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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 27th NOVEMBER, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

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

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

APOLOGIES: Nil

The Director Engineering left the meeting at 7.01pm and returned at 7.02pm.
The Director Engineering left the meeting at 7.04pm and returned at 7.04pm.

GALLERY: 4

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Petitions and Deputations commenced at 7.02pm.

Ms Lauren Vidler, Town Planner, CARDNO BSD on behalf of Russell Belyea the applicant of the proposed Scheme Amendment (Lot 12 Gull Road, Serpentine) Item SD054/11/06.

I wish to discuss with you item SD054/11/06 on tonight's agenda regarding the initiation of a Scheme Amendment for Lot 12 Gull Road. I previously addressed the Sustainable Development Committee on 21st November, 2006. We are happy with the officer's recommendation and pleased that two points have been modified as requested through my earlier statement and submission.

I am here on behalf of our client to raise strong objection to the revised officer recommended resolution A. Recommendation A requires our client to modify the Subdivision Guide Plan to include a 10 metre road reservation along the eastern boundary of Lot 12. This

recommendation is highly onerous on the landowner. It is requested that officer recommended resolution A be deleted and the current Subdivision Guide Plan be accepted as submitted. Only 2 of the proposed 3 lots will gain access via the proposed road reservation. The proposed road reservation would have a total length of some 550 metres and it is assumed a pavement width of 6 metres. The cost of constructing a 6 metre wide road pavement along the eastern boundary of Lot 12 to the southern boundary of proposed Lot 3 is approximately \$264,000 (based on a conservative estimate of \$80 per square metre). This is highly onerous and prohibitive of a 3 lot subdivision. The officer indicates that the reservation is preferred to a battleaxe arrangement as fire risks are minimised. However, the existing residence located on proposed Lot 3 is currently accessed via a 4 metre wide access leg and in this regard no change is proposed to this arrangement. Further, special provision 13 of the proposed inclusion to appendix 4C of the Shire's Scheme requires the subdivider to prepare a Fire Management Plan to further minimise the risk of bush fire. Our client has no objection to this provision.

There are numerous examples throughout the shire where lots are accessed through a battleaxe arrangement. As per the hand out provided examples of battleaxe subdivision include:

- Lot 8 Richardson Street – 5.01 metres width
- Lot 11 Richardson Street – 4 metres width
- Lot 13 Giblett Street – 5.21 metres width
- Lot 102 Summerfield Street – 4 metres width
- Lot 103 Summerfield Street – 4 metres width
- Lot 105 Summerfield Street – 4 metres width
- Lot 106 Summerfield Street – 6 metres width.

In this regard the proposed arrangement is consistent with numerous subdivisions within the shire. The existing vegetation adjacent to the existing access leg would be required to be removed should the Council require a 10 metre wide road reserve along the eastern boundary of Lot 12. Our client has a strong desire to retain these trees.

Also speculation has been made regarding the future development of adjoining Lot 11. As indicated in the officer's revised report, the proprietor of Lot 11 has not submitted a rezoning proposal and the timing or eventuation of such a proposal is unknown. Again, I wish to stress officer recommended resolution A is highly onerous. Only 2 lots will be accessed via the proposed battleaxe arrangement. Proposed Lot 3 is already accessed via a 4 metre wide battleaxe leg and as such only one additional lot will be accessed via an access leg. No easements are proposed as two 4 metre access legs have been shown on the subdivision guide plan. Proposed Lot 1 has direct access to Gull Road. The cost to construct the road exceeds \$260,000 and there are numerous examples of battleaxe subdivision throughout the shire. For these reasons it is respectfully requested that Council resolve to delete recommendation A and accept the current Subdivision Guide Plan. Thank you.

Petitions and Deputations concluded at 7.06pm.

5. PRESIDENT'S REPORT:

The Shire President formally presented to Council the following Western Australian Environment Awards 2006 which were recently won by the South East Regional Energy Group which comprises of the City of Gosnells, City of Armadale and the Serpentine Jarrahdale Shire:

- Winner Category 2 – Government Leading by Example Awards
- Winner Category 8 – Community Energy Efficiency Award

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

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

7.1 Ordinary Council Meeting – 23rd October, 2006

COUNCIL DECISION

**Moved Cr Scott seconded Cr Brown
That the minutes of the Ordinary Council Meeting held on 23rd October, 2006 be confirmed.
CARRIED 10/0**

REPORTS OF COMMITTEES:

SD054/11/06 INITIATION OF SCHEME AMENDMENT TO REZONE LOT 12 GULL ROAD, SERPENTINE FROM "RURAL" TO "FARMLET" (P02366)		
Proponent:	Cardno BSD on behalf of R Belyea	In Brief Request for Council to initiate a Scheme Amendment to rezone Lot 12 Gull Road, Serpentine from 'Rural' to 'Farmlot' under Town Planning Scheme No. 2, to enable subdivision into three lots ranging in size from 4 hectares to 6 hectares. It is recommended that the rezoning be initiated.
Owner:	R Belyea	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	9 November 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	4 April 2006
Advertised:	Not Applicable at this stage
Submissions:	N/A
Lot Area:	14.18 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Farmlot
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	Bush Forever site 371 within property
Date of Inspection:	1 June 2006

Background

Lot 12 is 14.18 hectares in area. The site adjoins the Serpentine River to the north, Gull Road to the south, Lot 11 Gull Road to the east and Lot 5 Gull Road to the west. It is located approximately one kilometre north-west of the Serpentine townsite.

The site has a relatively flat topography with a maximum height of 28.8m AHD in the northern portion of the lot adjacent to the Serpentine River. The minimum height for the lot is 25.9m AHD, which is relatively central to the lot.

Zoning

Lot 12 Gull Road is currently zoned 'Rural' under the Metropolitan Region Scheme and 'Rural' under the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

Rural Strategy

The Serpentine Jarrahdale Shire Rural Strategy includes the subject site within the 'Farmlot' Policy Area. The policy defines farmlots as:

"...small farms that may be used for commercial production, alternative agriculture, and some intensive agriculture, or hobby pursuits in association with productive rural lifestyles.

They also provide even greater sense of space and privacy and may be considered by some buyers as rural 'retreats'."

The policy stipulates that the intention of the Rural Strategy is "to keep land release for Farmlets at a minimum and exclude Farmlet development outside the Farmlet Policy Area".

A copy of the Subdivision Guide Plan is with attachments marked SD054.1/11/06.

Sustainability Statement

Effect on Environment: Rezoning of the property to Farmlet and the subsequent subdivision will enable the preservation, rehabilitation and enhancement of the Bush Forever areas on the site, the 'Conservation Category' and 'Resource Enhancement' wetland and the Serpentine River foreshore. The requirements for the preparation of a foreshore management plan and a vegetation management plan will enhance the existing remnant vegetation on the site and enable revegetation of the site. This will assist in biodiversity and enable the protection of existing animal and bird habitats and the provision of additional habitats.

Revegetation of the property will also assist in reducing nutrient leaching into groundwater sources and assist in protecting against salinity.

The preparation and implementation of a drainage management plan prior to final adoption will enable the modification of existing drainage channels, which currently drain directly into an existing dam on the property and then into the Serpentine River. This will assist in reducing the current nutrient input from the property directly into the Serpentine River.

Use of Local, renewable or recycled Resources: Not applicable to the rezoning stage of development.

Economic Viability: The proposal will preserve and enhance biodiversity (through revegetation, weed management, foreshore management), reduction of land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

Economic Benefits: The subdivision will ensure the upgrading of a portion of Gull Road to current standards at no cost to the community.

Social – Quality of Life & Social Diversity: The rezoning and subdivision of the property will enable the current owners to remain on the property on a smaller more manageable lot.

Social and Environmental Responsibility: Not applicable

Statutory Environment:

Town Planning Regulations
Planning and Development Act 2005
Town Planning Scheme No.2
Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the Planning and Development Act 2005. At this stage of the amendment it is the provisions relating to referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment that must be adhered to, as stipulated under sections 81 and 83 of the Act.

"81. *Referral of scheme or Amendment to EPA*

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith

refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –

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

83. *Consultation of persons likely to be affected.*

A local government, before submitting a local planning scheme or amendment to the Minister under section 87, is to make reasonable endeavours to consult in respect of the local planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the local planning scheme or amendment.”

Policy/Work Procedure

Implications:

LPP4 – Revegetation
LPP6 – Water Sensitive Design
LPP9 – Multiple Use Trails Within the Shire

Financial Implications:

Nil

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

Community Consultation:

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

Comment:

Environmental Comment

The physical boundaries of the lot do not align with the cadastral boundaries. A management agreement for the areas where a historical misalignment has occurred should be developed with consideration that:

- *the adjacent landholder may have been managing weed and threatening processes in these areas;*
- *these areas may contain areas already agreed as access to be used for emergency;*
- *these areas will require ongoing management;*
- *the land in question is vested as Unallocated or vacant Crown Land.*

The area of the lot that has been mapped as part of Bush Forever Site 371 should be reassessed. A site visit indicates that vegetation in the vicinity/within a portion of site 371 consists of species introduced by landholders over a considerable number of years.

A portion of the lot adjacent to the Serpentine River is classified as multiple use wetland. Nutrient management issues in the lot abutting the water course should be referred to in the Foreshore Management Plan which has been proposed by the applicant to be included in the Special Provisions. Further, the multiple use corridor referred to in proposed Special Provision 18 should be considered in conjunction with the Foreshore Management Plan.

Where drainage infrastructure for the lots are being formalised with easements, recognition should be given to compensating basins adequate to accommodate a larger catchment area than Lot 12. There is significant head cutting/erosion occurring where the Agricultural drain that crosses proposed Lot 3 falls toward the Serpentine River. Therefore, erosion control measures and/or drop down structures that do not overly impact the riparian areas of the regional creek line will be required.

Engineering Comment

The engineering information submitted as part of the scheme amendment report is lacking in detail a number of areas. Drainage, stormwater and foreshore management, compensating basin designs and calculations and nutrient stripping information have been requested from the applicant but not yet provided. This information is required prior to final approval being granted by Council to the scheme amendment.

There is an existing minor rural drain that traverses Lot 12 and feeds into the dam on site. Although the drain and dam are likely to be retained to facilitate drainage on the subject land, the above information needs to be submitted and assessed to ensure that all the drainage from the proposed lots can be accommodated once the land is developed. It is recommended that a 'Drainage Management Plan' be prepared and approved prior to final adoption rather than including this requirement as a Special Provision in the scheme text to be dealt with at the subdivision stage. This will help to identify any major drainage issues upfront rather than waiting until the subdivision stage.

Vegetation

There is little remnant vegetation located on the subject lot as it has been cleared for previous rural activities. A small portion of the site has been categorised as a 'Bush Forever' site. This is in the northern portion of the site abutting the Serpentine River foreshore. The Serpentine River foreshore is also classified as a 'Conservation Category' wetland. Further, located along the western boundaries of the lot is a 'Resource Enhancement' wetland. These vegetation and wetland areas will need to be retained in any future development of the subject site and have been excluded from the area identified for building envelopes on the Subdivision Guide Plan to ensure preservation.

A line of existing vegetation runs parallel to the eastern property boundary, setback approximately 10m from the property line. It is proposed that these trees be retained.

A Foreshore Management Plan will be required to ensure that any potential impacts on the foreshore can be managed or eliminated.

Floodplain Issues

The Department of Water (DoW) has advised the applicant that the land adjacent to the Serpentine River may be affected by flooding during major river flows. The DoW provided the applicant with the following information on floodplain management:

“The Serpentine River Flood Study shows that Lot 12 is marginally affected by flooding during major river flows within the 100 year ARI flood level estimated to be 26.5m AHD.

Our floodplain management strategy for the area is:

- *Proposed development (i.e. filling, building, etc) that is located outside of the floodway is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 27m AHD is recommended to ensure adequate flood protection.*
- *Proposed development (i.e. filling, building, etc) that is located within the floodway and obstructs water flows would be considered unacceptable”.*

The area of Lot 12 that may be affected by flooding during the major river flows is identified on the Flood Plain map included with the attachments marked SD054.2/11/06.

This is in a similar area as the ‘Bush Forever’ and ‘Conservation’ category vegetation sites, which will be free from development. All proposed building envelopes would be situated above the recommended minimum flood level specified by the DoW.

Constraints on Future Development

A portion of ‘Bush Forever’ and a ‘Conservation Category’ and ‘Resource Enhancement’ wetland exists on the subject lot. As a consequence, the building envelopes on proposed lots 1 and 2 are well away from these areas. A provision requiring that no remnant vegetation be cleared without first gaining written approval from the Shire has been included in the amendment.

Building Envelopes

As per Clause 5.13.7(c) of Town Planning Scheme No. 2 the following constraints will apply to building envelopes:

“A building envelope with an area not exceeding 4,000 square metres in area shall be defined in a portion to be agreed by the Council and no building envelope shall be closer than 20 metres to the primary street boundary or closer than 10 metres to any other boundary or SECWA (Western Power) easement;”

The Subdivision Guide Plan conforms with these requirements accordingly.

The building envelopes have generally been located towards the front (southern) boundary of proposed lots 1 and 2 for the purposes of:

1. Maximising separation between development and existing drainage lines; and
2. Locating development on higher areas.

Power, Sewer & Water

High voltage 22kV power lines are located further east of the subject lot which change to low voltage closer to Lot 12. There is no reticulated sewer to the subject site. The Shire’s Rural Strategy stipulates the following:

“Recognised Alternative Domestic Wastewater Treatment Systems approved for nutrient output standard (individual household or small scale combined household reticulated

schemes) will be used in the majority of new subdivision and development, or in limited situations, conventional septic systems for domestic effluent disposal.”

Any future subdivision will be required to comply with the effluent disposal requirements of the Rural Strategy with an adequate phosphorus retention capacity. It is recommended that Special Provision 3 be altered to include the requirement for the base of the effluent disposal systems to be installed above the 10 year flood level.

Reticulated water is not available to the subject lot. Therefore, dwellings on proposed Lots 1 and 2 will need to utilise rain water tanks.

Fire Management Plan

A Fire Management Plan shall be prepared at time of subdivision to the satisfaction of the Shire and the Fire and Emergency Service Authority (FESA).

Peel-Harvey Catchment – Nutrient Management

The subject lot is situated within the Peel-Harvey Catchment and as such any proposed intensification of agricultural activities requires consultation with DoE and Agriculture WA to determine the application, type and distribution of fertiliser on the land. An appropriate provision in this regard must be included in the amendment text.

Subdivision Guide Plan

The proposed lot sizes, as indicated in the Subdivision Guide Plan are as follows:

Lot 1	-	4.1546ha
Lot 2	-	4.0034ha
Lot 3	-	6.0075ha

The lot sizes conform to the minimum lot size of four hectares as stipulated in the Rural Strategy and Town Planning Scheme No. 2.

The lots have been designed to accommodate existing vegetation, both protected and that considered significant by the property owners, as well as other existing features including the dam and drainage line. In particular, the existence of a dam on proposed Lot 3 has impacted on the indicative subdivision design by retaining it in the ‘parent’ lot.

The building envelopes have been located to minimise any requirement to remove remnant vegetation and have been positioned to accord with the setback requirements as specified in clause 5.13.7(c) of the Scheme.

Access & Subdivision Design

The subdivision guide plan proposes adjoining 4 metre wide battle-axe legs to service proposed Lots 2 and 3 with Lot 1 being accessed directly via Gull Road. The construction of the battle-axe legs is not supported. The construction of a 10 metre wide road reserve with cul-de-sac head and compensating basin to cater for vehicle turn around and stormwater runoff is required. If the adjoining Lot 11 to the east is rezoned, the remaining 10 metre road reserve will be required on the western edge of the property to allow for an eventual 20 metre road reservation to be constructed providing access to all lots except those that front directly onto Gull Road.

