | New Horse Yards   | \$500           |
| North Murray Netball Association        | First Aid Services for Events                                       | \$500           |
| Peel Metropolitan Horse & Pony Club     | Development of Riding Arena Area                                    | \$1,000         |
| SJ Toy Library                          | Street Signage  | \$200           |
| Byford Friendly Club                    | Replacement of stolen goods   | \$500           |
| Byford Progress Association             | Establishment of Byford Progress Association Historical Committee   | \$330           |
| Byford Progress Association             | Carols By Candlelight   | \$100           |
| Heritage Country Choir                  | Electric Keyboard – accessible for community use                    | \$1,000         |
| Byford Baptist Church                   | Establishment of Craft & Seniors Morning                            | \$600           |
| Serpentine Primary School               | Totem Pole Reflections – Community Arts Project                     | \$500           |
| SJ Tourism Association                  | Marketing Project   | \$2,000         |
| SJ Tourism Association                  | Business Plan   | \$500           |
| Byford Rotary Club                      | Music in the Park Series  | \$2,000         |
| SJ Youth Activity Group                 | "Planning & building a workshop Project"                            | \$3,700         |
| International Lions Club                | Sponsorship of local disadvantaged children to attend Film Festival | 500             |
| <b>TOTAL</b>                            |   | <b>\$19,400</b> |

2 That the following criteria be added to update *Policy CSP8 Requests for Financial Assistance*:

- (vii) A report will be required at the end of each financial year regarding how the funds were spent and providing evidence of expenditure where relevant. A letter is to be sent out to recipients of grants part way through the year to remind them to produce this project report. Organisations applying for funding again the following year need to provide this report (or evidence of the current status of their project) in the application forms.
- (xi) Establishment of groups, training and the production of business plans (*to be added to column on table titled "Higher Priority"*).

CARRIED 9/0

|                                      |   |                |          |
|--------------------------------------|---|----------------|----------|
| CRD50/05/02 COMMUNITY FORUMS (A0301) |   |                |          |
| Proponent                            | Community Development Officer                                 |                |          |
| Officer                              | Andrew Watson – Director<br>Sustainable Development           | Date of Report | 02.05.02 |
| Signatures                           | Author: _____ Senior Officer: _____                           |                |          |
| Previously                           | CRD37/02/02, CRD31/01/02, P214/06/00, AS092/05/00, P054/09/98 |                |          |
| Disclosure of Interest               |   |                |          |
| Delegation                           | <b>Council</b>  |                |          |

### **Preamble**

The purpose of this report is to seek Council's endorsement in principle on the Community Forums Planning Proposal currently being developed by the Community Forums Working Group as well as commitment from Council through nominations for representation.

### **Background**

#### **CRD37/02/02 Committee Recommended Resolution**

Moved Cr Price seconded Cr Needham that a Community Forums Working Group be established consisting of the Community Development Officer, Crs Price, Hoyer and Needham to report back to the Community & Recreation Development Committee having:

- (a) identified needs and issues to be addressed;
- (b) suggested strategies and actions;
- (c) researched examples of working models;
- (d) analysed the capacity of present internal plans, structure and resources to deliver desired outcomes; and
- (e) discussed the perceived capacity of the community to embrace any suggested model and process.

Prior to this a report to review the use of community forums as part of Council's Community Consultation Framework and its Communication and Marketing Guide was considered by Council at its meeting of 10 December 2001 wherein it was resolved:

#### **CRD26 COUNCIL DECISION/Officer Recommended Resolution**

*Moved Cr Simpson seconded Cr Kirkpatrick:*

1. *That the community forums report be referred to the January Community and Recreation Development Committee meeting for further consideration.*

*CARRIED 8/0*

The impetus for this report was Council's decision of 22 May 2000 to, among other things:

#### **Council Decision**

- 5 *That Council investigate the establishment of a Townscape Committee for Serpentine and note that the matter is a Planning issue.*

*CARRIED 10/0*

### **Comments**

## **RATIONALISING COUNCIL & COMMUNITY INVOLVEMENT**

### **Townscape & Special Purpose Committees**

In previous reports it has been suggested that there is a need to rationalise Council involvement in community committees. As well as the Byford and Jarrahdale Townscape Committees, Councillors and/or Council staff have had varying degrees of input into, or feedback from special purpose local committees including the Jarrahdale Skate Park Committee and the Southern Link Road Committee.

It is suggested that well structured general purpose town forums could replace these committees and reduce the call on Councillors, Officers and the same pool of community minded people to be on these various committees.

These Forums could act as launching platforms for projects that interested parties could then pursue through Project Action Groups that may or may not be attached to existing community organisations. The action groups would exist for the life of the project, be resourced only by interested parties who would then be self released of their role when the project was accomplished.

### **Community Events Committee**

The Communication and Marketing Guide envisages a much more significant role for the Community Events Committee in the marketing and promotion of Council.

*In order to achieve the desired level of professionalism, Council should expand the role of the Community Events Committee in order to better manage public events and consider consulting a professional events coordinator in terms of event layout, design, logistics, sponsorship, sponsor liaison and event marketing.*

### **Community Consultation**

As one of the stakeholders to be represented on the proposed town based community forums, Council aims to be able to utilise this structured system of community forums to enhance the quality of community consultation opportunities available to meet the guidelines of the Council's Community Consultation Framework.

### **COMMUNITY FORUMS PLANNING PROPOSAL - UPDATE**

In response to Council resolution CRD37/02/02, the Working Group has developed a draft Community Forums Planning Proposal which will be further developed during May so that 2002/03 programming of projects and resources and budget allocations can be finalised by the end of May 2002.

Having researched existing models, the Working Group has been workshopping a "Stakeholder" Model. This model (outlined in the notes attached) is similar to the model presented to Council in the Attachments for CRD37/02/02, but it is the way in which it is set up and the communications strategy that will keep the wheels turning and will make the difference.

The Community Forums Working Group will be discussing the development of the communications strategy at their next workshop on 14 May 2002.

A facilitator has been engaged to assist in this planning stage to enable all members of the Working Group to be able to focus on the process. It has also been identified that the engagement of a facilitator to conduct the information and planning workshops that are being scheduled with the community will be necessary in order to effectively involve Council without Council being "perceived" to be controlling the process. The key to the success of the model is to facilitate the feeling of equal ownership by all the stakeholders involved.

***The notes from the 30 April 2002 Community Forums Planning Workshop and the Draft Community Forums Planning Proposal are with the attachments marked CRD50/05/02.***

### **PILOT COMMUNITY FORUM**

The Working Group has suggested that in order for the overall process to succeed, a pilot community forum should be developed first and monitored over a couple of months. Serpentine and districts is currently being investigated for development of the pilot. This way

resources will be maximised and lessons learned which will only enhance the development of the remaining three district forums.

**COUNCIL’S COMMITMENT OF RESOURCES:**

**Community Development Officer**

This initiative will involve a substantial time commitment during 2002/03 in order to effectively and efficiently facilitate the planning, developing, monitoring and evaluating of the process and is in accordance with the People Plan and the Communication and Marketing Strategy.

In order to satisfy commitment to a balanced overall Community Development core program, the pace at which the Community Forums are developed through the year will have to be realistic from both a facilitation and community development/growth perspective and to this effect be closely monitored.

The role of the Community Development Officer once the Forums are up and running will be focussed on:

- acting as Council’s principal Community Forums Officer (representative)
- monitoring the structure/system as a whole, and how efficiently it is working to meet it’s outcomes, so that “system” & “communication” issues can be addressed as they arise
- facilitating the skill development of stakeholder representatives
- administrating any financial support allocated by Council
- facilitating the incorporation of the “Township with Heart” sustainability focus
- in partnership with relevant Councillors and Officers, presenting Council related information to the Forums and consulting the stakeholders on Council related plans and initiatives

The Forums should be empowered to be self sufficient as far as the chairing, recording and distribution of information is concerned.

**Councillors**

As Council will be one of the key stakeholders on each of the district community forums, it is imperative at this stage that there is a commitment from Councillors, before we embark upon information sessions and planning workshops with the community.

It is envisaged that each Forum will have a Ward Councillor present. Forums may decide to meet monthly, or perhaps bimonthly with a newsletter distributed in the interim. This will be determined at the Planning Workshops where it would be most productive to have all Ward Councillors for that district participating. Once the Forums are up and running, having a nominated representative for each Forum with deputies who can consider attendance depending on topics likely to be addressed, may be more appropriate.

|                                       |  |
|---------------------------------------|--|
| <b><u>Statutory Environment:</u></b>  | Nil  |
| <b><u>Policy Implications:</u></b>    | Consistent with Community Consultation Framework and Communication and Marketing Strategy      |
| <b><u>Financial Implications:</u></b> | Budget allocation to be considered in 2002/03 budget deliberations                             |
| <b><u>Strategic Implications:</u></b> | Strategy 1.4 – Strengthen community groups and promote meaningful input into Council decisions |
| <b><u>Community Consultation:</u></b> | To be advertised in accordance with the Community Consultation Framework                       |

**Voting Requirements:** Normal

**Officer Recommended Resolution**

- 1 Council endorses, in principle, the Community Forums Planning Proposal currently being developed by the Community Forums Working Group and considers a budget allocation in the 2002/03 budget deliberations.
- 2 All Councillors attend the Community Forum District Planning Workshops relevant to their ward.
- 3 Council accepts nominations at this stage from Councillors for the Community Forum District Planning Workshops as Council Representatives and Deputies for the following Community Forums:

| Forum                  | Representative | Deputies |
|------------------------|----------------|----------|
| Serpentine & Districts |                |          |
| Jarrahdale & Districts |                |          |
| Byford & Districts     |                |          |
| Mundijong & Districts  |                |          |

**CRCRD50 Committee Recommended Resolution**

- 1 Council endorses, in principle, the Community Forums Planning Proposal currently being developed by the Community Forums Working Group and considers a budget allocation in the 2002/03 budget deliberations.
- 2 All Councillors attend the Community Forum District Planning Workshops relevant to their ward.
- 3 Council accepts nominations at the May 2002 Ordinary Council Meeting from Councillors for the Community Forum District Planning Workshops as Council Representatives and Deputies for the following Community Forums:

| Forum                       | Representative | Deputies |
|-----------------------------|----------------|----------|
| Serpentine & Districts      |                |          |
| Jarrahdale & Districts      |                |          |
| Byford, Oakford & Districts |                |          |
| Mundijong & Districts       |                |          |

NB: The Officer's recommendation was changed so that nominations could be made at the Ordinary Council Meeting instead of the Committee Meeting and to include Oakford with Byford & Districts.



**CRCRD50 COUNCIL DECISION**

Moved Cr Simpson seconded Cr Price that

- 1 Council endorses, in principle, the Community Forums Planning Proposal currently being developed by the Community Forums Working Group and considers a budget allocation in the 2002/03 budget deliberations.
- 2 All Councillors attend the Community Forum District Planning Workshops relevant to their ward.
- 3 Council accepts nominations at the May 2002 Ordinary Council Meeting from Councillors for the Community Forum District Planning Workshops as Council Representatives and Deputies for the following Community Forums:

| Forum                       | Representative | Deputies       |
|-----------------------------|----------------|----------------|
| Serpentine & Districts      | Cr Neeham      | To be advised  |
| Jarrahdale & Districts      | Cr Kirkpatrick | Cr Price       |
| Byford, Oakford & Districts | Cr Simpson     | Cr Murphy      |
| Mundijong & Districts       | Cr Price       | Cr Kirkpatrick |

CARRIED 9/0

Note: The Committee Recommended Resolution was changed to include nominations for representatives and deputies.

7.4 Strategic Management Committee Meeting – 20<sup>th</sup> May, 2002

**COUNCIL DECISION**

Moved Cr Simpson seconded Cr Kirkpatrick

That the minutes of the Strategic Management Committee Meeting held on 20<sup>th</sup> May, 2002 be received.

CARRIED 9/0

|   |  |                 |         |
|---|--|-----------------|---------|
| SM062/05/02 REVIEW OF 2001-2005 SERPENTINE JARRAHDAL SHIRE STRATEGIC PLAN (A0151) |  |                 |         |
| Proponent   | Chief Executive Officer                          |                 |         |
| Officer   | David Price – Chief Executive Officer            | Date of Report  | 26/4/02 |
| Signatures  | Author:  | Senior Officer: |         |
| Previously  | SM028/02/01, A150/04/00, A118/02/00, SM041/12/01 |                 |         |
| Disclosure of Interest  |  |                 |         |
| <b>Delegation</b>   | <b>Council</b>                                   |                 |         |

**Preamble**

Commence the review of the current 2001-2005 Shire Strategic Plan.

**Background**

The current Strategic Plan "Key Result Areas" for 2001–2005 details a number of objectives, performance measures and strategies.

The 2001-2005 Forward Financial Plan (PAP) broadly links to the Strategic Plan as a guide for future projects. It is from the Forward Financial Plan that Council's budget is developed

and Service Team Service Level Accords reviewed annually to ensure alignment with the direction of Council.

Council agreed to the need to workshop the Strategic Plan to develop more detailed actions which can be linked to the three (3) Key Result Areas of the current Strategic Plan, and therefore be reflected in the future financial years (2003-2007) of the Councils Forward Financial Plan (PAP) at their December 2002 Council meeting.

**“COUNCIL DECISION/Officer Recommended Resolution**

*Moved Cr Price seconded Cr Hoyer  
Council agrees to the following:*

1. *Defer the review of current 2001-2005 Shire Strategic Plan until the commencement of the 2002/2003 financial year subject to funding.*
2. *Funding of the review of the 2001-2005 Shire Strategic Plan is to be considered as part of this financial year's Forward Financial Plan (PAP) process.*
3. *Council, subject to funding, agrees to engage a reputable and capable facilitator to undertake a series of Council and community workshops. The workshops will aim to work with Council and the community to reconfirm the strategic direction of Council. A key outcome of this process will be to produce a set of actions reflecting the community and Council priorities. These actions will then be fed into the 2003-2007 Strategic Plan as detailed actions linking to the current 'objectives' and the 2003-2007 Forward Financial Plan (PAP).*

**CARRIED 8/0”**

To assist this process, the Chief Executive Officer (CEO) in his December item suggested that Council engage a reputable and capable facilitator to undertake a series of Council and Community workshops. Council currently engages Sustainable Development Facilitation on a part-time basis in the role of Executive Officer and a proposal has been requested from Dorothy Lucks, of Sustainable Development Facilitation to undertake this work in her capacity as Executive Officer.

***A copy of the proposal, which identifies three options is with the attachments marked SM062.1/05/02.***

**Comments**

The Executive Officer position has been very involved in preparing a number of grant applications for Council with the goal of leveraging funding amounts for projects identified in 2002-2003 in the 2001-2005 Principal Activities Plan.

It is considered appropriate that Council are updated on the work and the potential “value for money” associated with the work undertaken by the consultant Executive Officer during the period 15 November 2001 to 30 April 2002 (five months).

Of the eight projects listed, funding proposals prepared each required a different level of input. Some, such as the Sport and Recreation Facility required strategic liaison and scripting, others, such as the Tourism Strategy and Youth Officer required time investment in project design and discussions with potential implementation partners. In addition, research has been undertaken into opportunities for further funding and strategic development, for example involvement in the High School Working Group.

The total amount of external funding requested through the eight proposals (excluding the Recreation Facility) is over \$205,000, excluding contribution from other organisations, such as \$15,000 from the National Trust of WA and in-kind support. Please note that this total is for the amount requested only and as yet all applications are still under consideration. It is virtually impossible that all will be approved. A success rate of 50-60% would be a most

satisfactory result. It is worth noting that all of the submissions have been based on funds already committed in the PAP, and using existing Shire resources.

| Project                          | Funding Source        | Application status  | Shire contribution                    | External Funding Tgt |
|----------------------------------|-----------------------|---|---------------------------------------|----------------------|
| Oakford Oldbury Community Centre | Lotteries             | Application completed. Awaiting final documents from K. Murphy      | Building (in kind)                    | \$13,734             |
| Tourism Strategy                 | RDS                   | Completed.  | \$4,000 + \$6,500 in kind             | \$19,450.20          |
| Youth Officer                    | Safer WA              | Completed.  | \$15,300 (in kind & already budgeted) | \$22,000             |
| Trails                           | Trailswest            | Completed<br>Cross-referenced to Darling Downs Application          | \$27,890 (already budgeted)           | \$27,890             |
| SES radios                       | RDS                   | Completed   | \$2,000 (already budgeted)            | \$7,676.92           |
| Wind Turbine                     | RDS                   | Completed   | \$10,000 (already budgeted)           | \$18,000             |
| Sport & Rec Centre               | RAP                   | Revision of Dairy RAP Application                                   | \$ 2 million (Already budgeted)       | \$341,008            |
| Mill Managers House              | Environment Australia | Completed   | \$ 7,500 (in kind)                    | \$ 96,585            |
| <b>TOTAL Direct Leverage</b>     |                       | <b>(excluding Sport &amp; Rec Centre as this was revision only)</b> |                                       | <b>\$205,336.12</b>  |
| <b>Exec Officer</b>              |                       | <b>Payments to date</b>   |                                       | <b>\$15,120.00</b>   |

Prepared by Dorothy Lucks (Sustainable Development Facilitation) 28<sup>th</sup> April 2002

Based on the current years agreed hourly rate and arrangement with Sustainable Development Facilitation, this provided for 12 hrs per week for 40 weeks per year, or 480 hrs (\$28,800).

It is recommended that Council undertake a detailed review of the Strategic Plan and consequently agree to option 3 as detailed below.

### OPTION THREE: COMMUNITY BASED STRATEGIC PLANNING

| Process  | Overall Duration  | Time Allocation  | Cost (GST Excl) |
|--|---|--|-----------------|
| <ul style="list-style-type: none"> <li>▪ Full scale community consultation process starting with a visioning for each locality.</li> <li>▪ This will involve community meetings with a broad cross section of groups. This will be cross-referenced with interest groups.</li> <li>▪ Plan to be completed on a sustainability basis with issues</li> </ul> | 7.5 weeks hours FTE equivalent or 24 weeks @ 12 hrs per week. | <ul style="list-style-type: none"> <li>@ 80 hours community consultation</li> <li>@ 80 hours interaction</li> <li>@ 48 hours to do draft</li> <li>@ 32 hours to discuss</li> </ul> | \$75.00 per     |

|   |  |  |                                   |
|---|--|--|-----------------------------------|
| <p>placed under social, environmental and economic categories.</p> <ul style="list-style-type: none"> <li>▪ Will involve limited use of scenario planning where required.</li> <li>▪ Media and publicity to attract interest.</li> <li>▪ Work with tourism, environmental groups, etc to obtain information for draft.</li> <li>▪ Feedback sessions regarding draft with key stakeholder groups.</li> <li>▪ Establish Communications Plan for shared implementation.</li> </ul>   |  | <p>with groups and make necessary changes</p> <p>@ 40 hours to formalise plan.</p> <p>@ 16 hours implementation plan</p> <hr/> <p>Total:296 hr</p> | <p>hour</p> <hr/> <p>\$22,200</p> |
| <p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>▪ Community visioning and mobilisation.</li> <li>▪ Definition of short, medium and long term strategies in line with the visioning.</li> <li>▪ Strong community input and ownership of Strategic Plan.</li> <li>▪ Updated Strategic Plan based on sustainable development.</li> <li>▪ Strategies, responsibilities and resources aligned including PAP.</li> <li>▪ Higher profile of strategic issues for further action within Council and beyond.</li> <li>▪ Stimulate and support community action on key issues.</li> <li>▪ On-going opportunity for feedback and implementation.</li> </ul> |  |  |                                   |

Recognising the Council decision to include funding for this review in the draft Principal Activity Plan process and that the benefits of the Executive Officer are evident it is proposed that this role continue for a further 12 months and that Option 3 is carried out by Sustainable Development Facilitation under the role of Executive Officer over a six (6) month timeframe. The quoted cost of \$22,200 (plus GST) reflects 296 hrs of work at the slightly higher rate of \$75/hr due because they will require some evening work and a higher level of travelling.

If Council continues to support the Executive Officer it is proposed that this position would undertake the facilitation role required for the review of the Strategic Plan as detailed above. Under this arrangement and based on the current Executive Officers budget of \$30,000, \$6,600 or 110 hrs or 9 weeks @ 12 hrs/week @ \$60/hr would be available at the conclusion of the Strategic Plan review to undertake other activities such as grant applications and facilitation of Economic Development initiatives.

To assist in the application of grants, Sustainable Development Facilitation have other staff employed who can take up this role whilst Dorothy Lucks (Executive Officer) undertakes the Strategic Plan review. Given the benefits demonstrated of the Executive Officer role it is suggested that a provisional sum of a further \$5,000 be placed into this account to continue this service and meet incidental costs that will occur during the period of the Strategic Plan review.

By approaching the Strategic Plan review this way it is intended that the review will commence in June 2002.

**Statutory Environment:**

Council has agreed to a review of current 2001-2005 Shire Strategic Plan until the commencement of the 2002/2003 financial years subject to funding.

**Policy Implications:**

No Policy Implications

**Financial Implications:**

The People Plan allocates the Executive Officer funds in 2002-2003 to the position of Manager Customer Relations Position. However, in accordance with point 2 of Councils decision in December 2001, funds have been provided for this position in the draft 2002-2007 Principal Activity Plan that enables the Executive Officer money to be made available to undertake a review of the Strategic Plan. By using the existing Executive Officer resource to undertake the Strategic Plan review the preliminary work will be able to commence in June 2002.

It is intended that part of the Economic Development funds (\$14,000) from 2001-2002 be reallocated in 2002-2003 to meet the additional \$5,000 suggested above to provide the ongoing Executive Officer Service for Grant funding and incidentals that will occur.

**Strategic Implications:**

Council has agreed to the need to workshop the Strategic Plan to develop more detailed actions which can be linked to the three (3) Key Result Areas of the current Strategic Plan, and therefore be reflected in the future financial years (2003-2007) of the Councils Forward Financial Plan (PAP) at their December 2002 Council meeting.

**Community Consultation:**

Community Consultation will be undertaken as outlined in the Option 3. Community Based Strategic Planning. The Community Development Officer will be required to have significant involvement in this project with the consultant.

**Voting Requirements:**

Normal

**CRSM062 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Simpson that

1. Council agrees to undertake a detailed review of the Strategic plan as detailed below in option 3 in accordance with the “Financial Implications” detailed above.

**OPTION THREE: COMMUNITY BASED STRATEGIC PLANNING**

| Process   | Overall Duration  | Time Allocation   | Cost (GST Excl)   |
|---|---|---|---|
| <ul style="list-style-type: none"> <li>▪ Full scale community/Council consultation process starting with a visioning for each locality.</li> <li>▪ This will involve community /Council meetings with a broad cross section of groups. This will be cross-referenced with interest groups.</li> <li>▪ Plan to be completed on a sustainability basis with issues placed under social, environmental and economic categories.</li> <li>▪ Will involve limited use of scenario planning where required.</li> <li>▪ Media and publicity to attract interest.</li> <li>▪ Work with Council, tourism and environmental groups, etc to obtain information for draft.</li> <li>▪ Feedback sessions regarding draft with Council and key stakeholder groups.</li> <li>▪ Establish Communications Plan for shared implementation.</li> </ul> | 7.5 weeks hours FTE equivalent or 24 weeks @ 12 hrs per week. | <ul style="list-style-type: none"> <li>@ 80 hours community consultation</li> <li>@ 80 hours interaction</li> <li>@ 48 hours to do draft</li> <li>@ 32 hours to discuss with groups and make necessary changes</li> <li>@ 40 hours to formalise plan.</li> <li>@ 16 hours implementation plan</li> <li><hr/>Total:296 hr</li> </ul> | <ul style="list-style-type: none"> <li>\$75.00 per hour</li> <li><hr/>\$22,200</li> </ul> |

**Outcomes:**

- Community visioning and mobilisation
- Definition of short, medium and long term strategies in line with the visioning
- Strong community input and ownership of Strategic Plan.
- Updated Strategic Plan based on sustainable development.
- Strategies, responsibilities and resources aligned including PAP.
- Higher profile of strategic issues for further action within Council and beyond.
- Stimulate and support community action on key issues.
- On-going opportunity for feedback and implementation.

2. Council agrees to continue the Executive Officer role with Sustainable Development Facilitation to undertake the Strategic Plan review commencing in June 2002 and to assist in the application of grants and other Economic Development support to the Chief Executive Officer.
3. Council agrees to a provisional sum of a further \$5,000 be included in the 2002-2003 budget to assist in the application of grants and other Economic Development support to the Chief Executive Officer.

CARRIED 9/0

Note: A clarification by adding the word "Council" to the table was made to ensure Council was included specifically in the process.

|   |  |                 |          |
|---|--|-----------------|----------|
| SM063/05/02 PRINCIPAL ACTIVITIES PLAN 2002-2007 (A0119) |  |                 |          |
| Proponent   | Shire of Serpentine-Jarrahdale             |                 |          |
| Officer   | Glen Dougall – Director Corporate Services | Date of Report  | 13/05/02 |
| Signatures  | Author:                                    | Senior Officer: |          |
| Previously  | SM054/03/02                                |                 |          |
| Disclosure of Interest                                  |  |                 |          |
| <b>Delegation</b>                                       | <b>Council</b>                             |                 |          |

### **Preamble**

To review written comments and submissions made by the public in relation to the proposed Plan of Principal Activities 2002-2007 and adopt the Plan as proposed.

### **Background**

At the Strategic Management meeting held on 18<sup>th</sup> March 2002 Council adopted the recommendation from the Strategic Management Committee to advertise the draft Plan of Principal Activities 2002-2007 for public comment.

This Plan is a requirement of section 5.56 of the Local Government Act 1995 and is to cover the next five financial years of the local government. The Plan is to include;

- The principal activities that are proposed or plan to be proposed,
- Objectives of each principal activity,
- Estimated cost and proposed means of funding,
- How the local government proposes to assess its performance, and
- Estimated income and expenditure for each year of the plan.

This year an advertisement was placed in the Weekend Examiner newspaper to commence the statutory 42 day public submission notice as required under section 5.57 of the Local Government Act 1995, and an article providing a summary of the Plan was provided in the Autumn version of the Jazz newsletter which was mailed to every property owner advising how to view the Plan and when to submit comments. A total of 7 submissions of comment were received by the due date. This is down on the 28 submissions received last year after distributing an individual flyer to each property owner.

### **Comments**

The 42 day comment period concluded on Friday 10<sup>th</sup> May 2002 with 7 comments being received. All proponents have been advised the time and date of this meeting. These submissions are presented below providing the proponent, their summarised comment and recommended reply.

| <b>Respondent</b> | <b>Comment</b>   | <b>Recommended Response</b>  |
|-------------------|--|--|
| A & Y Elek        | Requests the completion of the seal of Doley Road, Byford. Has been requesting this for the last eight years and believes the road to be in a dangerous condition. | Doley Road is not on the works program at this time as there are greater priorities for the limited amount of funding available over the next five years. Doley Road is within the Byford Urban development area and will be upgraded as development occurs. |

| <b>Respondent</b>   | <b>Comment</b>  | <b>Recommended Response</b>   |
|---|---|---|
| Gray & Lewis Town Planners (Consultants)  | Request to bring forward the Byford Structure Plan as the land has been zoned Urban for six years and sewer infrastructure is now in place. It is imperative that Council do everything possible to enable subdivision and development to proceed as soon as possible.  | Agreed. The Plan has been amended to provide for this structure plan in the first year (2002/2003).   |
| Vintage Realty  | Request the Byford Structure Plan be moved forward as deep sewerage has now been completed and any further delay will cause considerable monetary and emotional difficulties.   | Agreed. The Plan has been amended to provide for this structure plan in the first year (2002/2003).   |
| N & J Giles   | Request serious consideration for the Byford Structure Plan to be moved to the first year of the Plan. Deferring the Plan is causing anxiety for the proponent as planning for the future is not certain.   | Agreed. The Plan has been amended to provide for this structure plan in the first year (2002/2003).   |
| Roy Weston (Byford Office)  | Request the Byford Structure Plan moved forward to first year of the Plan. Until detailed plan is completed Byford is held in limbo effecting economic growth and development.  | Agreed. The Plan has been amended to provide for this structure plan in the first year (2002/2003).   |
| Serpentine-Jarrahdale Residents & Ratepayers Group (Mundijong Mining Objectors) | Requests the Mundijong Structure Plan be brought forward and progressed in the first year. The substantive part of the evidence provided to the Wardens Court was the economic development profile in urban terms. Council and the community need to demonstrate their planning and budget commitment to urban planning as soon as possible. Any deferment demonstrates the opposite intentions for the area. | Whilst it is appreciated that this is an important issue, it is difficult to justify moving the proposal ahead of other structure planning priorities.  |
| A Wigg  | Requests the upgrade of Yangedi North and Henderson Roads be included in the works program as it is a heavy transport and school bus route.   | A 600 metre extension of Yangedi North Road between the end of the seal and the airstrip entrance is scheduled for 2006/2007 (\$70,000). Other improvements are not scheduled as traffic volumes and loadings are relatively low compared to other road priorities. |

As can be seen the majority of the submissions raised the main issue is the Byford Detailed Area Plan. Completion of this project is important in the context of the infill sewerage program to Byford being complete and the Structure Plan nearing completion.



This has resulted in the modification of the Plan to provide for the Detailed Area Plan in the first year (2002/2003) for \$30,000 and this figure being deleted from the second year (2003/2004). As a consequence the Byford Townscape funding has been modified down to \$70,000 in the first year (2002/2003) and modified up to \$80,000 in the second year (2003/2004) to provide the funding for this change.

***A copy of the amended draft Plan of Principal Activities 2002-2007 is included with the attachments marked SM063.1/05/02.***

**Statutory Environment:** Section 5.56 of the Local Government Act 1995.

**Policy Implications:** No policy implications.

**Financial Implications:** The Principal Activity Plan is a forward financial plan for the next five years.

**Strategic Implications:** This Plan provides a strategic financial direction for Council.

**Community Consultation:** Local Government Act 1995 requires a 42 day consultation process which has been undertaken.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

1. Draft Plan of Principal Activities 2002-2007, as amended, be adopted.
2. The draft Budget 2002/2003 be prepared based on the Principal Activity Plan 2002-2007.
3. People who made submissions to the draft Plan of Principal Activities 2002-2007 be thanked for their comments and the recommended responses be endorsed and the respondents advised accordingly.

