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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 28TH AUGUST, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM 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

OFFICERS: Mr B Gleeson Acting Chief Executive Officer
Mr D Long Director Corporate Services
Mr S Bell Director Engineering
Mr R Montgomery .Executive Manager Strategic Community Planning
Mrs C McKee Community Development Co-ordinator
Mrs S Langmair Minute Secretary

APOLOGIES:

GALLERY: 17

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice
Nil

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.05pm

Gerald Bergsma, Lightbody Road, Mardella

Briefly highlight the problems that they are having with current unsealed condition of the first 300m section of Lightbody Road and have requested that the road be bitumen sealed to improve road safety. Photos have been provided to Councillors and staff. The road has been upgraded to its full width and part of the road is gravel. His opinion is that Lightbody Road is unsafe. A petition has been sent to Council and Councillors are urged to read this petition. Lightbody Road is the quickest road from Serpentine to the freeway therefore there is now extra traffic using this road. There was a letter attached to the petition from Council 's Manager Technical Services to Eric Senior dated 1999 regarding the forward financial plan and the upgrade of Lightbody Road. Local residents would like to see this road back on the forward financial plan. Mr Bergsma asked Councillors to take this matter very seriously when considering the matter at its September meeting.

Loretta Oud, Lightbody Road, Mardella

Advised that she was a parent and user of Lightbody Road. There have been numerous occasions when she has been met by vehicles sliding around corners. Dust is an issue on the road particularly through summer. It is sometimes too dusty to go outside during the day. People do not travel sensibly along the road and according to the conditions. This is an extremely dangerous situation that the shire has to take seriously. Ms Oud would like Council to look at this road seriously particularly with regard to bitumen sealing.

Joe Gangemi, regarding Byford and District Structure Plan

Attended a meeting recently with staff regarding the Byford Structure Plan. Prior to this point he was not aware of any changes to the proposed revisions to the Byford Structure Plan. The new plan completely ignores the previous structure plan for the area. The community or landowners have not been consulted regarding the changes. They have not received reports regarding the traffic management. He recommend consulting with the community before the new Byford District Structure Plan is adopted. This affects the whole of the Byford community. He challenged anyone present at the meeting whether they fully understood the Byford District Structure Plan and its implications.

P Mulder, 102 Adamson Street, representing 14 Residents in the Mundijong area regarding the proposed Cattery at Lot 96 Robinson Street Mundijong (SD016/08/06)

The residents oppose the application. the land use should not be for cattery purposes. this will affect the lifestyle of neighbouring properties and the property values of the area.

Danny Murphy, LWP Property Group

1. The proposed Byford District Structure Plan (BDSP) represents a major departure from the intent of the approved BDSP, particularly with respect to transport, land uses and the town centre configuration.
2. It is considered that given the nature and quantum of changes, the assessment and consultation process by Council with respect to the proposed BDSP may take some months/years.
3. LWP Property Group (LWP) embarked on the preparation of the Main Precinct Local Structure Plan (MPLSP) in early 2005. The initial stages of its preparation involved consultation with the Serpentine Jarrahdale Shire to determine the Shire's vision for the precinct.

Post approval of the BDSP, LWP held a workshop in early October 2005. The purpose of the workshop was to gather information from the stakeholder group and also give each stakeholder the opportunity to comment on the form that the MPLSP may ultimately take.

Post workshop the LWP project team prepared the Main Precinct Structure Plan from early October through to late December 2005. The Structure Plan was then lodged with the Serpentine Jarrahdale Shire on 22 December 2005.

4. It is with this background that we are seeking to proceed with consideration of the MPLSP to facilitate development in 2006/07. However, LWP recognises and respects the Shire's desire to review the BDSP, accordingly LWP is seeking to meet its objective in the context of the approved BDSP and proposed BDSP.

5. The area for development in the first instance is adjacent Doley Road. The major issue in this first area is the location of the neighbourhood centre. A second issue is water bodies. It is proposed to pursue resolution of these issues in the short term with Council with view to SPC proceeding with a public exhibition phase. (The SPC has agreed to allow the MPLSP to proceed to advertising in its current form. It is understood the SPC resolution will require the MPLSP to commence advertising by mid-September). Areas east of Warrington Road and adjacent Orton Road can be put “on hold” in the initial approval whilst changes to existing BDSP are resolved by Council.
6. LWP has a number of queries/issues with proposed BDSP which can be forwarded to Council or provided at the time it is formally exhibited.