A line of vegetation exists along the eastern property boundary, setback approximately 10 metres from the fence line. The existing driveway to the rear of the property is located between this line of trees and the fence line. The requirement for a 10 metre wide road reserve to be constructed should not impact significantly on the vegetation as there is deemed to be sufficient room between the fence and the trees.

Further, the required road reserve cannot be relocated to the western side of the property as it will traverse the ‘Resource Enhancement’ wetland and possibly impact on Bush Forever site No.371.

Conclusion

The rezoning of Lot 12 Gull Road, Serpentine from ‘Rural’ to ‘Farmlet’ is in keeping with the intention of the Rural Strategy. Lot 12 is located within the ‘Farmlet’ policy area under the Strategy.

The Subdivision Guide Plan indicates the creation of three future ‘Farmlet’ lots, ranging in area from 4 hectares to 6 hectares. The lot boundaries reflect existing vegetation and the existing dam on the property. Future development of the subject site will be required to conform with the requirements of the Town Planning Scheme No. 2. Rezoning of the subject site will enable future subdivision to occur in a manner that will satisfy the requirements of these agencies.

It is therefore recommended that the Council initiate an amendment to Town Planning Scheme No. 2 to alter the zoning of Lot 12 Gull Road, Serpentine from ‘Rural’ to ‘Farmlet’.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. The applicant be required to modify the subdivision guide plan to show a 10 metre wide road reserve along the eastern property boundary and associated compensating basin adjacent to the road reserve to the satisfaction of the Executive Manager Planning and Regulatory Services.
- B. Subject to A above, Council pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:
 - 1. Inserting in Appendix 4C Farmlet Zone the following:
 - a) Rezoning Lot 12 Gull Road, Serpentine from “Rural” to “Farmlet”.
 - b) Amending the Scheme Map by delineating Lot 12 Gull Road, Serpentine within the Farmlet Zone and identifying it as F12.
 - c) Including Lot 12 Gull Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
12. Lot 12 Gull Road, Serpentine	1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council. Use classes permitted (P) Single House Public Recreation Public Utility Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p style="text-align: center;">Stables</p> <p>All other uses are prohibited.</p> <ol style="list-style-type: none"> 2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land. 3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the 10 year flood level and the highest known water table. 4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council. 5. A minimum habitable floor level of 27.00m AHD is required for any new dwelling. 6. All new buildings and structures to be constructed in accordance with AS 3959-1999 "Construction of buildings in bushfire-prone areas". 7. All development including filling and buildings is to be located outside of the floodway. 8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance. 9. No indigenous vegetation and 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 is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>systems and/or driveways to accommodate a "Rural Use".</p> <p>10. The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>11. The subdivider shall prepare and implement prior to subdivision, a landscape and foreshore management plan to the satisfaction of the Council.</p> <p>12. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>13. The subdivider shall prepare and implement a Fire Management Plan prior to subdivision that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the Council.</p> <p>14. The subdivider preparing a drainage management plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of the Council. Additionally, as part of the drainage plan existing drains shall be modified to prevent direct drainage into the Serpentine River.</p> <p>15. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements and reserves required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>16. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation. The subdivider to construct a stock proof fence along the northern boundary of proposed Lot 3 to protect the existing foreshore reserve.</p> <p>17. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>18. Multiple Use Trails within the foreshore reserve adjacent to the property shall be constructed by the subdivider prior to subdivision in accordance with the endorsed Subdivision Guide Plan.</p> <p>19. The subdivider to upgrade the construction of Gull Road to the satisfaction of the Council.</p>

- C. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.
- D. The applicant be required to pay the planning fee of \$2 000 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment).
- E. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by section 81 of the Act and on receipt of a response from the Environmental Protection Authority indicating that the Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*.
- F. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act, that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.
- G. Prior to Council granting final approval to the scheme amendment, a Drainage Management Plan shall be prepared for review and approval by the Council.

SD054/11/06 Committee Recommended Resolution:

Moved Cr Needham, seconded Cr Wigg
That item SD054/11/06 be deferred to the November Ordinary Council meeting.
CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed to allow officers to consider the submission presented at the Sustainable Development Committee meeting and report back to Council.

SUPPLEMENTARY REPORT – SD054/11/06

The applicant has requested that Council endorse a number of changes to the Officer Recommendation.

A copy of the applicant's letter is with attachments marked SD054.3/11/06.

Officer Comment

Part A - Road Reserve

Although the timing of development on the adjoining Lot 11 is unknown, the provision of a 10 metre wide road reserve as detailed as part of the Officer Recommendation will help facilitate the eventual construction of a 20 metre road reserve to service both Lot 12 and Lot 11. The construction of a road is favoured over adjoining battle-axe legs as the road will eventually service five lots if Lot 11 is subdivided to its maximum potential. The construction of a cul-de-sac with a compensating basin will cater for vehicle turn around and stormwater runoff. Battle-axe lots are not favoured by the Shire due to fire risk with houses being located at the rear of long, narrow battle-axe driveways.

The provision of the 10 metre wide road reserve will result in proposed Lot 2 falling below the 4.0 hectare minimum lot size. However, the proposed lot boundaries can be easily modified to cater for the road reserve whilst maintaining the 4.0 hectare minimum requirement for each lot.

It is recommended that part A of the Officer Recommendation be altered to include the requirement for the proposed lot boundaries to be modified to maintain the minimum 4.0 hectare lot size.

Part B - Drainage

The request that Special Provision 14 be modified to allow the same volume of discharge to the Serpentine River (pre-development) is supported.

It is recommended that Special Provision 14 be modified as follows:

“The subdivider preparing a drainage management plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of Council. Additionally, no additional stormwater created as a result of the proposed subdivision and development shall be discharged to the Serpentine River”.

Part B - Road Upgrade

The request that Special Provision 19 be modified to require the upgrading of Gull Road where it abuts Lot 12 only is supported. Increases in traffic movements as a result of the proposed rezoning will be minimal and therefore does not justify the upgrading of Gull Road outside of the boundaries of Lot 12. The upgrading shall be to the satisfaction of Council.

It is recommended that Special Provision 19 be modified as follows:

“The subdivider to upgrade Gull Road where it abuts Lot 12 to the satisfaction of Council”.

SD054/11/06 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Price seconded Cr Harris

A. The subdivision guide plan be modified as follows to the satisfaction of the Executive Manager Planning and Regulatory Services:

1. Modify the Subdivision Guide Plan to show a 10 metre wide road reserve along the eastern property boundary and associated compensating basin adjacent to the road reserve.
2. Modifying the Subdivision Guide Plan to realign the proposed lot boundaries to maintain a minimum lot size of 4.0 hectares.

B. Subject to A above, Council pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

1. Inserting in Appendix 4C Farmlet Zone the following:
 - a) Rezoning Lot 12 Gull Road, Serpentine from “Rural” to “Farmlet”.
 - b) Amending the Scheme Map by delineating Lot 12 Gull Road, Serpentine within the Farmlet Zone and identifying it as F12.
 - c) Including Lot 12 Gull Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
12. Lot 12 Gull Road, Serpentine	1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council. Use classes permitted (P) Single House Public Recreation Public Utility Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables All other uses are prohibited. 2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land. 3. No dwelling shall be approved by the Council unless it is connected to an alternative

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the 10 year flood level and the highest known water table.</p> <ol style="list-style-type: none"> 4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council. 5. A minimum habitable floor level of 27.00m AHD is required for any new dwelling. 6. All new buildings and structures to be constructed in accordance with AS 3959-1999 "Construction of buildings in bushfire-prone areas". 7. All development including filling and buildings is to be located outside of the floodway. 8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance. 9. No indigenous vegetation and 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 is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways to accommodate a "Rural Use". 10. The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner. 11. The subdivider shall prepare and implement prior to subdivision, a landscape and

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>foreshore management plan to the satisfaction of the Council.</p> <p>12. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>13. The subdivider shall prepare and implement a Fire Management Plan prior to subdivision that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the Council.</p> <p>14. The subdivider preparing a drainage management plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of Council. Additionally, no additional stormwater created as a result of the proposed subdivision and development shall be discharged to the Serpentine River.</p> <p>15. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements and reserves required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>16. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation. The subdivider to construct a stock proof fence along the northern boundary of proposed Lot 3 to protect the</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>existing foreshore reserve.</p> <p>17. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>18. Multiple Use Trails within the foreshore reserve adjacent to the property shall be constructed by the subdivider prior to subdivision in accordance with the endorsed Subdivision Guide Plan.</p> <p>19. The subdivider to upgrade Gull Road where it abuts Lot 12 to the satisfaction of Council.</p>

- C. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.
- D. The applicant be required to pay the planning fee of \$2 000 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment).
- E. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by section 81 of the Act and on receipt of a response from the Environmental Protection Authority indicating that the Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*.
- F. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act, that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.
- G. Prior to Council granting final approval to the scheme amendment, a Drainage Management Plan shall be prepared for review and approval by the Council.

CARRIED 9/1

SD051/11/06 DELEGATED AUTHORITY FOR APPROVAL OF DETAILED AREA PLANS (A1047/03)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To consider the delegation of authority for the approval of Detailed Area Plans to the Executive Manager Planning and Regulatory Services.
Owner:	Not applicable	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 November 2006	
Previously	SD033/09/06; SD041/10/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Conditions of subdivision for residential lots within the Byford Structure Plan area require the preparation of Detailed Area Plans (DAP's) in the following instances:

1. Lots with a density coding of R30 or greater.
2. Lots adjacent to major roads or other producers of high noise levels (eg railways).
3. Lots abutting areas of public open space.
4. Cottage lots (vehicle access via rear laneways).

To date the Council has approved 11 DAP's fitting the above circumstances and subdivision approval has only been granted for less than one quarter of the Byford Structure Plan area. Accordingly, it is likely that the Shire will receive many more DAP's for approval.

All of the DAP's need to go up to Council for approval at the present time. This necessitates the preparation of an officer report for each DAP and this can lead to delays in the subdivision clearances that are conditional upon approval of a DAP.

A set of standard conditions for DAPs that address all of the circumstances detailed above has now been developed through the process of approving the existing 11 DAP's. Accordingly, it is now recommended that the Council delegate authority to the Executive Manager Planning and Regulatory Services for the approval of DAP's subject to implementation of the standard conditions developed.

At the Ordinary meeting of the Council held on 25 September 2006 the matter was deferred to the October meeting to enable Shire officers to assess comments made by Councillors and determine whether any changes should be made to the recommendation. The comments provided are detailed in the Comment section of this report.

At the October meeting of the Council the item was again deferred as per the following motion:

“SD041/10/06 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Price

That item SD041/10/06 be deferred to the November Sustainable Development Committee meeting to allow a study tour to be organised with Councillors, of similar developments in the Perth metropolitan region.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed to allow for clarification of some of the Detailed Area Plan provisions and to allow for a study tour.”

Sustainability Statement

The delegation of authority for the approval of DAP's will result in efficiencies in the processing time of these plans and may reduce the length of time taken to issue subdivision clearances as a result.

Statutory Environment: Planning and Development Act 2005
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

Policy/Work Procedure Implications: Nil

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
4. Governance
Objective 1: An effective continuous improvement program
Strategies:
1. Identify and implement best practice in all areas of operation.
Objective 2: Formation of Active Partnerships to progress key programs and projects
Strategies
2. Improve customer relations service.

Community Consultation:

Not required.

Comment:

Clause 8.2 of Town Planning Scheme No. 2 gives the Council to power to delegate any of its functions under the town planning scheme as follows:

8.2 DELEGATION

- 8.2.1 *The Council may delegate to an officer of the Council such of its functions under the Scheme as it thinks fit.*
- 8.2.2 *The exercise of a function by a delegate under Clause 8.2.1 shall be deemed to be a performance of the function by the Council.*
- 8.2.3 *The Council may make rules for the exercise of functions delegated under Clause 8.2.1.*
- 8.2.4 *The Council may, at any time, withdraw the delegation of a function made under Clause 8.2.1.*

The full range of standard provisions for DAP's developed over the last few months is set out in the recommendation. From this list an officer will determine the provisions that need to be applied in each instance. Generally it would only be the conditions relating to noise attenuation and lots abutting public open space that would be added or deleted depending on the location of the particular lots.

Suggested Modifications as per Council motion SD033/09/06 25 September 2006

Existing provision	Councillor submitted modification	Action
Delegated authority to Executive Manager Planning and Regulatory Services and Senior Planner.	Delegated authority only be to Executive Managers Planning and Regulatory Services and Strategic Community Planning and not to Senior Planner	Accept modification.
The delegation applies to all Detailed Area Plans that are submitted to the Shire for approval as a result of a requirement of a condition of subdivision approval.	These provisions apply only to lots designated as cottage lots and which include rear lanes.	It is not recommended that the delegation should apply to only cottage lots. The delegation will only be exercised by the Executive Manager Planning and Regulatory Services and the Executive Manager Strategic Community Planning for lots abutting public open space, lots abutting rear laneways, lots adjacent to major roads and railways and for lots with a residential coding of R30 and higher. Any other detailed area plans will be referred to Council for determination.
Parapet walls permitted on some boundaries.	Comment - Parapet walls mean no eaves - we do not want this.	Parapet walls do not contain any openings (windows) so eaves are not necessary to protect the walls or any openings.
10. Garages shall be a maximum two-car width only (maximum 6m external width). 11. An alternative garage location may be approved along the adjacent rear laneway of Lots (insert Lot number) subject to design.	Delete	It is not recommended that this provision be deleted. Garages wider than 6m generally have an adverse impact on the streetscape due to providing a solid wall of garages along a rear lane or other street frontage (ie some of these lots are only 10 metres wide). Alternative garage locations will not cause any issues except on end/corner lots so it is not considered appropriate to delete this provision.
13. Each house shall have a driveway and crossover completed prior to occupation of the house. 14. Maximum width of crossover shall be 6m.	11. Garages can be on boundary and flush kerbs can be made on lanes.	It is not recommended that garages be built on the boundary with flush kerbing. Flush kerbing along the rear streets could cause drainage problems with water possibly flowing off roads and into properties and garages. The

Existing provision	Councillor submitted modification	Action
		proposed change also conflicts with the minimum 1 metre setback required for garages from rear boundaries. This setback is necessary to enable an adequate turning radii for vehicles from the rear lanes into the garages. Note: discuss residential planning codes with Jason – rear boundary setback
a) Design shall incorporate limitations on the size of openings / window facades facing South Western Highway.	Delete "South Western" and replace with "(insert name)"	Accepted.
1. Planning approval is not required for the construction of a dwelling on any lot within the area covered by the Detailed Area Plan (including lots with a land area less than 350 square metres) except where variations to the provisions of the Detailed Area Plan are sought.	Insert the words "but a building licence is required," after the words "Planning approval is not required"	Accepted.

As requested by Council at their October meeting the format of the delegation has been changed to clearly identify those standard conditions that would apply to all DAP's and special conditions that would apply that contain the following elements:

1. DAPs for areas adjacent to sources of noise such as major highways and railways;
2. DAPs for areas containing rear laneway access for vehicles; and
3. DAPs for areas containing lots abutting public open space or other public facilities such as pedestrian access ways.

In a few cases some of the standard provisions would not apply. For example if the lots have a north-south orientation there would be no need to apply the provision relating to a 2 metre solar setback on the north side as an appropriate solar setback would be addressed by the front or rear setback (whichever faces north).

Conclusion

Officers would assess each submitted DAP to determine which provisions would be applied in each instance. In some cases specific provisions would not be applied to a DAP.

Voting Requirements: Normal

SD051/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Price seconded Cr Harris

Council delegates authority to approve Detailed Area Plans under clause 5.18.5 to the Executive Manager Planning and Regulatory Services and the Executive Manager Strategic Community Planning for lots abutting public open space, lots abutting rear laneways, lots adjacent to major roads and railways and for lots with a residential coding of R30 and higher, subject to the following provisions (where appropriate) being imposed on such plans:

PS-24 DETAILED AREA PLANS

The following provisions are to be included on all Detailed Area Plans unless special circumstances warrant a particular provision not to be included:

R-CODING

1. The Residential Design Code applying to these lots is (insert R Code).

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The Scheme and Residential Design Codes are varied as described in these notations.
3. The requirements of the Scheme and Residential Design Codes shall be satisfied in all other matters however.