**CRSM063 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Price that

1. Draft Plan of Principal Activities 2002-2007, as amended, be adopted.
2. The draft Budget 2002/2003 be prepared based on the Principal Activity Plan 2002-2007.
3. People who made submissions to the draft Plan of Principal Activities 2002-2007 be thanked for their comments and the recommended responses be endorsed and the respondents advised accordingly, with clarification made that the detailed area plan refers to the east side of the highway in Byford.
4. Mundijong Structure Planning be placed on the agenda for the WA Planning Commission and detailed area plan for part of the Mundijong cell further discussed with the Department for Planning and Infrastructure in the meantime.

CARRIED 9/0

Note: The Officers Recommendation was changed to

A) clarify that responses to submissions reflected that reference to the detailed area plan referred to the east side of Byford.

B) part 4 was added to facilitate discussions with WA Planning Commission and the Department of Planning and Infrastructure regarding the commencement timing of a part detailed area plan for Mundijong.

|  |                                       |                 |         |
|--|---------------------------------------|-----------------|---------|
| SM064/05/02 QUARTERLY REPORTING FORMAT (A0897, A0898, A0899) |                                       |                 |         |
| Proponent  | Chief Executive Officer               |                 |         |
| Officer  | David Price – Chief Executive Officer | Date of Report  | 26/4/02 |
| Signatures   | Author:                               | Senior Officer: |         |
| Previously   |                                       |                 |         |
| Disclosure of Interest                                       |                                       |                 |         |
| Delegation   | Council                               |                 |         |

### **Preamble**

Implement a refined and more informative quarterly reporting process from the Corporate, Asset and Sustainable Development Directorates.

### **Background**

The Chief Executive Officer was requested at his Performance Appraisal to review the way in which the quarterly reports were presented to Council. Some of the issues raised with the current reporting process were that the reports were often a heavy read with all the other agenda information, it only provided Councillors limited interaction across all three Directorates of Council, these reports need to be shared across all service teams of Council and that Council would welcome the opportunity to build relationships with the Managers.

### **Comments**

Taking this feedback, the Chief Executive Officer has now discussed this with the Directors and the Managers and a new reporting format is proposed effective from the quarterly report due in July for the April-June quarter.

*A copy of the more refined key headings of the reports is with the attachments marked SM064.1/05/02.*

The reports are intended in future to be more succinct and informative and not repetitive, which has often been the case with the current format. It is proposed that each Directorate report will still be provided to the relevant Committee via the information report so that all Councillors get a copy, but it is intended that the report not be discussed at any length during Committee.

It is proposed that once a quarter on the month the reports are presented to the Committees, prior to the Council meeting during dinner (between 6pm and 6:45pm) the Managers from each Directorate will present a 10 minute summary to Councillors on the last quarter, and invite questions/comments and feedback on the information which Councillors would have had to read since the Committee Agenda was distributed.

Furthermore, it is also intended that at the following mornings Council meeting debrief and staff meeting, a representative from each Directorate (not the Manager) will provide a 10-minute report back to staff on their quarterly report.

The new approach is aimed at getting more interaction between Councillors, the Management team and staff on what is happening across the organisation. It is recognised that the first couple of presentations will be a little trial and error, but Councillors are requested to be understanding and work with the Managers to ensure that what Council is seeking is delivered.

### **Statutory Environment:**

No Statutory Implications are known.

- Policy Implications:** Establish a Policy for quarterly reporting protocol to Council.
- Financial Implications:** Additional meals at four Council meetings per year for Managers.
- Strategic Implications:** Better understanding across the organisation of Councillors vision.
- Community Consultation:** Not required.
- Voting Requirements:** Normal

**CRSM064 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Needham that Council notes the new quarterly reporting format and requests that a Corporate Policy be prepared and included as part of the June Policy Review reflecting this.  
CARRIED 9/0

|  |                                       |                 |         |
|--|---------------------------------------|-----------------|---------|
| SM065/05/02 REVIEW OF DELEGATED AUTHORITY (A1047/05, A1047/04, A1047/07, A1047/02, A1047/03) |                                       |                 |         |
| Proponent  | Chief Executive Officer               |                 |         |
| Officer  | David Price – Chief Executive Officer | Date of Report  | 24/4/02 |
| Signatures   | Author:                               | Senior Officer: |         |
| Previously   | A187/06/00, SM049/05/01               |                 |         |
| Disclosure of Interest   |                                       |                 |         |
| Delegation   | Council                               |                 |         |

**Preamble**

Delegated Authority has been reviewed and Council is now asked to approve delegated authority to the Chief Executive Officer in accordance with the Local Government Act 1995.

Council is also requested to appoint the Chief Executive Officer and other nominated officers under the provisions of the Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911, Strata Titles Act 1985, Caravan Parks and Camping Grounds Regulations 1987 and the Shire of Serpentine-Jarrahdale Town planning Scheme No. 2. The delegation will enable the officers to attend to specific matters for which delegation is possible in those Acts and the Town Planning Scheme.

**Background**

Council received the Annual Compliance Return in March 2002. An independent Local Government Consultant completed the return. One of the improvement opportunities suggested from the review was the separation of the delegations that Council makes to the Chief Executive Officer under the provisions of the Local Government Act from those that can be made under various other Acts. To assist in this task, Council has engaged independent Local Government practitioner, Mr Laurie Vicary.

**Comments**

The review has seen the existing delegations “split out” into the various Acts to which they relate. Furthermore, delegations are now in accordance with the requirements of the Act to which the delegation applies, and consequently in some cases the delegation will be made not to the Chief Executive Officer, but to another officer.

Any proposed amendments to the existing delegations are shown with a line striking through the words to be deleted and with the words that are to be inserted shown in italics.

A number of delegations have also been removed as they are no longer required, policies have been developed or policies or local laws need to be developed. The work undertaken to date has highlighted the need for Council to introduce new local laws in several areas. It is intended that local law templates available from the Western Australian Local Government Association will be used where appropriate.

In the instances where a delegation is no longer considered necessary, or a new policy or work procedure, or in some instances a local law needs to be developed, this report will remove it from the delegation register. If a replacement delegation, policy, work procedure or local law is required, that matter has or will be referred to Council through the appropriate committee for endorsement at a later date.

It is proposed that following Council signing off on the review of delegations, that the next stage will be to review policies and local laws and to make recommendations for necessary changes. Where new policies and local laws have been identified as the best course of action to "bridge the gaps" these will be developed and referred to Council for consideration. Already the review of delegations has highlighted the following immediate needs and it is intended to again use the services of a consultant to expedite this.

- a) Review Councils Local Laws and confirm what we have;
- b) Local Laws relating to the following need to be developed;
  - Activities on Thoroughfares and Trading in Thoroughfares etc
  - Local Government Property
- c) Review the following ;
  - Dogs Local Law
  - Cemeteries Local Laws.

Corporate Services

#### **AF-1. Public Announcements**

~~The Chief Executive Officer be delegated authority to speak with the media in terms of general enquiries and on other occasions as agreed by the President. (s.5.41(f) Local Government Act 1995).~~ The WALGA Practice Notes provide an arrangement that may be agreed between the Shire President and CEO outlining how media is to be dealt with. This has been put in place.

#### **AF-2. Signing of Prosecution Complaint Forms:**

The Chief Executive Officer be delegated authority to sign all prosecution complaint forms in relation to prosecutions under the Local Government Act 1995 on behalf of the Council. (s.5.42 Local Government Act 1995).

#### **AF-3. Contract Price Variations:**

The Chief Executive Officer be delegated authority to approve price variations *after a tender has been accepted for a contract* subject to compliance with contract conditions and sufficient funds being available within the approved expenditure budget. (s.3.57 5.42 Local Government Act 1995 and Regulation 20 Local Government (Functions & General) Regulations 1996).

**AF-4. Rangers – Authorised Persons – Regulations and Local Laws**

The Chief Executive Officer is delegated authority to appoint Shire of Serpentine-Jarrahdale officers as authorised officers/persons to enforce regulations and local laws of the Shire of Serpentine-Jarrahdale made in accordance with the Local Government Act 1995. and the following Acts: .....

- \_\_\_\_\_ Dog Act 1976 and Amendment Act 1996
- \_\_\_\_\_ Control of Vehicles (Off Road Areas) Act 1978
- \_\_\_\_\_ Litter Act 1979

**- Bush Fires Act 1954**

(s.9.10 Local Government Act 1995).

**AF-5. Honorary Parking Inspectors:**

~~The Chief Executive Officer be delegated authority to appoint Shire of Serpentine-Jarrahdale employees as honorary parking inspectors to enforce the Shire of Serpentine-Jarrahdale local laws relating to any parking facilities included under the Parking local laws. (s.9.10 Local Government Act 1995).~~

**AF-6. Rangers – Prosecution for Dog Attack:**

~~The Chief Executive Officer be delegated authority to commence legal proceedings for offences against the Dog Act 1976. (s.44 Dog Act 1976).~~

**AF-7. Rangers – Dogs:**

~~The Chief Executive Officer be delegated authority to approve applications to keep more than two dogs provided that the application complies with Council's policy relating to the keeping of more than two registered dogs in its entirety. (S.26 (3) Dog Act 1976). The possibility of a local law being able to provide the necessary authority is to be investigated~~

**AF-8. Rangers – Bush Fire Infringement Notice Issue:**

~~The Chief Executive Officer be delegated authority to commence legal proceedings pursuant to offences against the Bush Fires Act 1954. (s.59(3) Bush Fires Act 1954).~~

**AF-9. Derelict Vehicles:**

The Chief Executive Officer be delegated authority to dispose of any derelict vehicles in accordance with the Local Government Act 1995 local law relating to removal and disposal of obstructing animals and vehicles (s.3.47 & 3.58 Local Government Act 1995 and Regulation 11 Local Government (Functions and General) Regulations 1996).

**AF-10. Impounded Vehicle Tender Acceptance:**

The Chief Executive Officer be delegated authority to accept tenders for impounded vehicles up to the value of \$1,000 pursuant to s.5.43(b) of the Act and the local law relating to removal and disposal of obstructing animals and vehicles and the local law relating to removal of refuse, rubbish, litter, vehicle bodies, disused material and unsightly items or objects from land. (S.3.47 & 3.58 Local Government Act 1995 and Regulation 11 Local Government (Functions and General) Regulations 1996).

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**AF-12. Infringement Notices – Follow-up Proceedings:**

The Chief Executive Officer ~~is authorised be granted delegated authority~~ to institute proceedings without reference to Council ~~in the following circumstances:~~

- (i) ~~relating to the~~ for non payment of infringement notices issued for offences under the *Local Government Act 1995*, *Dog Act 1976*, *Bush Fires Act 1954*, *Control of Vehicles (Off Road Areas) Act 1978*, *Litter Act 1979* and associated local laws ~~by referring the unpaid infringements to the Fines Enforcement Registry for collection.~~
- (ii) ~~for any offence involving vandalism.~~

**AF-13. Infringement Notices – Withdrawal:**

~~The Chief Executive Officer be granted delegated authority to consider submissions made on the circumstances and to use discretion that may see the Chief Executive Officer withdraw infringement notices issued for offences under the Dog Act 1976, Bush Fires Act 1954, Control of Vehicles (Off Road Areas) Act 1978, Litter Act 1979 and local laws.~~

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**AF-14. Acting Chief Executive Officer:**

~~The~~That when it is considered necessary by the Chief Executive Officer, as the result of his absence from the District, to appoint an officer to the role of Acting Chief Executive Officer ~~the role be offered on a rotational basis to the following Directors: - be rotated between each of the Directors effective from 1 July 2002. (STM/02/02)~~  
Glen Dougall – Director Corporate Services  
Andrew Watson – Director Sustainable Development  
Robert Harris – Director Asset Services

**AF-15. Payments from the Municipal Fund and Trust Fund:**

~~That by absolute majority decision and by virtue of section 6.10 of the Local Government Act 1995 and Regulations 12 and 13 of the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer be granted delegated authority to make payments from the municipal fund and trust fund.~~

**AF-16. Investments:**

- (i) That the Chief Executive Officer be given delegated authority to invest surplus Council funds.
- (ii) That Council invest with the following financial institutions only:
  - ANZ Bank
  - BankWest
  - Commonwealth Bank
  - Challenge Bank
  - National Bank
  - Bendigo Bank
- (iii) That the maximum investment with any one institution be in accordance with Council's Investment Policy.

**AF-17. Approval of Councillors' Travelling and Other Expenses:**

Delegated authority be granted to the Chief Executive Officer to ~~deal administratively with~~ pay claims for ~~payment of~~ travelling and other approved expenses incurred by Councillors in carrying out their duties or performing their functions as a councillor in accordance with ~~the~~ guidelines as may be set out by Council. (s.5.98 Local Government Act 1995 and Regulations 30-33 Local Government (Administration) Regulations).

**~~AF-18. Accepting Tenders on Behalf of Council:~~**

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~~Delegated authority be granted to the Chief Executive Officer to accept on behalf of Council, tenders received in accordance with the requirements of the Local Government (Functions and General) Regulations 1996, up to a limit of fifty thousand dollars (\$50,000).~~

**AF-19. Issue of Notice on Private Land:**

Delegated authority be granted to the Chief Executive Officer to give a person who is the owner or, unless Section 3.25, Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that ensures that overgrown vegetation, rubbish or disused material (which includes disused motor vehicles, old motor vehicle bodies and old machinery), is removed from the land that the Chief Executive Officer considers to be untidy.

*The delegation to the Chief Executive Officer is extended to enable him to take whatever action he believes is appropriate, in the terms of Section 3.26 of the Local Government Act 1995, if the person to whom the notice is given does not comply with its requirements, within the time nominated in the notice.*

**~~AF-20. Signing of Purchase Orders:~~**

~~Delegated authority be granted to the Chief Executive Officer to sign and approve signatory powers to authorised staff, for the purchase of goods and services on behalf of Council. This matter is covered by the financial management duties of the CEO prescribed in the Local Government (Financial Management) Regulations 1996~~

**AF-21. Refreshments – Councillors Lounge:**

The Chief Executive Officer is authorised to *provide refreshments from the Councillors Lounge* ~~open the bar~~ for employees, visitors to the Shire when considered appropriate, as well as *on* special occasions.

**AF-22. Staff Matters:**

Delegated authority be granted to the Chief Executive Officer to re-appraise, re-categorise, remunerate and employ permanent and casual staff within appropriate awards and budget constraints (s 5.41 (g) Local Government Act 1995).

The exception being designated senior staff on contract, which will require Chief Executive Officer and Council input (s5.37 (2) Local Government Act 1995).

Note: Any additional positions, other than those endorsed in the "EQUAL 2002-2005 People Plan" by Council, which are unable to be accommodated within budget constraints, are to be referred to Council for approval.  
(SM040/01/02)

**~~AF-23. Farmland Rating Concessions:~~**

~~Delegated authority be granted to the Chief Executive Officer to approve farmland rating concession applications within the framework of the conditions as adopted by Council. This matter is adequately covered by policy~~

**~~AF-24. Use of Council Chambers, Lounge and Committee Room~~**

~~Delegated authority be granted to the Chief Executive Officer to allow the use of the Council Chambers, Lounge and Committee Rooms. See policy CSWP4~~

**~~AF-25. Request to Burn Forms (Bush Fires Act):~~**

~~Delegated authority be granted to the Chief Executive Officer, to sign Request for Brigade Burning on Private Property forms for insurance purposes. There is an operation procedure in place~~

**~~AF-26. Prohibited & Restricted Burning Period (Bush Fires Act):~~**

~~Delegated authority be granted to the Chief Executive Officer, power to declare a prohibited and restricted burning period.~~

**~~AF-27. Extension or Otherwise of Prohibited Restricted Burning Periods (Transferred from AF 11)~~**

~~That the Chief Executive Officer be granted delegated authority for the extension or otherwise of the prohibited restricted burning periods. (s.17(7) and 18(5) Bush Fires Act 1954).~~

**~~AF-28. Dog Registrations:~~**

~~Delegated authority be granted to the Chief Executive Officer to authorise veterinary clinics as authorised collection agencies for dog registrations. (AFS 003 12.10.98)~~

**~~AF-29 Financial Assistance – Requests for:~~**

~~Delegated authority to be granted to the Chief Executive Officer that requests for funding from established groups be refused if outside of budget. (AFS 106 09.11.98)  
See policy CSP8~~

**~~AF-30 Special Arrangements for Payment of Rates & Charges:~~**

~~Delegated authority to be granted to the Chief Executive Officer to determine an alternative suitable arrangement with customers seeking a special arrangement for the payment of rates and charges. In determining any alternative arrangements it is noted that the Chief Executive Officer may waive part or all of the \$25.00 administration fee. (AFS A18 09.08.99) See policy CSP27~~

~~a) The Chief Executive Officer may vary Rates Collection procedure dependent upon the prevailing economic situation.~~

~~b) The Chief Executive Officer is given delegated authority to make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year.~~

~~c) The Chief Executive Officer has delegated authority to allow extended instalment arrangements, which will be finalised outside the current financial year.~~

**~~AF-31 Existing Leases – Review & Renewal:~~**

~~Delegated authority to be granted to the Chief Executive Officer to review and renew existing leases and rents for residential properties in accordance with the requirements of the Local Government Act 1995. taking into account Council's interests. (AFS A20 09.08.99)~~



**AF-33 Use of Council Halls and Ovals by Community Groups:**

Delegated authority *be granted* to the Chief Executive Officer to determine the appropriate response to requests received from non-profit community groups for the donation of the use of Council facilities such as halls and ovals *for te* functions where no admittance is charged. (OCM A96 13.12.99)

**AF-34 Telecentre Photocopier:**

Delegated authority to be granted to the Chief Executive Officer to negotiate any future variations or amendments to the agreement for the provision of use of the copier with the Telecentre Committee. (OCM A98 13.12.99)

**AF 36 ~~Refund of Fire Levy Equivalent - Payments~~**

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Delegated authority be granted to the Chief Executive Officer to deal with individual cases regarding the ~~payment refund of the equivalent~~ of one fire levy per eligible assessment to individual registered members of a ~~Bush~~ Fire Brigades who have recorded 20 hours of active services (i.e. actual fire fighting duties) in that financial year as recorded in Brigade Log Books and verified by the Brigade Captain. (OCM A170/05/00 22.05.00)

**~~AF 38 Jarrahdale Heritage Park~~**

~~Delegated authority be granted to the Chief Executive Officer to enter into new lease agreements with prospective tenants or renew lease agreements with of current tenants if required, under the same lease conditions and an appropriate weekly rental fee. (OCM C005/07/00 31.07.2000) Reference AF.31~~

**~~AF 40 Staff Vehicle Scheme~~**

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- ~~1. The Chief Executive Officer has delegated authority to negotiate additional use of the vehicles as considered appropriate.~~
- ~~2. The Chief Executive Officer has delegated authority to delete the private use vehicle contribution for those officers not on contract agreeing to switch from sedans to one tonne dual cab utilities.~~
- ~~3. It is the Chief Executive Officer's discretion to determine and purchase appropriate vehicles within the budget parameters and with maximum resale potential. (C006/07/00 OCM 31.07.2000) See policy CSP17~~

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**AF 42 Seed Collection on Council Vested Lands – Commercial Licences**

*(Local Government (Uniform Local Provisions) Regulations 1996 - Reg. 5*  
The Chief Executive Officer has delegated authority to renew authorisation to licensed collectors and consider new applications to take plant material from Council vested land. (E14 OCM 22.11.99)

**AF-43 Legal Representation and Cost Indemnification**

The Chief Executive Officer has delegated authority to invoke clause 3(e) of Policy CSP 23 – “Legal representation and cost indemnification”. (C089 OCM 27.11.00)

**AF-44 Jarrahdale Communications Mast**

~~The Chief Executive Officer has delegated authority to negotiate and enter into a lease with the Department of Conservation & Land Management for the Tower Site.~~

~~The Chief Executive Officer has delegated authority to approve and/or negotiate, within the budget, any variations to the contract with LeBlanc Communications Pty~~

~~Limited for the design, supply and erection of a 120 metre communications tower and associated equipment shelter. (B050 OCM 28.08.00)~~

- ~~a) To enable the progression of the Jarrahdale Mast, associated infrastructure and use by eligible service providers, Council delegates authority to the Shire President and Chief Executive Officer to execute associated documentation.~~
- ~~ab) As the matter relates to associated infrastructure and future use of the Communication Mast by eligible service providers it is further recommended that where the Chief Executive Officer is authorised to obtain fees it is necessary, then legal and professional advice whenever he believes it is necessary should be obtained prior to any documentation associated with the Jarrahdale Mast being executed.~~
- ~~d b) Future users of the mast must demonstrate to the satisfaction of the Chief Executive Officer that what they are proposing is in line with the overall Mast Master Plan and the User Guidelines and that it will not interfere with existing users of the mast. (SM13 OCM 27.11.00)~~
- ~~c) The Chief Executive Officer has delegated authority to negotiate and approve terms and conditions for access to sites on the mast, in accordance with the Master Plan and the User Guidelines, and together with the Shire President execute leases for sites on the mast.~~
- ~~e d) Any community service providers who wish to access the mast for communication facilities under any other arrangement than that demonstrated in the Master Plan or the User Guidelines must should be referred to Council for approval prior to any arrangement being entered into.~~
- ~~e) Granting access to sites on the mast will be dependent on the provisions of the Local Government Act 1995 relating to the disposition of property being satisfied.~~

#### **AF-45 Rates Collection & General Debtors Policy**

- ~~i) The Chief Executive Officer is given delegated authority to make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year.~~
  - ~~ii) The Chief Executive Officer has delegated authority to allow extended instalment arrangements, which will be finalised outside the current financial year.~~
  - ~~iii) The Chief Executive Officer is granted delegated authority to proceed with legal action to recover debts overdue by 60 (sixty) days.~~
- ~~(C163 OCM 23.04.04) See policy CSP27~~

#### **AF-46 Marketing & Communications Strategy**

~~The Chief Executive Officer is delegated authority to approve the "Welcome/Business Pack" and the associated information notes following consultation with the Communication and Marketing Working Group. (SM008 27/8/01)~~

#### **AF-47 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale**

Council delegates authority to the Chief Executive Officer to swear on the Shire's behalf documentation such as any affidavits necessary for the conduct of this litigation between Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale, taking into account point 2 of Councils decision in April 2001 - "Council advises Phillips Fox to keep Council informed at all times and that no acceptance of liability is to be made without reference to this Council". (SM015 OCM 27/08/01)

#### **AF-50 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale**

If requested by Council Insurers, Municipal Liability Scheme or Phillips Fox acting on their behalf, the Chief Executive Officer, subject to consultation and agreement by the Shire President and Deputy Shire President, is given delegated authority to agree

to the matter being closed, provided Council accepts no liability in any way in relation to this matter. (SM033/11/01 OCM 26.11.01)

#### **AF-48 Delegation, Powers and Duties of Committees**

Council delegates its full powers and duties to the following committees in accordance with Section 5.16. "Delegation of some powers and duties to certain committees" and *subject to the provisions of Section 5.17. (1), (a), (i), (ii)* "Limits on delegation of powers and duties to certain committees" of the Local Government Act 1995.

- Corporate Services Committee
  - Asset Services Committee
  - Recreation and Development Committee
  - Planning, Development and Environment Committee
- (SM049 OCM 28.05.01)

#### **~~AF-49 Tender C02/2001-2002 – Computer Infrastructure Upgrade~~**

~~Delegated authority be given to the Chief Executive Officer to accept tender C02/2001-2002 subject to budget compliance and confirmation of tender criteria. (C042 OCM 22.10.01)~~

#### **AF-51 Chief Executive Officer Performance Review and Directors Remuneration Review**

The Chief Executive Officer is delegated authority to re-negotiate an extension to *each* a Directors contract conditions of employment, including an extension to their current contract term, up to the maximum number of years (5 years) permitted under the Local Government Act for a senior employee. (STM/02/02)

#### **AF-52. Cattle Trespass etc. - Rangers and Poundkeepers**

The Chief Executive Officer is delegated authority to appoint fit and proper persons to be poundkeepers and rangers under the provisions of Part XX of the Local Government (Miscellaneous Provisions) Act 1960.

#### Asset Services

##### **AS-1. Street Lighting**

The Chief Executive Officer be granted delegated authority *to approve for* the installation of additional street lighting ~~to authorise~~ by Western Power at any one location not exceeding \$2,000 capital cost *with such approvals being and is* reported in the bulletin.

##### **AS-2. Protection of Council Property**

The Chief Executive Officer be granted delegated authority to issue an infringement notice or to lay a complaint in a Court of Petty Sessions against any person who takes down, removes, damages or defaces any structure from a street way, footpath, public place, reserve or land under the care, control and management of Council.

##### **~~AS-3. Access Tracks – Construction of Unmade Roads~~**

~~The Chief Executive Officer be granted delegated authority to consider and grant or reject approval, subject to Council's policy on "Access Tracks – Construction of Unmade Public Roads", the construction of an access track within the road reserve at the applicant's cost, where the application is received for road construction to provide~~

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~~access to a lot or lots not serviced by a road and funding is not available to accede to the request. See policy AP1.~~

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#### **AS-4. Temporary Advertising Signs**

~~The Chief Executive Officer is granted delegated authority to approve or reject written requests for the erection of temporary advertising signs for community events subject to:~~

- ~~(i) The signs being erected no more than 4 weeks before the event and being removed within 2 days after the event.~~
- ~~(ii) The signs being easily read, non-reflective and of colours that will not be confused with traffic lights or emergency vehicles.~~
- ~~(iii) The maximum size to be one square metre.~~
- ~~(iv) The signs to be free-standing 2m clear of the road shoulder and 20m clear of junctions.~~
- ~~(v) The applicant being responsible for the securing and otherwise making safe of the signs, to ensure personal and property safety and for any claims arising out of placing of the signs within the road reserve.~~

A local law is to be developed to deal with the matter of approval for signs on roadsides.

#### **AS-5. Cycle Time Trials**

~~The Chief Executive Officer be granted delegated authority to approve or refuse the use of roads under the care, control and management of the Council for cycle time trials and/or bicycle races subject to:~~

- ~~(i) Roads not being closed at any time.~~
- ~~(ii) Signs and marshals being in position to protect cyclists and give advance warning to the motoring public.~~
- ~~(iii) All litter to be cleared from the site.~~
- ~~(iv) Abide by the road traffic regulations and rules at all times.~~
- ~~(v) The organising body having a protective insurance policy to the value of \$2 million and that a certificate of currency for the policy be forwarded to Council seven (7) days before the event.~~
- ~~(vi) The junction of South Western Highway/Watkins Road is considered unsuitable and is not to be used for turning as part of the route.~~
- ~~(vii) Local government approval pursuant to item 18 of the application form.~~

A policy will be developed for AS.5 to deal with activities on roads that require the approval of the Council.

#### **AS-6. Events on Roads**

~~The Chief Executive Officer be granted delegated authority to approve or reject applications made to conduct street events within Council controlled road reserves and to impose conditions for use if approval is given and pursuant to item 20 of the application form that is proscribed in the Road Traffic (Events on Roads) Regulations 1991.~~

A policy is to be developed as for AS.6

#### **AS-7. B-double and Long Vehicle Permits**

~~The Chief Executive Officer be granted delegated authority to grant or refuse Shire of Serpentine-Jarrahdale approval for B-double and long vehicle permits for roads in the district where current permits are in place. Watkins Road and Mundijong Road.~~

#### **AS-8. Minor Earth Works Approval**

~~The Chief Executive Officer be granted delegated authority to grant the necessary approvals for small scale private development proposals such as minor earthworks.~~

#### **AS-9 Road Closures**

(Local Government Act 1995 Sections 3.50 and 3.50A)

The Chief Executive Officer be granted delegated authority to wholly or partially close a thoroughfare to all traffic or certain classes of traffic for the purposes of undertaking works or to protect roads subject to *compliance with the giving of public notice as set out in Section 3.50 or Section 3.50A* of the Local Government Act 1995. (AS010/07/00 OCM 31/7/00)

#### **AS-10. Heavy Haulage Infringement Notices**

The Chief Executive Officer be granted delegated authority to authorise payment of heavy haulage infringements *when the offence was not the fault of the Council employee.*

#### **AS-11. Removal of Dangerous Trees**

(Local Government Act 1995, Sections 3.25(1) and 3.26, Clause 9 of Schedule 3.1)

The Chief Executive Officer be granted delegated authority to require any tree which, in his opinion, constitutes a danger to persons or property be rendered safe.

#### **AS-12. Sand Drift**

(Local Government Act 1995, Sections 3.25(1) and 3.26, Clause 6 of Schedule 3.1)

The Chief Executive Officer be granted delegated authority to serve notice on owners/occupiers of land to require the prevention of sand drift from land within Council's district.

#### **AS-13. Damage to Streets**

~~Local Government (Miscellaneous Provisions) Act 1960 Part XV, Section 379.~~

~~The Chief Executive Officer be granted delegated authority to serve notice on persons to remove works constructed or repair damage in a street carried out without the permission of Council and to make good the street. (AS010/07/00 OCM 31.07.2000)~~

#### **AS-14. Works in Drainage Easements**

The Chief Executive Officer be granted delegated authority to authorise works in a drainage easement by other than Council workmen, officer, servants, agents or contractors.

#### **AS-15. Gates Across Public Thoroughfares**

(Local Government (Uniform Local Provisions) Regulation 9)

The Chief Executive Officer be granted delegated authority to approve/refuse gates across public thoroughfares as follows —

- i) at his discretion he may require the applicant to publish notice of the application in such manner as he thinks fit;
- ii) shall specify the period for which a permit is granted and the permit may be renewed from time to time;
- iii) may impose such conditions as he thinks fit on the construction placement and maintenance of the gate or other device across the public thoroughfare and may, when renewing the permission or at any other time, vary any condition;

- iv) may at any time withdraw permission granted and request the person responsible for the gate or other device to remove it within a time specified in the request;
- v) that remnant vegetation be considered.