Public Statement Time concluded at 7.23pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT’S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Star declared an interest of impartiality in Item SD018/08/06 – Proposed Disposal of Unallocated Crown Land Woodland Street, Alford Road, Siford Way, Sladden Street and Cousens Street, Jarrahdale as her daughter owns property nearby.

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 – 24th July, 2006

COUNCIL DECISION

Moved Cr Wigg seconded Cr Star
That the minutes of the Ordinary Council Meeting held on 24th July, 2006 be confirmed.
CARRIED 8/0

REPORTS OF COMMITTEES:

SD016/08/06 PROPOSED CATTERY – LOT 96 ROBINSON STREET, MUNDIJONG (P00829/01)		
Proponent:	D Rohan & S Smith	In Brief Application to construct a boarding cattery on the above property for up to 50 cats. It is recommended that the application be approved subject to conditions.
Owner:	As above	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	4 August 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 2 June 2006
 Advertised: Yes
 Submissions: 14 objections
 Lot Area: 1.8514 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Mundijong/Whitby Structure Plan: Not known at this stage
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A

Background

An application has been received for development of a cattery on the above property. The cattery will be housed in a 175 square metre shed. The shed is to be constructed of wheat coloured colorbond materials. The inside of the shed will be fitted out with enclosures for up to 50 cats, an office and reception area, food storage and preparation area, and toilet and laundry facilities. An outside run is to be provided at one end of the shed. A carparking area is to be constructed adjacent to the cattery shed.

The cattery will be operated by the owners of the property. Visitors will be by appointment only for drop off and pick-up of cats. A drop-off and pick-up service will also be offered to customers.

Dry sawdust will be used as litter material. Spent litter material will be bagged and removed from site by a commercial waste service.

Water supply will be provided through rainwater captured from the roof of the cattery and bore water will be used for watering of landscaping areas.

The property currently contains a Single House, Ancillary Accommodation and a shed. One third of the property is used for grazing. The site is parkland cleared and contains many trees and shrubs.

The site, floor, elevation and landscaping plans are with the attachments marked SD016.1/08/06.

Sustainability Statement

Effect on Environment: There will be little clearing of existing vegetation required to construct the cattery. Existing mature trees are intended to be retained to provide both shading of the cattery and screening of the business from other properties.

Road base is intended to be used for the construction of the car parking area and driveway. Road base has less potential to generate dust than limestone or gravel driveways. In addition, there are no houses on adjoining properties that are close to the proposed driveway or car park. Robinson Road is bitumen sealed so vehicles using this road are unlikely to generate dust.

Odour generation will depend on the frequency and quality of cleaning of the premises. However, given the location of the facility more than 50 metres from any lot boundary and more than 100 metres from the nearest dwelling on any adjacent property it is unlikely that the business would cause any odour nuisance outside the boundaries of the property.

Noise is generally not an issue with catteries. Cats will be separated in individual pens so will not fight and

Resource Implications: Stormwater runoff from the roof of the cattery is to be retained for use in the operation of the facility including the provision of drinking water for the animals and for use in the toilet and laundry facilities.

The high roof and large openings at each end of the shed will enable good ventilation through the cattery. These design features coupled with the existing shading vegetation on the site will help to cool the cattery in summer thereby reducing the need for mechanical ventilation and air conditioning.

Use of Local, renewable or recycled Resources: Sawdust from local sawmills is intended to be recycled for use in litter trays.

Economic Viability: It is considered that the proposal will be economically viable in a way that incorporates its external costs because it will provide a catalyst for more vegetation to be planted on the lot, stormwater will be captured and noise, dust and odour are not likely to extend beyond the boundaries of the site.

It is not expected that Robinson Road would require any upgrading as a result of this business as traffic volumes generated by the business would be low and intermittent. Maybe as many as ten cars per day during peak times (ie school holiday periods) but usually only a few cars per week. Catteries generally do not run at full capacity except during school holiday periods.