DESIGN ELEMENTS

4. The following matters apply to the development of lots affected by the Detailed Area Plan:
 - a) All houses and garages must be constructed within the nominated building envelope;
 - b) At least one major opening to an indoor living area is to be installed on the northern elevation of a dwelling in order to maximise solar orientation;
 - c) Houses are required to suitably address all adjacent street frontages (excluding rear laneways) as indicated.

SETBACKS

5. Setbacks for development shall be in accordance with the following:

Rear setback:	Minimum 1.5m setback for house. Minimum 1m setback for garage.
Front setback:	Primary Street - minimum 4m setback Secondary Street – minimum 1.5m. Averaging of setback is not permitted.
Side setback:	Nil setback for garage to side boundary. Parapet walls may be developed along the southern side boundaries of Lots (insert Lot numbers) Parapet walls may be developed along both side boundaries of Lots (insert Lot numbers) Side setbacks shall be either 1m or a nil setback and retaining walls must be engineered and constructed appropriately if a nil setback is chosen Minimum 2 metre solar setback along northern side boundaries. Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

6. Garages shall be a maximum two-car width only (maximum 6m external width).
7. Each house shall have a driveway and crossover completed prior to occupation of the house.
8. Maximum width of crossover shall be 6m.
9. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

FENCING

10. Fencing within street setback areas shall be designed and constructed in accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing);
11. Fencing of boundaries between lots is to be installed in accordance with the following standard:
 - a) All side boundary fencing back from behind the building line is to be 1.8m high and fully installed prior to occupation of the dwelling.

WASHING LINES

12. Clothes lines and rubbish bin storage must be screened from view of the street and public open space area by masonry walls or other methods of construction to match the materials used for the dwelling and with a height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

13. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication.
14. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOTIFICATION TO PROSPECTIVE PURCHASERS

15. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

Advice Note:

1. Planning approval is not required, but a Building Licence is required, for the construction of a dwelling on any lot within the area covered by the Detailed Area Plan (including lots with a land area less than 350 square metres) except where variations to the provisions of the Detailed Area Plan are sought.

The following special provisions are to be included in Detailed Area Plans for lots with rear laneways:

1. The postal and street address is to be the street at the front of the dwelling and not the rear laneway.
2. Access for utilities is to be from the street frontages of the lots only.
3. A paved bin pad is to be provided inside the lot abutting the boundary to the rear laneway for pickup of bins by waste disposal contractors.
4. Fencing within a boundary abutting rear laneways shall be designed and constructed in accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing). Solid fencing above a height of 1.2 metres is not permitted between dwelling and rear laneway.
5. Garages shall be developed and accessed from the adjacent rear lanes only.
6. An alternative garage location may be approved along the adjacent rear laneway of Lots (insert Lot number) subject to design.
7. All vehicle access is to be from the rear laneway at all times.

The following special provisions are to be included in Detailed Area Plans for lots abutting public open space:

1. Houses shall have one or more major openings to a habitable room and an outdoor living area facing the public open space.
2. Fencing of lot boundaries abutting public open space shall be designed and constructed in accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing). Solid screen fencing higher than 1.2 metres is not permitted between dwellings and public open space.
3. A storeroom of 4m² floor area shall be integrated into the dwelling (ie under the same roof) and constructed of the same materials. This room shall only be accessible from outside the dwelling.
4. No additional sheds or outbuildings are permitted on lots.

The following special provisions are to be included in Detailed Area Plans for lots adjacent to major noise producing roads such as South Western Highway, Tonkin Highway and Thomas Road and any railway line:

1. Dwellings constructed on the subject lots shall be designed to comply with Australian Standard AS2107-2000 "Acoustics – Recommended Design Levels Reverberation Times for Building Interiors" and the Noise Levels of 45dB(A) Living and 40dB(A) Sleeping (where there is a variance the proponent will be required to submit adequate supportive information such as an acoustic consultants report or an alternative solution that demonstrates compliance with the relevant standards):
 - a) Design shall incorporate opening reductions limiting the size of openings/windows facades facing (insert name) Highway / railway.
 - b) Bedrooms shall be placed in the parts of the house furthestmost away from (insert name) Highway / railway.
 - c) All external walls shall be constructed of double brick.
 - d) All eaves shall be enclosed.
 - e) All roof materials shall be either clay or concrete tiles.
 - f) All glazing shall be 6mm thick laminated except on those facades faces 180 degrees away from (insert name) Highway / railway.
 - g) All external doors shall be of solid core construction with seals.
 - h) All plasterboard in ceilings shall be 10mm thick with 50mm thick 12Kg/m² glass fibre blanket between ceiling joists.
2. A notification, under Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificates of Title of all lots adjacent to major roads and railways advising that the property may be subject to high noise levels from traffic or trains.

**The Presiding Member exercised her casting vote in favour of the motion.
CARRIED 6/5**

Council Note: Cr Kirkpatrick, Cr Geurds, Cr Wigg, Cr Murphy and Cr Brown voted against this motion.

During debate Cr Murphy foreshadowed a motion as follows, if the motion under debate was defeated.

FORESHADOWED MOTION

Council delegates authority to approve Detailed Area Plans under clause 5.18.5 to the Executive Manager Planning and Regulatory Services and the Executive Manager Strategic Community Planning for lots abutting public open space, lots abutting rear laneways, lots adjacent to major roads and railways and for lots with a residential coding of R30 and higher, subject to the following provisions (where appropriate) being imposed on such plans:

PS-24 DETAILED AREA PLANS

The following provisions are to be included on all Detailed Area Plans unless special circumstances warrant a particular provision not to be included or a variation of the provisions where appropriate:

R-CODING

1. The Residential Design Code applying to these lots is (insert R Code).

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The Scheme and Residential Design Codes are varied as described in these notations.
3. The requirements of the Scheme and Residential Design Codes shall be satisfied in all other matters however.

DESIGN ELEMENTS

4. The following matters apply to the development of lots affected by the Detailed Area Plan:
 - a) All houses and garages must be constructed within the nominated building envelope;
 - b) At least one major opening to an indoor living area is to be installed on the northern elevation of a dwelling in order to maximise solar orientation;
 - c) Houses are required to suitably address all adjacent street frontages (excluding rear laneways) as indicated.

SETBACKS

5. Setbacks for development shall be in accordance with the following:

Rear setback: Minimum 1m setback for house.
Minimum Nil setback for garage.

Front setback: Primary Street - minimum 4m setback
Secondary Street – minimum 1.5m.
Averaging of setback is not permitted.

Side setback: Nil setback for garage to side boundary.
Parapet walls may be developed along the southern side boundaries of Lots (insert Lot numbers)
Parapet walls may be developed along both side boundaries of Lots (insert Lot numbers)
Side setbacks shall be either 1m or a nil setback.

Minimum 2 metre solar setback along northern side boundaries.

Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

6. Any driveways or crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

RETAINING WALLS

7. All retaining walls on property boundaries must be constructed so that the outside face of the high side of the retaining wall is flush with the boundary.
8. All retaining walls on boundaries must be designed to the appropriate design standard to enable the retaining wall to support a wall of a two storey building.
9. Any retaining wall more than one metre high is subject to separate Shire approval.

FENCING

10. Fencing within street setback areas shall be designed and constructed in accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing);
11. Fencing of boundaries between lots is to be installed in accordance with the following standard:
 - a) All side boundary fencing back from behind the building line is to be 1.8m high and fully installed prior to occupation of the dwelling.

WASHING LINES

12. Clothes lines and rubbish bin storage must be screened from view of the street and public open space area by masonry walls or other methods of construction to match the materials used for the dwelling and with a height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

13. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication.
14. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOTIFICATION TO PROSPECTIVE PURCHASERS

15. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

Advice Note:

1. Planning approval is not required, but a Building Licence is required, for the construction of a dwelling on any lot within the area covered by the Detailed Area Plan (including lots with a land area less than 350 square metres) except where variations to the provisions of the Detailed Area Plan are sought.

The following special provisions are to be included in Detailed Area Plans for lots with rear laneways:

1. The postal and street address is to be the street at the front of the dwelling and not the rear laneway and access for utilities is to be from the street frontages of the lots only except where the lot fronts on POS with no street access.
2. Garages shall be developed and accessed from the adjacent rear lanes only.
3. An alternative garage location may be approved along the adjacent rear laneway of Lots (insert Lot number) subject to design.
4. All vehicle access is to be from the rear laneway at all times.

The following special provisions are to be included in Detailed Area Plans for lots abutting public open space:

1. Houses shall have one or more major openings to a habitable room and an outdoor living area facing the public open space.
2. Fencing of lot boundaries abutting public open space shall be designed and constructed in accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing). Solid screen fencing higher than 1.2 metres is not permitted between dwellings and public open space.
3. A storeroom of 4m² floor area shall be integrated into the dwelling (ie under the same roof) and constructed of the same materials. This room shall only be accessible from outside the dwelling.
4. No additional sheds or outbuildings are permitted on lots.

The following special provisions are to be included in Detailed Area Plans for lots adjacent to major noise producing roads such as South Western Highway, Tonkin Highway and Thomas Road and any railway line:

1. Dwellings constructed on the subject lots shall be designed to comply with Australian Standard AS2107-2000 "Acoustics – Recommended Design Levels Reverberation Times for Building Interiors" and the Noise Levels of 45dB(A) Living and 40dB(A) Sleeping (where there is a variance the proponent will be required to submit adequate supportive information such as an acoustic consultants report or an alternative solution that demonstrates compliance with the relevant standards).
2. A notification, under Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificates of Title of all lots adjacent to major roads and railways advising that the property may be subject to high noise levels from traffic or trains.

Committee Note: The Officer Recommended Resolution was amended by:

1. An addition to part 1 of the DAP provisions for lots abutting major noise producing roads/railways: "*..... and the Noise Levels of 45dB(A) Living and 40dB(A) Sleeping* (where there is a variance the proponent will be required to submit adequate supportive information such as an acoustic consultants report or an alternative solution that demonstrates compliance with the relevant standards); and
2. An addition to part 5 - Side Setbacks - Parapet boundary walls must be constructed at a nil setback or a one metre setback.

The Presiding Member advised that these were minor amendments which did not alter the intent of the Officer Recommended Resolution.

SD052/11/06 REVIEW OF LOCAL PLANNING POLICY LPP17 – RESIDENTIAL AND INCIDENTAL DEVELOPMENT, BUILDING POLICY BP1 ANCILLARY ACCOMMODATION AND RURAL WORKERS DWELLINGS AND BP5 BUILDING ENVELOPE RELOCATIONS (A1160)		
Proponent	Serpentine Jarrahdale Shire	In Brief Local Planning Policy LPP17 and Council's Policies BP1 and BP5 have been reviewed. BP1 and BP5 are now proposed to be incorporated into LPP17 and the existing provisions of LPP17 reviewed to provide simplicity and clarity. It is recommended that the draft LPP17 be adopted for the purpose of public advertising.
Owner	Not applicable	
Officer	Meredith Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	8 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Council	

Background

Review of Local Planning Policy LPP 17 Residential and Incidental Development by Shire officers has determined that there are a number of amendments required to the policy to ensure that it adequately provides for all development of that type in the Shire. Accordingly, a revised policy has been prepared.

Building Policy BP1 Ancillary Accommodation and Rural Workers Dwellings also has been identified as requiring significant amendment for the following reasons:

1. The policy provisions relating to Rural Workers Dwellings are now contained as provisions in Town Planning Scheme No. 2; and
2. The policy provisions relating to Ancillary Accommodation did not adequately address the possible need for larger Ancillary Accommodation on lots not covered by the Residential Design Codes of Western Australia (ie lots over 2 hectares in Rural Living A, Rural Living B, Special Rural and Rural zones).

Council Policy BP5 Building Envelope Relocations has also been identified as requiring review to clarify the provisions that apply and the form of an application for modification, relocation and building outside of building envelopes.

As Ancillary Accommodation is incidental to Residential Development and building envelopes only exist on lots used for residential purposes it has been determined that the provisions for Ancillary Accommodation and building envelopes should be included in LPP17.

Sustainability Statement

Controlling the location, appearance and size of outbuildings and ancillary accommodation and the modification or building envelopes will help to ensure that an appropriate and desirable level of visual amenity is maintained throughout the Shire.

The modification of the maximum size allowed for Ancillary Accommodation on larger lots (2 hectares and over) will enable extended families to live together on the same lot in appropriately sized accommodation. The size of the accommodation becomes particularly important when the occupants have mobility constraints and utilise walkers or wheelchairs.

In some instances, larger ancillary accommodation is required to provide for more than one bedroom where elderly couples do not share the same bedroom or for hobby rooms or studies.

Ancillary accommodation is an important element of retaining elderly or disabled residents in the community, whilst having the security and assistance of their family on the same property. Ancillary accommodation may provide for a couple or young person who cannot afford to buy property of their own to live independently. This is increasingly becoming an issue in today's housing market.

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

Policy/Work Procedure Implications: Nil

Financial Implications: There are costs associated with the advertising of the revised policy and the rescinded policies in the local newspaper.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

3. Retain seniors and youth within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Revised policy is required to be advertised.

Comment

Clause 9.1 of Town Planning Scheme no. 2 provides the mechanism by which the Council may amend Local Planning Policies as follows:

9.1 LOCAL PLANNING POLICIES

9.1.1 *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:-*

- a) *generally or for a particular class or classes or matters and;*
- b) *throughout the Scheme Area or in one or more parts of the Scheme Area;*

and may amend or add to or rescind a Policy so prepared.

The procedure for amending a Local Planning Policy is contained in clause 9.3 of Town Planning Scheme No. 2 as set out below:

9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) *The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) *The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*

Modifications to Local Planning Policy LPP17 Residential and Incidental Development

The following modifications have been made to Local Planning Policy LPP17 Residential and Incidental Development (LPP17):

1. Clarification of the types of development the policy applies to and in which circumstances certain provisions of the policy do not apply. This includes:
 - The rationalisation of the setback tables for all residential and incidental development into one table.
 - Modification of the outbuildings table to only address floor area, wall and roof height and not setbacks as these are covered by the single new setback table.
 - Clarification that the setback provisions do not apply to lots that contain building envelopes unless they involve an application to build outside the building envelope.
 - The addition of several zones to the tables that were omitted from the existing policy including the Urban Development zone, Residential R2.5 and R5 and some Special Use zones that are principally for residential development.
 - Correction of some of the zone names in the tables. For example the tables previously referred to Special Residential R5 and R2.5 when our scheme only specifies the name Special Residential and where the tables specified only Residential R10 and R12.5 but the zoning map contains land zoned Residential R5. This clarification became a particular issue in a recent appeal to the State Administrative Tribunal involving an oversize shed whereby the appellant argued that the policy did not apply because his land was zoned Residential R5 and this particular zone was not designated in LPP17.
2. The inclusion of rules under which the Executive Manager Planning and Regulatory Services may approve oversize sheds under delegated authority if no objections were received.
3. The inclusion of provisions for Ancillary Accommodation.
4. The inclusion of provisions for relocation, modification and building outside of building envelopes.
5. The inclusion of provisions for Aged and Dependant Persons' Dwellings as these types of dwellings are allowed in some zones that are not covered by the Residential Design Codes of Western Australia (ie Rural, Special Use etc).

Rescission of Council Policies BP1 and BP5

As Rural Workers Dwelling are now controlled by provisions contained in Town Planning Scheme No. 2 this portion of Council Policy BP1 has now become redundant. The remaining provisions of BP1 relating to Ancillary Accommodation and the provisions of BP5 (Building Envelopes) sit better within a Local Planning Policy as they are incidental to residential development. Accordingly, Council policies BP1 and BP5 need to be removed.