**AS-16 Main Roads W.A. Permits – Robinson Road and Norman Road**

~~The Chief Executive Officer be granted delegated authority to grant local government approval for Main Roads W.A. to issue vehicle permits to truck transporters to utilise Norman Road and Robinson Road for the specific purpose of accessing the Bunnings mill and Colli & Sons mill, Cardup.~~

**AS-17 Disturbing Local Government Land and anything On It**

Sch 9.1, cl.2, LG (Uniform Local Provisions) Regulations 1996 (r5)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing to any person who, without lawful authority;

- (a) *interferes with the soil of, or anything on, land that is the property of the Shire of Serpentine-Jarrahdale; or*
- (b) takes anything from land that is the property of the Shire of Serpentine-Jarrahdale;

~~requiring the person to do anything specified in the notice that~~

~~(a) is prescribed in Schedule 3.1, Division 1 of the Act; or~~

~~(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.~~

*and may commence proceedings against the offender in the terms of Regulation 5 of the Local Government (Uniform Local Provisions) Regulations 1996 if the offender does not satisfy the requirements of the notice given by the Chief Executive Officer in the period of time nominated in the notice.*

**AS-18. Obstructing Public Thoroughfare**

Sch 9.1, cl.3(1) LG (Uniform Local Provisions) Regulations 1996 (r6)

**The Chief Executive Officer be granted delegated authority for:**

- (a) The giving of notice in writing under Section 3.25(1)(b) of the Local Government Act 1995, requiring any person who, without lawful authority; places on a public thoroughfare anything that obstructs it, to remove the obstruction.
- (b) The giving of notice in writing under Section 3.25(1)(b) of the Local Government Act 1995, to any person, who is the owner or occupier of the land, requiring the removal of anything that falls from the land, or from anything on the land, onto a public thoroughfare and obstructs it.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

**AS-19. Encroaching on Public Thoroughfare**

Sch 9.1, cl.3(2) LG (Uniform Local Provisions) Regulations 1996 (r7)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under Section 3.25(1)(b) of the Local Government Act to any person who is the owner or occupier of the land who, without lawful authority;

- (a) erects on the land a structure that encroaches upon a public thoroughfare; or
- (b) permits a tree or other plant growing on the land to encroach upon a public thoroughfare;  
to remove the structure or plant to the extent that it is encroaching.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

**AS-20. Separating Land from Public Thoroughfare**

Sch 9.1, cl.4 LG (Uniform Local Provisions) Regulations 1996 (r8)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under Section 3.25 of the Local Government Act to any person who is the owner or occupier of the land, who fails to keep in good repair any fence or gate that separates the land from a public thoroughfare, requiring that the person do anything specified in the notice to bring any fence or gate that separates the land from a public thoroughfare, into good repair.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

**AS-21. Dangerous Excavation in or Near Public Thoroughfare**

Sch 9.1, cl.6 LG (Uniform Local Provisions) Regulations 1996 (r11)

**The Chief Executive Officer be granted delegated authority:**

- (i) To fill in or fence any excavation in a public thoroughfare or land adjoining a public thoroughfare, that the Chief Executive Officer considers to be dangerous.
- (ii) ~~To give a notice~~ To give a notice in writing under Section 3.25(1)(b) of the Local Government Act, to any person who is the owner or occupier of the land, requiring the owner or occupier to fill in or securely fence any excavation in a public thoroughfare or land adjoining a public thoroughfare, that the Chief Executive Officer considers to be dangerous.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

**AS-22. Crossing From Public Thoroughfare to Private Land or Private Thoroughfare**

Sch 9.1, cl.7(2) LG (Uniform Local Provisions) Regulations 1996 (r12)

The Chief Executive Officer be granted delegated authority:

- (i) To approve, (subject to r14.2 of the LG (Uniform Local Provisions) Regulations 1996), upon the application of the sole owner, or a majority of the owners, the construction of a crossing giving access from a public thoroughfare to-
  - (a) the land; or
  - (b) a private thoroughfare serving the land.
- (ii) The Chief Executive Officer may agree, (subject to r14.2 of the LG (Uniform Local Provisions) Regulations 1996), to construct for the applicant a crossing giving access from a public thoroughfare to-
  - (a) the land; or
  - (b) a private thoroughfare serving the land.

**AS-23. Requirement to Construct or Repair Crossing**

Sch 9.1, cl.7(3) LG (Uniform Local Provisions) Regulations 1996 (r13)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under Section 3.25 of the Local Government Act, (subject to r14.2 of the LG (Uniform Local Provisions) Regulations 1996), to any person who is the owner or

occupier of the land, requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.

**AS-24. Private Works on, Over or Under Public Places**

Sch 9.1, cl.8 LG (Uniform Local Provisions) Regulations 1996 (r17)

*The Chief Executive Officer be granted delegated authority for:*

- (i) *The giving of notice in writing under Section 3.25(1)(b) of the Local Government Act, to any person who, without first obtaining written permission from the Shire of Serpentine-Jarrahdale constructs anything on, over, or under a public thoroughfare or other public place that is the property of the Shire of Serpentine-Jarrahdale;*  
requiring the person to do anything specified in the notice that-
- (a) is prescribed in Schedule 3.1, Division 1 of the Act; or
  - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

- (ii) The Chief Executive Officer may grant permission to construct anything on, over, or under a public thoroughfare or other public place that is the property of the Shire of Serpentine-Jarrahdale and impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or other public place resulting from the construction.

**AS-25. Protection of Watercourses, Drains, Tunnels and Bridges**

Sch 9.1, cl.9 LG (Uniform Local Provisions) Regulations 1996 (r18)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under section 3.25(1)(b) of the Local Government Act, to any person who without lawful authority;

- (a) alters, obstructs, or interferes with, any watercourse drain, tunnel or bridge that is the property of the Shire of Serpentine-Jarrahdale; or
  - (b) wilfully or negligently, causes or permits tree material that is, or has been, growing on land occupied by that person, to fall into a watercourse that is the property of the Shire of Serpentine-Jarrahdale;
- requiring the person to do anything specified in the notice that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

**AS-26. Protection of Thoroughfares from Water Damage**

Sch 9.1, cl.10 LG (Uniform Local Provisions) Regulations 1996 (r19)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under section 3.25(1)(b) of the Local Government Act, to any person who without lawful authority; alters, obstructs, or interferes with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is the property of the Shire of Serpentine-Jarrahdale - requiring the person to do anything specified in the notice that is for the purpose of remedying or



mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.

*This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.*

#### **AS-27. Private Water Connection**

~~The Chief Executive Officer be granted delegated authority so that private water supply connections in Council controlled road reserves be approved subject to conditions as determined by the Chief Executive Officer. This matter is dealt with by a work procedure-WP 14~~

#### **AS-28. Main Roads WA - Oversize Load Permits**

The Chief Executive Officer be granted delegated authority for:

- (i) The Granting of local government approval on Main Roads WA oversize load permits where the council officer is satisfied that the issue of such a permit is not likely to have a detrimental effect on the road pavement or ease of traffic movements *and alternative Main Roads routes are not available.*
- (ii) The Chief Executive Officer may also negotiate a suitable bond with the truck operator, that can be used in the event of the oversize load operation damaging the road pavement, where considered necessary.

#### **AS 29 Reciprocal Works**

1. The Chief Executive Officer is authorised to enter into an agreement with local landowners to complete reciprocal or private works in exchange for material or other ~~works facilities~~, whilst undertaking *council or private works or maintenance.*
2. The Chief Executive Officer will ensure that *reciprocal private* works completed in exchange for material or ~~works facilities~~ will be a lesser cost than alternative arrangements.
3. *Reciprocal Private* works should not affect scheduled works.
4. An exchange of letters indicating clearly the extent of the reciprocal works and services be signed by the Chief Executive Officer and the landowner concerned (AS010/07/00 OCM 31.07.2000)

#### **AS 30 Light Vehicle Changeovers – Tender Acceptance Delegation**

The Chief Executive Officer be authorized to accept tenders for Council light vehicles replacement or disposal where provision has been included in the budget for the vehicle changeover including where the disposal value of a vehicle exceeds \$20,000 or the aggregate of the purchase price and disposal value exceeds \$50,000 but is less than \$80,000. *In the case where a "package" of vehicles has been tendered the CEO is authorised to purchase each vehicle on an individual budget basis using the above methodology.* (AS064/04/01 Asset Services Committee under Delegation as per C061/10/00 – 09.04.2001)

#### **AS 31 Five Year Plant & Light Vehicle Replacement Strategy**

The Chief Executive Officer be given delegated authority to determine and act when it is appropriate to replace Council vehicles taking into consideration, any statutory obligations, the market and Council obtaining the most economical management of its fleet at the time of any decision. (AS008/07/00 OCM 31.07.2000)

#### **AS 32-Powers of Duties Under Cemeteries Act 1986**

~~Council delegates to the Chief Executive Officer its powers and duties pursuant to Clauses 14, 17, 20, 21, 25, 30, 31 and 64 of the Cemeteries Act 1986 as Board of the Serpentine Cemetery and Jarrahdale Cemetery. (AS018 OCM 27/8/01)~~

The local law provides the authority required for the day to day operation of the Cemeteries

#### **AS 33 - Fire Breaks**

~~Pursuant to Section 33 of the Bush Fires Act, Council requires three (3) metre firebreaks with a four (4) metre clearing above it to prevent the outbreak or spread of fire. The exception is where the landholder has an approved alternative variation that adequately and effectively prevents the outbreak or spread of fire from the premises which has been approved by Council's Chief Executive Officer. (AS021 OCM 27/8/01)~~

This matter is best dealt with when the Firebreak Order is adopted each year. Recent amendments to the Bush Fires Act will allow delegations in the future.

#### **AS 34 - Bush Fires Act 1954 – Prohibited Burning Time Variations**

*In Accordance with the delegation opportunity provided in Section 17(10) of the Bush Fires Act 1954, the Council of the Shire of Serpentine Jarrahdale hereby delegates to the Shire President and the chief Bush Fire Control Officer, jointly, the powers and duties of the local government, under the provisions of Section 17 (7) and (8), to vary the prohibited burning times.*

#### **Community Services**

**CS-1.** Pursuant to the provisions of section 26 of the Health Act 1911, Council appoints and authorises the Manager *Sustainable Development as the Principal Environmental Health Officer Assessments and/or Principal Environmental Health Officer* and any person in that position from time to time, as its deputy for the purpose of discharging its powers and functions under:

Part IV - Division 4 (Sanitary Convenience)  
Part IV - Division 7 (Pollution of Water)  
Part V - Division 1 (Houses Unfit for Habitation)  
Part VI - Public Buildings  
Part VII - Division 1 (Nuisances)  
Part VIII - Food (Generally) of the Act and the following Regulations under the Act:  
Health (Air Handling & Water Systems) Regulations 1994  
Health (Asbestos) Regulations 1992  
Health (Cloth Materials) 1985  
Construction Camps Regulations 1988  
Health (Construction Work) *Regulations* 1973  
Notification of Disease Regulations  
Health (Food Standards) Regulations 1986  
Health (Food Hygiene) Regulations 1993  
Health (Adoption of Food Standard Code) 1992  
*Health (Food Standards) (Administration) Regulations 1986*  
*Health (ANZ Food Standards Code Adoption) Regulations 2001*  
Health (Game Meat) Regulations 1992  
Infectious Diseases (Infection of Persons) Regulations 1991  
Health (Prescribed Insect Pests) Regulations 1991  
Health (Laundries & Bathroom) Regulations  
Sewerage (Lighting, Ventilation & Construction) Regulations 1971  
~~Local Government Act – Model Local Laws Series “A”~~  
*Serpentine-Jarrahdale Health Local Laws 1999 (as amended)*

Meat Transport Regulations 1969  
Health (Meat Hygiene) Regulations 2001  
Offensive Trades (Fees) Regulations 1976  
Health (Pesticides) Regulations 1956  
Health (Pet Meat) Regulations 1990  
Piggeries Regulations 1952  
Poultry Processing Regulations 1973  
Health (Public Buildings) Regulations 1992  
*Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974 92*  
*Health (Temporary Sanitary Conveniences) Regulations 1997*  
Health (Skin Penetration *Procedure*) Regulations 1998 87  
Health (Swimming Pools) Regulations 1964  
Health (Underground Water *Supply*) Regulations 1959  
Health (Liquid Waste) Regulations 1993

*and any associated amendments and amendment regulations as gazetted from time to time.*

Delegations with respect to the Health Act itself are subject to the following limitations:

- a) With respect to Part IV Divisions 4 and 7 - Authority is limited to the forming of opinion and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting or works, the provision of sanitary conveniences.
- b) With respect to Part V Division 1 - Authority is limited to the forming of opinions and issuing notices and directions and does not include the carrying out, or the arranging for the carrying out, of works in default of duly served notices.
- c) With respect to Part VII Division 1 - Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done.

#### **CS-2. Health Act - Prosecutions**

*Council appoints and authorises the Manager Sustainable Development as the Principal Environmental Health Officer Assessments and/or Principal Environmental Health Officer to commence legal proceedings under the Health Act 1911 and associated regulations and local laws. (S.26 Health Act 1911)*

#### **~~CS-3. Environmental Protection Act Prosecutions and Noise Nuisance Legal Proceedings~~**

~~*Council appoints and authorises the Manager Sustainable Development to commence legal proceedings for non-compliance with the terms of a Tier 3 offence (s.114 Environmental Protection Act 1986)*~~

~~A policy will be developed to deal with action by Council staff under the provisions of the Environmental Protection Act.~~

#### **CS-4. Sewer Mains Connection**

*Council appoints and authorises the Manager Sustainable Development Assessments and/or as the Principal Environmental Health Officer to order premises within the Shire of Serpentine-Jarrahdale to be connected to sewer mains when such mains are completed and ready for use. (S.72 Health Act 1911)*

#### **CS-5. Health Orders**

*Council appoints and authorises the ~~Shire of Serpentine-Jarrahdale~~ Manager Sustainable Development as the Principal Environmental Officer and Environmental Health Officers ~~be delegated authority~~ to serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354 of the Health Act 1911. (S.26 Health Act 1911)*

#### **CS-6. Licences and Registrations**

*Council appoints and authorises ~~The Shire of Serpentine-Jarrahdale~~ the Manager Sustainable Development as the Principal Environmental Health Officer ~~be delegated authority~~ to sign and issue licences and registrations issued under the Health Act 1911. (S.26 Health Act 1911)*

#### **CS-7. Temporary Accommodation**

*Council appoints and authorises the Manager Sustainable Development ~~the Principal Environmental Health Officer be delegated authority~~ to ~~determine approve or not approve~~ any application for temporary accommodation in accordance with Council policy. (Caravan Parks & Camping Grounds Regulations 1987 (as amended), Regulations 6 and 11(2)(c)) (CS C01 09.08.99)*

#### **CS-8 Hire of Community Bus**

1. Council endorses the use of the Community Bus by the Fire Cadet Units, free of charge, for the transportation of cadets to relevant meetings. (The use of the bus replaces the use of two fire vehicles, which would be at council's cost).
2. The Chief Executive Officer be given delegated authority to determine future use of the community bus for ~~similar groups similar to the Fire Cadet Units in accordance with the Bushfires Act of 1954.~~ (OCM A140.27.03.00)

#### **~~CS-9 Proposed Byford Sport, Leisure & Recreation Centre~~**

*~~Subject to 2001/2002 budget approval, Council delegates authority to the Chief Executive Officer to appoint appropriate consultants associated with recommendations 3 and 6 of Council decision CRCRD35 "Proposed Byford Sport, Leisure & Recreation Centre"~~*

#### **CS-10 Proposed Byford Sport, Leisure & Recreation Centre – Execute Grant Applications**

- ~~1. Council requests the Chief Executive Officer to commence seeking grant funding within the parameters defined in the Adopted 2001-2005 Principal Activities Plan to assist in the capital and operational costs associated with the proposed Shire Recreation Facility.~~
- ~~2. Council delegates authority to the Chief Executive Officer to execute any grant applications which are either made and also successful, provided they remain within the parameters outlined in point one (1) of this above decision. (SM055/05/01)~~
  1. Council agrees to the establishment of a reference group comprising the members of the Community and Recreation Development Committee and the Chief Executive Officer, or his nominated representative, to provide guidance to consultants and staff and to report back to Council on the progressing of this facility.

2. The reference group will be able to make decisions associated with the project only if the matter being considered has been included in the Council budget or Council has previously delegated authority to the Chief Executive Officer to deal with it, otherwise the matter/s should be referred to Council. (CRD01 OCM 23/7/01)
3. Council requests the Chief Executive Officer to commence seeking grant funding within the parameters defined in the Adopted ~~2001-2005~~ Principal Activities Plan to assist in the capital and operational costs associated with the proposed Shire Recreation Facility.
4. Council delegates authority to the Chief Executive Officer to execute any grant applications which are either made and also successful, provided they remain within the parameters outlined in point one (1) of this above decision. (SM055/05/01)

#### **CS-11 Funding Applications Seeking Council Endorsement**

Council delegates authority to the Chief Executive Officer to assess applications and, when considered appropriate, provide letters of support for grants where such projects are:

1. Aligned to planned Council activities and/or
  2. Consistent with Council's Strategic Plan
- (CRD041/05/01)

#### **CS-12 Jarrahdale Heritage Park Partnership Agreement/Land Management Agreement**

Council delegates authority to the Shire President and Chief Executive Officer to accept the currently proposed, and any future amendments to the Partnership Agreement and/or the Land Management Agreement provided that the Council representatives on the Jarrahdale Heritage Park Management Committee unanimously agree with any amendment proposed. (C016/07/00)

#### **Planning Services Department - Building**

##### **AS-13. Damage to Streets**

Local Government (Miscellaneous Provision) Act 1960 Part XV, Section 379.

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to serve notice on persons to remove works constructed or repair damage in a street carried out without the permission of Council and to make good the street. (AS010/07/00 OCM 31.07.2000)

##### **B-1. Local Government (Miscellaneous Provisions) Act 1960 - Notices**

The Chief Executive Officer be granted delegated authority to issue notices, *when necessary*, under Part XV – Buildings, of the Local Government (*Miscellaneous Provisions*) Act 1960~~95 and the (Miscellaneous Provisions) Act 1960 to issue notices for the purposes prescribed in the following sections of the Act. as follows:~~

- |                |                                     |   |
|----------------|-------------------------------------|---|
| 1.1            | 401                                 | Notice of required alteration                   |
| 1.2            | 401A                                | Unlawful works (stop work order)                |
| 1.3            | 407                                 | Dilapidated, neglected and incomplete buildings |
| 1.4            | 408                                 | Dilapidated, neglected and incomplete buildings |
| 1.5            | 409                                 | Dilapidated, neglected and incomplete buildings |
| 1.6            | 409A                                | Dilapidated, neglected and incomplete buildings |
| <del>1.7</del> | <del>(deleted SM049-28-05-04)</del> |   |
| <del>1.8</del> | <del>245A</del>                     | <del>Swimming pools</del>                       |

**B-2. Single Residential Development - Setback Requirements**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to determine setback variations under the Residential Planning Codes 1991 subject to comments and no objections being received from adjoining property owners that are affected by any reduction in setback requirements and to refuse any application for setback variations in accordance with Town Planning Scheme No. 2, the Residential Planning Codes 1991 and Council policy.

**B-3. Outbuilding Setback Variations**

The *Principal Building Surveyor* be granted delegated authority to determine setback variations to outbuildings subject to comments and no objections being received from adjoining property owners that are affected by any reduction in setback requirements.

**B-4. Building Applications and Licences**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to determine building applications and issue building licences in accordance with the requirements section 374 of the Local Government (*Miscellaneous Provisions*) Act 1960~~1995~~, the Building Regulations 1989, and other relevant legislation and Council policy.

**B-5. Strata Title Certificates**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to issue strata title certificates for properties complying with the provisions of the Strata Titles Act 1985~~1995~~ but noting that the delegation specifically excludes the functions of the local government conferred by section 23(3) and section 24 of the Act.

**B-6. Classification Certificates**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to sign and issue classification certificates.

~~**B-7. Building Setback Variations – Secondary Street Frontage**~~

~~The Chief Executive Officer be granted delegated authority to vary setbacks on secondary street frontages in accordance with residential codes. See B-2~~

~~**B-8. Powers of Entry**~~

~~The Chief Executive Officer be granted delegated authority under subdivision 3 of the Local Government Act 1995.~~

The necessary authority to enter buildings is available to the Principal Building Surveyor under the provisions of section 420 of the Local Government (*Miscellaneous Provisions*) Act 1960.

~~**B-9. Extensions/additions to use/development approvals**~~

~~The Chief Executive Officer be granted delegated authority to determine for the amendments or extensions of Extensions/additions to use/development approvals previously granted approved by Council. Moved to Planning Section.~~

**~~B-10. Residential Zone – Grouped Dwelling~~**

~~The Chief Executive Officer be granted delegated authority to determine applications for grouped dwelling in the Residential zone provided such applications are in accordance with the R Codes. Moved to Planning Section.~~

**B-11. Special Residential Zone - Minor Second Storey Construction**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to determine applications for minor second storey non-masonry or non-stone construction of residences in the Special Residential zone.

**~~B-12. Commercial Zone – Private Recreation~~**

~~The Chief Executive Officer be granted delegated authority for private recreation in the Commercial zone.~~

**~~B-13.~~** ~~The Chief Executive Officer be granted delegated authority for single house in the Commercial and Light Industry zones where such use is incidental to the predominant use. TPS Delegation~~

**B-14. Rural Zone - Single House**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to determine applications for single house - in a Rural zone subject to lot size minimum under the requirements of the Scheme.

**B-17. Commercial Zones - Verandahs**

The *Principal Building Surveyor* ~~Chief Executive Officer~~ be granted delegated authority to determine applications for verandahs and uprights covering footpaths within local road reserves, adjacent to Commercial zones, in accordance with the provisions of section 400 (2) of the Local Government (Miscellaneous Provisions) Act 1960 and only if the ~~provided that~~ the landowner indemnifies Council against liability claims.

**B-18. Industrial and Commercial Zones - Setbacks**

The Chief Executive Officer be granted delegated authority to determine applications for variations to setbacks in the Industrial and Commercial zones where variations may be granted ~~as requested~~ provided that all the relevant Scheme clauses are satisfied.

**B-19. Building Envelopes – Location Variation**

The Chief Executive Officer be granted delegated authority to determine applications for ~~approve~~ of the relocation of building envelopes, taking into account the requirements of the Shire's Town Planning Scheme No. 2, as amended, Health, Building, Environment, Technical Services and Fire Protection/Management requirements. Comments from adjoining property owners, where it is considered by the Principal Building Surveyor that they may be affected by any change in the location of a building envelope, are to be sought and considered prior to making a decision on a building envelope relocation request.

**B-20. Local Law - Fences**

The Chief Executive Officer be granted delegated authority to approve or reject applications for fences in accordance with the local law – Fencing including applications for over height fences.

### **~~B-21 Liquor Trading Permits~~**

~~The Chief Executive Officer be granted delegated authority to endorse “one off” applications for extensions to liquor trading permits for special events. (H10/01/02)~~  
A policy is to be developed to enable staff to deal with applications under the Liquor Licensing Laws

### **B-22 Swimming Pools – Authorised Persons**

*The Chief Executive Officer be granted delegated authority to appoint persons with appropriate experience or qualifications for the purpose of Section 245A of the Local Government (Miscellaneous Provisions) Act, conditionally that the authority given to any person is limited to actions that will not result in any damage to a swimming pool.*

### Planning

#### **~~PS-1. Town Planning Scheme No 2 - Delegations~~**

~~The Chief Executive Officer be granted delegated authority for the power to grant discretionary approvals/refusals and Scheme variations for the land use classes and variations to Scheme standards listed under (5) below.~~  
The following delegation (PS-5) deals with the necessary delegations.

#### **PS-5. Town Planning Scheme No 2 - Delegations**

The Chief Executive Officer be granted delegated authority for the uses, developments and Scheme variations for which delegated power of approval, refusal and approval to vary Scheme requirements, are as follows and no other uses or variations may be approved/refused under the terms of this delegation.

#### **Uses\Development —**

- 5.1 ~~All advertising~~ for SA and AA uses ~~in urban areas~~ in Town Planning Scheme No. 2.
  - 5.2 ~~All recommendations for minor subdivisions in residential and rural zones (up to two lots) and amalgamations of lots.~~ A policy is to be developed
  - 5.3 All “X” uses (refusals) in accordance with Town Planning Scheme No. 2 (uses that are not permitted and would require rezoning to be supported).
  - 5.4 All permitted “P Uses” in the Scheme up to a value of \$100,000 or 150m<sup>2</sup> subject to compliance with the Scheme requirements.
  - 5.5 Caretakers house/flat, Commercial and Light Industry zones where such use is incidental to the predominant use.
  - 5.6 Car park - in all zones.
  - 5.7 Consulting rooms - in the Commercial and Light Industry zones.
  - 5.8 Fish shop - in the Commercial zone.
  - 5.9 Funeral parlour - Commercial zone.
  - 5.10 Health studio - in the Commercial zone.
  - 5.11 Home occupation/studios subject to adjoining land owners consent in writing.
  - 5.12 Laundry - in the Commercial Industry zone.
  - 5.13 Local shop - in the Commercial zone.
  - 5.14 Lodging house - in the Commercial zone.
  - 5.15 Office - in the Light Industry zone where such use is incidental to the predominant use.
  - 5.17 Open air display - in the Light Industry zone.
  - 5.18 Satellite dishes - within all zones.
  - 5.19 Trade display - in Commercial and Light Industry zones.
  - 5.20 Warehouse - in the Light Industry zone.
- Subdivision/Amalgamation Applications —



~~5.21 Applications for subdivision where such application is in accordance with an approved subdivision guide plan.~~

~~5.22 Applications for strata title subdivision where such applications are in accordance with Council's strata titles policy.~~

~~5.23 Minor modifications to subdivision plans previously considered by Council not involving the creation of additional lots.~~

~~5.24 To impose as a condition of approval the requirement to amalgamate abutting land parcels under the same ownership where proposed development encroaches over a common lot boundary, where setback or other Scheme requirements cannot be made, or when one or more lots does not abut a public road reserve. Appropriate policies are to be developed for the items 5.21 to 5.24~~

#### **PS-8 Council Representation – Ministerial Town Planning Appeals**

~~The Chief Executive Officer is delegated to represent Council at Ministerial Town Planning appeals in respect of matters where no public representations have been received, with full authority to completely resolve issues within the general spirit of Council's original determination of a matter. (P055-21.09.98)~~

~~An appropriate policy is to be developed.~~

#### **PS-9 Development Applications – MRS Controlled Access Highway**

~~The Chief Executive Officer be granted delegated authority to advise the Western Australian Planning Commission in the case of development applications on land reserved for the purpose of a controlled access highway under the Metropolitan Region Scheme Act 1950 (as amended), that Council does not support the application. (OCM-25.01.99) An appropriate policy is to be developed.~~

#### **PS-10 Ancillary Accommodation**

~~The Chief Executive Officer be granted delegated authority to *determine approve/refuse* planning applications for ancillary accommodation *in accordance with as determined in relation to* Council's policy on ancillary accommodation. (BP 1) (P180 15.02.99)~~

#### **PS-11 Approve/Refuse Stable Applications**

~~The Chief Executive Officer be granted delegated authority to *determine approve/refuse* stable applications. (TPS No 2) (P199 15.03.99)~~

#### **PS-12 Development Issues Within the Urban Development Zone**

~~Delegated authority be given to the Chief Executive Officer to *determine approve/refuse* applications for the following developments within the Urban Development zone:-~~

- ~~1. Single Dwellings and extensions to existing dwellings~~
- ~~2. Sheds, Outbuildings, Patios, Pergola~~
- ~~3. Swimming Pools~~
- ~~4. Granny Flats and Ancillary Accommodation~~
- ~~5. Car Park~~
- ~~6. Signs~~

~~(TPS No 2) (P129 OCM 23.04.01)~~

#### **PS-13 Two Dwelling Houses on a Rural Lot**

~~The Chief Executive Officer be granted delegated authority to *determine approve* planning applications for more than one dwelling house on a rural lot in accordance with clause 5.4.3 of the Shire of Serpentine-Jarrahdale Town Planning Scheme~~

~~No. 2. following receipt of written advice from the Management Planning & Development Services on each application. (P088 26.10.98).~~

**~~PS-14 Jarrahdale Heritage Park Conservation Plan~~**

~~The Chief Executive Officer be given delegated authority to advertise the revised document subject to consultation with Councils Heritage Park representatives.  
(P034 24.09.01)~~

**~~PS-15 Proposed Survey Strata Subdivision – Lot 3 South West Highway, Byford~~**

~~Council grants delegated authority the Chief Executive Officer to recommend refusal to the Western Australian Planning Commission for survey strata referrals for non-residential zoned lots which do not comply with a current development approval issued by the Council. (P058/11/01) An appropriate policy is to be developed.~~

**PS-16 Memorial Grove in Serpentine Jarrahdale**

Should no objections be received, the Chief Executive Officer be delegated authority to finalise an agreement with the Men of the Trees in respect to the planting of a memorial grove at the Old Rifle Range Reserve, Byford.  
(E023/01/02)

**PS-17 Lot 2 Jarrahdale Road, Jarrahdale**

The Chief Executive Officer, in consultation with the Jarrahdale Heritage Park Management Committee, be granted delegated authority to commence discussions with the applicant regarding the possibility of a land swap for an alternative location for a single residence on Council owned land within Jarrahdale or an outright purchase. (P098/02/02)

**PS-18 (B-9) Extensions/additions to use/development approvals**

The Chief Executive Officer be granted delegated authority *to determine* ~~for the amendments or extensions of~~ Extensions/additions to use/development approvals previously granted approved by Council.

**PS-19 (B-10) Residential Zone - Grouped Dwelling**

The Chief Executive Officer be granted delegated authority *to determine applications* for grouped dwelling - in the Residential zone provided such applications are in accordance with the R Codes.

**Committees**

Council has also delegated its full powers and duties to the following committees in accordance with Section 5.16. *“Delegation of some powers and duties to certain committees”* and Section 5.17.(1), (a), (i), (ii) *“Limits on delegation of powers and duties to certain committees”* of the Local Government Act.