Economic Benefits: The proposed cattery may provide some local employment for the owners and a local service for pet owners. The nearest other cattery is in Oakford.

Social – Quality of Life: It is considered that this business will not impact adversely on the amenity of any adjoining residence if managed properly and operated in accordance with the Local Law Relating to Kennel and Cattery Establishments.

Social Diversity: The proposed business will not disadvantage any social groups.

Statutory Environment:

Town Planning Scheme No. 2
Local Law Relating to Kennel and Cattery Establishments

Policy/Work Procedure

Implications:

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

Financial Implications:

There are no Financial implications to Council related to this application/issue. The cost of annual inspections carried out by the Shire's Rangers is covered by the annual licence fee.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

4. Respect diversity within the community.

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

Strategies:

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

2. Environment

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

Strategies:

4. Reduce water consumption.

5. Reduce green house gas emissions.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

2. Respond to Greenhouse and Climate change.

3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Fourteen standard letters were received from residents in the locality of Lot 76 objecting to the proposal. The standard letter is detailed below:

We oppose the application for the proposed cattery.

We refer to the Town planning scheme and in particular table 1 and clause 5.18.6.3 (A). As the land in question is currently zoned as "Urban Development" and the structural plan is being formulated a cattery is not a permissible use.

Clause 5.18.6.3. (A) states" in the area designated as zones, the permissibility of uses is to be the same as set out in the zoning table as if those areas were zones

under the scheme having the same designation.” In relation to the above mentioned clause, the land would be zoned as “residential” once the structure plan is formulated, there for a cattery is not a permissible use.

Furthermore we like to draw your attention to the TPS, clause 5.18.7.3 “no development before structure plan”, in particular to clause 5.18.7.3. (C) “Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that such development will not have an adverse effect on the health, amenity, safety or convenience of the future and current occupants.

Under the Local Government Act 1995, local law relating to kennels and cattery establishments, SJ Shire 27 January 2004 local law. Part two, clause 4 number of cats kept, (A) “The owner or occupier of any premises within the district shall not keep more than three cats or allow to be kept, cats for the purpose of boarding, breeding or commercial activities relating to the keeping of cats, unless such premises are situated within the zone approved for the establishment of catteries under the local government town planning scheme”.

Clause 6: Approval of a kennel or cattery establishment and license:

“The local government shall not permit the establishment or maintenance of a kennel establishment in any area if in the opinion of the local government such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land”.

The proposed cattery clearly violates all of the above and therefore cannot be allowed to proceed.

As rate payers and residents we believe it is in your interest to protect and safeguard the values, lifestyle and economic interest of all ratepayers and residents in the SJ Shire.

As rate payers and residents adjoining the land where the cattery is proposed we have serious concerns relating to:

- Environmental.*
- Dust and hygiene impacts on our lifestyle and health.*
- Serious noise transfers impacting on our lifestyle.*
- Vermin influx.*
- Adverse smells.*

Safety:

Increased traffic in our local streets, compromises the safety of our young children.

Economic:

Land values will decrease particularly in the future when the zoning will change to residential. Unfair drain on dwindling water resources in our area due to commercial versus private use.

Lifestyle:

Disruption to our current lifestyle. Unwanted precedent to allow other future commercial activities in our immediate area.

In conclusion we urge you to reject the application for this cattery (commercialisation of our area), and safeguard our current community values, our rural character, diverse lifestyle, natural beauty and heritage and manage responsibly today for a better tomorrow, as is the vision for the Shire, which we are sure you want to uphold.

The issues raised in the standard submission are addressed in the Comment section below:

Comment:

Town Planning Scheme No. 2

A Cattery is defined in Town Planning Scheme No. 2 (TPS 2) as follows:

Cattery - means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One - General Sanitary Provisions, 1927 for the purpose of keeping more than three (3) cats over the age of three (3) months.

Table 1 of TPS 2 indicates that a cattery is an "SA" use (discretionary) use in the Rural zone, and a prohibited use in Residential, Commercial, Showroom Warehouse, Special Residential, Special Rural, Light Industry and General Industry zones. For the Rural Living A, Rural Living B, Farmlet, Conservation Zone, Agriculture Protection Zone, Rural and Special Use zones the table requires referral to the appendices that detail specific permitted uses and provisions for each area within these zones.