Voting Requirements: Normal

SD052/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Price

A. Pursuant to Clause 9.1 of Town Planning Scheme No. 2 revised Local Planning Policy "LPP 17 Residential and Incidental Development with Serpentine Jarrahdale Shire" as contained below be adopted as follows:

**LPP17 RESIDENTIAL AND INCIDENTAL DEVELOPMENT WITHIN
SERPENTINE-JARRAHDAL SHIRE (A1160)**

Adopted 19 May 2003

Updated 15 March 2004 (P069/03/04)

Updated 2006 (.....)

1.0 APPLICATION

The Residential and Incidental Development Policy applies to residential and incidental development within the Shire of Serpentine-Jarrahdale including:

Dwellings

- Single Houses**
- Grouped Dwellings (duplex, villa)**
- Multiple Dwellings (flats, apartments)**
- Aged and Dependent Persons' Dwellings (for persons over 55 or disabled persons)**
- Ancillary Accommodation (granny flat)**

Incidental Development

- Outbuildings (sheds, garages, freestanding structures enclosed more than 50%)**
- Verandahs, carports, patios, gazebos and similar structures**
- Swimming Pools**
- Water Tanks**
- Other structures incidental to a domestic dwelling**

The policy is intended to augment the Residential Design Codes of Western Australia by providing acceptable development standards for residential and incidental development on properties zoned Residential, Special Residential, Rural-Residential, Urban Development, Rural Living A & B, Special Rural, Special Use, Farmlet and Rural.

2.0 OBJECTIVES

The objectives of this policy are as follows:

- (a) To provide for uniformity of residential and incidental development within Residential, Special Residential, Rural-Residential, Urban Development, Rural Living A, Rural Living B, Special Rural, Special Use, Farmlet and Rural zoned properties and properties within Special Use zones 3, 4 and 6.**
- (b) To minimise cost and delay in the process of preparing, assessing and determining applications for residential and incidental development.**
- (c) To provide for uniformity of residential and incidental development standards, consistent with local needs.**

3.0 ACCEPTABLE DEVELOPMENT

Properties to which building envelopes or building exclusion zones apply.

The provisions contained in the tables below do not apply to any property to which a building envelope or building exclusion zone applies. In such cases all development is to be contained within the approved building envelope or clear of the building exclusion zone unless approval is granted by the Shire in writing to building a structure wholly or partly outside the building envelope (Refer to section 4.0 of this policy).

TABLE 3.1 - SETBACKS

Dwellings (including Ancillary Accommodation), Outbuildings, Swimming Pools, Water Tanks and other incidental structures (verandahs, carports, patios, gazebos etc.)

Zone	Minimum distance from lot boundary (metres)			
	Front	Side	Rear	Secondary street
Residential R10-R80	As per R-Codes	As per R-Codes	As per R-Codes	As per R-Codes
Special Residential or Rural-Residential and Residential R2.5 and R5	As per R-Codes	As per R-Codes	As per R-Codes	As per R-Codes
Urban Development and Special Use Zones 3 and 4	As per RCodes for R10*	As per RCodes for R10*	As per RCodes for R10*	As per RCodes for R10*
Special Use Zone 6 (Darling Views Residential / Light Industrial estate)	Dwelling: 12 Outbuilding: 30 metres or 9 metres if the lot is greater than 6,000m ²	Dwelling: 1.5 metres on 1 side and 5 metres on other side. Outbuilding: 2.1 metres or the height of the wall, whichever is greater.	Dwelling: the rear of the dwelling shall be a maximum 30 metres from front boundary unless otherwise approved by Council.	6
Rural Living A	15	7.5	7.5	7.5
Rural Living B & Special Rural	20	10	20	20
Farmlet	20	10	20	20
Rural	20	10	20	20

* For land zoned Urban Development for which a structure plan has been adopted the Residential Density Coding applicable to the land shall be as depicted on the relevant district or local structure plan.

**TABLE 3.2
MAXIMUM FLOOR AREA, WALL AND ROOF HEIGHTS FOR OUTBUILDINGS**

Zone	Floor Area (m ²) combined total floor area of all outbuildings	Wall Height (metres)	Roof Height (metres)
Residential R10-R80, Urban Development & Special Use Zones 3 & 4 (residential properties in Jarrahdale Heritage Park Special Use Zone)	10% of the lot area or 60m ² , whichever is the smallest	2.4	4.2
Special Residential or Rural-Residential and Residential R2.5 and R5	100m ²	2.7	4.5
Special Use zone 6 (Darling Views)	500m ²	5.0	6.0

Residential/Light Industrial estate)			
Rural Living A	150 m ²	3.5	5.0
Rural Living B & Special Rural	200 m ²	4.0	6.0
Farmlet	300 m ²	5.0	6.0
Rural	500 m ²	5.0	6.0

Notes:

1. Variations to the maximums detailed above are subject to the following:

- a) Consultation with adjacent neighbours (carried out in writing by the Shire);
- b) Applicant providing written details of proposed use of shed and reasons justifying why a variation should be granted;
- c) Subject to d) below, the Executive Manager Planning and Regulatory Services or Executive Manager Strategic Community Planning has delegation from the Council to determine applications for oversize outbuildings where the proposed variation will not, in the opinion of the Executive Manager Planning and Regulatory Services or Executive Manager Strategic Community Planning, adversely impact on the amenity or character of the area;
- d) Applications for oversize outbuildings where the variation exceeds 20% and objections have been received from neighbours will be determined in one of the two following manners:
 - i) referral to Concept Forum for discussion before being determined under delegated authority by Executive Manager Planning and Regulatory Services or Executive Manager Strategic Community Planning.
 - ii) referral to the Sustainable Development Committee or the Council for determination.

2. The maximum floor area for outbuildings applies to the combined total floor area of all existing and proposed outbuildings on a lot.

4.0 BUILDING ENVELOPES – APPROVAL REQUIREMENTS FOR BUILDINGS OUTSIDE OR MODIFICATION / RELOCATION OF THE BUILDING ENVELOPE

Applications for structures to be constructed outside building envelopes or relocation/modification of a building envelope must comply with the following:

- 1. A planning application must be lodged with Council.**
- 2. A letter justifying the location of the structure outside the building envelope/relocation or modification of the envelope must be provided with the planning application.**
- 3. For applications involving the relocation/modification of a building envelope, a site plan showing the location of both the existing and proposed building envelope and any existing trees on the site must be provided.**
- 4. For applications involving the construction of a structure wholly or partly outside a building envelope, a site plan showing the location of the envelope, all existing and proposed structures and any existing trees on site and a floor plan and elevation drawings of any proposed structures must be provided.**

4.1 Neighbour Consultation

The Shire will undertake consultation in writing with any neighbours deemed (by the Shire) to be potentially affected by the proposal.

4.2 Areas affected by future subdivision overlay depicted on a Subdivision Guide Plan

Where a lot is affected by a future subdivision overlay depicted on a Subdivision Guide Plan then relocation/modification of the building envelope or the construction of a structure outside a building envelope must take account of the future lot boundaries.

4.3 Assessment

The Assessing Officer is to take into account the requirements of the Shire's Town Planning Scheme N^o 2 as amended, Health, Building, Environmental, Asset Services and Fire Protection/Management requirements.

If an objection(s) is received from neighbours with regard to an application for relocation/modification of a building envelope or the construction of a structure outside a building envelope, and the objection(s) is deemed to be valid, then the application will be determined in one of the following manners:

1. Referred to the Concept Forum for discussion prior to determination under delegated authority by the Executive Manager Planning and Regulatory Services or Executive Manager Strategic Community Planning; or
2. Referred to the Sustainable Development Committee or Council for determination.

5.0 ANCILLARY ACCOMMODATION

Ancillary Accommodation for the purpose of this policy is as defined in the Residential Design Codes 2002:

Self contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling;

5.1 Development requirements

The following standards apply to Ancillary Accommodation:

General

- A Section 70A notification advising that the occupation of the Ancillary Accommodation is restricted to relatives of the occupants of the main dwelling must be registered against the Certificate of Title for the land prior to the issue of a building licence.
- The main dwelling must be constructed prior to the Ancillary Accommodation.

Minimum floor area: 40m²

Maximum floor area:

- Residential, Special Residential, Urban Development, Rural-Residential and & Rural Living A (lots under 2 hectares) zones - 60m²

- **Rural Living A (Lots 2 hectares and over only), Rural Living B, Special Rural, Farmlet and Rural zones - 100m²**

Setbacks

As per Table 3.1 above

Exterior Finish

Ancillary Accommodation is to be constructed in the same or similar materials to the main dwelling to the satisfaction of the Shire.

Parking

Parking spaces additional to those required for a single house will be required as applicable.

Connection to main dwelling

The Ancillary Accommodation shall be under the same roofline as the main dwelling or located within 10 metres of the main dwelling, unless otherwise approved by Council.

Services

On lots within the Residential, Special Residential, Rural-Residential, Urban Development and Rural Living A zones power, water and effluent disposal services and vehicle access to the Ancillary Accommodation and the main dwelling are to be shared.

On lots within the Rural Living B, Special Rural, Farmlet and Rural zones power and water services and vehicle access are to be shared but separate effluent disposal systems may be provided.

5.2 Variations

Any application to vary the development requirements for Ancillary Accommodation contained in this policy are to be accompanied by a letter detailing the reasons why the variation is sought.

Neighbour consultation will be undertaken by the Shire for any application for Ancillary Accommodation that seeks to vary these policy provisions.

Any variations to the development requirements for Ancillary Accommodation contained in this policy or the Residential Design Codes 2002 will be determined in the following manner:

1. Referred to the Concept Forum for discussion prior to determination under delegated authority by the Executive Manager Planning and Regulatory Services or Executive Manager Strategic Community Planning; or
2. Referred to the Sustainable Development Committee or Council for determination;

at the discretion of the Executive Manager Planning and Regulatory Services or Executive Manager Strategic Community Planning.

6.0 AGED AND DEPENDANT PERSONS' DWELLINGS

6.1 Development Requirements

Setbacks

As per Table 3.1 of this policy

All other requirements for the development of Aged and Dependant Persons' dwellings in any zone where such dwellings are permitted under Town Planning Scheme No. 2 are as per the provisions of the Residential Design Codes 2002 for Aged and Dependant Persons' Dwellings.

CARRIED 9/1

Committee Note: The Officer Recommended Resolution was amended by adding 'for discussion' (Note 1, part d) i) *referral to Concept Forum for discussion before being determined.....*" and by replacing '(or equivalent officer)' throughout the recommendation with 'Executive Manager Strategic Community Planning.' The Presiding Member advised that these were only minor amendments made to facilitate clarify and did not alter the intent of the Officer Recommended Resolution.

SD053/11/06 PROPOSED CLOSURE OF KARNET ROAD, SERPENTINE (P01520/03)		
Proponent:	Bodhinyana Buddhist Monastery - Buddhist Society of Western Australia	In Brief To consider a request for the closure of Karnet Road, which dissects Lot 1438 Kingsbury Drive. The subject road has never been constructed and all abutting properties have frontage to other existing or proposed roads. It is recommended that the Council resolve to advertise the proposed closure in accordance with the requirements of Section 58 of the Land Administration Act 1997.
Owner:	Crown	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 November 2006	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council meeting held on 30 October 2006, Council granted planning approval for the development of an Educational Establishment – Meditation Centre on Lot 1438 Kingsbury Drive, Serpentine. The proponent of the development is the Buddhist Society of Western Australia.

Lot 1438 Kingsbury Drive is dissected by an unconstructed road reserve (Karnet Road). The subject road has never been constructed. The road reserve runs through the development site for the meditation centre.

A copy of the Lot 1438 showing the unconstructed road reserve is with the attachments marked SD053.1/11/06.

Sustainability Statement

Relocation of the development site elsewhere on Lot 1438 would not be desirable as the site is heavily vegetated with remnant native vegetation and the chosen site is the only existing cleared area on the lot. The use of the chosen development site will avoid the need for any clearing.

The aerial photograph identifies the development site is with the attachments marked SD053.2/11/06.

It is highly unlikely that the road would ever be able to be constructed on the current alignment of the reserve due to the steepness of the terrain and the location of the Karnet Creek and associated wetlands within the road reserve.

Statutory Environment:

Land Administration Act 1997
Planning and Development Act 2005

Policy/Work Procedure Implications:

Nil

Financial Implications:

There will be no financial implications to Council related to this application as the applicant is required to cover the advertising costs associated with the road closure procedure.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The proposed road closure will require advertising for a period of 35 days. Adjacent landowners and government agencies will be advised of the proposal in writing. A newspaper advertisement is also required in accordance with the requirements of Section 58 of the Land Administration Act 1997 (as amended). The advertising process needs to be carried out prior to the Council resolving to write to the Minister for Lands requesting the closure of the road.

Comment:

The process for closure of gazetted roads is contained within Section 58 of the Land Administration Act 1997 as set out below:

58. Closure of roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3)*
 - (a) *by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4)*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road*
 - (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

Once the road is formally closed by the Minister for Lands it will become Unallocated Crown land (UCL). The Buddhist Society may then be able to pursue purchase of the land from the Crown and amalgamate it into Lot 1438.

Lot 1438 has frontage to Kingsbury Drive and, two other properties that abut the subject road reserve (Lot 481 Kingsbury Drive and Lot 1166 Firms Road) are accessed via Firms Road and have never relied on the subject road reserve for access. Lot 1166 also has access to Scarp Road via its southern boundary.

Emergency access will be provided via the development of a network of strategic fire breaks through both Lot 1438 and Lot 481 to the north, the owners of which have been liaising with each other in this regard and conditions of the development approvals issued for both of these properties also require this action. Therefore, it is considered that closure of Karnet Road will not cause risk or disadvantage to the owners of either Lot 481 or Lot 1166.

Voting Requirements: Normal

SD053/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Star seconded Cr Kirkpatrick

Subject to the applicant agreeing in writing to pay all costs associated with the closure of the road, Council advertise the proposed closure of Karnet Road, Serpentine in accordance with the requirements of Section 58 of the Land Administration Act 1997 (as amended).

CARRIED 10/0

CGAM48/11/06		BRIDLE PATH ON A DRAINAGE RESERVE AND AN UNMADE ROAD RESERVE BETWEEN WATTLE ROAD AND UTLEY ROAD, SERPENTINE (A0819)
Proponent	Trails Working Group	<p><u>In Brief</u></p> <p>The Shire has received a request from the Trails Working Group for Council to reconsider its decision of 24 October 2006 not to require the adjoining landowners to remove gates and fences from within the trail along the unmade road reserve and drainage reserve between Wattle and Utley Roads.</p> <p>This matter was last considered by Council at its meeting held in October 2006. For the resolution on this item to be changed or revoked requires an Absolute Majority decision of Council.</p>
Officer	Nick Juricev Subdivision Engineer	
Signatures - Author:		
Senior Officer:	Stephen Bell	
Date of Report	9 November 2006	
Previously	CRAS038 – AS038/02/03 CGAM025/09/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

In 2003 Council received a petition from twenty five (25) residents requesting that gates, fencing and stock be removed from an unformed section of road and drainage reserve between Salmon Bark Road and Utley Road. The reason why the residents wanted the gates, fencing and stock removed was so that they did not have to dismount from their horses to open and close gates when entering and/or exiting the trail. The section of trail is maintained by adjoining land owners under a Memorandum of Understanding (MOU).

In response to the petition, a report was tabled at Council's Ordinary Meeting of 10 February 2003 where it was resolved that:

Moved Cr Wigg seconded Cr Star:

1. *Council continues with the present arrangement with landholders grazing/maintaining their adjacent sections of the reserve with the following conditions:*
 1. *Gates are never to be locked and there are clear signs directing riders entering to close gates.*
 2. *The residents grazing the reserve apply for a gate permit.*
2. *Council considers a stile or a gate latch after assessing the equestrian rider's requirements...*

Note: The officer's recommendation was changed as Council required specific needs of users of this thoroughfare to be assessed to ascertain whether any action on the site or latch was required."