- ◆ Corporate Services Committee
- ◆ Asset Services Committee
- ◆ Recreation and Development Committee
- ◆ Planning, Development and Environment Committee

~~Council has previously suggested that membership for Strategic Management Committee comprise the 4 Presiding members of the existing committees and the Shire President = 5 representatives or 50% Full Council representation, and with no delegated authority.~~

**Statutory Environment:** The annual review of delegations is a requirement under the Local Government Act 1995

**Policy Implications:** As the result of the review of the delegations, it has become apparent that some policies will also need to be review and some new ones developed.

**Financial Implications:** Some local laws will also need to be adopted and there will be a cost associated with that work. This review has cost \$2,200 (plus GST). The proposed additional work is able to be funded from 2001-2002 budget.

**Strategic Implications:** The requested ongoing delegations assist in administering the strategic direction of Council

**Community Consultation:** No community consultation required

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

**Officer Recommended Resolution**

1. The following delegations under the **Local Government Act 1995**, as amended, be renumbered and adopted by Council:-

Corporate Services

- AF-2. Signing of Prosecution Complaint Forms:
- AF-3. Contract Price Variations:
- AF-4. Authorised Persons – Regulations and Local Laws
- AF-9. Derelict Vehicles:
- AF-10. Impounded Vehicle Tender Acceptance:
- AF-12. Infringement Notices – Follow-up Proceedings:
- AF-14. Acting Chief Executive Officer:
- AF-15. Payments from the Municipal Fund and Trust Fund:
- AF-16. Investments:
- AF-17. Approval of Councillors' Travelling and Other Expenses:
- AF-19. Issue of Notice on Private Land:
- AF-21. Refreshments – Councillors Lounge:
- AF-22. Staff Matters:
- AF-30. Special Arrangements for Payment of Rates & Charges:
- AF-31. Existing Leases – Review & Renewal:
- AF-33. Use of Council Halls and Ovals by Community Groups:
- AF-34. Telecentre Photocopier:
- AF 36. Fire Levy Equivalent - Payments
- AF 42. Seed Collection on Council Vested Lands – Commercial Licences
- AF-43. Legal Representation and Cost Indemnification
- AF-44. Jarrahdale Communications Mast
- AF-47. Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale
- AF-50. Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale
- AF-48. Delegation, Powers and Duties of Committees
- AF-51. Chief Executive Officer Performance Review and Directors Remuneration Review
- AF-52. Cattle Trespass etc – Rangers and Poundkeepers

Asset Services

- AS-1. Street Lighting
- AS-2. Protection of Council Property
- AS-4. Temporary Advertising Signs
- AS-5. Cycle Time Trials

- AS-6. Events on Roads
- AS-7. B-double and Long Vehicle Permits
- AS-9. Road Closures
- AS-10. Heavy Haulage Infringement Notices
- AS-11. Removal of Dangerous Trees
- AS-12. Sand Drift
- AS-14. Works in Drainage Easements
- AS-15. Gates Across Public Thoroughfares
- AS-17. Disturbing Local Government Land and anything On It
- AS-18. Obstructing Public Thoroughfare
- AS-19. Encroaching on Public Thoroughfare
- AS-20. Separating Land from Public Thoroughfare
- AS-21. Dangerous Excavation in or Near Public Thoroughfare
- AS-22. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare
- AS-23. Requirement to Construct or Repair Crossing
- AS-24. Private Works on, Over or Under Public Places
- AS-25. Protection of Watercourses, Drains, Tunnels and Bridges
- AS-26. Protection of Thoroughfares from Water Damage
- AS-28. Main Roads WA - Oversize Load Permits
- AS 29. Reciprocal Works
- AS 30. Light Vehicle Changeovers – Tender Acceptance Delegation
- AS 31. Five Year Plant & Light Vehicle Replacement Strategy
- AS 38. Bush Fires Act 1954 – Prohibited Burning Time Variations

#### Community Services

- CS-8. Hire of Community Bus
- CS-10. Proposed Byford Sport, Leisure & Recreation Centre – Execute Grant Applications
- CS-11. Funding Applications Seeking Council Endorsement
- CS-12. Jarrahdale Heritage Park Partnership Agreement/Land Management Agreement

#### Planning Services Department - Building

- B-20. Local Law - Fences

#### Planning

- PS-16. Memorial Grove in Serpentine Jarrahdale
- PS-17. Lot 2 Jarrahdale Road, Jarrahdale

2. The following delegations under the Health Act 1911, as amended, be renumbered and adopted by Council:-

- CS-1. Health Act Section 26 Delegations
- CS-2. Health Act - Prosecutions
- CS-4. Sewer Mains Connection
- CS-5. Health Orders
- CS-6. Licences and Registrations

3. The following authority under the Caravan Parks and Camping Grounds Regulations 1987, as amended, be renumbered and adopted by Council:-

- CS-7. Temporary Accommodation

4. The following delegations under the Local Government (Miscellaneous Provisions) Act 1960 Act , as amended, be renumbered and adopted by Council:-

- AS-13. Damage to Streets
- B-1. Local Government (Miscellaneous Provisions) Act 1960 - Notices

- B-4. Building Applications and Licences
- B-6. Classification Certificates
- B-8. Powers of Entry
- B-11. Special Residential Zone - Minor Second Storey Construction
- B-17. Commercial Zones - Verandahs
- B-22. Swimming Pools – Authorised Persons

5. The following delegations under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, be renumbered and adopted by Council:-

- B-2. Residential Development - Setback Requirements
- B-3. Outbuilding Setback Variations
- B-12. Commercial Zone - Private Recreation
- B-14. Rural Zone - Single House
- B-18. Industrial and Commercial Zones - Setbacks
- B-19. Building Envelopes – Location Variation
- PS-1. Town Planning Scheme No 2 - Delegations
- PS-5. Town Planning Scheme No 2 - Delegations
- PS-11. Stable Applications
- PS-10. Ancillary Accommodation
- PS-12. Development Issues Within the Urban Development Zone
- PS-13. Two Dwelling Houses on a Rural Lot
- PS-18. Extensions/additions to use/development approvals
- PS-19. Residential Zone - Grouped Dwelling

6. The following delegations under the Strata Titles Act 1985, be renumbered and adopted by Council:-

- B-5. Strata Title Certificates

#### Committees

Council delegates its full powers and duties to the following committees in accordance with Section 5.16. "Delegation of some powers and duties to certain committees", subject to the provisions of Section 5.17.(1), (a), (i), (ii) "Limits on delegation of powers and duties to certain committees" of the Local Government Act.

- Corporate Services Committee
- Asset Services Committee
- Community and Recreation Development Committee
- Planning, Development and Environment Committee

Cr Richards left the meeting at 7.45pm and returned at 7.48pm.

**CRSM065 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Simpson that

1. The following delegations under the **Local Government Act 1995**, as amended, be renumbered and adopted by Council:-

Corporate Services

- AF-2. Signing of Prosecution Complaint Forms:
- AF-3. Contract Price Variations:
- AF-4. Authorised Persons – Regulations and Local Laws
- AF-9. Derelict Vehicles:
- AF-10. Impounded Vehicle Tender Acceptance:
- AF-12. Infringement Notices – Follow-up Proceedings:
- AF-14. Acting Chief Executive Officer:
- AF-15. Payments from the Municipal Fund and Trust Fund:
- AF-16. Investments:
- AF-17. Approval of Councillors' Travelling and Other Expenses:
- AF-19. Issue of Notice on Private Land:
- AF-21. Refreshments – Councillors Lounge:
- AF-22. Staff Matters:
- AF-30. Special Arrangements for Payment of Rates & Charges:
- AF-31. Existing Leases – Review & Renewal:
- AF-33. Use of Council Halls and Ovals by Community Groups:
- AF-34. Telecentre Photocopier:
- AF 36. Fire Levy Equivalent - Payments
- AF 42. Seed Collection on Council Vested Lands – Commercial Licences
- AF-43. Legal Representation and Cost Indemnification
- AF-44. Jarrahdale Communications Mast
- AF-47. Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale
- AF-50. Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale
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- AF-52. Cattle Trespass etc – Rangers and Poundkeepers

Asset Services

- AS-1. Street Lighting
- AS-2. Protection of Council Property
- AS-4. Temporary Advertising Signs
- AS-5. Cycle Time Trials
- AS-6. Events on Roads
- AS-7. B-double and Long Vehicle Permits  
The Chief Executive Officer be granted delegated authority to grant or refuse Shire of Serpentine-Jarrahdale approval for B-double *and long vehicle* permits for roads in the district where current permits are in place
- AS-9. Road Closures
- AS-10. Heavy Haulage Infringement Notices
- AS-11. Removal of Dangerous Trees
- AS-12. Sand Drift
- AS-14. Works in Drainage Easements
- AS-15. Gates Across Public Thoroughfares
- AS-17. Disturbing Local Government Land and anything On It
- AS-18. Obstructing Public Thoroughfare
- AS-19. Encroaching on Public Thoroughfare
- AS-20. Separating Land from Public Thoroughfare
- AS-21. Dangerous Excavation in or Near Public Thoroughfare
- AS-22. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare

- AS-23. Requirement to Construct or Repair Crossing
- AS-24. Private Works on, Over or Under Public Places
- AS-25. Protection of Watercourses, Drains, Tunnels and Bridges
- AS-26. Protection of Thoroughfares from Water Damage
- AS-28. Main Roads WA - Oversize Load Permits
- AS 29 Reciprocal Works
- AS 30 Light Vehicle Changeovers – Tender Acceptance Delegation
- AS 31 Five Year Plant & Light Vehicle Replacement Strategy
- AS 38 Bush Fires Act 1954 – Prohibited Burning Time Variations

Community Services

- CS-8 Hire of Community Bus
- CS-10 Proposed Byford Sport, Leisure & Recreation Centre – Execute Grant Applications
- CS-11 Funding Applications Seeking Council Endorsement
- CS-12 Jarrahdale Heritage Park Partnership Agreement/Land Management Agreement

Planning Services Department - Building

- B-20. Local Law - Fences

Planning

- PS-16 Memorial Grove in Serpentine Jarrahdale
- PS-17 Lot 2 Jarrahdale Road, Jarrahdale

2. The following delegations under the Health Act 1911, as amended, be renumbered and adopted by Council:-

- CS-1. Health Act Section 26 Delegations
- CS-2. Health Act - Prosecutions
- CS-4. Sewer Mains Connection
- CS-5. Health Orders
- CS-6. Licences and Registrations

3. The following authority under the Caravan Parks and Camping Grounds Regulations 1987, as amended, be renumbered and adopted by Council:-

- CS-7. Temporary Accommodation

4. The following delegations under the Local Government (Miscellaneous Provisions) Act 1960 Act , as amended, be renumbered and adopted by Council:-

- AS-13. Damage to Streets
- B-1. Local Government (Miscellaneous Provisions) Act 1960 - Notices
- B-4. Building Applications and Licences
- B-6. Classification Certificates
- B-8. Powers of Entry
- B-11. Special Residential Zone - Minor Second Storey Construction
- B-17. Commercial Zones - Verandahs
- B-22. Swimming Pools – Authorised Persons

5. The following delegations under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, be renumbered and adopted by Council:-

- B-2. Residential Development - Setback Requirements
- B-3. Outbuilding Setback Variations
- B-12. Commercial Zone - Private Recreation
- B-14. Rural Zone - Single House
- B-18. Industrial and Commercial Zones - Setbacks

- B-19. Building Envelopes – Location Variation
- PS-1. Town Planning Scheme No 2 - Delegations
- PS-5. Town Planning Scheme No 2 - Delegations
- PS-11 Stable Applications
- PS-10 Ancillary Accommodation
- PS-12 Development Issues Within the Urban Development Zone
- PS-13 Two Dwelling Houses on a Rural Lot
- PS-18. Extensions/additions to use/development approvals
- PS-19 Residential Zone - Grouped Dwelling

6. The following delegations under the Strata Titles Act 1985, be renumbered and adopted by Council:-

- B-5. Strata Title Certificates

**Committees**

Council delegates its full powers and duties to the following committees in accordance with Section 5.16. "Delegation of some powers and duties to certain committees", subject to the provisions of Section 5.17.(1), (a), (i), (ii) "Limits on delegation of powers and duties to certain committees" of the Local Government Act.

- Corporate Services Committee
- Asset Services Committee
- Community and Recreation Development Committee
- Planning, Development and Environment Committee

**CARRIED 9/0 ABSOLUTE MAJORITY**

Note: A clarification only was added to AS-7 in the Officer Recommendation. This clarification was made to ensure the delegation was applicable to only where current permits are in place and is to be included as part of the delegation.

|  |                                       |                |        |
|--|---------------------------------------|----------------|--------|
| SM066/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - CEMETERIES ACT 1986 – INFRINGEMENT NOTICES (A0002) |                                       |                |        |
| Proponent  | Chief Executive Officer               |                |        |
| Officer  | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures   | Author: _____ Senior Officer: _____   |                |        |
| Previously   |                                       |                |        |
| Disclosure of Interest   |                                       |                |        |
| <b>Delegation</b>  | <b>Council</b>                        |                |        |

**Preamble**

Appoint "Authorised Persons/Officers" as required under the following Act;

- Cemeteries Act 1986

**Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of "authorised persons/officers" as in accordance with the requirements of the above Act.

**Comments**

The named legislation requires that "the Council" appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.



- Statutory Environment:** Cemeteries Act 1986
- Policy Implications:** No Policy Implications are known.
- Financial Implications:** No financial Implications are known.
- Strategic Implications:** No Strategic Implications are known.
- Community Consultation:** Not required as these officers and their appointments have previously been advertised.
- Voting Requirements:** Normal

**COUNCIL DECISION – EN BLOC RESOLUTION NO 2/05/02**

Moved Cr Price seconded Cr Murphy that Council adopts en block the recommendations of the Strategic Management Committee of the 20<sup>th</sup> May, 2002 in items SM066, SM067, SM068, SM069, SM070, SM071 and SM072  
CARRIED 9/0

**CRSM066 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Cemeteries Act 1986 – Infringement Notices

Moved Cr seconded Cr that in accordance with the provisions of Section 64 of the Cemeteries Act 1986 the Council of the Shire of Serpentine Jarrahdale hereby appoints Brian Douglas Owston and Sarah Kirsty Downes to be authorised persons to give infringement notices for offences committed under the Cemeteries Act 1986 and the Local Laws adopted under that Act.

David Edward Price is hereby appointed as the person prescribed to consider the withdrawal of infringement notices and to grant such requests when there is justification for such action.

Any previous appointment of a person to act for the Shire of Serpentine Jarrahdale under the provisions of the Cemeteries Act 1986 is hereby revoked.  
CARRIED BY EN BLOC RESOLUTION NO 2/05/02

| SM067/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - DOG ACT 1976 – COURT ENFORCEMENT PROCEEDINGS (A0002) |                                       |                |        |
|--|---------------------------------------|----------------|--------|
| Proponent  | Chief Executive Officer               |                |        |
| Officer  | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures   | Author: _____ Senior Officer: _____   |                |        |
| Previously   |                                       |                |        |
| Disclosure of Interest   |                                       |                |        |
| <b>Delegation</b>  | <b>Council</b>                        |                |        |

**Preamble**

Appoint “Authorised Persons/Officers” as required under the following Act;

- Dog Act 1976

**Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of “authorised persons/officers” as in accordance with the requirements of the above Act.

**Comments**

The named legislation requires that “the Council” appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.

**Statutory Environment:** Dog Act 1976

**Policy Implications:** No Policy Implications are known.

**Financial Implications:** No financial Implications are known.

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

**Community Consultation:** Not required as these officers and their appointments have previously been advertised.

**Voting Requirements:** Normal

**CRSM067 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Dog Act 1976 – Court Enforcement Proceedings**

That in accordance with the provisions of Section 44 of the Dog Act 1976 Glen Dougall and Brian Douglas Owston are hereby appointed and authorised to take proceedings in a court of petty sessions in the name of the Shire of Serpentine Jarrahdale for any offence against the Dog Act 1976 that cannot be dealt with by way of an infringement notice and modified penalty.

Any previous appointment of a person to act for the Council under the provisions of section 44 of the Dog Act 1976 is hereby revoked.

CARRIED BY EN BLOC RESOLUTION NO 2/05/02

|   |                                       |                 |        |
|---|---------------------------------------|-----------------|--------|
| SM068/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - DOG ACT 1976 – AUTHORISED PERSONS (A0002) |                                       |                 |        |
| Proponent   | Chief Executive Officer               |                 |        |
| Officer   | David Price – Chief Executive Officer | Date of Report  | 1/5/02 |
| Signatures  | Author:                               | Senior Officer: |        |
| Previously  |                                       |                 |        |
| Disclosure of Interest  |                                       |                 |        |
| Delegation  | Council                               |                 |        |

**Preamble**

Appoint “Authorised Persons/Officers” as required under the following Act;

- Dog Act 1976

**Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of “authorised persons/officers” as in accordance with the requirements of the above Act.

**Comments**

The named legislation requires that “the Council” appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.

|                                       |  |
|---------------------------------------|--|
| <b><u>Statutory Environment:</u></b>  | Dog Act 1976   |
| <b><u>Policy Implications:</u></b>    | No Policy Implications are known.  |
| <b><u>Financial Implications:</u></b> | No financial Implications are known.   |
| <b><u>Strategic Implications:</u></b> | No Strategic Implications are known.   |
| <b><u>Community Consultation:</u></b> | Not required as these officers and their appointments have previously been advertised. |
| <b><u>Voting Requirements:</u></b>    | Normal   |

**CRSM068 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Dog Act 1976 – Authorised Persons

That in accordance with the provisions of the Dog Act 1976 the following persons are hereby appointed to exercise on behalf of the Shire of Serpentine Jarrahdale the powers of an authorised person either generally or specifically as detailed below:-

|   |   |
|---|---|
| Registration Officers (Section 3)                                       | Dennis Craig Dunk<br>Jan Alicia Fletcher<br>Pauline Isla Igglesden<br>Natalie Ann Jahn<br>Roslyn Anne Moore<br>Tamlyn Jane Downes<br>Katrina Louise Gittos<br>Naomi Jayne Galbraith |
| Dangerous Dogs Generally (Section 33E)                                  | Brian Douglas Owston  |
| Dog Control Generally (Section 29(1))                                   | Brian Douglas Owston<br>Sarah Kirsty Downes<br>David George Gossage   |
| Infringement Notices (Regulation 13)<br>Extension of time or withdrawal | Glen Dougall (Ext of time)<br>David Edward Price (Withdrawal)   |

Of the registration officers appointed, Jan Alicia Fletcher is responsible for ensuring that the records that are required by the Act are established and maintained.

Any previous appointment of an authorised person as a registration officer, or under the provisions of Sections 33E and 29(1) or Regulation 13 is hereby revoked.

CARRIED BY EN BLOC RESOLUTION NO 2/05/02

|  |                                       |                |        |
|--|---------------------------------------|----------------|--------|
| SM069/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - DOG ACT 1976 – POUND/S AND POUND KEEPERS (A0002) |                                       |                |        |
| Proponent  | Chief Executive Officer               |                |        |
| Officer  | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures   | Author: _____ Senior Officer: _____   |                |        |
| Previously   |                                       |                |        |
| Disclosure of Interest   |                                       |                |        |
| Delegation   | Council                               |                |        |

### **Preamble**

Appoint “Authorised Persons/Officers” as required under the following Act;

- Dog Act 1976

### **Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of “authorised persons/officers” as in accordance with the requirements of the above Act.

### **Comments**

The named legislation requires that “the Council” appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.

**Statutory Environment:** Dog Act 1976

**Policy Implications:** No Policy Implications are known.

**Financial Implications:** No financial Implications are known.

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

**Community Consultation:** Not required as these officers and their appointments have previously been advertised.

**Voting Requirements:** Normal

### **CRSM069 COUNCIL DECISION/Committee/Officer Recommended Resolution**

#### **Dog Act 1976 – Pound/s and Pound Keepers**

Moved Cr seconded Cr that in accordance with the Dog Act 1976 (Section 11) the Council of the Shire of Serpentine Jarrahdale hereby appoints:-

Brian Douglas Owston  
Sarah Kirsty Downes  
David George Gossage  
George Feast

as fit and proper persons to administer the Dog Pound that has been established and will be maintained by the Shire at Watkins Road, Mundijong.

Any previous appointment of a person to administer the dog pound is hereby revoked.  
CARRIED BY EN BLOC RESOLUTION NO 2/05/02

|  |                                       |                |        |
|--|---------------------------------------|----------------|--------|
| SM070/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - LITTER ACT 1979 –<br>AUTHORISED OFFICERS (A0002) |                                       |                |        |
| Proponent  | Chief Executive Officer               |                |        |
| Officer  | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures   | Author: _____ Senior Officer: _____   |                |        |
| Previously   |                                       |                |        |
| Disclosure of Interest   |                                       |                |        |
| Delegation   | Council                               |                |        |

**Preamble**

Appoint “Authorised Persons/Officers” as required under the following Act;

- Litter Act 1979

**Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of “authorised persons/officers” as in accordance with the requirements of the above Act.

**Comments**

The named legislation requires that “the Council” appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.

**Statutory Environment:** Litter Act 1979

**Policy Implications:** No Policy Implications are known.

**Financial Implications:** No Financial Implications are known.

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

**Community Consultation:** Not required as these officers and their appointments have previously been advertised.

**Voting Requirements:** Normal

**CRSM070 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Litter Act 1979 – Authorised Officers**

That for the purposes of the Litter Act 1979, the following officers of the Shire of Serpentine Jarrahdale are formally appointed as authorised officers.

- Brian Douglas Owston
- Sarah Kirsty Downes
- David George Gossage
- David Clifton Richards
- Joanne Abbiss

The authority of the above-named officers does not extend to the withdrawal of infringement notices.

David Edward Price is hereby appointed to consider applications for withdrawal of infringement notices and to grant such requests when there is justification for such action.

Any previous appointment of an authorised officer under the provisions of the Litter Act 1979 is hereby revoked.

CARRIED BY EN BLOC RESOLUTION NO 2/05/02

|   |                                       |                |        |
|---|---------------------------------------|----------------|--------|
| SM071/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - CONTROL OF VEHICLES (OFF ROAD AREAS) ACT 1978 – AUTHORISED OFFICERS (A0002) |                                       |                |        |
| Proponent   | Chief Executive Officer               |                |        |
| Officer   | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures  | Author: _____ Senior Officer: _____   |                |        |
| Previously  |                                       |                |        |
| Disclosure of Interest  |                                       |                |        |
| Delegation  | Council                               |                |        |

**Preamble**

Appoint “Authorised Persons/Officers” as required under the following Act;

- Control of Vehicles (Off Road Areas) Act 1978

**Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of “authorised persons/officers” as in accordance with the requirements of the above Act.

**Comments**

The named legislation requires that “the Council” appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.

**Statutory Environment:** Control of Vehicles (Off Road Areas) Act 1978

**Policy Implications:** No Policy Implications are known.

**Financial Implications:** No Financial Implications are known.

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

**Community Consultation:** Not required as these officers and their appointments have previously been advertised.

**Voting Requirements:** Normal

**CRSM071 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Control of Vehicles (Off Road Areas) Act 1978 – Authorised Officers**

That in accordance with the provisions of the Control of Vehicles (Off Road Areas) Act 1978 the following persons are formally appointed to be authorised officers for the purposes of the Act in respect of the whole of the district:-

- Brian Douglas Owston
- Sarah Kirsty Downes
- David George Gossage
- Peter Chalmers
- Michael Meynart
- Michael Ryan
- George Van Der Mullen
- Wayne Pollard

The authority of the above-named persons extends to include the issue of infringement notices but not to the withdrawal of such notices.

David Edward Price is hereby appointed to consider applications for withdrawal of infringement notices and to grant such requests when there is justification for such action.

Any previous appointment of an authorised officer under the provisions of the Control of Vehicles (Off Road Areas) Act 1978 is hereby revoked.

CARRIED BY EN BLOC RESOLUTION NO 2/05/02

| SM072/05/02 APPOINTMENT OF AUTHORISED OFFICER/S - BUSH FIRES ACT 1954 – AUTHORISED PERSON (PROSECUTOR) (A0002) |                                       |                |        |
|--|---------------------------------------|----------------|--------|
| Proponent  | Chief Executive Officer               |                |        |
| Officer  | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures   | Author: _____ Senior Officer: _____   |                |        |
| Previously   |                                       |                |        |
| Disclosure of Interest   |                                       |                |        |
| Delegation   | Council                               |                |        |

**Preamble**

Appoint “Authorised Persons/Officers” as required under the following Acts;

- Bush Fires Act 1954

**Background**

As part of the review of Council delegations process it is considered good practice to confirm the appointment of “authorised persons/officers” as in accordance with the requirements of the above Act.

**Comments**

The named legislation requires that “the Council” appoint persons to undertake certain duties. It is considered appropriate to re-confirm the names and positions of officers duly appointed by Council under this Act.

|                                       |  |
|---------------------------------------|--|
| <b><u>Statutory Environment:</u></b>  | Bush Fires Act 1954  |
| <b><u>Policy Implications:</u></b>    | No Policy Implications are known.  |
| <b><u>Financial Implications:</u></b> | No Financial Implications are known.   |
| <b><u>Strategic Implications:</u></b> | No Strategic Implications are known.   |
| <b><u>Community Consultation:</u></b> | Not required as these officers and their appointments have previously been advertised. |
| <b><u>Voting Requirements:</u></b>    | Normal   |



**CRSM072 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Bush Fires Act 1954 – Authorised Person (Prosecutor)**

That in accordance with section 59(3) of the Bush Fires Act 1954:-

Brian Douglas Owston  
Sarah Kirsty Downes  
David George Gossage

are hereby appointed to consider allegations of offences alleged to have been committed against the Act and to institute and carry on proceedings, as may be considered appropriate, in the name of the Shire of Serpentine Jarrahdale; this appointment includes the authority to issue infringement notices pursuant to Section 59A of the Act but does not include the right to withdraw infringement notices.

David Edward Price is hereby appointed to be the officer responsible for withdrawal of infringement notices when he believes there is justification for such action.

Any previous appointment of an authorised person under the provisions of Sections 59 and 59A of the Bush Fires Act 1954 is hereby revoked.

CARRIED BY EN BLOC RESOLUTION NO 2/05/02

| SM073/05/02 INFORMATION REPORT |                                       |                |        |
|--------------------------------|---------------------------------------|----------------|--------|
| Proponent                      | Chief Executive Officer               |                |        |
| Officer                        | David Price – Chief Executive Officer | Date of Report | 1/5/02 |
| Signatures                     | Author: _____ Senior Officer: _____   |                |        |
| Previously                     |                                       |                |        |
| Disclosure of Interest         |                                       |                |        |
| <b>Delegation</b>              | <b>Council</b>                        |                |        |

SM073.1/05/02 BREAKFAST WITH STEPHAN HARDING ~ "MOVING TOWARD GENUINE ECOLOGICAL SUSTAINABILITY" (A0163-06)

The Western Australian Local Government Association Breakfast Club 2002 speaker will be Dr Stephan Harding who will outline the world view change that is needed if we are to move towards genuine ecological sustainability – namely shifting from seeing the world as a dead machine to seeing it as a living being endowed with intrinsic value. The breakfast will be held on Thursday 30<sup>th</sup> May, 2002.

**Further information and registration details is with the attachments marked SM073.1/05/02.**

Councillors are requested to see the Chief Executive Officer's Personal Assistant if they wish to register.

SM073.2/05/02 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – ALICE SPRINGS – 3-6 NOVEMBER, 2002 (A0435)

The 2002 National General Assembly of Local Government is calling for motions for the Local Government's national policy platform.

**The "Call for Motions" pro forma and a conference overview is with the attachments marked SM073.2/05/02.**

Motions need to be raised at the Strategic Management Committee so these can be referred to Council for consideration.

Councillors wishing to express an interest in attending should raise this at Strategic Management Committee so a formal recommendation can be made to Council.

SM073.3/05/02 PARTNERSHIPS AND PLANNING NATURE CONSERVATION ON PRIVATE LAND – NATIONAL FORUM 2002 (A0906)

***The registration of interest form for the Partnerships and Planning Nature Conservation on Private Land National Forum scheduled to be held in Adelaide from 12-15 August 2002 is with the attachments marked SM073.3/05/02.***

SM073.4/05/02 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN ZONE/STATE COUNCIL MEETING FEBRUARY 2002 (A0163-06)

***The Minutes of the South East Metropolitan Zone meeting held on 30<sup>th</sup> January 2002 is with the attachments marked SM073.4/05/02.***

***The Summary Minutes of the State Council Meeting held on 6<sup>th</sup> February 2002 is with the attachments marked SM073.4a/05/02***

SM073.5/05/02 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MEETING FEBRUARY 2002 (A0163-06)

Nominations are called for Council delegates to the South East Zone for the positions of representatives and deputy representatives to the State Council (2002-2004). Nominations for these positions will formally open on 8<sup>th</sup> May 2002 and closed on 22 May 2002.

***A copy of a letter with further details pertaining to this election is with the attachments marked SM073.5/05/02.***

SM073.6/05/02 PEEL DEVELOPMENT COMMISSION NEWSLETTER “NEWSBRIEF” (A0109-02)

***A copy of the Peel Development Commission’s April 2002 newsletter “Newsbrief” is with the attachments marked SM073.6/05/02.***

It contains articles on events and projects within the Peel region that will interest our community.

SM073.7/05/02 PEEL DEVELOPMENT COMMISSION LETTER OF SUPPORT – AUSTRALIAN FINE CHINA (A0281)

***A copy of the correspondence from the Peel Development Commission is with the attachments marked SM073.7/05/02 advising they are eager to continue working with Council in regard to the possible relocation of Australian Fine China from their Subiaco premises into the Peel Region.***

SM073.8/05/02 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING MINUTES (WALGA) (A0027-02)

***The minutes of the WALGA meeting held on 2<sup>nd</sup> April 2002 is with the attachments marked SM073.8/05/02.***

SM073.9/05/02 PEEL AREA CONSULTATIVE COMMITTEE BRIEFING PAPER (A0839-06)

***A briefing paper commissioned/prepared by a consultant on behalf of the Peel Area Consultative Committee ~ The Labour Relations Reform Bill 2002 – Impact on Tourism Sector in the Peel Region is with the attachments marked SM073.9/05/02.***

SM073.10/05/02 ALCOA WORLD ALUMINA ANNUAL REPORT 2001 (A0011)

The 2001 Annual Report is located in the Councillors Lounge Library, for Councillors information.