The Trails Working Group at its meeting held in August 2006 and put forward a recommendation to Council that an investigation be undertaken to determine the action needed to open up the section of bridle path from Wattle Road to Utley Road inclusive. A report was tabled at Council's Ordinary Meeting held 25 September 2006 where it was resolved:

Moved Cr Wigg seconded Cr Murphy:

That the Trails Management Working Group in conjunction with the Council's Reserves Officer prepares a Management Plan, for the Reserve, in consultation with the users and the residents.

CARRIED 7/0

Committee Note: The Officers Recommended Resolution was changed to clarify issues relating to grazing and fire hazard control with the view of the Trails Management Group gaining access for a trail.

The Trails Working Group held a meeting in October 2006 to discuss amongst other things the Council resolution of 25 September 2006. At that meeting the Trails Working Group moved the following recommendation for Council consideration:

1. The Trails Working Group requests that Council approve that the adjoining landholders to the trail be required to remove the fences that are constructed across the trail.
2. The Engineering Division include the centre portion of the trail in the annual verge slashing program to remove the long grass presently growing there thus reducing any fire hazard resulting from the absence of grazing.

This report has been prepared in response to the Trails Working Group formulating a recommendation that contradicts Council's resolution of October 2006.

A copy of the location map is with attachments marked CGAM48/11/06 (IN06/10453)

A copy of photographs of the grazed section of the trail is with attachments marked CGAM48.1/11/06 (E06/5018)

Sustainability Statement

Effect on Environment: If grazing is to stop, slashing and spraying with chemicals will be required to keep the weeds down.

Resource Implications: Grazing presents a form of managing weeds and grasses without the need for burning fossil fuels. Additional ongoing Shire resources would be required to maintain the trail to an appropriate standard.

Use of Local, renewable or recycled Resources: Not applicable.

Economic Viability: The proposal would require Shire resources to remove the gates. It would also increase resources required to maintain the trail, these costs would be ongoing for the Shire. The section of the trail between Wattle Road and Salmon Bark Road would require addition infrastructure to be accessible.

Economic Benefits: The proposal will not provide added economic benefits to the community.

Social – Quality of Life: This proposal would allow horse riders to continue to use the section of trail between Utley Road and Salmon Bark Road without passing through gates.

Social and Environmental Responsibility: The proposal would disband existing community partnerships with the residents grazing the land, while fostering other community partnerships with horse riders.

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

Statutory Environment:

Local Government Act 1995 – Section 5.25(e)
Administration Regulation 10 stipulates that:

Revoking or changing decisions made at council or committee meetings s5.25(e)

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Policy/Work Procedure Implications:

AP24 Weed Control

Financial Implications:

There would be financial implications related to the opening up of the trail. This includes removing the gates, completing the fencing for the full length of the trail, bridge construction across the drain, trail construction and on-going bridle path and fence maintenance costs.

The 2006/2007 annual budget does not make any allowance for the survey and design of the trail. In addition, there is no allocation for removal of the gates, provision and maintenance of fencing, construction of a

bridle trail, and the slashing and spraying of the environmental weeds within the road and drainage reserve.

If the trail is opened up for unrestricted horse use council will be required to undertake fire management measures due to the presence of weeds and other vegetation that no longer is controlled by the grazing of stock.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Strategic Implications: The Trails Master Plan.

Community Consultation:

If Council resolves to remove the gates, fencing, and construct a bridle trail the adjacent land owners will need to be consulted in regards to the termination of the MOU.

Comment:

The trail is currently an unmade bridle path that is located within a drainage and road reserve that is fenced, gated, grazed and maintained under a MOU with the adjoining land owners. The Shire has previously granted the adjacent landowners permission to graze stock in the area and insurance has been taken out by them to cover any liability. There are two (2) gates that have been installed to prevent the escape of stock from the subject section of the reserve and are left unlocked for access by the community to the unmade bridle path.

Horse riders access the unmade trail through unlocked gates and are required to open/close the gates when entering and exiting the reserve. In order for the trail to be opened up for unrestricted usage by horse riders, the current MOU that is in place with the adjacent landowners will need to be terminated. This would then enable the trail to be constructed and fenced and the gates removed.

If the trail is to continue through from Utley Road to Wattle Road, the section between Wattle Road and Salmon Bark Road will need to be constructed and maintained, including but not limited to the provision of a bridge over a drain at Wattle Road. This section of the trail is also located within a Drainage Reserve, therefore consultation and approval from the Water Corporation is required.

Lovegrass and wild oats are problem weeds within the road and drainage reserve. The weeds are currently controlled by the adjacent landowners who graze their stock in the reserve. If the gates and stock were to be removed and the reserve used as a dedicated bridle trail then the Shire would be required to maintain this area, inclusive of any fencing to be installed to control stock access to the bridle path. This would involve the inclusion of this area in the Engineering Services annual slashing and spraying program and require regular audits of the fencing for maintenance when required.

The proposal to open up the drainage and road reserve will have substantial budgetary implications for Council. If the trail is to be opened up by the removal of the stock, fencing, and gates then the trail would need to be added to the Engineering Services bridle trail slashing and spraying program requiring additional Shire resources.

In addition, funds would need to be sourced for the installation fencing and the survey, design, and construction of the bridle trail (including a bridge at Wattle Road), and ongoing maintenance of the reserve and bridle trail. Such project based funding has not been set aside in the 2006/2007 annual budget. However, if Council resolved that the priority of the trail is high, the \$50,000 set aside in the 2006/2007 annual budget for the construction of trails could be used to part deliver this project.

In order for the motion by the Trails Working Group of October 2006 to be considered by Council, the previous Council resolution at the Ordinary Council Meeting held in September 2006 must be revoked. This occurs under the Local Government Act 1995 pursuant to

Section 5.25 (e) - Local Government Act (Administration) Regulations 1996, and requires an Absolute Majority decision by Council.

It is recommended that Council reaffirm its resolution of 24 September 2006.

Voting Requirements: ABSOLUTE MAJORITY

CGAM048/11/06 Officer Recommended Resolution:

Council reaffirm its previous resolution of the Ordinary Council Meeting held 24 September 2006 that the Trails Management Working Group in conjunction with the Council's Reserves Officer prepares a Management Plan, for the Reserve, in consultation with the users and the residents.

CGAM048/11/06 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Price seconded Cr Harris

That Council reaffirm its previous resolution of the Ordinary Council Meeting held 24 September 2006 that the Trails Management Working Group in conjunction with the Council's Reserves Officer prepares a Management Plan, for the Reserve, in consultation with the users and the residents, and the following information be provided to Councillors:

- 1. Copy of MOU between residents and Council of 2003**
- 2. Copy of responses from residents to proposal to fence/gate the bridle path**
- 3. Cost estimate for cutting weeds in the centre of the bridle path as part of the annual verge cutting program**
- 4. Details and location of bridge referred to as being necessary in the vicinity of Wattle Road**
- 5. Details of the insurance policy taken out by residents and the Shire's position as to joint liability, if any.**

CARRIED 10/0 ABSOLUTE MAJORITY

Committee Note – The Officer recommendation was changed to provide Councillors with information on the history of this proposal.

GGAM049/11/06		TENDER NO. 14/2006-07 SUPPLY OF HARD WASTE COLLECTION	
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to endorse the recommendation to appoint a contractor to fulfil the requirements of the Hard Waste Collection Contract for the 2006/2007 financial year.	
Owner:	Not Applicable		
Officer:	Nick Juricev Subdivision Engineer		
Signatures Author:			
Senior Officer:			
Date of Report	7 November 2006		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.		
Delegation	Council		

Background

As part of the 2006/07 refuse collection strategy, it is proposed to undertake a Hard Waste Collection in January and February 2007.

The collection will operate over a four (4) week period and encompass all properties throughout the Serpentine Jarrahdale Shire. The collected hard waste will be deposited at either the South Cardup Landfill site off the South West Highway at Cardup, the Tenderer's premises, or a nominated scrap metal dealer.

The Tender for Hard Waste Collection for the 2006-2007 financial year was advertised in the West Australian on 21 October 2006. The Tender closed on the 7 November 2006.

At the close of Tenders, only one (1) tender was received from a registered company being WA Recycling Services. The Tenderer provided three (3) Hard Waste Collection options as outlined in the table below:

	WA Recycling Services	Option 1 Lump sum price with no estimated maximum tonnages (as per tender document)	Option 2 Lump sum price with estimated maximum tonnages and tonnage rate for any amount above that maximum	Option 3 Tonnage rate only for all of the waste picked up (estimate 424t)
Price		\$79,750	\$47,850 (\$/300t) \$18,414 (additional)	\$148.50/t x 424t
		\$79,750.00	\$66,264.00	\$62,964.00
		<i>Price based on no limit in tonnage</i>	<i>Price based on estimated 300 tonnes of hard waste - if pickup exceeds 300t an additional cost of \$148.50 per tonne will be charged</i>	<i>Price based on \$148.50 per tonne collected</i>

Note: All schedule of rates and prices include GST.

In the 2005/2006 financial year approximately 424 tonnes of Hard Waste was collected by the Contractor. Hence, this figure was used as the basis for determining the most effective Tender price.

Effect on Environment: The provision of a Hard Waste Collection provides an opportunity to dispose of unwanted hard waste that in turn enhances both the built and natural environment.

Use of Local, renewable or recycled Resources: The collected hard waste can be recycled.

Economic Viability: The proposal to undertake the Hard Waste Collections is part of Council's refuse collection strategy and is offset by the refuse levy.

Economic Benefits: Since the introduction of Hard Waste Collection, the Shire has been able to close the Watkins and Keysbrook Transfer Stations. In addition, using a Contractor provides greater flexibility and cost effectiveness for the Shire.

Social – Quality of Life: By implementing Hard Waste Collections the Shire is maintaining and managing its vegetation by providing residents with an opportunity to dispose of any unwanted hard waste material in an efficient and effective manner.

Social and Environmental Responsibility: The Hard Waste Collection scheduled for January and February 2007 enables residents to minimise rubbish on their land through an efficient and effective collection service. Removing the rubbish from land will minimise the potential for hard waste to be disposed of illegally.

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

Statutory Environment:

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

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

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

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

Policy/Work Procedure Implications:

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

Financial Implications:

The costs associated with providing a Hard Waste Collection to the Serpentine Jarrahdale community is covered in the adopted budget for 2006/2007.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

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

Strategies:

3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

There was no consultation undertaken for this report.

Comment:

The Tender was reviewed by a Tender Review Panel comprising Nick Juricev, Paul Beaumont, and Peter Lockhart.

During the 2005/2006 financial year, approximately 424 tonnes of hard waste was collected from households within the Shire. Based on last year's figures, it is therefore considered that Option 3 from WA Recycling Service will provide the most cost effective service for 2006/2007. Accordingly, it is recommended that Council accept Option 3 and a rate per tonnage of \$148.50 (GST Inclusive) as its preferred Tender.

Voting Requirements:

Simple Majority

CGAM049/11/06 COUNCIL DECISION/COMMITTEE/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

That Council accept the Tender submitted by WA Recycling Service (Option 3) for the Supply of a Hard Waste Collection Service in accordance with Tender 014/2006-07 for the months of January and February 2007 at a rate of \$148.50 per tonnage (GST Inclusive).

CARRIED 10/0

CGAM050/11/06		OVERSIZE VEHICLE APPLICATION – PALCON GROUP – LOT 6 GOSSAGE ROAD, OLDBURY
Proponent:	Palcon Group	In Brief An application has been made by the Palcon Group for Council consent to use long vehicle (road trains) to cart timber product to Lot 6 Gossage Road, Oldbury and Lot 2 Kargotich Road, Mundijong.
Officer:	Nick Juricev Subdivision Engineer	
Signatures Author:		
Senior Officer:		
Date of Report	9 November 2006	
Previously	CGAM018/02/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

An application for the use of oversize vehicles up to 27.5m in length was considered by Council at its Ordinary Council Meeting held on the 25 July 2005. At that meeting it was resolved that:

CGAM018/02/05 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Richards

1. *Consent be conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Dawson Contracting for a period of twelve (12) months for access to the following properties:*
 - (a) *Inglewood Products, Lot 6 Gossage Road, Oldbury via Thomas Road (South Western Highway to Kargotich Road), Kargotich Road (Thomas Road to Gossage Road) and Gossage Road (Kargotich Road to Lot 6 Gossage Road).*
 - (b) *C. Atwell, Lot 2 Kargotich Road, Mundijong via Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).*
2. *Consent being subject to the following conditions:*
 - (i) *Vehicle speeds on Kargotich Road to not exceed 90km/h;*
 - (ii) *Vehicle speeds on Gossage Road to not exceed 60km/h;*
 - (iii) *Vehicles are to operate during daylight hours only between Monday and Saturday;*
 - (iv) *Vehicles are not to operate during school bus travel times;*
 - (v) *Any application for extension to the permit(s) being referred to Council;*

- (vi) *Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.*

Correspondence from the Palcon Group, dated 11 September 2006, refers to an application for the use of oversize vehicles up to 27.5m in length to cart approximately 3000 tonnes of Jarrah saw logs (timber product) along the following roads, within the Serpentine Jarrahdale Shire as an extension to the application considered in July 2005.

- *Thomas Road (South West Highway to Kargotich Road)*
- *Kargotich Road (Thomas Road to Gossage Road)*
- *Gossage Road (Kargotich Road to Lot 6 Gossage Road).*

This route gives an easier and more direct access to Lot 6 Gossage Road, precluding the use of the Gossage Road narrow bridge. It should be noted that the reconstruction of Kargotich Road from Thomas Road to Orton Road has upgraded the road making it suitable for oversize vehicle operations.

It should be noted that Kargotich Road is not included in the Notice Network for oversize vehicle use. Therefore any application to use oversize vehicle on Kargotich Road would require Council consent to obtain permits issued by Main Roads WA.

A copy of the correspondence dated 11 September 2006 is with the attachments marked CGAM50/11/06 (IN06/10730)

Sustainability Statement

Effect on Environment: The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service.

Resource Implications: Properly managed permit vehicle operations would minimize road resource use.

Use of Local, renewable or recycled Resources: The proposal utilizes regionally available resources.

Economic Viability: The proposal is economically viable as the use of oversize vehicles can result in real cost savings of 25% of freight transport tonnage costs. A reduction in heavy vehicle numbers, combined with suitable axle configurations on oversized vehicles will assist in slowing the deterioration of road pavements through reduced loading.

This proposal should also not incur any ongoing costs or requirement of funding in the future for Council above routine maintenance.

Economic Benefits: Properly managed permit vehicle operations have potential sustainability benefits in reduced transport and road maintenance costs.

Social – Quality of Life: By creating endorsed heavy haulage routes, while retaining the ability to issue permits for other routes, the movement of freight vehicles can be controlled and, in the case of as-of-right vehicles, encouraged onto fit for purpose routes. This will assist in ensuring the local road network is safer for general traffic movements.

Social and Environmental Responsibility: Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport vehicles and reduced environmental emissions.

Social Diversity: This proposal does not directly affect any social or community groups.

Statutory Environment: Motor Vehicle Act and Regulations

Policy/Work Procedure

Implications:

Delegation *AS-3 B-double and Long Vehicle Permits* allows the Chief Executive Officer authority to grant or refuse approval for permits for roads in the district where current permits are in place.

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required:

No consultation has occurred in relation to this report.

Comment

It is recommended that, if an extension to the approval is given, this should only be for a period of twelve (12) months. This requires the Palcon Group to submit applications for any further extension to the permit period, allowing officers to make a recommendation to Council based on the performance of the operator during the previous permit period and any issues that may have arisen such as public complaints.

Given the ability of Council to apply conditions to the operation of the vehicles, officers recommend that approval be granted in this instance for a further period of twelve (12) months.

Voting Requirements:

Simple Majority

CGAM050/11/06 COUNCIL DECISION/COMMITTEE/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Scott

- 1. Approval be conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by the Palcon Group for a period of twelve (12) months for access to the following properties:
Inglewood Products, Lot 6 Gossage Road, Oldbury**
 - (i) Thomas Road (South West Highway to Kargotich Road)**
 - (ii) Kargotich Road (Thomas Road to Gossage Road)**
 - (iii) Gossage Road (Kargotich Road to Lot 6 Gossage Road).**
- 2. Consent being subject to the following conditions:**
 - (i) Vehicle speeds on Kargotich Road not to exceed 90km/h;**
 - (ii) Vehicle speeds on Gossage Road not to exceed 60km/h;**
 - (iii) Vehicles are to operate during daylight hours (6.00 am to 6.00pm) only between Monday and Saturday;**
- 3. Vehicles are not to operate during school bus travel times;**
- 4. Any application for further extensions to the permit(s) being referred to Council;**
- 5. Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.**

CARRIED 10/0

CGAM051/11/06		REVIEW OF SPEED LIMIT – KARGOTICH ROAD (THOMAS ROAD TO LOWLANDS RD)
Proponent:	Main Roads WA	In Brief Main Roads WA is seeking Council's concurrence for a proposed speed limit reduction on Kargotich Road, from Thomas Road to Lowlands Road.
Officer:	Nicholas Juricev Subdivisional Engineer	
Signatures Author:		
Senior Officer:		
Date of Report	9 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Main Roads has advised in a letter dated 30 June 2006 that a review of speed zoning has been completed and have recommended the speed zonings for Kargotich Road between Thomas Road to Lowlands Road be changed to:

- 90 km/hr from Thomas road to Bishop Road
- 100 km/hr from Bishop Road to Lowlands Road

A copy of the correspondence from Main Roads is included in the attachments at CGAM51/11/06 (IN06/7674)

Sustainability Statement

By reducing the speed limit along Kargotich Road, the potential for incidents will be reduced and the safety of all road users will be enhanced. This will help to ensure a safe and secure community.

Effect on Environment: The proposal enhances the environment by enabling a lower traffic speed to be implemented thus decreasing risk associated with potential damage to built and natural environment.

Economic Viability: The reduction in speed has the potential to reduce the number of accidents on this section of road. As a result the monetary costs associated with severity and number of crashes will also be reduced.

Social – Quality of Life Improved safety on our road network.

Social and Environmental Responsibility: The proposal is designed to be socially and environmentally responsible through providing a positive outcome.

Social Diversity: This proposal does not disadvantage any social groups in our community rather it caters for all users of road.

Statutory Environment: Local Government Act 1995, Road Traffic Code 2000.

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

Financial Implications: There are no financial implications to Council as Main Roads WA are responsible for the erection of all regulatory signage.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 1: Good quality of life for all residents
Strategies:
6. Ensure a safe and secure community.
3. Economic
Objective 2: Well developed and maintained infrastructure to support economic growth
Strategies:
1. Improved freight, private and public transport networks.

Community Consultation:

Required: No

Comment:

The current speed zoning is classed as 'uncontrolled' (maximum of 110 km/hr) and with the reduction of the zoning between Thomas and Lowlands Road will ensure a safer environment for all users of the road.

Voting Requirements: Simple Majority

CGAM051/11/06 Committee/Officer Recommended Resolution:

That Council support Main Roads Western Australia recommendation to reduce the speed zoning on Kargotich Road, from Thomas Road to Lowlands Road as follows:

- 90 km/hr from Thomas Road to Bishop Road
- 100 km/hr from Bishop Road to Lowlands Road

CGAM051/11/06 COUNCIL DECISION

Moved Cr Star seconded Cr Price

That Council recommend to Main Roads Western Australia that the speed limit along the length of Kargotich Road be set at 100 km/hr.

CARRIED 8/2

Council Note: The Committee/Officer Recommended Resolution was changed to recommend one speed limit along Kargotich Road.

CGAM052/11/06		PERTH WEATHER RADAR PROPOSAL – YANGEDI (SERPENTINE) AIRFIELD (RS0008)
Proponent	Bureau of Meteorology	In Brief That Council consider granting in-principle support, subject to conditions, for the proposal from the Bureau of Meteorology to install a 30 metre high radar tower on a 20m x 20m portion of land at Yangedi Airfield.
Officer	Darren Long – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	9 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

A letter has been received from the Bureau of Meteorology requesting Council to consider a proposal to install a 30 metre radar facility at Yangedi Airfield. As part of the request the Bureau of Meteorology seek Councils permission to undertake a geotechnical survey of the proposed site on the Reserve.

Mr Michael Whitehead advises: *‘The Bureau of Meteorology, as part of a Commonwealth Government funded initiative, has been progressively upgrading its radar network. The new radar systems are specifically sited to support and enhance the Bureau’s weather surveillance, forecasting and warning services for the location identified’.*

The proposal involves the installation of a 22.5m high cylindrical steel tower, with the radar facility housed within a 5.5m diameter radome on top. A small equipment shelter (approx 9 x 5) will be provided to house the radar electronics. A backup power generator will be housed within an acoustic cabinet with an internal fuel storage tank secured within a concrete bund to contain any fuel spill. The complete facility will be secured within a 2m high security fence with locked access gates.

A copy of the letter and associated documentation is with attachments marked CGAM52/11/06. Copies of site photographs are attached as CGAM52.1/11/06 CGAM52.2/11/06 AND CGAM52.3/11/06.

The following information is noted in relation to Yangedi Airfield:

DESCRIPTION	DETAILS
Reserve No	R25911, Lot 164 Yangedi Road, Hopeland.
Reserve Area	64 Hectares
Land Owner	Crown – State Government
Vesting Order	Shire of Serpentine Jarrahdale Care, Control & Management responsibility.
Reserve Purpose	Public Recreation
Constraints	Reserve is a proclaimed bush forever site

Advice was previously provided by Councils Environmental Officer in 2004 to the Bureau of Meteorology on use of the Reserve site and the following points were raised:

1. Has the use of private land been considered for the provision of the radar facility? There is hardly any native vegetation left on this part of the coastal plain. Without good reasoned explanation of why they wish to clear the reserve land, rather than locate on already cleared land, the Shire should consider not approving the application.
2. A comprehensive flora survey to be conducted of any areas proposed to be cleared, including any Threatened Ecological Communities, if Council supports the proposal.
3. An assessment of dieback should be undertaken to determine if there is any dieback risk or increase of disease spread if Council supports the proposal.
4. A requirement to manage and control weed invasion on the site as a result of any clearing.

An Officer report was considered by the Corporate Governance and Asset Management Committee meeting on 21 March 2006 relating to clearing of vegetation at Yangedi Airfield. This report referred to the proposed clearing to be undertaken by the Sports Aircraft Builders Club of WA Inc. The following comments (sic) within the report are believed to be significantly relevant to the proposal under consideration:

The reserve contains regionally significant bushland, Bush Forever Site 378. The area contains an Environmental Protection Policy wetland and Conservation Category Wetlands. These are dominantly of species Melaleuca pressiana and vegetated low open woodland of Kunzea glabrescens and scrub Regelia cilia. The wetland area is regularly mowed and for this reason is in a degraded condition.

The north western side contains vegetated upland Banksia attenuata, Banksia menziessii and scattered Eucalyptus marginata, Banksia ilicifolia and Allocasuarina fraseriana woodland. Most of the vegetation is in good to excellent condition with disturbances of weed species and Phytophthora around the edges.

The area in the centre of the reserve has been cleared for the infrastructure and the grassed area regularly mowed.

Two vegetation complexes occur on the reserve. A table below shows their approximate distribution across the site, the shire and the Bush Forever study area.

	Southern River Complex (Ha)	Bassendean Complex (Ha)
<i>Yangedi Airfield 2006 statistics</i>	14	18
<i>Yangedi Airfield Pre European</i>	34	30
<i>Serpentine Jarrahdale 1998 statistics</i>	732	3033
<i>Serpentine Jarrahdale Pre European</i>	7653	9854
<i>Bush Forever Study area 1998 statistics</i>	5370	10919
<i>Bush Forever Study Pre European</i>	31148	46220

Based on these issues, Council Officers recommended that Council require the Sports Aircraft Builders Club prepare a reserve management plan, at the Club's cost.

The following alternative resolution was moved and passed by Council:

CGAM112/03/06 COUNCIL DECISION

Moved Cr Wigg seconded Cr Kirkpatrick

That Council grants delegated authority to the Chief Executive Officer to lodge a clearing application with the Department of Environment (DoE) and a planning application with the Western Australian Planning Commission (WAPC) for development on Crown Reserve 25911. Where further development is required it should be subject to a reserve management plan prepared in conjunction with the Serpentine Jarrahdale Landcare Centre.

Sustainability Statement

Effect on Environment:

Biodiversity: The proposal involves the clearing of approximately 400m² (20m x 20m for site) of vegetation on a site that is considered by the State Government to be of high conservation value. Access to the proposed site could be managed without disturbing any vegetation as a 4 metre firebreak currently exists down the western boundary of the site.

Site disturbance from a cut and fill perspective is considered to be minimal, as the site is relatively flat

Energy Use/Greenhouse Gas Emissions: The proposal involves connection of the radar facility to the Synergy metropolitan power grid, which will increase the load on the metropolitan network and increase greenhouse gas emissions, albeit the impact will be minimal.

Resource Implications:

Energy Use:

The proposed radar tower involves connection to the Synergy metropolitan power grid, which will increase the load on the metropolitan network.

Land:

The proposed radar tower facility involves the use of 400m² of reserve land.

Social – Quality of Life:

The radar facility proposal will allow for the provision of early weather warnings for the Shire, including the areas of Rockingham and Mandurah that are prone to sudden and severe storms and tornado events. The facility will enhance the quality of life for residents in the Shire by allowing them to pre-prepare for any storm events through the early warning systems proposed.

Statutory Environment:

Local Government Act 1995.
Planning Act 2005
Environmental Protection Act 1986 and associated regulations.

Policy Implications:

No policy implications

Financial Implications:

The proposal will involve the leasing of land by Council to the Australian Government for a negotiated leased fee, generating a small revenue stream for Council.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 2: Formation of active partnerships to progress key programs and projects

Strategies:

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

Community Consultation:

Consultation has been undertaken with the Sport Aircraft Builders Club of WA Inc in relation to the proposal. Meetings have been held and the Club has advised that they have no objections to the proposal and are willing to have a portion of land excised out of their lease over reserve 25911 to accommodate the proposal.

It is proposed that when the formal development application is lodged, the Reserves Working Group will be consulted for their input on the proposal during the development assessment phase.

Comments

The radar facility proposal put forward by the Bureau of Meteorology will provide benefits to the community, specifically in improved data collection and analysis that will assist in better prediction of weather patterns in the Serpentine Jarrahdale, Mandurah and Rockingham local government areas.

This improved weather information will greatly assist the Shire's emergency services when dealing with fires, storms and flood events and being able to better predict weather conditions.

There are implications associated with the clearing of native vegetation on the site, however it is believed that the removal of vegetation can be minimised through a negotiated process when determining the precise site location on Reserve 25911.

In light of the resolution CGAM112/03/06, Council is requested to provide guidance to Officers on whether they will require the preparation of a reserve management plan for the reserve, as a result of the 400m² of land required for the proposed radar facility. It is suggested that a management plan may not be required due to the proposal having tangible benefits to the wider community and that negotiations regarding the actual site will be able to minimise the loss of vegetation.

The Bureau of Meteorology has requested if Council supports the proposal, would Council consider a direct lease/licence agreement with the Australian Government, rather than a sub-lease with the Sports Aircraft Builders Club Inc. To arrange a direct lease for the Bureau of meteorology will require a variation to the Sports Aircraft Builders Club's lease to excise the portion of land required for the radar facility. The Sports Aircraft Builders Club Inc has indicated their support for a direct lease between Council and the Bureau, and the

Club is also supportive of the lease variation to excise the portion of land required for the radar site.

It is recommended that Council:

1. Supports in-principle the proposal by the Bureau of Meteorology to install a radar facility at the Yangedi Airfield, subject to the following:
 - a) A formal development application being submitted to Council's Planning section in relation to the proposal, before any works commence on site;
 - b) A building application being submitted to Councils Building section in relation to the proposal, before any works commence on site;
 - c) The Bureau of Meteorology entering into negotiations with Council regarding the proposed radar site location to minimise the removal of vegetation;
 - d) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale;
 - e) A comprehensive flora survey of the area to be cleared being prepared, by a qualified botanist approved by Department of Environment and Conservation to support the application to clear native vegetation;
 - f) Liaison with the Bush Forever Office at the Department of Planning and Infrastructure in relation to the site being a declared Bush Forever site.

2. Grant approval for Golder Associates to undertake a geotechnical investigation at the Yangedi Airfield, subject to the following:
 - a) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale, should the geotechnical investigation require the clearing of any vegetation;
 - b) Communication with the Sports Aircraft Builders Club of WA by Golder Associates on access to the site.

3. Authorise the CEO to initiate a variation to the lease with the Sports Aircraft Builders Club Inc. to excise the portion of land required for the radar site, once negotiations over the radar site location are concluded; and that a draft lease/licence be prepared for the proposed radar facility site at Yangedi Airfield.

Voting Requirements: Simple Majority

CGAM052/11/06 Officer Recommended Resolution:

That Council:

1. Supports in-principle the proposal by the Bureau of Meteorology to install a radar facility at the Yangedi Airfield, subject to the following:
 - a) A formal development application being submitted to Council's Planning section in relation to the proposal, before any works commence on site;
 - b) A building application being submitted to Councils Building section in relation to the proposal, before any works commence on site;
 - c) The Bureau of Meteorology entering into negotiations with Council regarding the proposed radar site location to minimise the removal of vegetation;
 - d) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale;
 - e) A comprehensive flora survey of the area to be cleared being prepared, by a qualified botanist approved by Department of Environment and Conservation to support the application to clear native vegetation;
 - f) Liaison with the Bush Forever Office at the Department of Planning and Infrastructure in relation to the site being a declared Bush Forever site.

2. Grant approval for Golder Associates to undertake a geotechnical investigation at the Yangedi Airfield, subject to the following:
 - a) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale, should the geotechnical investigation require the clearing of any vegetation;
 - b) Communication with the Sports Aircraft Builders Club of WA by Golder Associates on access to the site.
3. Authorise the CEO to initiate a variation to the lease with the Sports Aircraft Builders Club Inc. to excise the portion of land required for the radar site, once negotiations over the radar site location are concluded; and that a draft lease/licence be prepared for the proposed radar facility site at Yangedi Airfield.

ADVICE NOTE:

In relation to recommendation 2 above, the Bureau of Meteorology and Golder Associates be requested to consult with the Department of Environment and Conservation and the Bush Forever Office regarding vegetation implications prior to entering the site and commencing the geotechnical investigation.

CGAM052/11/06 AMENDMENT:

That Council:

1. Supports in-principle the proposal by the Bureau of Meteorology to install a radar facility at the Yangedi Airfield, subject to the following:
 - a) A formal development application being submitted to Council's Planning section in relation to the proposal, before any works commence on site;
 - b) A building application being submitted to Councils Building section in relation to the proposal, before any works commence on site;
 - c) The Bureau of Meteorology entering into negotiations with Council regarding the proposed radar site location to minimise the removal of vegetation;
 - d) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale;
 - e) Liaison with the Bush Forever Office at the Department of Planning and Infrastructure in relation to the site being a declared Bush Forever site.
2. Grant approval for Golder Associates to undertake a geotechnical investigation at the Yangedi Airfield, subject to the following:
 - a) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale, should the geotechnical investigation require the clearing of any vegetation;
 - b) Communication with the Sports Aircraft Builders Club of WA by Golder Associates on access to the site.
3. Authorise the CEO to initiate a variation to the lease with the Sports Aircraft Builders Club Inc. to excise the portion of land required for the radar site, once negotiations over the radar site location are concluded; and that a draft lease/licence be prepared for the proposed radar facility site at Yangedi Airfield.