SM073.11/05/02 SUBMISSION TO STATE GOVERNMENT ON SUSTAINABILITY STRATEGY (A0906)

***A copy of a submission to the State Government on the Sustainability Strategy by Jan Star is with the attachments marked SM073.11/05/02.***

SM073.12/05/02 A REAL RAILWAY – BY COUNCILLOR KEVIN MURPHY (A0108-02)

***A copy of this paper based on a presentation given to the Peel Development Commission on 24 April 2002 is with the attachments marked SM073.12/05/02.***

#### **Officer Recommended Resolution**

The Information Report to 10 May 2002 be received.

#### **CRSM073 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer that

1. The Information Report to 10 May 2002 be received.
2. Council nominates Cr Needham and Cr Star to attend the 2002 National General Assembly of Local Government on 3 November 2002.
3. Council writes to the Shire of Murray and Peel Development Commission seeking their interest in examining the feasibility of electrifying from Armadale via Mundijong to Pinjarra and hence to Mandurah via Pinjarra and the shuttling of the Australind between Pinjarra and Bunbury to increase its frequency.

CARRIED 9/0

Note: The Officers Recommendation was changed to ensure:

- A) that budget provision was made to provide for Cr Needham and Cr Star to attend the National General Assembly of Local Government in November 2002.
- B) Part 3 was added in response to SM073.12/05/02.

|  |                                       |                 |         |
|--|---------------------------------------|-----------------|---------|
| SM074/05/02 PEOPLE PLAN 2002-2005 (A0106-05) |                                       |                 |         |
| Proponent                                    | Chief Executive Officer               |                 |         |
| Officer                                      | David Price – Chief Executive Officer | Date of Report  | 17/5/02 |
| Signatures                                   | Author:                               | Senior Officer: |         |
| Previously                                   |                                       |                 |         |
| Disclosure of Interest                       |                                       |                 |         |
| Delegation                                   | Council                               |                 |         |

### Preamble

Seek Council endorsement of proposed funding of Project Officer position as outlined in the 2002-2005 People Plan for the 2002-2003 Financial Year, and request Council consideration of an alternative proposal for this position.

### Background

Council has identified the following positions in the current People Plan for the 2002-2003 Financial Year, subject to budget funding;

1. Project Officer
2. Reserves Management Officer
3. Corporate Services Officer

These positions have been included in the draft 2002-2007 Principal Activities Plan.

Council has for sometime now been very keen to increase their investment in skill in the sustainability and landscape architectural area, and this has on more than one occasion been raised with the Chief Executive Officer and senior staff. It is therefore considered appropriate to consider introducing a person with landscape architecture and environmental planning skills.

### Comments

The People plan makes the following recommendations in relation to the Project Officer Officer.

#### "Project Officer

*In 2002/2003, the Principal Activities Plan has financial resources allocated for the appointment of a major projects officer to oversee projects such as the Jarrahdale Heritage Park, the Shire Recreation Facility, the Byford Stormwater Drainage and other projects of significance. Staff in the Strategic Planning Team were strongly of the view that the appointment of this Officer would assist in easing the pressures on their existing workloads. As supported in other areas driving the strategic planning function within SSJ, EMS therefore recommends the appointment of the Project Officer in 2002/2003.*

#### Recommendation 23

*"The appointment of the Project Officer in 2002/2003 to oversee projects such as the Jarrahdale Heritage Park, Shire Recreation Facility, the Byford Stormwater Drainage and other projects of significance."*

It is proposed that Council reconsider the Project Officer position and bring it forward to a start date after 1 July 2002 (scheduled for appointment in September 2002) and repackage it to create a Senior/Principal Environmental Planner position or similar that encompasses the

cores roles intended for the Project Officer from within the allocated salaries already in the draft 2002-2005 Principal Activities Plan.

The market suggests that Council should be prepared to contribute toward relocation costs and the purchase of an additional small four cylinder vehicle if required. Funding for this additional vehicle will need to be budgeted from the Plant Replacement Reserve.

**Statutory Environment:** Principal/Senior Environmental Planner or similar (1 FTE) position would be a contract position for up to five (5) years.

**Policy Implications:** Council Policies relative to the employment of an officer would apply to this position.

**Financial Implications:** Salary will be accommodated from with the new positions identified in the current draft 2002-2007 Forward Financial Plan, contribution toward relocation may need to be negotiated, and purchase of Council vehicle from Plant Replacement Reserve approx \$22,000 one off capital cost and approximately \$6,500/yr operating cost.

**Strategic Implications:** Council would be positioning itself to be able to be better able to continue with the delivery of our Strategic Plan, and Community Vision with the addition of the skills able to be introduced to the organisation through this decision.

**Community Consultation:** Not required

**Voting Requirements:** Normal

**CRSM074 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Price that Council agrees to the funding of the Project Officer position in the 2002-2003 budget and requests the Chief Executive Officer to undertake the following:

1. Review the Project Officer position (scheduled for appointment in September 2002) as detailed in the People Plan, and if viable repackage it to create a Senior/Principal Environmental Planner or similar position and appoint a person to the position after 1 July 2002. The position should encompass the core roles intended for the Project Officer from within the equivalent annual allocated salaries already in the draft 2002-2005 Principal Activities Plan.
2. Negotiate, if necessary, a contribution toward relocation costs and purchase a four cylinder vehicle, with the capital cost to be budgeted from the Plant Replacement Reserve if required.

CARRIED 9/0

7.5 Planning Development & Environment Meeting – 20<sup>th</sup> May, 2002

**COUNCIL DECISION**

Moved Cr Price seconded Cr Simpson

That the minutes of the Planning Development & Environment Committee Meeting held on 20<sup>th</sup> May, 2002 be received.  
CARRIED 9/0

**BUILDING**

|                        |   |                 |          |
|------------------------|---|-----------------|----------|
| B29/05/02              | PROPOSED AMENDMENTS TO COUNCIL'S FENCING LOCAL LAW (A0090/02) |                 |          |
| Proponent              | Building Services Team  |                 |          |
| Officer                | Wayne Chant - Principal Building Surveyor                     | Date of Report  | 09.05.02 |
| Signatures             | Author:   | Senior Officer: |          |
| Previously             |   |                 |          |
| Disclosure of Interest |   |                 |          |
| Delegation             | <b>Council</b>  |                 |          |

**Preamble**

Council is requested to consider a suggested amendment to the Fencing Local Law to provide for the need to obtain development approval for fences that do not comply with the requirements of the Local Law, and to make a declaration under Town Planning Scheme N<sup>o</sup> 2 requiring development approval for fences in certain locations.

**Background**

Council recently considered an application for a screen fence surrounding a proposed nursery in Karnup Road, Serpentine. This fence was considered in accordance with the provisions of Clause 10 of the Fencing Local Law and, following an objection lodged in accordance with Part 9 of the Local Government Act 1995, the applicant was granted approval to construct a 1.8m high blue colorbond steel fence around the perimeter of the property. It is considered that if this proposal was assessed under the development approval requirements and resultant planning law appeal provisions, a different outcome may have been achieved.

To enable this method of assessment in the future, it is, therefore, proposed to amend the general discretion clause of the Local Law to require all nonconforming fences to be assessed via an application for development approval.

**Comments**

Clause 10 of the Fencing Local Law provides for discretion in approving a fence that does not satisfy the requirements of the Local Law. Clause 10 currently states:

*10. GENERAL DISCRETION OF COUNCIL*

- 10.1 The Council may consent to the erection or retention of a fence which does not comply with one or more of the requirements of this Local Law.*
- 10.2 In determining whether to grant its consent for the erection or retention of a fence Council may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence might have an adverse effect on –*
  - a) The safety, convenience or use of the any land;*
  - b) The safety or convenience of any person;*

- c) *The orderly and proper planning of the locality; and*
- d) *The amenity of the locality.*

It is proposed to introduce the requirement to lodge and obtain a development application for a fence that does not fully satisfy the requirements of the Fencing Local Law. To achieve this, Clause 10 would be reworded to read as follows:

#### 10 GENERAL DISCRETION OF COUNCIL

- 10.1 The Council may consent, by way of issuance of a development approval, to the erection or retention of a fence which does not comply with one or more of the requirements of this Local Law.
- 10.2 In determining whether to grant a development approval for the erection or retention of a fence Council may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence might have an adverse effect on –
  - a) The safety, convenience or use of the any land;
  - b) The safety or convenience of any person;
  - c) The orderly and proper planning of the locality; and
  - d) The amenity of the locality.

As an additional control measure for fences constructed adjoining public open space, important regional roads, major highways or other public places where aesthetically pleasing fences may be justified, it is suggested that the Council make a declaration in accordance with Clause 5.1.3 of Town Planning Scheme N<sup>o</sup> 2. This Clause states:

- 5.1.3 Notwithstanding that fences may be constructed pursuant to other provisions of this Scheme without the need to obtain the planning consent of the Council, where a lot or lots have a common boundary or boundaries with Public Open Space, Major Highways, Important Regional Roads or other public places where the provisions to secure an aesthetically pleasing fence are justified, the Council may declare, that the construction of fences on particular lots requires prior approval of the Council.
- 5.1.4 Where the Council contemplates making a declaration pursuant to Clause 5.1.3 it shall give notice of such intention in accordance with the provisions of Clause 6.3.
- 5.1.5 When considering an application for planing consent for a fence in an area affected by a declaration of the Council pursuant to Clause 5.1.3, the Council shall have regard to the function to be performed by the fence, its degree of exposure to view from the public place concerned, and the topography of the area, and may require as a condition of approval, that the fences be constructed to a prescribed height, design or specification including the external finish so as to secure the provision of fences with consistency or compatibility of height, design and appearance around or alongside places frequented by the general public.

*It is suggested that the declaration be made for all lots adjoining the South Western Highway within the Byford Townsite and all lots adjoining areas of public open space in areas zoned residential, special residential, commercial, showroom/warehouse, light industry, general industry and special use.*

By implementing the two measures proposed above, it is felt that Council will be able to exercise an adequate degree of control over fencing proposals.

**Statutory Environment:** Town Planning Scheme N<sup>o</sup> 2 Clause 5.1.3, 5.1.4 and 5.1.5; Fencing Local Law Clause 10

**Policy Implications:** The amendment proposed to the Local Law and the declaration under Clause 5.1.3 of Town Planning

Scheme N<sup>o</sup> 2 will provide for greater control of fences within the Shire

**Financial Implications:**

Advertising costs associated with advertising the declaration and the Local Law amendment

**Strategic Implications:**

N/A

**Community Consultation:**

The declaration made under Clause 5.1.3 of Town Planning Scheme N<sup>o</sup> 2 must be advertised in accordance with Clause 6.3 of Town Planning Scheme N<sup>o</sup> 2 and the amendment to the fencing Local Law must be advertised in accordance with the requirements of the Local Government Act 1995 part 3

**Voting Requirements:**

Normal

**COUNCIL DECISION – EN BLOC RESOLUTION 3/05/02**

Moved Cr Simpson seconded Cr Needham that Council adopts the recommendations of the Planning Development & Environment Committee of 20<sup>th</sup> May, 2002 in items B29, P126 and P127  
CARRIED 9/0



**CRB29 COUNCIL DECISION/Committee/Officer Recommended Resolution**

- 1 Make a declaration in accordance with Clause 5.1.3 of Town Planning Scheme N<sup>o</sup> 2 declaring that fences proposed to be erected on properties with boundaries common with the South Western Highway within the Byford Townsite, and all lots adjoining areas of public open space in areas zoned residential, special residential, commercial, showroom/warehouse, light industry, general industry and special use require prior development approval granted by Council. This declaration is to be advertised in accordance with Clause 6.3 of Town Planning Scheme N<sup>o</sup> 2.
- 2 Advertise their intention to review the Fencing Local Law in accordance with the requirements of the Local Government Act 1995 with the intention of amending the Local Law to require all nonconforming fences to be assessed via an application for development approval.

CARRIED BY EN BLOC RESOLUTION 3/05/02

PLANNING

|   |                                |                 |        |
|---|--------------------------------|-----------------|--------|
| P126/05/02 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL-<br>FILLING OF LOT 1 BIRD ROAD/JACKSON ROAD, OLDBURY (P00098) |                                |                 |        |
| Proponent   | Mitchell Goff & Associates     |                 |        |
| Officer   | Alan Diggin – Contract Planner | Date of Report  | 9/4/02 |
| Signatures  | Author:                        | Senior Officer: |        |
| Previously  | 23/10/2000                     |                 |        |
| Disclosure of Interest  |                                |                 |        |
| Delegation  | Council                        |                 |        |

Owner: McLean Recycling Industries  
Owner's Address: 26 Bird Road, Oldbury  
Applicant: Mitchell Goff and Associates  
Applicant's Address: PO Box 104 West Perth 6872  
Date of Receipt: 13/11/2001  
Advertised: Surrounding landowners notified  
Submissions: Eleven  
Lot Area:  
L.A Zoning: Rural  
MRS Zoning: Rural  
Byford Structure Plan: Not applicable  
Rural Strategy Policy Area: Rural  
Rural Strategy Overlay: Not applicable  
Bush Forever: Portion of site classified for protection  
Date of Inspection:

**Preamble**

Council is requested to consider granting retrospective development approval for inert land filling that has already taken place and development approval for further filling which is proposed in plans submitted for Lot 1 Bird Road, Oldbury.

The purpose of this application is to clear up any confusion as to whether the approvals for filling issued on previous appeals to the Minister for Planning in relation to both Lots 12 and 1 provide the applicant with a valid planning consent in relation to Lot 1.

Given that environmental approvals have been issued for the site and that activities have taken place for some time in accordance with approvals conditional approval is recommended.

**Background**

This application has arisen as a result of the applicant having appealed planning conditions of the Shire in relation to Lot 12 and having been granted a consent from the Minister for Planning for filling in respect to both Lots 12 and 1 (possibly due to the information on plans submitted for Lot 12 also referring to Lot 1).

The applicant has deleted Lot 1 from the original application/approval and now seeks Councils conditional approval in respect to Lot 1 via a fresh application for development approval in order to clarify the situation.

Note: The applicant is firmly of the view that valid approvals already exist for both Lot 1 and Lot 12.

**Fill Levels And Approvals**

Approved fill levels have been exceeded.

Included in conditions of these approvals is reference to a 1.3m limit in the level of fill, with 1.5m above fill level at boundaries, but recognition was also made that this fill level had been exceeded; at approximately 4m at places.

The levels referred to in this application for retrospective approval generally range from 2m – 2.5m with 4.8m at boundaries.

#### DEP Approvals

The Minister for the Environment has also issued an environmental approval for land filling in respect to both Lots 12 and 1 with advice that all other necessary approvals must be obtained.

This approval is not affected by this proposal and sets conditions prohibiting dumping of asbestos and implementation of controls referred to in the Management Plan.

The DEP has advised that it does not require formal assessment of the proposal as a Class 1 Landfill Licence has already been issued for this site and the proposal is being managed under licence conditions.

#### Management Plan

Original Licence conditions have resulted in Management Plans having been prepared and provided to the Shire and DEP.

The Management Plan provides for:

- Site security – fencing and restricted access control.
- Site supervision – with restricted hours of delivery. No material received on Sunday.
- Buffer zones – the Code of Practice recommends a 25 metre buffer between the active tipping face and the site boundary. The nearest dwelling that is likely to be impacted would be in excess of 30m from the boundary and is located on Lot 15. A combination of the drainage system and Bird Road provide adequate buffers and a 15 m buffer to the Bush Forever site abutting Jackson Road has been maintained.
- Dust control – application of water
- Fire contingency plans – fire truck
- Noise control – landscaped bunds
- Stormwater runoff control and monitoring
- Groundwater monitoring
- Staging of fill placement – To ensure adequate management of the site, and to reduce the volume of material that is required to be stockpiled, all areas of the site to the south of the existing vegetation buffer are considered to be available for the placement of fill. The existing greenbelt is recognised as a Bush Forever site by the applicant.
- Site levels – The majority of the site will be filled to a level of approximately 1.3m above the existing ground level to gain adequate drainage and allow for the establishment of vegetation. NOTE This fill level has been exceeded.
- Storage of Green waste
- Fuel Storage

Drainage systems (comprising perimeter drains and leachate ponds) have been installed as condition of approval to manage the production of leachate and surface water.

Prior to discharge of the collected leachate water there is sampling for a broad range of contaminants. Testing is a licence condition. Sampling in the main drains has not detected any significant affect to the water quality in the drain at the time of discharge.

#### Comments

The following submissions have been received with respect to both Lots 1 and 12;

Objections

Submission 1

- \* concerned with contamination
- \* concerned with Shires audit practices
- \* spoon drains not properly constructed
- \* required cover fill will fill drains
- \* rainwater will leach through fill or escape by other means
- \* contaminated material, including asbestos allowed to be dumped by Shire
- \* required monitoring bores not provided
- \* proponent and Shire does not have public liability for pollution
- \* leachate return drain is not functional
- \* drainage facilities existing are not shown on the Management Plan
- \* Shire refuses to test outside site
- \* proponent needs to comply with local Planning Permission
- \* filling on Lot 2 Bird Rd has not been monitored –concern re –Bush Plan wetlands
- \* if no Council approval for licence, then operations should cease
- \* Council failed to monitor approvals

Submission 2

- \* Applicant has quoted an incorrect address on the Application Form
- \* There is a question as to whether an application fee has been paid
- \* The Works Approval Drainage Conditions were never completed and
- \* Compliance Certificate was never issued by the DEP
- \* Works Approval Expired in 1998
- \* Monitoring results show that contamination has been increasing
- \* Two bores have been capped since questionable filling has been allowed to continue.
- \* It is time all of the required conditions of approval required by Council including tree planting are implemented
- \* Retrospective approval should not include filling above 1.3m
- \* Why was dumping allowed without a planning approval

Submission 3

- \* should be fines for exceeding approval
- \* concerned with contamination of water
- \* who pays for testing of their water
- \* concerned with hours of operation

Submission 4

- \* proponent not able to manage conditions
- \* concerned with environmental risk
- \* noise impacts on lifestyle
- \* proposal indicates an expansion of operations
- \* use contrary to Jandakot Structure Plan

Submission 5

- \* concerned with increased fill and increased contamination
- \* who is responsible for monitoring conditions

Submission 6

- \* landfill not suitable for low lying inundated land
- \* concerned with groundwater contamination
- \* dust and contaminants impact on rainwater collection
- \* approval is contrary to Council's environmental values
- \* use is contrary to Rural lifestyle values in Jandakot Structure Plan
- \* all residents should be notified

Submission 7

- \* reject further land fill
- \* site should be rehabilitated

Submission 8

- \* No objection

Support

Submission 9

- \* strong argument that development approval exists for Lot 1
- \* need to resolve doubts on approvals
- \* filling has occurred in close consultation with authorities
- \* environmental licensing and site monitoring confirm suitability
- \* needed economic and employment activities provided
- \* represents sustainable use of resources

Submission 10

- \* concerned about future employment if project not approved

Submission 11

- \* concerned about future employment if approvals not clarified

Scheme Provisions

Council's Town Planning Scheme allows for the consideration of both retrospective and prospective planning approval providing there is conformity with the provisions of the Scheme.

Conclusion

The use/development may be approved by Council under the provisions of the Town Planning Scheme.

The DEP has already issued approvals.

There is a strong possibility that it could be deemed that a planning approval already exists for this site.

The use/development exists over part of the site but does not conform due to height of fill having been exceeded.

Submissions objecting to the proposal largely relate to potential environmental impacts. These impacts have been managed under DEP license conditions in the past. There are obvious concerns with contamination especially in relation to groundwater.

The Management Plan sets out how issues raised in relation to noise, dust, hours of operation, monitoring of groundwater etc will be addressed.

There is no statutory setback formulated for Bush Forever sites.

Issues raised relating to the Jandakot Structure Plan are considered to be tenuous given that the land use had previously been established with approvals by the DEP.

Some of the issues that had previously been the concern of Council related to noise control and landscaping remediation/planting.

There is a need for progressive rehabilitation of the site.

The adopted Management Plans sets adequate conditions of approval.

The DEP is satisfied that the proposal is operating with satisfactory environmental safeguards.

**Statutory Environment:** Town Planning and Development Act

**Policy Implications:** Councils adopted Economic Development Strategy seeks to encourage business diversification/interests throughout the Shire.

**Financial Implications:** Nil

**Strategic Implications:** No implications on Councils Strategic Plan.

**Community Consultation:** Carried out in accordance with Council's Community Consultation Framework.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council grants retrospective and prospective development approval for filling of Lot 1 Jackson Road, Oldbury in accordance with plans submitted and subject to the following conditions:

1. That no further filling takes place (not withstanding that the level has already been exceeded in places) on the site which is likely to exceed 1.3m in height from natural ground level.
2. That the site be managed in accordance with the original Management Plan dated December 1996.
3. That a landscape plan and program be submitted for Council approval by June 30<sup>th</sup> 2002.
4. Rehabilitation of the site is to be in accordance with the approved landscape plan.
5. A minimum 15m wide buffer is to be maintained to the boundary of the Bush Forever site.

Advice Notes:

1. The applicant is advised that the site must be operated and managed in accordance with following:
  - a) Conditions of approval set by the Minister on Appeal;
  - b) Current DEP Licence conditions;
  - c) Monitoring of Main drains is to be conducted and reported to the satisfaction of DEP.

2. This retrospective approval is for the areas of fill outlined on the application plan that exceed 1.3m and does not permit the applicant to place fill in any areas not the subject of this prospective approval.

**CRP126 COUNCIL DECISION/Committee Recommended Resolution**

That this item be deferred until a current management plan of the site can be shown as justification for the increased fill heights.  
CARRIED BY EN BLOC RESOLUTION 3/05/02

|  |                                |                 |        |
|--|--------------------------------|-----------------|--------|
| P127/05/02 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - FILLING OF LOT 12 BIRD ROAD, OLDBURY (P05586/01) |                                |                 |        |
| Proponent  | McLean Recycling Industries    |                 |        |
| Officer  | Alan Diggin – Contract Planner | Date of Report  | 8/5/02 |
| Signatures   | Author:                        | Senior Officer: |        |
| Previously   | P023/10/2000                   |                 |        |
| Disclosure of Interest   |                                |                 |        |
| Delegation   | Council                        |                 |        |

Owner: McLean Recycling Industries  
Owner's Address: 26 Bird Rd Oldbury  
Applicant: Mitchell Goff and Associates  
Applicant's Address: PO Box 104 West Perth 6872  
Date of Receipt: 13/11/2001  
Advertised: Previously advertised  
Submissions: Eleven  
Lot Area: 14.1543ha  
L.A Zoning: Rural  
MRS Zoning: Rural  
Byford Structure Plan: Not applicable  
Rural Strategy Policy Area: Rural  
Rural Strategy Overlay: Not applicable  
Bush Forever: Not applicable  
Date of Inspection:

### **Preamble**

Council is requested to consider granting a retrospective development approval under its Town Planning Scheme for non-complying inert landfilling over and above the previously approved 1.3m height limit that has been undertaken on portion of lot 12 Bird Road Oldbury.

Ministerial approvals on appeal have set both environmental and planning conditions for previous landfill operations on the site including a height limit.

The applicant has however exceeded the height limitation for filling over portion of the site because of requirements associated with the approved Timber Mill operations on the site and is seeking to legalise these works.

Councils Town Planning Scheme allows for consideration of retrospective planning approval in this instance.

### **Background**

#### **Previous Approvals**

On 27 July 1998 Council considered an application for Stage 2 landfill and establishment of a commercial tree plantation on the subject land. The application was approved subject to the following conditions:

1. That subject to compliance with Stage 1 conditions, enough non-contaminated suitable fill be provided to establish the Timber Mill and the tree plantation to the satisfaction of the Manager of Planning and Development Services, the Environmental Officer and the Manager Technical Services.
2. (a) Compliance with the Department of Environmental Protection Licence regarding drainage specifications,  
(b) Implementation of the proposed tree plantation and submission of modified plan, management schedule and timeframe for completion.  
(c) Registration of the site in Town Planning Scheme No 2 and rezoning to 'Special Use-Timber Mill Operation at the applicants expense.
3. The fill location shall be on Lot 12 Bird Road only which is an area of 250m x 200m in accordance with the attached plan.

#### **Appeal**

The applicant subsequently successfully appealed (decision date 6<sup>th</sup> April 1999) to the former Minister for Planning against Council's requirement that the fill be clean (excluding building and demolition wastes with minimal organic matter). The decision was largely based on the Department of Environmental Protection's Works Approval for the development/land use which was less restrictive on this aspect than that stipulated in Council's approval.

#### **Sawmill Approval**

On 28 June 1999 Council approved a sawmill addition (approximately 369m<sup>2</sup>) and development of six timber drying kilns (each 8m x 3.5m and 3.7m in height) on the subject land.

#### **Expansion Proposals**

At its meeting of 6<sup>th</sup> October 2000 Council held discussions with representatives from McLean Recycling Industries regarding possible expansion proposals on the subject land.

Council subsequently resolved that;



- “1. Council accepts the delegation from Mr McLean and Mr Goff and that they be thanked.
2. Council would be very willing to accept a more detailed proposal and would be prepared to look at, in a Rural Strategy Review, the conversion of the area south of Boomerang Road to a Special Use Sustainable Industries Designation.
3. Council requests that the Department of Environmental Protection and Mitchell Goff and Associates give a presentation to LEDU (Local Economic Development Unit).“

#### Application For Retrospective Approval – Site Filling

The current proposal seeking retrospective development approval is supported by documentation from Mitchell Goff and Associates which states that the applicant had believed that he was acting properly, particularly in relation to variations to site filling which were done primarily to suit the workings of the Forest Products Centre.

There are no additional proposed changes to landuse or development.

The original approval specified that filling should not exceed 1.3m above natural ground level. The perimeter of the landfill was not to exceed 1.5 metres above landfill level.

The lot has been filled in some places to approximately 4m above ground level as indicated on plans submitted (4m towards the centre of the site and 4.8 at edge of boundary bunding).

#### DEP Advice

The DEP has advised that it does not require formal assessment of the proposal stating that a Class 1 Landfill Licence has already been issued for this site and the proposal is being managed under licence conditions.

#### Management Plan

Original Licence conditions have resulted in Management Plans having been prepared and provided to the Shire and DEP.

The Management Plan provides for:

- \* Site security - fencing and restricted access control.
- \* Site supervision - with restricted hours of delivery. No material received on Sunday.
- \* Buffer Zones - the Code of Practice recommends a 25 metre buffer between the active tipping face and the site boundary.
- \* Dust control – application of water
- \* Fire contingency plans - fire truck
- \* Noise control- landscaped bunds
- \* Stormwater runoff control and monitoring
- \* Groundwater monitoring
- \* Staging of fill placement – To ensure adequate management of the site.
- \* Site levels – The majority of the site will be filled to a level of approximately 1.3m above the existing ground level to gain adequate drainage and to allow for the establishment of vegetation. NOTE This limit has been exceeded.
- \* Storage of Green waste
- \* Fuel Storage

Drainage systems (comprising perimeter drains and leachate ponds) have been installed as condition of approval on Lots 12 and adjoining Lot 1 to manage the production of leachate and surface water.

Prior to discharge of the collected leachate water there is sampling for a broad range of contaminants. Testing is a license condition. Sampling in the main drains has not detected any significant affect to the water quality in the drain at the time of discharge.

### **Comments**

The following submissions have been received with respect to both Lots 1 and 12;

### **Objections:**

#### Submission 1

- \* concerned with contamination
- \* concerned with Shires audit practices
- \* spoon drains not properly constructed
- \* required cover fill will fill drains
- \* rainwater will leach through fill or escape by other means
- \* contaminated fill including asbestos allowed to be dumped by Shire
- \* required monitoring bores not provided
- \* proponent and Shire do not have public liability for pollution
- \* leachate return drain is not functional
- \* drainage facilities existing are not shown on the Management Plan
- \* Shire refuses to test outside site
- \* proponent needs to comply with local Planning Permission
- \* filling on Lot 2 Bird Rd has not been monitored- concern re – Bush Plan wetlands
- \* if no Council approval for licence, then operations should cease
- \* Council failed to monitor approvals

#### Submission 2

- \* applicant has quoted an incorrect address on the Application Form
- \* there is a question as to whether an application fee has been paid
- \* the Works Approval drainage conditions were never completed and
- \* Compliance Certificate was never issued by the DEP
- \* Works Approval expired in 1998
- \* Monitoring results show that contamination has been increasing
- \* Two bores have been capped since questionable filling has been allowed to continue
- \* It is time that all of the required conditions of approval required by Council including tree planting are implemented
- \* Retrospective approval should not include filling above 1.3m
- \* Why was dumping allowed without planning approval

#### Submission 3

- \* should be fines for exceeding approval
- \* concerned with contamination of water
- \* who pays for testing of their water
- \* concerned with hours of operation

#### Submission 4

- \* proponent not able to manage conditions
- \* concerned with environmental risk
- \* noise impacts on lifestyle
- \* proposal indicates an expansion of operations
- \* use is contrary to Jandakot Structure Plan

Submission 5

- \* concerned with increased fill and increased contamination
- \* leachate drains not functional on Lot 12
- \* who is responsible for monitoring conditions

Submission 6

- \* landfill not suitable for low lying inundated land
- \* concerned with groundwater contamination
- \* dust and contaminants impact on rainwater collection
- \* approval is contrary to Council's environmental values
- \* use is contrary to Rural lifestyle values in Jandakot Structure Plan
- \* all residents should be notified

Submission 7

- \* reject further land fill
- \* site should be rehabilitated

Submission 8

No objection

Support

Submission 9

- \* need to resolve doubts on approvals
- \* filling has occurred in close consultation with authorities
- \* environmental licensing and site monitoring confirm suitability
- \* needed economic and employment activities provided
- \* represents sustainable use of resources

Submission 10

- \* concerned about future employment if project not approved

Submission 11

- \* concerned about future employment if approvals not clarified
- \* Council may grant approval under the provisions of its Scheme.