ADVICE NOTE:

In relation to recommendation 2 above, the Bureau of Meteorology and Golder Associates be requested to consult with the Department of Environment and Conservation and the Bush Forever Office regarding vegetation implications prior to entering the site and commencing the geotechnical investigation.

LOST 4/2

CGAM052/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Price
It is recommended that Council:

- 1. Supports in-principle the proposal by the Bureau of Meteorology to install a radar facility at the Yangedi Airfield, subject to the following:**
 - a) A formal development application being submitted to Council's Planning section in relation to the proposal, before any works commence on site;**
 - b) A building application being submitted to Councils Building section in relation to the proposal, before any works commence on site;**
 - c) The Bureau of Meteorology entering into negotiations with Council regarding the proposed radar site location to minimise the removal of vegetation;**
 - d) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale;**
 - e) A comprehensive flora survey of the area to be cleared being prepared, by a qualified botanist approved by Department of Environment and Conservation to support the application to clear native vegetation;**
 - f) Liaison with the Bush Forever Office at the Department of Planning and Infrastructure in relation to the site being a declared Bush Forever site.**

- 2. Grant approval for Golder Associates to undertake a geotechnical investigation at the Yangedi Airfield, subject to the following:**
 - a) An application to clear native vegetation being lodged with the Department of Environment and Conservation by the Bureau of Meteorology in conjunction with the Shire of Serpentine Jarrahdale, should the geotechnical investigation require the clearing of any vegetation;**
 - b) Communication with the Sports Aircraft Builders Club of WA by Golder Associates on access to the site.**

- 3. Authorise the CEO to initiate a variation to the lease with the Sports Aircraft Builders Club Inc. to excise the portion of land required for the radar site, once negotiations over the radar site location are concluded; and that a draft lease/licence be prepared for the proposed radar facility site at Yangedi Airfield.**

ADVICE NOTE

In relation to recommendation 2 above, the Bureau of Meteorology and Golder Associates be requested to consult with the Department of Environment and Conservation and the Bush Forever Office regarding vegetation implications prior to entering the site and commencing the geotechnical investigation.

CARRIED 10/0

CGAM053/11/06		MONTHLY FINANCIAL REPORT – OCTOBER 2006	(A0924/06)
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 31 October 2006	
Owner:			
Officer:	Casey Mihovilovich – Manager Finance Services		
Signatures Author:			
Senior Officer:			
Date of Report	3 November 2006		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995		
Delegation	Council		

Background

As per the new Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month with the following detail -

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Sustainability Statement:

This review provides an indication of current allocation of resources to provide services as adopted in the 2006/2007 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

Statutory Environment:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month. The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

Policy Implications:

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

Financial Implications:

As provided within the report

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: No

Comment:

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts for the purpose of keeping Council abreast of the current financial position.

A copy of the Financial Report is included with the attachments and marked CGAM53/11/06 (E06/4959)

Voting Requirements: Simple Majority

COUNCIL DECISION – EN BLOC RESOLUTION NO 1

Moved Cr Murphy seconded Cr Price

Council adopts en bloc the recommendations of the Corporate Governance & Asset Management Committee meeting held on 21st November, 2006 in items CGAM053/11/06, CGAM054/11/06, CGAM055/11/06, CGAM056/11/06 and CGAM057/11/06.

CARRIED 10/0

CGAM053/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 31 October 2006, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED EN BLOC RESOLUTION NO.1

CGAM054/11/06		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during October 2006
Owner:	N/A	
Officer:	Tracy Mladenovic – Assistant Accountant	
Signatures Author:		
Senior Officer:		
Date of Report	3 rd November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

In accordance with Local Government (Financial Management) Regulations 1996 13(1) Schedules of all payments made through the Council's Bank Accounts are presented to the

Committee and to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

Invoices supporting all payments are available for the inspection of the Committee and Council. All invoices and vouchers presented to the Committee and to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

Summary of creditor accounts paid and payable for the month of October 2006.

EFT 10749 to EFT 10868 Cheque number 36737 to 36772 Totalling \$636,986.87	\$636,986.87	MUNICIPAL FUND
	\$0	TRUST ACCOUNT
Nil	\$0	LOAN ACCOUNT
TOTAL	\$636,986.87	

A copy of the vouchers numbered 36737 to 36772 and EFT10749 to EFT10868 totalling \$636,986.87 for the month of October is included with the attachments and marked CGAM54/11/06. (E06/5159)

Voting Requirements: Simple Majority

CGAM054/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

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

CARRIED EN BLOC RESOLUTION NO.1

CGAM055/11/06		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 October 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	3 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

CURRENT	\$295,678.08
30 DAYS	\$8,132.28
60 DAYS	\$693.00
90 DAYS	\$78,682.01
TOTAL	\$383,585.37

Dr Number	Amount	For	Details
769	\$13,425.19	Lease	Payment arrangement entered into. First instalment payment has been made. Debt to be finalised by January 2006. T/c made 1/2/06 to check on final date of last instalment as it is now overdue. Is organising for payment of o/s funds. No payments made to date.
39	\$10,803.10	Reimbursement Court Costs & Fines Illegal Slaughtering	Client to pay regular payments direct to Perth's Magistrates Court. Payments will be forwarded to Shire as soon as recovered.
326	\$44,000.00	2005/2006 Maintenance Contribution Thomas Road 2006/2007 Maintenance Contribution Thomas Road	Asset services to submit recouperation forms before payment will be made.
61	\$5,500.00	Developer Contribution to Community Facilities & Services Plan	Reminder notices posted 05.09.06 & 10.10.06 –Company name amended on invoice and payment to be made within fortnight 24/10/06

Voting Requirements: Simple Majority

CGAM055/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 October 2006.

CARRIED EN BLOC RESOLUTION NO.1

CGAM056/11/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 October 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report	3 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

2006/2007 (At 31 October 2006)			2005/2006 (At 31 October 2005)			2005/2006 (At 30 June 2006)		
	RATES	RUBBISH		RATES	RUBBISH		RATES	RUBBISH
	\$	\$		\$	\$		\$	\$
Outstanding 30/6/05	\$146,310	\$136,342	Outstanding 30/6/05	\$209,024	\$115,453	Outstanding 30/6/05	\$209,024	\$115,453
Deferred pensions 30/06/05	-\$91,204		Deferred pensions 30/06/05	-\$79,525		Deferred pensions 30/06/05	-\$79,525	
Total	\$55,106		Total	\$129,499		Total	\$129,499	
Levied 2005/2006 - 1 July	\$5,584,968	\$1,117,080	Levied 2005/2006 - 1 July	\$4,866,994	\$705,167	Levied 2005/2006 - 1 July	\$0	\$0
Bushfire Levy	\$0		Bushfire Levy	\$0		Bushfire Levy	\$0	
ESL	\$607,465		ESL	\$295,494		ESL	\$295,494	
Interim Rates	\$0		Interim Rates	\$50,344		Interim Rates	\$0	
2005/2006 Penalty	\$3,796		2004/2005 Penalty	\$10,688		2004/2005 Penalty	\$0	
Receipts	-\$3,705,107	-\$970,999	Receipts	-\$3,426,538	-\$605,243	Receipts	-\$5,199,381	-\$689,635
Bushfire Levy Received	-\$479		Bushfire Levy Received	-\$7,023		Bushfire Levy Received	-\$8,319	
ESL Receipts	-\$501,670	\$0	ESL Receipts	-\$213,092	\$0	ESL Receipts	-\$289,710	\$0
Total Receipts			Total Receipts			Total Receipts		
Less Deferred Pensions	-\$91,204		Less Deferred Pensions	-\$96,599		Less Deferred Pensions	-\$91,204	
Outstanding	\$2,044,080	\$282,423	Outstanding	\$1,689,291	\$215,377	Outstanding	\$55,106	\$136,342
Instalment Owing		\$1,265,734	Instalment Owing		\$0	Instalment Owing		\$0
Other Outstanding		1,060,768	Other Outstanding			Other Outstanding		55,106
Total Outstanding (Excluding Deferred)		2,326,502	Total Outstanding (Excluding Deferred)		1,904,668	Total Outstanding (Excluding Deferred)		191,448
Collection Percentages			Collection Percentages			Collection Percentages		
Rates	Rubbish	ESL	Rates	Rubbish	ESL	Rates	Rubbish	ESL
64.60%	77.47%	82.58%	61.47%	73.75%	72.11%	97.18%	83.49%	98.64%

	Balance Owing	Number of Properties
Payment Arrangements (Direct debits)	\$69,993	56
Collection Agency - Dun & Bradstreet		
- Payment Arrangements	\$9,650	3
- Summons Notice	\$0	0
- Summons	\$3,278	1
- Warrant	\$10,829	1
- Paid	\$0	0
- Means Inquiry	\$0	0
- Judgment	\$2,141	1
Overdue Rates	\$866,334	635
Instalment Option 3 (two Payments)	\$175,303	291
Instalment Option 4 (four payments)	\$1,090,431	1,188
Interim Rates	\$9,726	57
Further Investigation/Possible Corrections	\$5,261	2
Subject to Settlement	\$3,179	2
Re-issued Notices	\$0	0
Pensioners - current year rates	\$64,422	98
Pensioners to be claimed or adjusted	\$12,049	
Minor Balances (\$0 to \$99.99)	\$3,908	373
	\$2,326,502	2,708

Payment Arrangements

Of the 56 properties subject to payment arrangement, 23 are overdue for payment. Of these, 2 are behind by one payment and will be monitored, 4 are at least two payments and will be sent letters, 17 are at least three payments behind and will be sent to Councils collection agency.

Collection Agency - Dun & Bradstreet

The total now referred for collection is 686 properties with total debts of \$856,090.20. There are currently 6 properties active with debts of \$25,897.77 that remain with Dun & Bradstreet.

Instalments

There are 291 who have chosen option 3 (two payments) with a \$ value of \$175,303.00 and 1188 who have chosen option 4 (four payments) with a \$ value of \$1,090,431.00.

Interim Rates

These interim rates are mainly for rubbish services and subdivisions.

Further Investigation

Of the 4 outstanding items, 2 are waiting on settlement and 2 properties need to be investigated further.

Pensioners - Outstanding Claims

Investigation is continuing in consultation with State Revenue Department to resolve the outstanding rebate claims. Manual pension claims are being processed to reduce this outstanding amount.

Overdue

There are 635 overdue. Notices will be sent to the ratepayers who have not paid there rates, requiring them to either go onto a formal payment arrangement or to pay in full within two weeks of the date on the letter. If no reply is received, they will be forwarded to Councils collection agency.

CGAM056/11/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

That Council receive and note the report on the Rate Debtors accounts as at 31 October 2006.

CARRIED EN BLOC RESOLUTION NO.1

CGAM57/11/06		INFORMATION REPORT	
Proponent:	Director Corporate Services	In Brief To receive the information report to 31 October 2006	
Owner:	Not Applicable		
Officer:	Various		
Signatures Author:			
Senior Officer:			
Date of Report	3 November 2006		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

CGAM57.1/11/06 INTEREST ON INVESTMENTS (A0073)

Bank	Maturity Date	Purpose	Terms	Balance	Interest on Invest	Balance
Reserve Funds						
Bendigo Bank	29.12.2006	Tourism Reserve	6.20%	\$31,507.97	\$385.35	\$31,893.32
Bendigo Bank	28.12.2006	Gravel Pit Reserve	6.20%	\$25,031.00	\$306.13	\$25,337.13
Bendigo Bank	28.12.2006	Leave Reserve	6.20%	\$119,962.83	\$1,467.16	\$121,429.99
Bendigo Bank	28.12.2006	Waste Reserve	6.20%	\$0.00	\$0.00	\$0.00
Bendigo Bank	28.12.2006	Renewable Energy Reserve	6.20%	\$20,091.30	\$245.72	\$20,337.02
Bendigo Bank	28.12.2006	Community Facilities Reserve	6.20%	\$105,268.14	\$1,287.44	\$106,555.58
Bendigo Bank	28.12.2006	Investment Reserve	6.20%	\$193,762.98	\$2,369.75	\$193,132.73
Bendigo Bank	28.12.2006	Plant Reserve	6.20%	\$263,144.42	\$3,218.29	\$266,362.71
Bendigo Bank	28.12.2006	Admin Building Reserve	6.20%	\$213,307.76	\$2,608.78	\$215,916.54
Bendigo Bank	28.12.2006	Emergency Reserve	6.20%	\$24,937.12	\$304.98	\$25,242.10
Bendigo Bank	28.12.2006	Road Reseals Reserve	6.20%	\$0.00	\$0.00	\$0.00
Bendigo Bank	28.12.2006	Jarrahdale Heritage Park	6.20%	\$263,466.76	\$3,222.23	\$266,688.99
TOTAL				\$1,260,480.28	\$15,415.85	

Telstra Shares	Telstra Shares as at 31 October, 2006 \$3.96 @ \$3.96			\$11,880.00		\$11,880.00
Bendigo Bank	Bendigo & Districts Community Development Services Ltd shares @ \$1			\$10,000.00		\$10,000.00
				\$1,282,360.28	\$15,415.85	

SPECIAL PURPOSE INVESTMENTS

Bank West	02.10.2006	Darling Downs Capital	6.17%	\$82,707.73	\$1,286.25	\$83,993.98
Bendigo Bank	04.08.2006	Byford Youth Forum	5.60%	\$5,847.74	\$82.54	\$5,930.28

TOTAL INVESTMENTS				\$88,555.47	\$1,368.79	
MUNICIPAL INVESTMENTS						
Suncorp Metway	27.12.2006	Muni Investment	6.24%	\$500,000.00	\$7,864.11	507864.11
Suncorp Metway	05.01.07	Muni Investment	6.24%	\$600,000.00	\$10,052.38	\$610,052.38
Bendigo Bank	08.01.2007	Muni Investment	6.30%	\$500,000.00	\$7,767.12	\$507,767.12
Bendigo Bank	08.01.2007	Muni Investment	6.30%	\$250,000.00	\$3,883.56	\$253,883.56
Suncorp Metway	09.01.2007	Muni Investment	6.30%	\$400,000.00	\$6,282.74	\$406,282.74
Suncorp Metway	09.01.2007	Muni Investment	6.30%	\$350,000.00	\$5,497.40	\$355,497.40
Bendigo Bank	16.01.2007	Muni Investment	6.33%	\$800,000.00	\$12,486.58	\$812,486.58
Restricted Cash						
Bendigo Bank	18.01.2007	Road Contribution	6.20%	34971.39	546.51	\$35,517.90

TOTAL INVESTMENTS	\$3,434,971.39	\$54,380.40
Total Investments	\$4,805,887.14	\$71,165.04

FUNDS INVESTED FROM ACCOUNTS		
Reserve Funds		\$1,282,360.28
Special Purpose Investments		\$88,555.47
Municipal Investments		\$3,434,971.39
		\$4,805,887.14

INTEREST EARNED		
Interest for October 2006		\$0.00
Previous interest		\$19,364.73
		\$19,364.73

BANKS RESERVES INVESTED WITH		
BankWest	1.72%	\$82,707.73
Bendigo Bank	59.33%	\$2,851,299.41
Byford & Districts Community Dev Shares	0.21%	\$10,000.00
Suncorp Metway	38.49%	\$1,850,000.00
Telstra Shares	0.25%	\$11,880.00
	100.00%	\$4,805,887.14

General Ledger

Investments - Muni	10111000	\$3,488,555.41
Investments - Reserve	10110030	\$1,261,103.15
Reserve Fund Shares	10110040	\$22,200.00
Bendigo Bank	10110050	\$10,000.00
Developer Contributions	10110060	\$34,348.58
		\$4,816,207.14
	Variance	\$10,320.00

Shares (Telstra)	\$10,320.00
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Restricted Cash	10100030	\$757,366.10
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TD	Term Deposit
BE	Bill of Exchange
CD	Certificate of Deposit
SEC	Securities
PN	Promissory Notes
FRN	Floating Rate Note

CGAM057.2/11/06 ROADWISE (A0491/01)

A copy of the minutes of the meeting held on 27th September, 2006 is with attachments marked CGAM057.2/11/06 (E06/4554)

CGAM057.3/11/06 TRAILS WORKING GROUP (A0494)

A copy of the minutes of the meeting held on 10th October is with attachments marked CGAM 57.3./11/06 E06/4703

CGAM057.4/11/06 MINUTES OF THE RESERVES ADVISORY GROUP HELD ON THE 17 OCTOBER 2006

A copy of the Minutes of the Reserves Advisory Group held on the 17 October 2006 is with attachments marked CGAM57.4/11/06 (E06/4739)

CGAM057.5/11/06 MINUTES OF THE JARRAHDALÉ HERITAGE PARK WORKING GROUP MEETING HELD ON THE 18 OCTOBER 2006

A copy of the Minutes of the Jarrahdale Heritage Park Working Group held on the 18 October 2006 is with attachments marked CGAM57.5/11/06 (E06/4747)

CGAM057.6/11/06 SERPENTINE JARRAHDALÉ RECREATIONAL CENTRE QUARTERLY MANAGEMENT REPORT (JULY – SEPTEMBER 2006)

A copy of the financials for the quarter provided by the Serpentine Jarrahdale Recreational Centre Management Committee is included with attachments marked CGAM57.6/11/06 (IN06/12743)

A copy of the Quarterly Management Group Report will be provided through the Sustainable Development Committee Agenda.

CGAM057.7/11/06 MINUTES OF THE CEMETERIES MANAGEMENT COMMITTEE MEETING HELD ON THE 1 NOVEMBER 2006

A copy of the Minutes of the Cemeteries Management Committee held on the 1 November 2006 is with attachments marked CGAM57.7/11/06 (E06/4901)

CGAM057/11/06 COUNCIL DECISION/COMMITTEE/Officer Recommended Resolution:

**The information report to 8 November, 2006 be received.
CARRIED EN BLOC RESOLUTION NO.1**

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM017/11/06		PROPOSED AMENDMENTS TO LOCAL GOVERNMENT ACT 1995 (A1080-02)
Proponent	State Government	In Brief The State Government has introduced proposed amendments to the electoral provisions of the Local Government Act 1995 into the Legislative Assembly. The proposed amendments include a change of voting method from first past the post to proportional representation. Council adopted a position in December 2005 to support the retention of first past the post voting and voluntary voting. It is recommended that Council opposes the proposal to change to a system of proportional representation for the reasons outlined in this report; opposes the introduction of tickets for local government elections; and authorises the President and Chief Executive Officer to lobby State politicians and agencies in accordance with this adopted position.
Officer	Joanne Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	23.11.2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provision of the Local Government Act	
Delegation	Council	

Background

The local government industry has been aware for some time that the State Government has been intending to change the date for local government elections from May to October. However, the proposed amendments relating to the change of voting system to proportional representation were introduced into the Legislative Assembly without prior consultation with the local government industry.

Proportional representation is the system of voting used for Western Australian Legislative Council and Commonwealth Senate elections. The system involves voters numbering all the boxes on the ballot paper.

For single vacancy elections the system operates the same as preferential voting where voters number all boxes and a candidate is only elected if they receive 50% + 1 of the votes after the distribution of preferences.

For multiple vacancy elections, quotas are set dependant upon the number of vacancies. Candidates who reach the quota with their first preference votes are automatically elected. The votes they receive in excess of the quota are transferred at a “diminished value” to the next candidate selected by the voter on the ballot. Once all excess votes have been counted, if all the vacancies have not been filled, then the candidate with the least first preference votes is eliminated and their preferences are transferred at full value. The process continues until all vacancies have been filled.

It is widely acknowledged that the proportional representation system is more complex for both voters and vote counters. As a result of this increased complexity for voters, it can be expected that participation rates in local government elections will decrease. Council currently conducts postal elections and enjoyed a 40.39% participation rate at the May 2005 elections, exceeding the state average. Should participation rates decline there is the potential for compulsory voting to be introduced at a later date or alternatively it may be

brought in as part of the implementation of proportional preferential voting in anticipation of this decline.

It is virtually impossible to count multiple vacancy elections by hand and this would result in the Electoral Commission becoming responsible for the vast majority of elections. The increased complexity will also result in vote counting being more labour intensive and therefore the conduct of elections becoming more expensive. The current system allows votes to be simply counted and readily available on election night.

Council considered changes to the current electoral system at the December 2005 Council Meeting (OCM022/12/05) in response to a study into structural and electoral reform being conducted by the Local Government Advisory Board. Council resolved to support non-compulsory, “first past the post” voting. **A copy of Council’s response to the electoral reform survey is attached at OCM017/11/06.**

Comments

Officers consider it likely that the introduction of proportional representation will result in a decrease in participation rates at the same time as an increase in the costs of conducting elections. Both of these consequences will have negative impacts on the governance of the industry.

The amendments contained in the *Local Government Amendment Bill 2006* do not address the detail of the proposed system, which is to be set out in the regulations. As a result it is not possible to determine exactly how the proposed amendments will be implemented. One possible effect of a change to proportional representation is the introduction of “tickets” in local government elections.

Presently, in Senate and Legislative Assembly elections, authorised tickets are represented on ballot papers. Voters then choose to either select a “ticket” vote, which automatically allocates their preferences across all the candidates, or number each individual candidate on the ballot paper. In the 2004 Federal Election, 95% of Western Australians chose to vote for a ticket in the Senate rather than numbering each candidate individually. Tickets in State and Federal elections are typically run by political parties.

The introduction of “tickets” into local government elections may have a significant impact upon the conduct of elections. This could encourage political parties to run tickets in local government elections, formalising political party involvement in local government. Other “groupings” of candidates may occur to run formal tickets to ensure candidates have a better chance of being elected. If this occurred it could have a substantial impact upon the governance of the local government industry.

If tickets are not introduced then the requirement that voters number all the boxes may result in reduced participation rates and more informal votes. At the most recent Serpentine Jarrahdale elections in May 2005, using the first past the post system, informal votes were 0.2% of the total vote. This compares to the Commonwealth House of Representatives informal rate for Western Australia in 2004 of 5.3% which is a similar voting system to proportional representation without tickets. Even the Commonwealth Senate system which uses tickets has an informal rate of 3.5%. However, it must be noted that voting in Commonwealth elections is compulsory which may increase the incidence of informal voting. Given the above analysis of the proposed amendments, it is recommended that Council opposes both the introduction of proportional representation and the introduction of tickets.

Sustainability Statement: In the local government context sustainability could be interpreted to mean a system of government that is economically viable and strategically managed for future generations, a system that promotes social inclusiveness and strengthens community capacity, and a system that is better equipped to improve environmental quality through high standards of environmental management. It is questionable whether a proportional preferential voting system, which has the potential to

encourage party political involvement in local government, will promote social inclusiveness and strengthen community capacity.

Statutory Environment: The *Local Government Amendment Bill 2006* was introduced for a second reading in the Legislative Assembly on 27 September 2006. The Bill provides for amendments to the *Local Government Act 1995* relating to local government elections. These include:

- (a) the introduction of the proportional system of voting as used by the Legislative Council;
- (b) changing the ordinary local government election date from the first Saturday in May to the third Saturday in October; and
- (c) clarification that persons registered on the electoral roll aged 17 are not able to vote until they turn 18 years of age.

Policy Implications: No policy implications are evident at this time. However it is considered to be the role of Council to undertake an advocacy role on its own behalf or on behalf of its community to another level of government or another body or agency.

Financial Implications: The proposed amendments to change to a system of proportional representation will increase the costs of conducting local government elections.

Strategic Implications:

Key Sustainability Result Areas

1. People and Community

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

It should be noted that the State Government did not consult with the local government industry before introducing the proposed amendments to introduce proportional representation.

Both the Western Australian Local Government Association and Local Government Managers Australia have issued press releases opposing the changes in light of the lack of consultation.

Voting Requirements:

Simple Majority

OCM017/11/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Star seconded Cr Wigg

That Council:

1. **Opposes the proposal to change from a first past-the-post voting system to a system of proportional representation for the reasons outlined in this report.**
2. **Opposes the introduction of tickets for Local Government elections for the reasons outlined in this report**
3. **Authorises the President and Chief Executive Officer to lobby State politicians and other relevant agencies in accordance with Council's adopted position.**
4. **Supports a motion of no confidence as follows:**

"We the elected Councillors of the Shire of Serpentine Jarrahdale hereby express our concern and alarm at the unilateral decision of the State

Government to include provisions in the Local Government Amendment Bill 2006 to impose and apply a proportional-preferential voting system to Local Government elections. We believe that the proposed changes to the voting system will lead to factionalism and party politics in Local Government, will result in decreased voter turn-out, increased informal votes and will impose substantially higher election costs on our communities. We believe that the proposed changes to the voting system have been developed in contravention of the State Local Government Partnership Agreement and effectively contravene the intent of a tripartite Inter Governmental Agreement recently signed by the Commonwealth, all State and Territory Governments and the Australian Local Government Association. We believe these actions to be unacceptable to the Local Government sector and to the Western Australian community at large and that the Minister for Local Government must be held accountable for them. Therefore, we declare that we have no confidence in the Hon Jon Ford JP MLC to continue to represent the Local Government portfolio.”

CARRIED 10/0

OCM018/11/06		COUNCIL MEETINGS AND SERVICES OVER CHRISTMAS & NEW YEAR PERIOD (A0023-02)	
Proponent	Chief Executive Officer	In Brief Confirm the schedule for Committee/Council meetings and arrangements for the Council Administration, Operations and Library in Mundijong over the Christmas/New Year period.	
Officer	J. Abbiss – Chief Executive Officer		
Signatures - Author:			
Senior Officer:			
Date of Report	21/11/2006		
Previously	CGAM030/09/05		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provision of the Local Government Act		
Delegation	Council		

Background

The following dates have previously been circulated for Committee and Council meetings for the month of December 2006:

19-12-06 Sustainable Development & Corporate Governance & Asset Management
27-12-06 Ordinary Council Meeting

It is proposed that Council advertise the following changes to the above dates to accommodate the Christmas/New Year period.

12-12-06 Sustainable Development & Corporate Governance & Asset Management
18-12-06 Ordinary Council Meeting

Office Hours Over the Christmas and New Year Period:

This year the Christmas Public Holidays will be Monday 25 December 2006, Tuesday 26 December 2006 and Monday 1 January 2007.

With regard to the Mundijong Administration and Operation team offices and the Mundijong Library, it has been normal practice for these offices to close all day on Christmas Eve for a

Councillor and staff team development activity day, but to otherwise remain open with representative staff present during the Christmas to New Year period, with the exception of recognised Public Holidays.

It is suggested that this year the office remain open all day on Christmas Eve but be closed over the period between Christmas and New Year, ie 27th – 29th December, 2006 with Staff taking accrued leave entitlements for these three days. It is proposed that Council advertise the closing of the office for the period 25th December, 2006 to 1st January, 2007 (inclusive).

Council's endorsement of closing the Shire office over the Christmas and New Year period is sought.

Sustainability Statement

It is not anticipated that customer service will be unduly impacted by the proposed closure as this period has been very quiet historically. With the office remaining open on Christmas Eve this will allow residents to complete any last minute business prior to the Christmas break. It is believed that this closure will be an active demonstration to staff of the family friendly workplace and recognition of their efforts during a year of hyper-growth.

Statutory Environment:

Local Government Act

Policy Implications:

CSP22 Family Friendly Workplace

Financial Implications:

Staff leave has been included in the 2006-2007 budget

Strategic Implications:

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Dates to be advertised in accordance with Local Government Act, at the administration office and a local newspaper.

Voting Requirements:

Normal

Comments

◆ **Committee and Council**

The Committee and Council dates as follows will be advertised for December 2007.

2 x Committee meetings 12 December 2006
1 x Ordinary Council meeting 18 December 2006

The Committee and Council dates as follows will be advertised for January 2007.

2 x Committee Meetings 16 January 2007
1 x Ordinary Council Meeting 22 January 2007

◆ **Christmas/New Year**

A random number of Local Governments were surveyed regarding operating hours over the period between Christmas and New Year, ie 27th – 29th December, 2006 indicating that many of those surveyed close over this period, including neighbouring authorities, the City of Mandurah and City of Rockingham.

In the attachments marked OC018 /11/06 are details of the survey.

It is intended that the variations to opening hours for the Mundijong Administration, Operations team office and Mundijong Library will be advertised and the offices will be well signed to indicate the closure over this period.

Over the Christmas and New Year period, as per previous years, it will again be the responsibility of the Chief Executive Officer, or the Acting Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

OCM018/11/06 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Scott

1) Council agrees to the following meeting and administrative arrangements over the month of December 2006 and January 2007 and that they be advertised accordingly to the public:

a) The meetings for December 2006 will be as per the following;

12-12-06	Sustainable Development & Corporate Governance & Asset Management
18-12-06	Ordinary Council Meeting

b) The Mundijong Administration and Operation team offices and the Mundijong Library to be closed from Monday 25th December 2006 to Monday 1st January 2007 (inclusive).

c) The meetings for January 2007 will be as per the following;

16-01-07	Sustainable Development & Corporate Governance & Asset Management
22-01-07	Ordinary Council Meeting

2) Council notes that over the Christmas and New Year period it will be the responsibility of the Chief Executive Officer, or the Acting Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

CARRIED 10/0

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM019/11/06	INFORMATION REPORT	
Proponent	Chief Executive Officer	In Brief Information Report for the month of November, 2006.
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	23 rd November, 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM019.1/11/06 COMMON SEAL REGISTER REPORT – OCTOBER, 2006 (A1128)

The Common Seal Register Report for the month of October, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM019.1/11/06.(E02/5614)

OCM019.2/11/06 POLICY FORUM – November, 2006 (A0429/05)

The following items were discussed at the November, 2006 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Invitation from Reserves Advisory Group for a Councillor to sit on this group
2.	LPP 17 Residential and Incidental Development (<i>previous & revised versions attached</i>)
3.	Shire owned land cnr Munro & Wanliss Streets, Jarrahdale
4.	Proportional preferential voting
5.	Community Group use of Council Facilities (including Community Bus) - Assessment Tool for Capacity to Pay
6.	Investment Policy

OCM019.3/11/06 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (A0435)

In the attachment marked OCM019.3/11/06 (IN06/13798) are motions and briefing notes prepared by the Western Australian Local Government Association for the National General Assembly of Local Government meeting to be held 27-30 November, 2006.

OCM019.4/11/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION STATE COUNCIL AGENDA - DECEMBER, 2006 (A1164)

In the attachments marked OCM019.4a/11/06.(IN06/13946) is the Agenda for the WALGA State Council Meeting to be held on 6th December 2006 together with the agenda attachments marked OCM019.4b/11/06 (IN06/13947) and the Status Report on State Council Resolutions marked OCM019.4c/11/06 (IN06/13945).

OCM019.5/11/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SOUTH EAST METROPOLITAN ZONE AGENDA - NOVEMBER, 2006 (A1164)

In the attachments marked OCM019.5/11/06 (IN06/14065) is the Agenda for the WALGA South East Metropolitan Zone Meeting to be held on 29th November 2006.

OCM019/11/06 COUNCIL DECISION/Officers Recommended Resolution

**Moved Cr Wigg seconded Cr Price
The Information Report to 23rd November, 2006 is received.
CARRIED 10/0**

10. URGENT BUSINESS:

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 8.44pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD049/11/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	7 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD049/11/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the October 2006 Building Information Report.
CARRIED 7/0**

SD050/11/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	9 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD050/11/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the Health Information Report for October 2006.
CARRIED 7/0**

SD055/11/06 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	1 November 2006	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD055/11/06 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 15 November 2006 be received.
CARRIED 7/0