Impacts

The closest residence to Lot 12 is on Lot 15 approximately 30m from the property boundary and buffered by landscaped bunds.

Submissions objecting to approving the existing additional fill largely relate to potential environmental impacts. These impacts have been managed under DEP licence conditions in the past. Management of issues raised such as noise, dust, hours of operation and monitoring of drainage are addressed in the Management Plan.

Issues raised relating to the Jandakot Structure Plan are irrelevant in this instance where the issue is height of fill.

Some of the issues which had previously been the concern of Council related to noise control and landscaping remediation/planting.

There is a need for progressive rehabilitation of the site.

It is recommended that the proposal receive approval subject to compliance with the conditions of the original Environmental Management Plan and those conditions set by the relevant Ministers on appeal.

|                                       |   |
|---------------------------------------|---|
| <b><u>Statutory Environment:</u></b>  | Town Planning and Development Act   |
| <b><u>Policy Implications:</u></b>    | Councils adopted Economic Development Strategy seeks to encourage business diversification/interests throughout the Shire |
| <b><u>Financial Implications:</u></b> | Nil   |
| <b><u>Strategic Implications:</u></b> | No implications on Councils Strategic Plan.   |
| <b><u>Community Consultation:</u></b> | Carried out in accordance with Councils Community Consultation Framework.   |
| <b><u>Voting Requirements:</u></b>    | Normal  |

#### **Officer Recommended Resolution**

Council grants retrospective development approval for filling of Lot 12 Bird Road, Oldbury for filling in excess of 1.3 metres as outlined on the application plan subject to the following conditions:

1. That no further filling takes place (not withstanding that the level has already been exceeded in places) on the site.
2. That the site be managed in accordance with the original Management Plan dated December 1996.
3. That a final grading and landscape plan and program be submitted for Council approval by June 30<sup>th</sup> 2002.
4. Rehabilitation of the site is to be in accordance with the approved landscape plan and is to be completed by September 2003.

Advice Notes:

The applicant is advised that the site must be operated and managed in accordance with following:

1. Conditions of approval set by the former Minister for Planning on Appeal.
2. Current DEP Licence conditions.
3. Monitoring of main drains would be conducted and reported to the satisfaction of DEP.
4. This retrospective approval is for the areas of fill outlined on the application plan that exceed 1.3 metres and does not permit the applicant to place further fill in any areas.

#### **CRP127 COUNCIL DECISION/Committee Recommended Resolution**

That this item be deferred until a current management plan of the site can be shown as justification for the increased fill heights.  
CARRIED BY EN BLOC RESOLUTION 3/05/02

|  |   |                 |        |
|--|---|-----------------|--------|
| P131/05/02 NEED FOR BROAD STRUCTURE PLANNING FOR THE MUNDIJONG URBAN CELL ARISING FROM WAPC REFUSAL OF SUBDIVISION OF LOT 1 ADAMS STREET (S117398) |   |                 |        |
| Proponent  | Shire of Serpentine-Jarrahdale                      |                 |        |
| Officer  | Andrew Watson – Director<br>Sustainable Development | Date of Report  | 3/5/02 |
| Signatures   | Author:   | Senior Officer: |        |
| Previously   | P084/01/02, P044/10/01                              |                 |        |
| Disclosure of Interest   |   |                 |        |
| Delegation   | Council   |                 |        |

### Preamble

The purpose of this report is to inform Council of the advice of the WA Planning Commission with respect to structure planning of the Mundijong Urban Cell arising from the Commissions consideration of subdivision 117398.

### Background

At its meeting of 29<sup>th</sup> January 2002, Council considered a subdivision referral in relation to Lot 1 Adams Street, Mundijong. Council resolved to advise the WA Planning Commission:

#### "COUNCIL DECISION

*Moved Cr Price seconded Cr Hoyer*

*That this subdivision not be supported for the following reasons.*

- 1. Since the initial subdivision applications in October, Council has amended its Structure Planning Schedule (November Council) to include Mundijong in 2002/2003.*
  - 2. Council is concerned that approval of this subdivision will be a catalyst for numerous applications to subdivide similar land in Mundijong that may result in unplanned developments.*
  - 3. This subdivision not be considered until the Mundijong Structure Plan is in place.*
- CARRIED 6/2*

*Note: The Committee Recommendation was changed to reflect the schedule for structure planning was amended in 2001 to foreshadow structure planning for Mundijong for the 2002/2003 year."*

### Comments

The WA Planning Commission has determined the subject application by refusing to grant consent. The following reasons of refusal were issued:

- "1. The subject and surrounding land requires comprehensive planning in accordance with the requirements of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 [including agreement to an overall road pattern, the allocation of land for recreation and other public purposes, provision for essential infrastructure (including reticulated sewerage), drainage design, public open space, coordination of subdivision development with other land parcels in the general vicinity and equitable arrangements for developer contributions] and approval to the subdivision would be premature and prejudice the overall planning for the area.*
- 2. Approval to the subdivision would set an undesirable precedent for the subdivision of surrounding lots."*

### Advice to Local Government

The Commission further advises:

*“As advised in its letter of 6 December 2000 in relation to WAPC Reference 114114 the Commission requests the Council prepare as a matter of priority planning guidelines to assist in the consideration of subdivision and development proposals in the interim period leading up to the preparation of the structure plan for Mundijong.*

*A Structure Plan for the Mundijong urban cell should be prepared as a matter of priority in view of increasing pressure to subdivide the larger land holdings in the townsite without the benefit of an overall guiding plan that addresses the objectives for co-ordinated planning of development as detailed in the Commission’s South East Corridor Structure Plan (1996), and required by the Shire’s Town Planning Scheme No. 2.”*

Note: WAPC Reference 114114 is a subdivision of Lot 100 Baskerville Road, Mundijong. At the time officers of the then Ministry for Planning’s Urban Design Unit in consultation with Council staff prepared a concept plan for the superblock in which Lot 100 is located. The concept plan was referred to Council’s meeting of 26<sup>th</sup> June 2000 for consideration as the basis of a Local Planning Policy to guide subdivision in the interim period leading up to the preparation of the structure plan for Mundijong. At the time Planning, Development and Environment Committee, and subsequently Council, did not adopt this initiative.

The Commission’s advice note raises two issues as follows:

- \* The need for planning guidelines to assist in the consideration of subdivision and development proposals in the interim period leading up to the preparation of a structure plan for Mundijong; and
- \* A structure plan for the Mundijong urban cell being prepared as a matter of priority.

Firstly, the issue of interim guidelines, this matter was in part addressed in June 2000 when Council did not pursue the matter of a Local Planning Policy.

In respect of the second issue, clause 5.18.1.1 of Town Planning Scheme No. 2 provides:

*“The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.”*

Clause 5.18.1.1 does not specify that the local government must prepare a Structure Plan and neither is a timeframe specified.

The advertised Draft Principal Activities Plan for 2002-2007 assumes one major project each year and includes preparation of a Structure Plan for Mundijong for 2004/2005. The Commission’s reasons for refusing S117398 in relation to Lot 1 Adams Street provide guidance as to the priority that should be attached to the preparation of a Structure Plan for Mundijong. Reason for refusal number 1 indicates a Structure Plan must include “provision for essential infrastructure (including reticulated sewerage)”. The reality is that extension of deep sewerage to Mundijong in the medium term is extremely unlikely. Unless Council were to take the initiative with respect to a package treatment plant, and this would require overcoming Water Corporation drainage licence issues and preparation of a full Structure Plan for Mundijong, while important, is difficult to justify given other short term priorities.

In terms of the other major planning projects scheduled in the draft Principal Activities Plan to be carried out ahead of the Structure Plan for Mundijong, neither could be said to be less important than the Mundijong Structure Plan (and hence capable of being delayed or swapped with the Mundijong project). A review of Council’s Town Planning Scheme, scheduled for completion over two years (2002/2003 and 2003/2004) is considerably overdue. Council is obliged to review its planning scheme every five years and the current

local planning scheme was gazetted in 1989. In respect of the Detailed Area Plan for Byford (scheduled for 2003/2004), it should be noted that services are available and Council has committed to the Byford project to the point that it cannot withdraw. The pressure to develop at Byford, and the expectation that Council has done its work, is far greater than it is in respect of Mundijong.

This conclusion, and it is appreciated that it will not be widely popular, requires the issue of interim guidelines for the Mundijong Urban Cell to be revisited. It is anticipated that the preparation of interim guidelines for Mundijong would require resourcing to be carried out by external consultants. A cost in the order of \$10,000 - \$15,000 is anticipated. This project is not included in the Draft Principal Activities Plan and neither is it able to be carried out within the existing Town Planning operational budget. Council has, however, previously requested that the WA Planning Commission consider a contribution to the Byford Urban Stormwater Management Strategy (letters 31 July 2001 and 19 February 2002). These requests are yet to be responded to. A contribution from the Commission has not been budgeted as part of the project. Should a contribution be forthcoming, \$10,000 could be reallocated from the Byford Stormwater project to allow for the preparation of interim guidelines for Mundijong.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended). Town Planning Scheme No. 2.

**Policy Implications:** Preparation of a Detailed Area Plan for Byford.  
Preparation of planning guidelines to assist in the consideration of subdivision and development proposals in the interim period leading up to the preparation of a Structure Plan for Mundijong.  
Preparation of a Structure Plan for the Mundijong urban cell.

**Financial Implications:** Detailed Area Plan for Byford scheduled in the Draft 2002-207 Principal Activities Plan for 2003/2004).  
Structure Plan for Mundijong scheduled in the Draft 2002-2007 Principal Activities Plan for 2004/2005)

**Strategic Implications:** Strategy 1.2 – Plan and develop forms based on compatible mixed uses, local employment opportunities and walkable neighbourhoods clustered in order to minimise car dependency.

**Community Consultation:** This would be carried out in accordance with Council's Community Consultation Framework if either guidelines or a structure plan were prepared.

**Voting Requirements:** Normal

**CRP131 Committee/Officer Recommended Resolution**

1. In response to the advice note from the WA Planning Commission arising in respect of the Commissions consideration of WAPC S117398 (Lot 1 Adams Street, Mundijong), Council advises the Commission that preparation of a Structure Plan for Mundijong is included in Council's Draft 2002-2007 Principal Activities Plan for 2004/2005.
2. Council advises the WA Planning Commission that it has not allocated resources in its Draft 2002-2007 Principal Activities Plan for the next financial year to prepare interim planning guidelines for Mundijong, however, if the Commission were to respond favourably to Council's requests of 31 July 2001 and 19 February 2002 for a

\$10,000 contribution towards its Byford Urban Stormwater Management Strategy it would be able to consider the preparation of interim planning guidelines for Mundijong next financial year.

**CRP131 COUNCIL DECISION**

Moved Cr Scott seconded Cr Price that

1. In response to the advice note from the WA Planning Commission arising in respect of the Commissions consideration of WAPC S117398 (Lot 1 Adams Street, Mundijong), Council advises the Commission that preparation of a Structure Plan for Mundijong is included in Council's Draft 2002-2007 Principal Activities Plan for 2004/2005, as the issue of Mineral Sand Mining has yet to be resolved.
2. Council advises the WA Planning Commission that it has not allocated resources in its Draft 2002-2007 Principal Activities Plan for the next financial year to prepare interim planning guidelines for Mundijong, however, if the Commission were to respond favourably to Council's requests of 31 July 2001 and 19 February 2002 for a \$10,000 contribution towards its Byford Urban Stormwater Management Strategy it would be able to consider the preparation of interim planning guidelines for Mundijong next financial year.

CARRIED 9/0

Note: The Committee Recommended Resolution was changed in point 1 to include the issue of Mineral Sand Mining.



|  |  |                 |         |
|--|--|-----------------|---------|
| P132/05/02 VARIATION TO BRIEF – JARRAHDALÉ HERITAGE PARK MANAGEMENT PLAN (P05576/02) |  |                 |         |
| Proponent  | APP Argenta  |                 |         |
| Officer  | Jocelyn Ullman – Special Projects & Policy Officer | Date of Report  | 10/5/02 |
| Signatures   | Author:  | Senior Officer: |         |
| Previously   |  |                 |         |
| Disclosure of Interest   |  |                 |         |
| Delegation   | Council  |                 |         |

### **Preamble**

Council to consider a requested variation to the Jarrahdale Heritage Park Management Plan brief for the inclusion of contaminated site investigation within the Jarrahdale Heritage Park. It is recommended that the variation to the brief be approved.

### **Background**

In November 2001 Council appointed APP Argenta to carry out a Management Plan for the Jarrahdale Heritage Park. APP has been carrying out investigations into the site and has recently notified Council of potential contamination of the Park, particularly around the old mill, by saw dust. APP has suggested that the saw dust may have an impact on the construction of infrastructure on the area.

ENV Australia will carry out the investigation which will involve:

- \* Inspect the entire site looking for evidence of contamination such as soil staining, sumps, asbestos and the like;
- \* Interview people that are familiar with the operation of the site and the activities that were undertaken there;
- \* Review historic photographs to determine what went on at the entire site in the past;
- \* Determine the potential for contamination and the likely contaminants;
- \* Perform some limited site investigations to confirm the presence of contamination.

ENV Australia go onto to further point out that should contamination be found there will be a need to perform relatively intensive soil and groundwater investigations to determine the full nature and extent of any contamination. Only based on this information can a remediation plan and an accurate costing for the remediation to be done. It is also proposed to perform work to establish the presence and distribution of wood waste over the site. This needs to be determined as the wood waste will not be suitable to build upon and will need to be removed. It is proposed to use a backhoe in places and simply record the presence of wood waste and provide a map and photographs.

A letter report would be prepared and the information incorporated into the main report for the development.

The total cost to carry out the above work is \$6,480.

### **Comments**

ENV Australia point out in their submission that the approach is within accordance with recognised guidelines issued by the Department of Environmental Protection. These guidelines require a staged approach be taken. The first stage as is pointed out above is to carry out inspection of the site and review existing documents, the second stage involves detailed soil sampling and analysis if required, the third involving remediation scoping and costing.

The works outlined above were not included in the brief for the project. It is considered that the work is necessary to determine the likelihood, extent and potential costs of remediation of any contamination on the site. This work should not affect the timeline of the project.

Clause 2.14 of the tender document allows for Council to request the consultant to carry out additional work or services for Council.

Council also received an update from APP Argenta regarding the progress of the Project to date. This was circulated to all councillors in late April 2002. The progress report contained a new timetable for the completion of the project.

***A copy of the timetable is with the attachments marked P132.1/05/02.***

The timetable points out the following major dates for the project:

- \* First draft of concept plans and documentation will be presented to the Jarrahdale Heritage Park Management Committee on the 7/6/02;
- \* Following Council endorsement the draft plans will then be workshopped with the stakeholders and then with the community. APP Argenta has indicated that they would prefer to keep the workshops separate to avoid discussions about other issues than the Heritage Park. Workshops are likely to occur in early July;
- \* Second draft is to be presented to Council at the end of July - early August;
- \* Final document to be presented to Council in mid September.

The timeline has been altered slightly since the original submission was lodged as a result of the water catchment issues relating to the site.

The altered timeline poses no inconvenience. The Consultant needs to be aware that Council must endorse draft and final documents and this will occur at the next available Council meeting. This may however affect the signing off of the documents.

**Statutory Environment:** N/A

**Policy Implications:** N/A

**Financial Implications:** ENV Australia has quoted \$6480 being the total cost of the proposed variation. Council has set aside \$10,000 in the PAP to assist Water and Rivers Commission to prepare a Storm Water Management Strategy for the Jandakot Structure Plan area. At its meeting in April 2002 Council resolved that it would not provide this money to the Commission. It is therefore recommended by the Strategic Planning Team that this money be put towards carrying out the above proposal.

**Strategic Implications:** The assessment of potential contamination on the site is seen as an integral part of this project and will assist Council in determining costs to develop the site.

**Community Consultation:** Not applicable

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

**CRP132 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Murphy that

1. Council approves the variation to the Jarrahdale Heritage Park Management Brief as proposed by APP Argenta dated the 12<sup>th</sup> April 2002. The work is to include:
  - \* Inspect the entire site looking for evidence of contamination such as soil staining, sumps, asbestos, and the like;
  - \* Interview people that are familiar with the operation of the site and the activities that were undertaken there;
  - \* Review historic photographs to determine what went on at the entire site in the past;
  - \* Determine the potential for contamination and the likely contaminants;
  - \* Perform some limited site investigations to confirm the presence of contamination;
  - \* Establish the presence and distribution of wood waste over the site;
  - \* An estimate of the potential works to be carried out if contamination is discovered and provision of the most appropriate remediation works to be carried out if necessary.
2. Council allocates \$6,480 in the 2002-2003 budget to carry out this project in lieu of a contribution of \$10 000 towards the Jandakot Water Study.
3. Council endorses the altered timetable dated the 10<sup>th</sup> April 2002 however advises APP Argenta that Council endorsement of draft documents may impact on the timetable.

**CARRIED 9/0 ABSOLUTE MAJORITY**

Note: Wood waste includes saw dust.

|  |                                  |                 |         |
|--|----------------------------------|-----------------|---------|
| P136/05/02 PROPOSED SCHEME AMENDMENT NO. 126 - LOT 220 ABERNETHY ROAD AND LOT 1253 ORTON ROAD, OAKFORD (P01693/01) |                                  |                 |         |
| Proponent  | Dykstra & Associates             |                 |         |
| Officer  | Lilia Palermo – Planning Officer | Date of Report  | 21/3/02 |
| Signatures   | Author:                          | Senior Officer: |         |
| Previously   |                                  |                 |         |
| Disclosure of Interest   |                                  |                 |         |
| <b>Delegation</b>  | <b>Council</b>                   |                 |         |

Owner: Dykstra & Associates  
 Owner's Address: Unit 6, 2954 Albany Highway, Kelmscott 6111  
 Applicant: As above  
 Applicant's Address: As above  
 Date of Receipt: 11 February 2002  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: Lot 220 – 25.5432 ha  
 Lot 1253 – 24.1193 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural; Rural Living B (Rural Strategy Review)  
 Rural Strategy Overlay: N/A  
 Bush Forever: N/A  
 Date of Inspection: 21/03/02

**Preamble**

Council is in receipt of an application to rezone the subject land from Rural to Rural Living B. It is recommended that a scheme amendment be initiated, subject to the applicant providing a revised rezoning document addressing the issues raised in the Planning Officer's Report.

**Background**

Applicant's report states the following:

**"Introduction**

*This rezoning application seeks Council's resolution to initiate the rezoning of Lot 220 Abernethy Road, Lot 1253 Orton Road, Oakford from Rural to Rural Living B. This rezoning would enable subsequent subdivision and development of rural living estates providing a choice of hobby farming opportunities and rural lifestyles.*

*This rezoning will facilitate the vision to create two (2) small rural living estates with lot sizes of 2.0 ha and larger, similar to the existing Rural Living estates immediately to the north, south and east of the subject land. The design provides for two small estates with independent access points to Abernethy Road and Orton Road, and yet linked together with multiple use access ways and drainage systems which also make up part of an overall integrated design for the broader "street-block".*

*The intended method of subdivision is depicted on the proposed Subdivision guide Plan indicates a yield of some 22 lots of approximately 2.0 ha each.*

*This proposal is a response to the recent Rural Strategy Review (2001-2002), which included the whole of the subject land within the Rural Living B Policy area.*

### **Subject Land**

*The subject land is located approximately 31 km due south of Perth Central Area, and 3 km due west of the Byford Townsite.*

*Lot 220 comprises an area of 25.5432 with frontage to Abernethy Road, and Lot 1253 comprises 24.1193 ha with frontage to Orton Road.*

### **Site Description**

#### **Topography and landform**

*The site lies on the Swan Coastal Plain, 5 km from the base of the Darling Scarp in the area of alluvial material deposited by small streams, which drain from the Darling Scarp. The land is very flat but drains gently west. Elevation varies by about 3 metres from the lower western boundary.*

*The land unit is Pinjarra Plain, which consists of alluvial clays and sandy clays with minor silts forming a gently undulating surface.*

#### **Soils**

*The site is predominantly covered by grayish to yellow sandy soils grading into clays, with some deep sections of pale gray sand. The elevated portions of the site comprise white to pale gray sand at the surface with yellow sand at depth, overlying sandy clay. Overall, the soils are poorly drained particularly towards the eastern parts of the site.*

*The property is devoid of natural vegetation with the exception of some isolated trees located across the northern section of both Lots 220 and 1253, and along the southern boundary of Lot 220.*

*Trees on site comprise predominantly Casuarina, however, no natural regeneration of trees or understorey has occurred due to stock grazing.*

**A copy of an Aerial Photograph of the site is with the attachment marked P136.1/05/02.**

#### **Current land Use**

*The land has been cleared for many years and is currently used for grazing.*

### **Environmental Considerations**

#### **Land Capability**

*The site has been used for grazing for many years, previously dairying, and lately for beef cattle. The wet soils provide good pasture in summer, although they are subjected to some water logging in winter.*

*The opportunities of the site are:*

*Proximity to Byford*

*Abundant good quality shallow ground water*

*Remnant clumps of trees in some areas*

*The presence of iron oxides in the soils over most of the site.*

*Good summer pasture on the lower wetter soils*

*The drainage system that reduces the length of water logging in winter*

*The constraints of the site are:*

*Some areas of water logged soils in winter  
Sandy soils of the sand ridges, which are susceptible to wind erosion  
The lack of trees across many parts of the site*

**A copy of the Land Capability table is with the attachments marked P136.2/05/02.**

### **Servicing**

*Electricity and telecommunication services are available on the subject land. Domestic water supply will be via on – site domestic rainwater tanks.*

*The subject land is bounded by a major drainage system to the east. Site drainage and run – off will be managed by a combination of the following:*

*Roof water to required rainwater tanks;  
Soak wells;  
Road side table drains; and  
Strategically located compensating basins.*

*A preliminary drainage management strategy has been prepared by van der Meer Consulting and has been incorporated and utilized to assist in the subdivision design.*

*Effluent disposal is to be via on-site disposal units, namely ATU's, in accordance with environmental capability of the subject land. This method has been accepted in all adjacent rural living estates, many of which have been approved over the past 2-3 years.*

**A copy of the Drainage Strategy Plan is with the attachments marked 136.3/05/02.**

*Currently there are no horse trails or emergency access links, which connect the subject land, however, emergency access ways will be incorporated into the proposed Subdivision Guide Plan, and a Fire Management Plan will be required under the Scheme Provisions."*

### **Comments**

#### **Metropolitan Region Scheme**

The subject land is zoned Rural under the Metropolitan Region Scheme.

#### **Town Planning Scheme No. 2**

The subject land is zoned Rural under the TPS No. 2. The proposal is for rezoning the subject land from Rural to Rural Living B. As stated in the TPS No.2 *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.*

*Clause 5.12.5 of the TPS No.2 also states that 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.*

There was a submission prepared for lot 224 cnr Kargotich and Orton Road proposing including the subject land into Rural Living B zone. Recommendation in the Rural Strategy Review in regards to that submission indicated that the proposal would be supported subject to inclusion of 220 and 1254 Abernethy Road and 1253 Orton Road.

#### **State Planning Policy No. 11 Agricultural and Rural Land Use Planning.**

Recently gazetted State Planning Policy No. 11(SPP No. 11) Agricultural Rural Land Use Planning provides a framework for orderly and proper planning and development of Rural land.

SPP No. 11 has been prepared by the Commission under Section 5AA of the Town Planning and Development Act 1928 Under Section 5AA of the Act, local government must have due regard to this policy in the preparation or amendment of Town Planning Schemes, strategies and policies, and when providing comment and advice on planning applications that deal with rural land.

As outlined in the SPP No.11 the main policy objectives are as follows:

- \* *The State's priority agricultural land resource should be protected.*
- \* *Rural settlement opportunities should be provided if sustainable and of benefit to the community.*
- \* *The potential for land use conflict should be minimized*
- \* *The state natural resources should be carefully managed.*

SPP No. 11 and Policy No. Dc 3.4 Subdivision of Rural Land (2002) will be used by the Commission as the basis for determining applications for the subdivision of Rural land.

The proposal to rezone the subject land from Rural to Rural Living B, which would allow further subdivision of the land into smaller (2ha) blocks should be assessed against the SPP No.11 objectives.

One of the objectives is:

*to protect agricultural land resources by discouraging land uses unrelated to agriculture from locating on agricultural land and minimizing ad hoc fragmentation of rural land.*

The subject land is not identified by the State Agencies or the Local Authority as an area of agricultural area of State or Regional significance. Shire of Serpentine-Jarrahdale Rural Strategy Review (2001) identified the subject land as potentially suitable for closer settlement. Subdivision of the subject land would be in accordance with the recommendation of the Rural Strategy Review 2001.

Another objective outlined in SSP No.11 is to provide for Rural settlement where it can-

- \* *Benefit and support existing communities, and*
- \* *Have access to appropriate community services and infrastructure.*

As stated in the rezoning document the land subject of this rezoning application, *is located in the northern sector of the Shire of Serpentine-Jarrahdale approximately 3 kilometers due west of the Byford Townsite on the south side of Abernethy Road.*

*Being approximately nine kilometers south west of the Armadale strategic regional center, the land is advantaged with all of the facilities and amenities available in that center.*

*The Town of Byford is located some 5 kilometers by the road north east of the site and contains local shops, a primary school, tavern, sports club, and a post office.*

The residents of the Rural Living estate proposed to be created as a result of the rezoning, would have access to appropriate community services and infrastructure as required by the provisions of SPP No. 11.

The proposed Rural Living B subdivision is similar to the existing Special Rural and Rural Living estates surrounding the subject land, such as Aberfield estate, the Special Rural subdivision serviced by Stockmans close and Bullock drive, and the fourteen lot subdivision that fronts Abernethy Road and Hopkinson Road. The proposal is in line with the provision of SPP No. 11 aiming at providing rural settlements where they can benefit and support existing communities.

Another main objective of the SPP No. 11 is to minimize the potential for land use conflict.

Proposed Rural Living B subdivision is not likely to create a land use conflict in the area, as most of the surrounding land has already been subdivided into smaller blocks. There are no agricultural priority areas identified in the Rural Strategy in close vicinity to proposed subdivision. Limiting the access to the subject land from Kargotich road would also reduce any possible conflicting land use between the proposed Rural Living B estate and rural land on the other side of Kargotich Road.

The fourth main objective of the SPP No. 11, which is applicable to the proposed rezoning on the subject land, is

*to carefully manage natural resources by discouraging development and/or subdivision that may result in land or environmental degradation;*

Special provisions for this rezoning and further subdivision of the subject land that are outlined as part of officer's recommendation are aimed at reducing a potential for the proposed subdivision and subsequent land uses on the Rural Living B 2 ha blocks to result in land and environmental degradation.

#### Rural Strategy Review

Recommendation No. 43 page 69 of the Rural Strategy Review states the following in regards to a submission 7 proposing to change lot 224 Kargotich Road from Rural to Rural Living B:

#### *"Recommendation No. 43*

*That the proposal to change Lot 224 Kargotich Road, Oakford from the Rural Policy Area to the Rural Living B Area be supported subject to inclusion of lots 220 & 1254 Abernethy Road and 1253 Orton Road, preparation of subdivision guide plan for all these lots, and demand and uptake criteria being met."*

*The applicant prepared a limited Structure Plan for Lots 220 and Lot 1254 Abernethy Road, Lots 1253 and 224 Orton Road in consultation with all of the landholdings to address Council's requirement for coordinated planning in the area.*

***A copy of the limited Structure Plan is with the attachments marked 136.4/05/02.***

#### Proposed Subdivision Guide Plan. (Road Layout)

As stated on page 8 of the rezoning document:

*"The limited Structure Plan has been designed to reflect the desire to create discrete and attractive small Rural Living environments by way of individual culs-de-sac. And also to enable existing landowners to develop independently, albeit with integration of drainage networks and multiple use access ways where required. Only one of the four proposed roadways are to access from Kargotich Road and each of the cul-de-sac heads is linked by a multi purpose access way."*

The applicant also states the following in the letter dated 09/05/02 in response to the matters raised by the Council's officers in regards to proposed Subdivision Guide Plan:

*"In rural situations the use of cul-de-sacs is often preferred as a means of ensuring an amenity which reflects a private rural retreat and avoids the impact of traffic thoroughfares."*

The submitted Subdivision Guide Plan for Lots 220 1254 Abernethy Road and Lots 224 and 1253 Orton Road fosters four separate community precincts. The proposed cul-de-sac design reduces the level of and potential for local resident interaction. The proposed



Subdivision Guide Plan is not in line with the Council's Strategic Plan, which specifies the importance of working as one community in developing the Towns with Heart Program.

The applicant submitted a supplementary letter dated 8<sup>th</sup> May 2002 in response to the matters raised at the meeting on 8<sup>th</sup> May 2002 with the Council's officers. The applicant supplied a Subdivision Guide Plan showing a modified proposed layout of multiple use paths.

The applicant states the following in the above-mentioned letter:

*With the design of private culs-de-sac, this proposal achieves a street environment which is user friendly to pedestrians and cyclists, and will foster social interaction, and is supplemented by a comprehensive network of connecting public access ways which can be utilized by pedestrians and horse riders alike. This design introduces the best of both worlds in terms of traffic safety, privacy and the ability for passive recreation and community cohesion and interaction.*

The proposed multiple use paths are in accordance with the Shire's Draft Trail Master Plan. It is a positive factor that most of the properties would have access to multiple use trails which would provide opportunities for horse recreation, access for pedestrians and pushbike riders as well as emergency access.

It was considered though by Council's officers that the proposed four cul-de-sac road layout would not provide for full community interaction within the proposed Rural Living estate.

As stated in the Strategic Plan, *"We will live in a Shire that has successfully integrated the Green Town's philosophy with its sense of community, protection, support and inclusiveness."*

A redesign of the guide plan is recommended. Council's officers suggested a revised road layout, which would mean better access to the proposed lots and also higher level of interaction between residents. The suggested road layout is comprised of two cul-de-sacs and one through road. The suggested through road would not mean danger to the pedestrians and horse riders in the area as the design of the road as suggested would serve the aim of traffic calming.

The applicant also mentions in the additional letter of comment dated 08/05/02 that another factor in consideration of the proposed road design is the importance of avoiding roads traversing the high-tension power lines, as this would detract from the quality of this entire estate. This statement cannot be considered a valid justification supporting the proposed road layout based on four cul-de-sac design.

The information obtained from the relevant section of the Health Department of WA in regards to radiation safety indicates that there are no scientifically based guidelines specifying a safe distance for people from high-tension power lines. The advice from the Health Department in regards to this issue is that there might be some possible health risk if a person stays in close proximity to high-tension power lines for long periods of time.

If the road lay-out is such that the residents of the estate would have to drive past high tension power lines several times during the day, such kind of exposure would not cause any health risks. If residents of the estate cannot have full social interaction due to poor subdivisional road layout this in itself would affect the amenity and quality of the area a lot more than having to drive past power lines.

The location of the building envelopes on proposed lots affected by the High Tension Power lines should be 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.

Proposal to include Lots 220 Abernethy Road and 1253 Orton Road, Oakford into Rural Living B area is supported by the Rural Strategy Review 2001. Rural Living B policy supports a variety of lot sizes in the range from 2 to 4 hectares.

In regards to uptake and demand rates for this type of subdivision, the applicant refers to "Amberfield" development, which is almost completely developed with over 50 % of the lots sold within the first few months of marketing, as an indicator of high demand for 2 ha size blocks in the area. The applicant also talks about the land, which is serviced by Stockman Close and Bullock Drive, which is almost entirely sold out and developed upon.

It is also stated on page 6 of the rezoning application:

*"The release of Lot 220 Abernethy Road and Lot 1253 Orton Road for the purpose of Rural Living subdivision represents the next stage of development within the broader street-block of Abernethy Road, Hopkinson Road, Orton Road and Kargotich Road."*

The wider spread of Rural Living B type estates needs to be assessed and addressed more thoroughly by the applicant. The section 4.6 "Demand Statement" of the applicants report doesn't give adequate justification regarding the uptake of this type of Rural Living estates in the Shire.

#### Water Sensitive Design Local Planning Policy No. 6.

The issue was raised by Council's Environmental Officer in regards to the objectives of the Local Planning Policy on Water Sensitive Design not being addressed in the proposed rezoning document.

As stated in the Local Planning Policy for Water Sensitive design:

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

The key principles of Water Sensitive Design are:

- \* A whole of catchment approach
- \* Retention and treatment of water "at source"; and
- \* Use of 'best management practices' in a treatment train approach

The applicant stated the following in the correspondence dated 8 May 2002:

- \* The subject land is unaffected by any watercourse or wetland, and hence relevant buffers and setbacks do not apply to the proposal;
- \* A Drainage Management Strategy has been incorporated into the proposal showing how each subcatchment within the Structure Plan area will be drained and supplemented with nutrient stripping detention areas to ensure that of-site water flows are not increased from redevelopment levels;
- \* The implementation of four individual nutrient stripping detention basins will ensure that storm water use and treatment occurs as high as possible in the catchment and that each subcatchment stage is drained appropriately;
- \* With respect to groundwater levels, the proposal envisages the provision of subsurface drainage and the elevation of building envelope areas to ensure adequate separation of building floor slabs from groundwater is achieved;
- \* With the respect to vegetation and revegetation the proposal reflects strategic revegetation areas, on each site and within the drainage detention areas which will be further detailed in the required landscape revegetation Plan under the Special Scheme Provisions. In Particular, this will ensure that drainage lines and basins are appropriately revegetated with suitable species to promote filtering.

- \* The proposal does not incorporate multiple use corridors and hence the requirements under the Policy in relation to multiple use corridors are not applicable.

The Environmental Protection Authority Guidelines for Environment and Planning specify a general requirement that:

*All storm water be disposed on-site to the extent that 1 in 10 year storm event of 72 hour duration is retained for three to seven days before disposal off-site.*

As it is stated in the WSD Local Policy 6, proponents will be required to demonstrate compliance with the Environmental Authority Criteria until such time as Water and Rivers Commission or Environmental protection Authority develop new criteria.

*It is also a requirement of the WSD LPP No.6 that development in areas where the average Annual Maximum Groundwater Level (AAMGL) is at or within 1.2m of the surface, the importation of fill will be required together with the provision of sub surface drainage, placed at the AAMGL. In areas where the AAMGL is more than 1.2m from the surface, sub-surface drainage may still be required to restrict the rise in groundwater and ensure that adequate separation of building floor slabs from groundwater is achieved.*

The applicant indicated in the supplementary letter dated 8<sup>th</sup> May 2002 that proposal envisages the provision of subsurface drainage and the elevation of building envelope areas in order to achieve adequate separation of building floor slabs from groundwater.

It is recommended that the applicant conducts a Hydraulic and Hydrological study in order to assess groundwater levels on the subject land and also to provide more detailed information to prove that the Environmental protection Authority's condition in regards to storm water management and disposal mentioned above, will be complied with by the applicant.

#### Keeping of stock

The proponent has not demonstrated that the soil on each of the proposed lots is capable of sustaining 2 horses per lot. Applicant provides some general information in regards to land capability on the subject land in section 5.0 environmental considerations.

Being a Rural Living B estate proposal with the majority of lots just over 2ha, there is usually an expectation that keeping of horses would generally be permitted within these types of estates. In the letter of additional comment dated 09/05/02 the applicant states that relevant Town Planning Scheme No. 2 provisions in regards to Rural Living A& B zones, Such as Clause 5.12 would ensure that the keeping of stock on the proposed lots comply with the stocking requirements of Agriculture WA and do not result in land degradation.

It is recommended that council requires the applicant to demonstrate the soil capability of each proposed lot for sustaining of keeping of horses, and mark the lots that are not suitable for keeping of stock on the subdivision guide plan, which would ensure that there is no misunderstanding and unnecessary frustration for the prospective purchasers of land, expecting to be able to keep stock on all the created lots within the estate. Alternatively a notation can be placed on the Subdivision Guide Plan indicating that not all the lots might be suitable to sustain keeping of stock.

The applicant also makes comments in regards to abundance of underground water available in the area for domestic purposes and for pasture reticulation.

It is a requirement of the TPS No.2 Clause 5.12.6 that where reticulated water is not required of 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 TPS No.2 requirement in regards to provision of rainwater supply would apply to the proposed subdivision.

#### Statutory Environment:

Metropolitan Region Scheme

Shire of Serpentine – Jarrahdale Town Planning  
Scheme No. 2.

**Policy Implications:** Rural Strategy Review 2001-2002

**Financial Implications:** Nil

**Strategic Plan Implications:** Strategy 2.1 of the Strategic Plan: “Encourage  
Best Practice Environmental Management”

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Rezoning of Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford to Rural Living B zone is approved subject to a suitable amendment document being submitted to Council including the following recommendations and containing the following special provisions:

In addition to the requirements for Rural Living A and Rural Living B zones in the TPS No.2 Clause 5.12 the following special provisions apply to Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford are recommended:

1. The subdivider to submit the Subdivision Guide Plan with revised subdivisional road layout and off-road multiple use trails to the satisfaction of Council.
2. The subdivider to address the objectives of the Local Planning Policy on Water Sensitive Design in the rezoning document.
3. The subdivider to demonstrate in the rezoning document the capability of each lot for sustaining of keeping of horses and mark the lots that are not suitable for keeping of stock on the Subdivision Guide Plan.

Special Provisions:

1. Within the Rural Living zone the following land uses are permitted at the discretion of the Council.

Use classes permitted (P):

Single House

Home Business

Home occupation

Public Recreation

Public Utility

Keeping of stock for non – commercial purposes in accordance with Agriculture WA Stocking Rate Guidelines for Small Rural Holdings

Discretionary Uses (AA):

Ancillary Accommodation

Stables

Riding School

Fish Farming

Commercial Vehicle Parking

Tourism (Farm Stays)

Community Facilities (e.g. Child Care, Playgroup, Community House)

Private Recreation

Veterinary

Produce Store

Farrier

All other use classes are prohibited

2. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. The subdivider to submit a Storm Water Management Plan for Council's approval, prior to finalization of the Amendment.
4. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, house, driveways and/or to accommodate discretionary uses identified under provision 1.
5. The subdivider shall prepare a Revegetation Plan in accordance with Planning Guidelines for Nutrient Management and submit the Plan for Council's approval prior to subdivision clearance.
6. Any trees and shrubs planted on land within the estate in accordance with the Revegetation Plan shall be maintained and replaced by the new landholder upon purchase of the land. Prior to the purchase by the new landholder the subdivider or the existing landholder shall maintain and replace the vegetation in accordance with the Revegetation Plan.
7. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation and vegetation to be removed and retained and proposals for tree planting and maintenance.
8. The drainage system shall not be altered without the prior approval of the Council in writing. In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard to the effect on the drainage system and the impact on the land and the environment in general, and shall consult with any appropriate authority prior to granting approval.
9.
  - a) Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
  - b) Where notice has been served on the landowner in accordance with this clause the Council may also require the land to be rehabilitated to its satisfaction, within three (3) months of serving the notice.
  - c) In the event that action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.
10. The subdivider shall prepare and implement a fire management plan that is applicable to the land within the estate to the specifications and satisfaction of the Local Authority and Fire and Emergency Services Authority of WA, prior to subdivision clearance.

#### **Committee Recommended Resolution**

That rezoning of Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford to Rural Living B zone is approved subject to a suitable amendment document being submitted to Council including the following recommendations and containing the following special provisions:

- A. In addition to the requirements for Rural Living A and Rural Living B zones in the TPS No.2 Clause 5.12 the following special provisions apply to Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford are recommended:

1. The subdivider to submit the Subdivision Guide Plan with revised subdivisional road layout and off-road multiple use trails to the satisfaction of Council.
2. The subdivider to address the objectives of the Local Planning Policy on Water Sensitive Design in the rezoning document.
3. The subdivider to demonstrate in the rezoning document the capability of each lot for sustaining of keeping of horses and mark the lots that are not suitable for keeping of stock on the Subdivision Guide Plan.

Special Provisions:

1. Within the Rural Living zone the following land uses are permitted at the discretion of the Council.

Use classes permitted (P):

Single House

Home Business

Home occupation

Public Recreation

Public Utility

Keeping of stock for non – commercial purposes in accordance with Agriculture WA Stocking Rate Guidelines for Small Rural Holdings

Discretionary Uses (AA):

Ancillary Accommodation

Stables

Riding School

Fish Farming

Commercial Vehicle Parking

Tourism (Farm Stays)

Community Facilities (e.g. Child Care, Playgroup, Community House)

Private Recreation

Veterinary

Produce Store

Farrier

All other use classes are prohibited

2. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. The subdivider to submit a Storm Water Management Plan for Council's approval, prior to finalization of the Amendment.
4. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, house, driveways and/or to accommodate discretionary uses identified under provision 1.
5. The subdivider shall prepare a Revegetation Plan in accordance with Planning Guidelines for Nutrient Management and submit the Plan for Council's approval prior to subdivision clearance.
6. Any trees and shrubs planted on land within the estate in accordance with the Revegetation Plan shall be maintained and replaced by the new landholder upon purchase of the land. Prior to the purchase by the new landholder the

subdivider or the existing landholder shall maintain and replace the vegetation in accordance with the Revegetation Plan.

7. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation and vegetation to be removed and retained and proposals for tree planting and maintenance.
8. The drainage system shall not be altered without the prior approval of the Council in writing. In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard to the effect on the drainage system and the impact on the land and the environment in general, and shall consult with any appropriate authority prior to granting approval.
9.
  - a) Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
  - b) Where notice has been served on the landowner in accordance with this clause the Council may also require the land to be rehabilitated to its satisfaction, within three (3) months of serving the notice.
  - c) In the event that action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.
10. The subdivider shall prepare and implement a fire management plan that is applicable to the land within the estate to the specifications and satisfaction of the Local Authority and Fire and Emergency Services Authority of WA, prior to subdivision clearance.

- B. Fire and Emergency Services Officer to investigate use of cavaletti gates on multi use paths.

Note: The Officer Recommended Resolution was altered by adding Part B.

### **CRP136 COUNCIL DECISION**

Moved Cr Murphy seconded Cr Richards that rezoning of Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford to Rural Living B zone is approved subject to a suitable amendment document being submitted to Council including the following recommendations and containing the following special provisions:

A. In addition to the requirements for Rural Living A and Rural Living B zones in the TPS No.2 Clause 5.12 the following special provisions apply to Lot 220 Abernethy Road and Lot 1253 Orton Road, Oakford are recommended:

1. The subdivider to submit the Subdivision Guide Plan with revised subdivisional road layout and off-road multiple use trails to the satisfaction of Council.
2. The subdivider to address the objectives of the Local Planning Policy on Water Sensitive Design in the rezoning document.
3. The subdivider to demonstrate in the rezoning document the capability of each lot for sustaining of keeping of horses and mark the lots that are not suitable for keeping of stock on the Subdivision Guide Plan.

#### Special Provisions:

1. Within the Rural Living zone the following land uses are permitted at the discretion of the Council.

#### Use classes permitted (P):

Single House

Home Business

Home occupation

Public Recreation

Public Utility

Keeping of stock for non – commercial purposes in accordance with Agriculture WA Stocking Rate Guidelines for Small Rural Holdings

#### Discretionary Uses (AA):

Ancillary Accommodation

Stables

Riding School

Fish Farming

Commercial Vehicle Parking

Tourism (Farm Stays)

Community Facilities (e.g. Child Care, Playgroup, Community House)

Private Recreation

Veterinary

Produce Store

Farrier

All other use classes are prohibited

2. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. The subdivider to submit a Storm Water Management Plan for Council's approval, prior to finalization of the Amendment.



4. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, house, driveways and/or to accommodate discretionary uses identified under provision 1.
5. The subdivider shall prepare a Revegetation Plan in accordance with Planning Guidelines for Nutrient Management and submit the Plan for Council's and implement the plan prior to approval to subdivision clearance.
6. Any trees and shrubs planted on land within the estate in accordance with the Revegetation Plan shall be maintained and replaced by the new landholder upon purchase of the land. Prior to the purchase by the new landholder the subdivider or the existing landholder shall maintain and replace the vegetation in accordance with the Revegetation Plan.
7. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation and vegetation to be removed and retained and proposals for tree planting and maintenance.
8. The drainage system shall not be altered without the prior approval of the Council in writing. In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard to the effect on the drainage system and the impact on the land and the environment in general, and shall consult with any appropriate authority prior to granting approval.
9.
  - a) Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
  - b) Where notice has been served on the landowner in accordance with this clause the Council may also require the land to be rehabilitated to its satisfaction, within three (3) months of serving the notice.
  - c) In the event that action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.
10. The subdivider shall prepare and implement a fire management plan that is applicable to the land within the estate to the specifications and satisfaction of the Local Authority and Fire and Emergency Services Authority of WA, prior to subdivision clearance.

- B. Fire and Emergency Services Officer to investigate and report to Council on the use of cavaletti gates on multi use paths, especially where multi use paths adjoin major roads.

CARRIED 9/0

Note: The Committee Recommended Resolution was changed in point 5 and part B as a point of clarification.

## 8. MOTION OF WHICH NOTICE HAS BEEN GIVEN

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

Moved Cr Price seconded Cr Needham  
That item P137/05/02 be dealt with as an item of new business of an urgent nature  
CARRIED 9/0

|   |                                   |                 |             |
|---|-----------------------------------|-----------------|-------------|
| P137/05/02 LOT 2 JARRAHDAL ROAD, JARRAHDAL (P01536) |                                   |                 |             |
| Proponent   | Chief Executive Officer           |                 |             |
| Officer   | D.E Price-Chief Executive Officer | Date of Report  | 22 May 2002 |
| Signatures  | Author:                           | Senior Officer: |             |
| Previously  | P098/02/02                        |                 |             |
| Disclosure of Interest                              |                                   |                 |             |
| Delegation  | Council                           |                 |             |

**Preamble**

Council to consider the acquisition of Lot 2 Jarrahdale Road, Jarrahdale.

**Background**

The Jarrahdale Heritage Park Management Committee has for sometime been keen to explore options to secure Lot 2 Jarrahdale Rd, Jarrahdale as it is considered a strategically located site in relation to the entry to Jarrahdale and the Jarrahdale Heritage Park. At the last meeting of the Jarrahdale Heritage Park Management Committee (21/11/01) the minutes reflect the following;

*Serpentine Jarrahdale Shire agreed to progress the feasibility of a land swap with the owners(s) of Lot 2, with an alternative site in Jarrahdale.*

Furthermore at its meeting of 25 February 2002, part "B" of a decision in relation to an application to construct a dwelling on Lot 2 states the following:-

*The Chief Executive Officer, in consultation with the Jarrahdale Heritage Park Management Committee, be granted delegated authority to commence discussions with the applicant regarding the possibility of a land swap for an alternative location for a single residence on Council owned land within Jarrahdale or an outright purchase."*

**Comments**

The owner (Ms Dianne Plaziuk) has indicated previously that she does not want to look at any land swap arrangements with Council and is only prepared to negotiate the disposition of the property.

Therefore, in accordance with the direction set by Council in February 2002, and the already known position of the Jarrahdale Heritage Park Management Committee, the Chief Executive Officer has through Councils solicitors, McLeod and the owners' solicitors, G.M Rattigan and Associates have been negotiating a proposed purchase price for Council consideration.

Council also engaged a licence valuer (A.A Moore and Assoc) to undertake a valuation of the property. The valuation report has been provided and is retained on Councils files. The valuation of Lot 2 Jarrahdale Rd, Jarrahdale as determined by A.A Moore and Associates at the 26 April 2002 is \$65,000.

**Attached "P137/05/02"** is a report from McLeod advising that a sum of \$77,500, subject to Council acceptance, has been negotiated with the owner and her legal representative, following a mediation session held between the parties on Tuesday 22 May 2002.

The report from McLeod outlines the costs that should reasonably be acceptable to pay for the purchase of this lot under the circumstances, taking into account the owner only acquired the lot in late 2001.

|                                       |   |
|---------------------------------------|---|
| <b><u>Statutory Environment:</u></b>  | Local Government Act 1995 (   |
| <b><u>Policy Implications:</u></b>    | No Policy Implications  |
| <b><u>Financial Implications:</u></b> | \$77,500 plus Council legal and settlement costs to acquire the land. These costs can be funded from the Investment Reserve Account, which currently has a balance of \$314,818.<br><br>The purchase of the site also adds to the Councils portfolio of assets. |
| <b><u>Strategic Implications:</u></b> | The site fits within the Jarrahdale Heritage Park proposed precinct area, and is significant to the entrance to the Jarrahdale Townsite.  |
| <b><u>Community Consultation:</u></b> | Not required  |
| <b><u>Voting Requirements:</u></b>    | <b>ABSOLUTE MAJORITY</b>  |

#### **CRP137 COUNCIL DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer

1. That Council approve the settlement arrived at between the Chief Executive Officer and Ms Diane Plaziuk for the purchase by Council of Lot 2, Jarrahdale Road, Jarrahdale for \$77,500 on the terms set out in McLeod's letter to GM Rattigan and Associates dated 23 May, 2002, subject to Ms Plaziuk confirming her agreement to the terms and stipulations set out in that letter.
2. Council agrees to fund the purchase and associated Council legal and settlement costs to acquire the land at Lot 2, Jarrahdale Road, Jarrahdale from the Investment Reserve Account.
3. Council authorizes the Shire President and Chief Executive Office to execute all documents associated with this matter.

**CARRIED 8/1 ABSOLUTE MAJORITY**

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

#### **9.2 COUNCILLORS QUESTIONS**

Cr Price advised that he declared an interest in item C136/05/02 LOT 87 & LOT 88 MUNDIJONG ROAD – LEASE (P00417/01) at the Corporate Services Committee Meeting.

The Chief Executive Officer advised that this declaration of interest would be recorded in the Corporate Services Committee Minutes as this item was dealt with under the committee delegated authority.

Cr Kirkpatrick regarding money allocated for the airconditioner at the old railway station and raised some concern regarding the type of airconditioning to be installed, wanted to ensure that no damage would be done to the outside of the building during installation.

**10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY**

10.1 Corporate Services – 13<sup>th</sup> May, 2002

|                        |  |                |            |
|------------------------|--|----------------|------------|
| C130/05/02             | COUNCIL POLICY CSP 17 VEHICLES                             | (A01048/05)    |            |
| Proponent              | Chief Executive Officer                                    |                |            |
| Officer                | D.E Price Chief Executive Officer                          | Date of Report | 16-04-2002 |
| Signatures             | Author: Senior Officer                                     |                |            |
| Previously             |  |                |            |
| Disclosure of Interest |  |                |            |
| Delegation             | <b>Committee in accordance with resolution SM049/05/01</b> |                |            |

**CRC130 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:

Council agrees to amend Policy CSP 17 – Staff Vehicle Scheme to include the following:

2.5 **Use Outside of Western Australia** of shire vehicles is defined as Executive Staff private use outside the State of Western Australia. This does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

In the case of Chief Executive Officer, permission to use the Council vehicle outside of the State of Western Australia is on each occasion subject to:

- a) A written request to the Shire President from the employee for such use, detailing the destination, time frame and any other relevant information.
- b) Written approval by the Shire President and the Deputy Shire President.
- c) The employee will be required to meet all running and maintenance costs associated with the vehicle whilst outside of Western Australia.
- d) The employee will be required to meet 50% of the insurance excess or the cost of repairs if the damage is less than the Council vehicle excess should the vehicle be damaged whilst outside of Western Australia, including any costs associated with returning the vehicle to Western Australia.

In the case of Directors, permission to use the Council vehicle outside of the State of Western Australia is on each occasion subject to:

- a) A written request from the employee to the Chief Executive Officer for such use, detailing the destination, time frame and any other relevant information.
- b) Approval by the Shire President and the Chief Executive Officer.
- c) The employee will be required to meet all running and maintenance costs associated with the vehicle whilst outside of Western Australia.
- d) The employee will be required to meet 50% of the insurance excess or the cost of repairs if the damage is less than the Council vehicle excess should the vehicle be damaged whilst outside of Western Australia, including any costs associated with returning the vehicle to Western Australia.

CARRIED 5/0

|  |  |                |          |
|--|--|----------------|----------|
| C131/05/02 USE OF COUNCIL COMMON SEAL (A0090/13) |  |                |          |
| Proponent  | Chief Executive Officer                                      |                |          |
| Officer  | DE Price, Chief Executive Officer                            | Date of Report | 17-04-02 |
| Signatures                                       | Author: Senior Officer                                       |                |          |
| Previously                                       |  |                |          |
| Disclosure of Interest                           |  |                |          |
| Delegation                                       | <b>Committee – in accordance with resolution SM049/05/01</b> |                |          |

**CRC131 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:  
 Council adopts the following policy;

**USE OF SHIRE OF SERPENTINE-JARRAHDAL E COMMON SEAL**

The Council of the Shire of Serpentine-Jarrahdale hereby delegates authority to the President and Chief Executive Officer to sign and affix the Common Seal to documents requiring same as shown on the attached "sealing clause".

The President and Chief Executive Officer will notify the Council of their actions in this regard each month with the Chief Executive Officer's Personal Assistant placing an information report in the Strategic Management Committee .

**PROCESS**

- The Seal Register is maintained by the Personal Assistant to the Chief Executive Officer.
- The Council Seal is stored in a locked cupboard in the Chief Executive's Office.

All documents requiring execution and sealing (with the exception of Grants of Right of Burial) must be accompanied by a duly completed Certificate for Signing and Sealing Documents (copy attached). If this form has not been provided, the documents are to return the to the appropriate officer with a request for the Certification to be provided.

Tag the documents where they are to be executed, ensuring that initials are not required elsewhere as well, such as on maps or where amendments have been made.

Date the documents where/if required and the bottom line of the Certificate for Signing and Sealing.

The Chief Executive Officer signs the documents first.

Then pass on to the President for signing.

Once both signatures have been completed the Personal Assistant to the Chief Executive Officer will apply the Council seal by placing the documents into the seal upside down and pressing firmly.

After sealing, documents must be listed in the Seal Register by the Personal Assistant to the Chief Executive Officer.

Documents, together with Certification are then returned to the applicable officer by the Personal Assistant to the Chief Executive Officer.

**Monthly Report** - Action: Personal Assistant to the Chief Executive Officer

On the **Friday before the second Monday of each month** the Seal Register is printed and an information report item prepared for Elected Members via the Strategic Management Committee.

### Sealing Clause

The correct sealing clauses for Shire of Serpentine-Jarrahdale documents are as follows. The first being the one used if the document has been prepared in accordance with a resolution of Council.

CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| C132/05/02 COMMITTEE VACANCY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION MEMBERS WESTERN AUSTRALIAN FLOOD WARNING COMMITTEE METROPOLITAN MEMBER, METROPOLITAN DEPUTY MEMBER, COUNTRY MEMBER, COUNTRY DEPUTY MEMBER (A0163-06) |  |                |          |
| Proponent   | W A Local Government Association                             |                |          |
| Officer   | G R Dougall – Director Corporate Services                    | Date of Report | 06/05/02 |
| Signatures  | Author: Senior Officer:                                      |                |          |
| Previously  |  |                |          |
| Disclosure of Interest  |  |                |          |
| Delegation  | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |          |

### **CRC132 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer:

The request for nomination for the Western Australia Local Government Association Members Western Australian Flood Warning Committee be noted.

CARRIED 5/0

|  |  |                |          |
|--|--|----------------|----------|
| C133/05/02 COMMITTEE VACANCY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CARAVAN PARKS AND CAMPING GROUNDS ADVISORY COMMITTEE (A0163-06) |  |                |          |
| Proponent  | W A Local Government Association                             |                |          |
| Officer  | G R Dougall – Director Corporate Services                    | Date of Report | 06/05/02 |
| Signatures   | Author: Senior Officer:                                      |                |          |
| Previously   |  |                |          |
| Disclosure of Interest   |  |                |          |
| Delegation   | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |          |

### **CRC133 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:

The request for nomination for the Western Australia Local Government Association Members Western Australian Local Government Association Caravan Parks and Camping Grounds Advisory Committee be noted.

CARRIED 5/0

|  |  |                |          |
|--|--|----------------|----------|
| C134/05/02 COMMITTEE VACANCY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WATERWAYS COUNCIL MEMBER (A0163-06) |  |                |          |
| Proponent  | W A Local Government Association                             |                |          |
| Officer  | G R Dougall – Director Corporate Services                    | Date of Report | 06/05/02 |
| Signatures   | Author: Senior Officer:                                      |                |          |
| Previously   |  |                |          |
| Disclosure of Interest   |  |                |          |
| Delegation   | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |          |

**CRC134 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:  
The request for nomination for the Western Australia Local Government Association Waterways Council be noted.  
CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| C135/05/02 CONSERVATION ZONE CONCESSION – 999 ELLIOTT RD, SERPENTINE (P00946) |  |                |          |
| Proponent   | AW and ML Elliott  |                |          |
| Officer   | G R Dougall – Director Corporate Services                    | Date of Report | 16/04/02 |
| Signatures  | Author: Senior Officer:                                      |                |          |
| Previously  |  |                |          |
| Disclosure of Interest  |  |                |          |
| Delegation  | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |          |

**CRC135 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Needham:  
1. Council approve a financial payment to the property owners of 999 Elliott Road, Serpentine to the equivalent of 50% of the rate charge for the portion of the property not zoned conservation. This financial payment be provided for the 2001/2002 and 2002/2003 financial years.  
2. That a review of the conservation zone concession be undertaken in April 2003.  
CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| C136/05/02 LOT 87 & LOT 88 MUNDIJONG ROAD – LEASE (P00417/01) |  |                |          |
| Proponent   |  |                |          |
| Officer   | G R Dougall – Director Corporate Services                    | Date of Report | 06/05/02 |
| Signatures  | Author: Senior Officer:                                      |                |          |
| Previously  |  |                |          |
| Disclosure of Interest  |  |                |          |
| Delegation  | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |          |

**CRC136 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:  
Council authorise the lease agreement between the Shire of Serpentine-Jarrahdale and Karen Jordan for Lots 87 and 88 Mundijong Road, Mundijong, for a period of one year by one year by one year.  
CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| C138/05/02 CONFIRMATION OF PAYMENT OF CREDITORS (A0917) |  |                |          |
| Proponent   | Director Corporate Services                                  |                |          |
| Officer   | P. Igglesden – Acting Finance Officer                        | Date of Report | 03.05.02 |
| Signatures  | Author: Senior Officer:                                      |                |          |
| Previously  |  |                |          |
| Disclosure of Interest                                  |  |                |          |
| Delegation  | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |          |

**CRC138 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:

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

CARRIED 5/0

|  |  |                |  |
|--|--|----------------|--|
| C139/05/02 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917) |  |                |  |
| Proponent  | Director Corporate Services                                  |                |  |
| Officer  | J. Fletcher – Customer Services Officer/Cashier              | Date of Report |  |
| Signatures   | Author: Senior Officer:                                      |                |  |
| Previously   |  |                |  |
| Disclosure of Interest   |  |                |  |
| Delegation   | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |  |

**CRC139 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:

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 30 April 2002.

CARRIED 5/0

|   |  |                |  |
|---|--|----------------|--|
| C140/05/02 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917) |  |                |  |
| Proponent   | Director Corporate Services                                  |                |  |
| Officer   | J. Fletcher – Customer Services Officer/Cashier              | Date of Report |  |
| Signatures  | Author: Senior Officer:                                      |                |  |
| Previously  |  |                |  |
| Disclosure of Interest                                |  |                |  |
| Delegation  | <b>Committee – In accordance with Resolution SM049/05/01</b> |                |  |

**CRC140 COMMITTEE DECISION Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer:

Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 April 2002.

CARRIED 5/0



|  |  |                 |  |
|--|--|-----------------|--|
| C141/05/02 RATE DEBTORS REPORT (A0917) |  |                 |  |
| Proponent                              | Director Corporate Services                                  |                 |  |
| Officer                                | Evan Parker – Senior Rates Officer                           | Date of Report  |  |
| Signatures                             | Author:  | Senior Officer: |  |
| Previously                             |  |                 |  |
| Disclosure of Interest                 |  |                 |  |
| Delegation                             | <b>Committee – In accordance with Resolution SM049/05/01</b> |                 |  |

**CRC141 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer:  
 Council receive and note the report the Rate Debtors accounts as at 30 April 2002.  
 CARRIED 5/0

|                               |  |                 |         |
|-------------------------------|--|-----------------|---------|
| C142/05/02 INFORMATION REPORT |  |                 |         |
| Proponent                     | Director Corporate Services                                  |                 |         |
| Officer                       | G.R. Dougall – Director Corporate Services                   | Date of Report  | Various |
| Signatures                    | Author:  | Senior Officer: |         |
| Previously                    |  |                 |         |
| Disclosure of Interest        |  |                 |         |
| Delegation                    | <b>Committee – In accordance with Resolution SM049/05/01</b> |                 |         |

**CRC142 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:  
 The information report to 6 May 2002 be received.  
 CARRIED 4/0

10.2 Asset Services – 13<sup>th</sup> May, 2002

|   |  |                |               |
|---|--|----------------|---------------|
| AS074/05/02 WATER CORPORATION EASEMENT LOT 67 LOVEGROVE COURT BYFORD (P04765) |  |                |               |
| Proponent   | Water Corporation  |                |               |
| Officer   | Simon Kenworthy-Groen                                      | Date of Report | 18 April 2002 |
| Signatures  | Author:  | Senior Officer |               |
| Previously  |  |                |               |
| Disclosure of Interest  |  |                |               |
| Delegation  | <b>Committee in accordance with resolution SM049/05/01</b> |                |               |

**CRAS074 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Richards the Shire of Serpentine-Jarrahdale consent to the easement by executing the Deed of Easement between the Water Corporation (Grantee) and Gary Dennis Webb (Grantor) over Lot 67 Lovegrove Court, Byford and that the Shire President and the Chief Executive Officer be authorized to execute documents pertaining to this matter.  
 CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| <b>AS075/05/02 RESOURCE RECOVERY &amp; REUSE CENTRE, MUNDIJONG TRANSFER STATION (RS0038-02)</b> |  |                |          |
| Proponent   | Junkbusters  |                |          |
| Officer   | Robert Harris<br>Director Asset Services                   | Date of Report | 02.05.02 |
| Signatures  | Author: Senior Officer                                     |                |          |
| Previously  |  |                |          |
| Disclosure of Interest  |  |                |          |
| <b>Delegation</b>   | <b>Committee in accordance with resolution SM049/05/01</b> |                |          |

**CRAS075 COMMITTEE OFFICER/Recommended Resolution**

Moved Cr Richards seconded Cr Scott the matter be further deferred until the June 2002 Asset Services Committee meeting pending receipt of a revised proposal from Junkbusters for consideration.  
CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| <b>AS077/05/02 MAIN ROADS REGIONAL ROAD GRANT FUNDING PROGRAM (A0427)</b> |  |                |          |
| Proponent   | Design Engineer  |                |          |
| Officer   | Simon Kenworthy-Groen<br>Design Engineer                   | Date of Report | 02.05.02 |
| Signatures  | Author: Senior Officer                                     |                |          |
| Previously  |  |                |          |
| Disclosure of Interest  |  |                |          |
| <b>Delegation</b>   | <b>Committee in accordance with resolution SM049/05/01</b> |                |          |

**CRAS077 Committee Decision/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Simpson;  
1. The revised program for submissions for roadworks funded two-thirds from the State Road Funding to Local Government Agreement through the Metropolitan Regional Road Group is endorsed for consideration in the final 2002 Principal Activity Plan revised to reflect the changes.  
2. The applications for Regional Road Group funding in 2003/04 is endorsed.  
CARRIED 5/0

|                                       |  |                |         |
|---------------------------------------|--|----------------|---------|
| <b>AS079/05/02 INFORMATION REPORT</b> |  |                |         |
| Proponent                             | Director Asset Services                                    |                |         |
| Officer                               | Various  | Date of Report | Various |
| Signatures                            | Author: Senior Officer                                     |                |         |
| Previously                            |  |                |         |
| Disclosure of Interest                |  |                |         |
| <b>Delegation</b>                     | <b>Committee in accordance with resolution SM049/05/01</b> |                |         |

**CRAS079 Committee Decision/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Richards that the information report to the 31 May 2002 be received.  
CARRIED 5/0

10.3 Community & Recreation Development – 13<sup>th</sup> May, 2002

|   |  |                |          |
|---|--|----------------|----------|
| CRD48/05/02 PEEL REGIONAL RECREATION PLAN (A0174) |  |                |          |
| Proponent   | CCS Strategic Management in Association with Murray Jorgensen & Associates and the Department of Sport & Recreation (Peel) |                |          |
| Officer   | Carole McKee - Community Development Officer   | Date of Report | 02.05.02 |
| Signatures  | Author: _____ Senior Officer: _____  |                |          |
| Previously  | CRD45/04/02  |                |          |
| Disclosure of Interest                            |  |                |          |
| Delegation  | <b>Committee – in accordance with resolution SM049/05/01</b>   |                |          |

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Simpson that Council receives the consultants' presentation of the Peel Region Sport and Recreation Facilities Plan Draft Report due to be released for public comment, and provides any additional feedback through the Community Development Officer prior to the end of the public comment period which closes on 7 June 2002.

CARRIED 5/0

|                                |  |                |          |
|--------------------------------|--|----------------|----------|
| CRD51/05/02 INFORMATION REPORT |  |                |          |
| Proponent                      | N/A  |                |          |
| Officer                        | Carole McKee - Community Development Officer                 | Date of Report | 02.05.02 |
| Signatures                     | Author: _____ Senior Officer: _____                          |                |          |
| Previously                     |  |                |          |
| Disclosure of Interest         |  |                |          |
| Delegation                     | <b>Committee – in accordance with resolution SM049/05/01</b> |                |          |

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Simpson that Council accepts the April 2002 information report.

CARRIED 5/0

10.4 Building Services – 20<sup>th</sup> May, 2002

|                              |  |                |          |
|------------------------------|--|----------------|----------|
| B30/05/02 INFORMATION REPORT |  |                |          |
| Proponent                    | N/A  |                |          |
| Officer                      | S Swaine – Assessments Support Officer                       | Date of Report | 10.05.02 |
| Signatures                   | Author: _____ Senior Officer: _____                          |                |          |
| Previously                   | N/A  |                |          |
| Disclosure of Interest       |  |                |          |
| Delegation                   | <b>Committee – in accordance with resolution SM049/05/01</b> |                |          |

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Murphy that Council accepts the April 2002 Information Report.

CARRIED 5/0

10.5 Health Services – 20<sup>th</sup> May, 2002

|  |  |                |          |
|--|--|----------------|----------|
| H16/05/02 MOSQUITO & MIDGE CONTROL (A0647) |  |                |          |
| Proponent                                  | Water Corporation of Western Australia                       |                |          |
| Officer                                    | Joanne Abbiss – Manager<br>Sustainable Development           | Date of Report | 12.05.02 |
| Signatures                                 | Author: _____ Senior Officer: _____                          |                |          |
| Previously                                 | H02/08/01  |                |          |
| Disclosure of Interest                     |  |                |          |
| Delegation                                 | <b>Committee – in accordance with resolution SM049/05/01</b> |                |          |

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Price that Council notes the report on the mosquito and midge control research project and the contribution of \$500.00 made from the 2001/2002 budget for PES666.  
CARRIED 5/0

|                              |  |                |          |
|------------------------------|--|----------------|----------|
| H17/05/02 INFORMATION REPORT |  |                |          |
| Proponent                    | N/A  |                |          |
| Officer                      | Joanne Abbiss – Manager<br>Sustainable Development           | Date of Report | 12.05.02 |
| Signatures                   | Author: _____ Senior Officer: _____                          |                |          |
| Previously                   | N/A  |                |          |
| Disclosure of Interest       |  |                |          |
| Delegation                   | <b>Committee – in accordance with resolution SM049/05/01</b> |                |          |

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Needham that Council accepts the April 2002 Information Report.  
CARRIED 5/0

10.6 Planning Development & Environment – 20<sup>th</sup> May, 2002

|   |  |                |        |
|---|--|----------------|--------|
| E036/05/02 PERTH BIODIVERSITY PROJECT – MEMORANDUM OF UNDERSTANDING WITH WA LOCAL GOVERNMENT ASSOCIATION FOR PROJECT GRANTS IN CONJUNCTION WITH LANDCARE CENTRE FOR GRANT (A0397) |  |                |        |
| Proponent   | Serpentine-Jarrahdale Community Landcare Centre            |                |        |
| Officer   | Andrew Watson – Director<br>Sustainable Development        | Date of Report | 6/5/02 |
| Signatures  | Author: _____ Senior Officer: _____                        |                |        |
| Previously  | E035.5/04/02   |                |        |
| Disclosure of Interest  |  |                |        |
| Delegation  | <b>Committee In Accordance With Resolution SM049/05/01</b> |                |        |

**CRE036 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Hoyer that Council authorises the Shire President and Chief Executive Officer to sign the memorandum of understanding at Attachment E036.1/05/02 for the purposes of the following projects for which grant applications have been submitted under the 2002 Perth Biodiversity Project:

Staff training in Biodiversity; and  
Bushland Management in the Manjedal Brook Reserve, Whitby  
CARRIED 5/0

|                                      |  |                |         |
|--------------------------------------|--|----------------|---------|
| <b>E037/05/02 INFORMATION REPORT</b> |  |                |         |
| Proponent                            | Environmental Officer (former)                             |                |         |
| Officer                              | Andrew Del Marco – former<br>Environmental Officer         | Date of Report | 22/4/02 |
| Signatures                           | Author: _____ Senior Officer: _____                        |                |         |
| Previously                           |  |                |         |
| Disclosure of Interest               |  |                |         |
| <b>Delegation</b>                    | <b>Committee In Accordance With Resolution SM049/05/01</b> |                |         |

**CRE037 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham, seconded Cr Star that the Information Report to 10 May 2002 be received.  
CARRIED 5/0

|   |  |                |         |
|---|--|----------------|---------|
| <b>P125/05/02 STRATA SUBDIVISION APPLICATION AND APPLICATION FOR RENEWAL OF DEVELOPMENT APPROVAL OF COMMERCIAL / RETAIL / SHOWROOMS / OFFICE UNITS - LOT 3 SOUTH WESTERN HIGHWAY, BYFORD (P00404)</b> |  |                |         |
| Proponent   | W & FL Lenz  |                |         |
| Officer   | Jocelyn Ullman – Special Projects<br>& Policy Officer      | Date of Report | 10/5/02 |
| Signatures  | Author: _____ Senior Officer: _____                        |                |         |
| Previously  | P058/11/01   |                |         |
| Disclosure of Interest  |  |                |         |
| <b>Delegation</b>   | <b>Committee In Accordance With Resolution SM049/05/01</b> |                |         |

**CRP125 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Price that

A. The application for proposed commercial/retail/office units on Lot 3 South Western Highway be approved in accordance with the survey strata subdivision plans dated the 11 April 2001 subject to the following conditions:

1. Parking to be provided at the following ratios:

| Use      | Minimum number of parking spaces  |
|----------|---|
| Office   | 1 space per 40m <sup>2</sup> gross leaseable area with a minimum of 2 spaces for each office unit |
| Showroom | 1 space per 60m <sup>2</sup> gross leaseable area   |

2. Access from South Western Highway is to be temporary only subject to approval of Main Roads WA.
3. All parking facilities are to be provided on the South Western Highway side of the lots only.
4. A contribution of \$8 760 being paid to Council as a contribution towards construction of George Street. This contribution is to be paid prior to release of the building licence.
5. The following information is to be lodged and approved by Council prior to a survey strata subdivision approval being granted:
  - a) architectural plans showing the strata boundaries matching/coinciding with the division walls of the units. This plan is to include dimensions delineating common areas from strata areas;
  - b) architectural plans showing all front, back and side elevations;
  - c) architectural plans showing typical upper and lower unit floors with stairs, escapes accesses and toilet facilities;
  - d) specifications on the colours, materials, finishes and any other information on the construction of the units.

6. The arcade shown on plans (dated Jan 96) lodged with the development application is to be constructed as part of the strata proposal.
7. Construction of the units is to be of those materials shown on the plans dated Jan 96.ie. cedar weatherboard planking on the A frame, corrugated roofing, rammed earth colour concrete tilt panel walls, jarrah posts/bush poles.
8. Materials and colours must be uniform throughout each unit.
9. The roofing must be colourbond of a uniform colour throughout each unit and is to be a colour other than zincalumn or white.
10. All signage is to comply with Council's Local Planning Policy No.5 – Control of Advertisements. Signage panels on the facades of the units must be in accordance with the following:
  - a) be fixed parallel to the facia or portion of the building to which it is attached;
  - b) not project more than 300mm from the portion of the building to which it is attached;
  - c) not be within 500mm of either end of the facia, roof or parapet of the building to which it is attached;
  - d) not be illuminated;
  - e) comply with the following table:

| Maximum Height Above Natural Ground Level | Maximum Area       |
|---|--------------------|
| Less than 7.5 m                           | 3 m <sup>2</sup>   |
| 7.5 to 9 m                                | 4.5 m <sup>2</sup> |
| Over 9 m                                  | 9 m <sup>2</sup>   |

11. A complex signage strategy is to be lodged with and approved by Council prior to any signage being erected on the site.
12. Each unit is to have a front façade addressing both George Street and South Western Highway.
13. A landscaping and implementation plan being lodged with and approved by Council prior to the strata subdivision approval being granted. The landscaping plan is to be in accordance with Council's Policy PS03 – Landscaping and Revegetation, in particular clause 1f.
14. All stormwater is to be retained on site. Alternatively a headworks charge maybe payed to Council. The amount of the headworks charge will be calculated and payable at the time of the completion of the Byford Storm Water Management Strategy or at the sale of the first unit, which ever is the later.
15. Separate planning approval is to be obtained for each unit and use type within the proposed survey strata.
16. All existing vegetation on the site is to be reused as much as possible on the site. As much vegetation is to be retained on the site as possible during and after construction.
17. No vegetation is to be cleared from the site until building approval has been obtained. Vegetation to be cleared is only to be in relation to that unit that has obtained building approval.
18. A Management Plan is to be lodged with Council prior to the survey strata subdivision application being approved.
19. Each unit is to be connected to deep sewer.
20. All waste disposal facilities are to be screened to the satisfaction of Council.
21. A building licence is to be obtained prior to the construction of any units.
22. Prior to the issue of a building licence for the proposed development, the owner shall grant to the Shire of Serpentine-Jarrahdale an easement in gross pursuant to sections 195 and 196 of the Land Administration Act 1997 over the land for the purposes of access in accordance with the specifications of and to the satisfaction of the Shire. The cost of the preparation and lodgement of the easement shall be borne by the owner of the land.

Advice Notes:

1. Attached is a copy of Council's Local Planning Policy No. 5 Control of Advertisements.
  2. Attached is a copy of Council's Policy PS03 – Landscaping and Revegetation.
- B. Council advise the Western Australian Planning Commission that it supports the proposed strata subdivision application for the creation of 7 lots on Lot 3 South Western Highway subject to the following conditions:
1. Compliance with conditions placed on the development application approved by Council at its meeting on the 20<sup>th</sup> May 2002.
  2. The reciprocal access and parking easement becoming an 'access in common'.
  3. The parking area is to be placed on the eastern side of the lot.
  4. A Section 70(a) notification be placed on each title informing perspective purchases of the following:
    - a) A Management Plan exists for the site. Development must be carried out in accordance with the Management Plan;
    - b) A Landscaping and Implementation Plan exists for the site.
    - c) Planning approval must be obtained from Council for any development on the lots.
    - d) Contributions are payable to the Management Body of the strata for the construction and maintenance of the arcade.
  5. Compliance with the Survey Strata Titles Act 1995 (as amended).
  6. Pursuant to section 129BA of the Transfer of Land Act (as amended), a Restrictive Covenant being lodged on the Certificate of Title along the frontage of Lot 3 to the South Wester Highway, for the benefit of the Shire of Serpentine-Jarrahdale, which restricts vehicular access onto the South Western Highway.

CARRIED 5/0

|  |   |                 |        |
|--|---|-----------------|--------|
| P128/05/02 PROPOSED MOBILE PUG MILL - LOT 344 SOUTH WESTERN HIGHWAY WHITBY (P00035/01) |   |                 |        |
| Proponent  | WA Blue Metal   |                 |        |
| Officer  | Jocelyn Ullman - Special Projects and Policy Officer/Alan Diggin – Contract Planner | Date of Report  | 1/5/02 |
| Signatures   | Author:   | Senior Officer: |        |
| Previously   |   |                 |        |
| Disclosure of Interest   |   |                 |        |
| Delegation   | <b>Committee In Accordance With Resolution SM049/05/01</b>                          |                 |        |

**CRP128 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Hoyer that Council grants development approval for a mobile pug mill to manufacture cement stabilised roadbase, be established on Lot 344 South Western Highway, the use to be limited to the equipment and materials detailed in the application dated 27<sup>th</sup> January 2002 subject to the following conditions:

1. Approval is to be obtained from the Western Australian Planning Commission.
2. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the forgoing) injury, or prejudicial affection due to the emission of dust, light, noise, vibration, electrical interference, vapour, steam, soot, ash, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.

Advice Note:

1. If the mobile pug mill is to remain on the site at the expiry of this approval, a new planning application must be lodged and Council approval must be obtained prior to the expiry date.

CARRIED 5/0

|   |  |                |        |
|---|--|----------------|--------|
| P129/05/02 PROPOSED HORSE ARENA, STABLE COMPLEX, ROUND YARD AND RIDING FOR THE DISABLED CLASSES – LOT 114 STOCKMANS CLOSE, OAKFORD (P00054) |  |                |        |
| Proponent   | Philip Huizenga  |                |        |
| Officer   | Jocelyn Ullman – Special Projects & Policy Officer         | Date of Report | 8/5/02 |
| Signatures  | Author: _____ Senior Officer: _____                        |                |        |
| Previously  |  |                |        |
| Disclosure of Interest  |  |                |        |
| Delegation  | <b>Committee In Accordance With Resolution SM049/05/01</b> |                |        |

**Officer Recommended Resolution**

Council approves the proposed riding for the disabled, horse shelters, arena and the agisting of a maximum of three (3) horses/ponies in accordance with the plans lodged with Council on the 2<sup>nd</sup> April 2002 on Lot 114 Stockmans Close, Oakford subject to the following conditions:

1. The approval for the riding for the disabled lessons is for a period of 12 months only from the date of this approval using a maximum of six (6) horses.
2. The applicant is to provide in writing its intentions and a timetable for the relocation of the riding for the disabled lessons from the site by the 28<sup>th</sup> June 2002.
3. Riding for the disabled lessons are only to be held on every second Saturday and one other time during the week. The applicant is to provide Council with a list of proposed dates and times that the lessons will be conducted on for the next 12 months.
4. Lessons are only to run for half of the day. Saturday lessons are to be held between the hours of 8am and 12pm. Volunteers may enter the subject lot from 7am.
5. The applicant shall provide sufficient parking space for all vehicles and trailers attending the site on the subject site. No parking is to occur on the verge of Stockmans Close at any time.
6. Application to be made to Council's Health Services Team for the provision of effluent disposal on the site.
7. The arena is not to be lit in any way.
8. Riding lessons other than those for the Riding for the Disabled and those lessons for the owners of the property are not to be carried out on the site.
9. The horse shelters are to be constructed in accordance with the following specifications:
  - a) Not be situated within 15 metres of a house or other premises;
  - b) Have each wall and roof constructed of an impervious material;
  - c) All materials used for the shelter are of to be non-reflective nature. Zincalumn is not to be used;
  - d) Have walls of not less than 3 metres, when measured both horizontally or vertically;
  - e) The floor is to be raised at least 75 millimetres above the surface of the ground.
10. All manure and feed receptacles are to be in accordance with Division 2 – Keeping of Large Animals section 67 of Council's Health Local Laws 1999.
11. No more than three (3) horses are to be agisted on the site at any one time, unless prior approval is obtained from Council.
12. Dust is to be controlled on the arena via a sprinkler system. No dust is to leave the property from the arena at any time.
13. Revegetation is to be carried out along the northern boundary of the property adjoining Stockmans Close. Revegetation is to be carried out in accordance with Council's Planning Policy PS03 – Landscaping and Revegetation; screening.



14. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapor, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
15. Applicant is to gain approval from Council's Health Services for additional on site effluent disposal.

Advice Notes:

1. Attached is a copy of Council's Health Local Laws referred to in condition 8.
2. The definition of a horse is in accordance with Division 2 – Keeping of Large Animals section 63 of Council's Health Local Laws 1999.
3. Attached is a copy of Council's Planning Policy No.3 – Landscaping and Revegetation.
4. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection Act (Noise Regulations 1997).
5. One unisex disabled toilet is to be provided on site.

**CRP129 COMMITTEE DECISION**

Moved Cr Hoyer, seconded Cr Price that Council approves the proposed riding for the disabled, horse shelters, arena and the agisting of a maximum of three (3) horses/ponies in accordance with the plans lodged with Council on the 2<sup>nd</sup> April 2002 on Lot 114 Stockmans Close, Oakford subject to the following conditions:

1. The approval for the riding for the disabled lessons is for a period of 12 months only from the date of this approval using a maximum of six (6) horses.
2. The applicant is to provide in writing its intentions and a timetable for the relocation of the riding for the disabled lessons from the site by the 28<sup>th</sup> June 2002.
3. Riding for the disabled lessons are only to be held on every second Saturday and one other time during the week. The applicant is to provide Council with a list of proposed dates and times that the lessons will be conducted on for the next 12 months.
4. Lessons are only to run for half of the day. Saturday lessons are to be held between the hours of 8am and 12pm. Volunteers may enter the subject lot from 7am.
5. The applicant shall provide sufficient parking space for all vehicles and trailers attending the site. No parking is to occur on the verge of Stockmans Close at any time.
6. Application to be made to Council's Health Services Team for the provision of effluent disposal on the site.
7. The arena is not to be flood lit.
8. Riding lessons other than those for the Riding for the Disabled and those lessons for the owners of the property are not to be carried out on the site.
9. The horse shelters are to be constructed in accordance with the following specifications:
  - a) Not be situated within 15 metres of a house or other premises;
  - b) Have each wall and roof constructed of an impervious material;
  - c) All materials used for the shelter are of to be non-reflective nature. Zincalumn is not to be used;
  - d) Have walls of not less than 3 metres, when measured both horizontally or vertically;
  - e) The floor is to be raised at least 75 millimetres above the surface of the ground.
10. All manure and feed receptacles are to be in accordance with Division 2 – Keeping of Large Animals section 67 of Council's Health Local Laws 1999.
11. No more than three (3) horses are to be agisted on the site at any one time, unless prior approval is obtained from Council.

12. Dust is to be controlled on the arena. If necessary a sprinkler system is to be installed.
13. Revegetation is to be carried out along the northern boundary of the property adjoining Stockmans Close. Revegetation is to be carried out in accordance with Council's Planning Policy PS03 – Landscaping and Revegetation; screening.
14. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
15. Applicant is to gain approval from Council's Health Services for additional on site effluent disposal.

Advice Notes:

1. Attached is a copy of Council's Health Local Laws referred to in condition 8.
2. The definition of a horse is in accordance with Division 2 – Keeping of Large Animals section 63 of Council's Health Local Laws 1999.
3. Attached is a copy of Council's Planning Policy No.3 – Landscaping and Revegetation.
4. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection Act (Noise Regulations 1997).
5. One unisex disabled toilet is to be provided on site.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered by minor changes to conditions 7 and 12 as a matter of clarity. The Presiding Officer did not consider these alterations significantly changed the intent of the Officers Recommended Resolution.

|   |  |                 |        |
|---|--|-----------------|--------|
| P130/05/02 PROPOSED CHANGE OF USE FROM RESIDENTIAL TO OFFICES - LOT 3 CLIFTON STREET, BYFORD (P04445) |  |                 |        |
| Proponent   | Cosimo Antonio Ierace                                      |                 |        |
| Officer   | Lilia Palermo – Planning Officer                           | Date of Report  | 1/5/02 |
| Signatures  | Author:  | Senior Officer: |        |
| Previously  |  |                 |        |
| Disclosure of Interest  |  |                 |        |
| Delegation  | <b>Committee In Accordance With Resolution SM049/05/01</b> |                 |        |

**CRP130 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Star that the application for a change of use from Residential to Offices on Lot 3 Clifton Street, Byford is approved in accordance with the application dated 7 February 2002 and subject to the following conditions:

1. The applicant shall construct an additional four parking bays (six required in total) to the satisfaction of Council and shall provide sufficient maneuvering area to enter and exit onto Clifton Street in a forward motion.
2. Reversing of vehicles onto the Clifton Street when exiting the site is not permitted.
3. The building is to be classified as a Class 5 building in accordance with BCA and prior to the building being occupied development is to comply with the requirements of the BCA Part D3 Table F2.4 and AS1428 access and facilities for people with disabilities.

Advice Note:

1. All structural modifications require a building licence.

CARRIED 5/0

|   |  |                |          |
|---|--|----------------|----------|
| P133/05/02 PROPOSED SUBDIVISION – LOT 10 & 11 SOUTH WESTERN HIGHWAY, WHITBY (S118026) |  |                |          |
| Proponent   | Survey Graphics  |                |          |
| Officer   | Michael Davis – Planning Officer                           | Date of Report | 11/04/02 |
| Signatures  | Author: Senior Officer:                                    |                |          |
| Previously  |  |                |          |
| Disclosure of Interest  |  |                |          |
| Delegation  | <b>Committee In Accordance With Resolution SM049/05/01</b> |                |          |

**Officer Recommended Resolution**

- A. Council recommends to the Western Australian Planning Commission that an application dated 23<sup>rd</sup> October 2001 for a three (3) lot subdivision of Lot 10 and Lot 11 South Western Highway, Whitby be refused due to the following reasons:
1. The subdivision results in the creation of lots without frontage to a constructed road
  2. The subdivision results in separation of infrastructure used as part of the Pioneer Quarry being located on different lots, but still used as part of the quarry.
- B. Council may support a two lot subdivision, which would show Lots 1 and 2 amalgamated, and Lot 3 as a separate lot.

**CRP133 COMMITTEE DECISION**

Moved Cr Hoyer, seconded Cr Murphy that Council recommends to the Western Australian Planning Commission that an application dated 23<sup>rd</sup> October 2001 for a three (3) lot subdivision of Lot 10 and Lot 11 South Western Highway, Whitby be refused due to the following reasons:

1. The subdivision results in the creation of lots without frontage to a constructed road.
2. The subdivision results in separation of infrastructure used as part of the Pioneer Quarry being located on different lots, but still used as part of the quarry.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered by deleting part B. The Presiding Officer did not consider these alterations significantly changed the intent of the Officers Recommended Resolution.

|   |   |                 |         |
|---|---|-----------------|---------|
| P134/05/02 PROPOSED SUBDIVISION - LOT 156 SOUTH WESTERN HIGHWAY, SERPENTINE (S118278) |   |                 |         |
| Proponent   | R Parravicini   |                 |         |
| Officer   | Alan Diggin-Contract Planner and<br>Jocelyn Ullman-Special Projects &<br>Policy Officer | Date of Report  | 10/5/02 |
| Signatures  | Author:   | Senior Officer: |         |
| Previously  | P042/10/01  |                 |         |
| Disclosure of Interest  |   |                 |         |
| Delegation  | <b>Committee In Accordance With Resolution SM049/05/01</b>                              |                 |         |

**CRP134 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Star that

A. Council advises the Western Australian Planning Commission that it supports subdivision application 118278 for the excision of 2000m<sup>2</sup> from the corner of Lot 156 South Western Highway for the conservation of Baldwin Cottage subject to:

1. An 8m truncation of the corner of Karnup Road being shown on a diagram of survey.
2. The site being adequately fenced and the cottage secured.
3. Satisfactory boundary clearance for any existing or proposed effluent disposal systems.
4. Stable and shed to be included in the excised block.
5. No further buildings be built on the property.
6. A Conservation Plan be prepared for the property. This Plan is to be lodged and approved prior to any works being carried out on the site.
7. The Serpentine Historical Society pursue the possibility of the Cottage being listed on the State Heritage Register.
8. The subdivider shall enter into a heritage agreement with the Shire of Serpentine-Jarrahdale to the satisfaction of the Western Australian Planning Commission to ensure the ongoing maintenance and conservation of Baldwin Cottage. The agreement shall charge the land in favour of the Shire of Serpentine-Jarrahdale to enable the Shire to lodge an absolute caveat over the land. The agreement shall be prepared by the Shire's solicitors and the subdivider shall be responsible to pay all costs associated with the Shire's solicitors costs of and incidental to the preparation, stamping of the agreement and the lodgement of a caveat to DOLA.

Advice Notes:

1. Council would like to advise the Historical Society that there are significant costs associated with progressing the subdivision and conserving the building. Although supportive of the Society's aims the Shire cannot guarantee any further financial support other than that which has already been agreed through previous resolutions.
  2. Evidence is to be provided by the applicant that the block will be sold to the Historical Society.
  3. The proposed lot is within an "Other Roads" Regional zone under the Metropolitan Region Scheme and the land may be resumed for this use in the future.

B. A meeting be convened between the Historical Society and the Council to discuss the future use, maintenance and financial implications of the old Cottage.

CARRIED 5/0

|                               |  |                |         |
|-------------------------------|--|----------------|---------|
| P135/05/02 INFORMATION REPORT |  |                |         |
| Proponent                     | Director Sustainable Development                           |                |         |
| Officer                       | Lisa Fletcher – Support Officer<br>Sustainable Development | Date of Report | 22/4/02 |
| Signatures                    | Author: Senior Officer:                                    |                |         |
| Previously                    |  |                |         |
| Disclosure of Interest        |  |                |         |
| <b>Delegation</b>             | <b>Committee In Accordance With Resolution SM049/05/01</b> |                |         |

**CRP135 Committee Decision/Officer Recommended Resolution**

Moved Cr Needham, seconded Cr Star that the Information Report to 13 May 2002 be received.  
CARRIED 5/0

**11. CLOSE**

There being no further business the meeting closed at 8.10pm.

I certify that these minutes were confirmed at the ordinary council meeting held on 24<sup>th</sup> June, 2002

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Presiding Member

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Date