To determine which uses may be permissible in the Urban Development zone Table 1 requires reference to Clause 5.18.6.3 as detailed below:

- 5.18.6.3 *Without limiting the generality of clause 5.18.6.2, under a Structure Plan:*
- (a) *in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;*
 - (b) *the standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;*
 - (c) *the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;*
 - (d) *where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in clauses 2.3 and 2.4 inclusive apply as if the land was correspondingly reserved under the Scheme; and*
 - (e) *any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*

The Structure Plan for the land zoned Urban Development within Mundijong has not been prepared to date so Clause 5.18.6.3 above has no effect on this development. Accordingly, it is not known what the likely future zoning of this land under the structure plan will be. It could be Residential, Mixed Business, Light Industrial or any of a number of other zones. Therefore, in assessing this application it is necessary to refer to clause 5.18.7 of TPS 2 as follows:

5.18.7 No Development Before Structure Plan

- 5.18.7.1 *Except as provided in sub-clauses 5.18.7.2 and 5.18.7.3 hereof, no new development or use of land shall be commenced or carried out within the Urban Development zone until a Structure Plan has been approved for the relevant part of the zone.*
- 5.18.7.2 *Development of a single house on a lot within the "Urban Development" zone prior to the approval of a Structure Plan is*

permitted subject to the Council being satisfied that such development will not have an adverse effect on:-

- a) the preparation of a Structure Plan for; or*
- b) the orderly and proper planning of*

the area intended for the preparation of a Structure Plan.

5.18.7.3 *Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:*

- a) the preparation of a Structure Plan for, or*
- b) the orderly and proper planning of, or*
- c) the health, amenity, safety or convenience of the future occupants of,*

the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3.

With reference to clause 5.18.7.3 above the Council may approve the proposed Cattery as long as they are satisfied that the nature or scale of the cattery will not have an adverse effect on the preparation of the structure plan for Mundijong, orderly and proper planning of the structure plan area or the health, amenity, safety or convenience of the future occupants of the structure plan area.

The proposed development is considered to be consistent with the criteria contained in clause 5.18.7.3 for the following reasons:

1. The proposed development is small in scale comprising a 175 m² shed, small outdoor run, small car parking area for about 6 cars, a water tank and a septic system. All of these facilities could fit onto an area comprising 1000m² based on the following:

Shed	175m ²
Outdoor Run	25m ²
Septic System	150m ²
Tanks	50m ²
Car park	180m ²
Landscaping (including setbacks)	420m ²
Total	1000m ²

This is the size of only two residential lots at a density of R20.

2. Traffic: The operators of the business live on site so would not have to drive to and from the facility. Catteries generally generate low volumes and frequencies of traffic. People drop off the cats and then don't return for days of weeks or even longer. It is estimated that except for at peak times (school holidays) there would be only 2 or 3 customers per day. During peak times there may be up to 10 customers per day. This is only a few more vehicle movements per day than is normally generated by a Single Residence (7-10 vehicle movements per day).
3. The proposed building is similar in size, appearance and materials to most outbuildings in the area.
4. In accordance with the Local Law Relating to Kennel and Cattery Establishments, the approval does not run with the land but is specific to the licence holder only.

5. The proposed investment in the facilities is not of a scale that the business could not be relocated to another site should the area become a built up residential area of R20 or greater density. In fact, the vastly increased land value that will result once the structure plan is prepared and adopted will easily facilitate the relocation of the business.
6. Catteries are not generally noisy. All cats will be housed inside the shed in individual enclosures and by their nature do not make a lot of noise unless another cat comes into their territory.
7. The proposed material (road base) to be used on the accessway and car park does not produce much dust and Robinson Road is bitumen sealed.
8. If operated and managed properly odours will be minimal and generally not detectable outside the shed. Storage of waste litter in sealed containers will also prevent odours from causing a problem.
9. Wastewater from washdown of the cattery enclosures can be directed to the septic system so that there is a breakdown and filter of nutrients as with household wastewater.
10. Most of the water to be used in the operation of the business will be rainwater captured from roof runoff. This kind of business does not use a lot of water anyway.
11. The number of cats permitted to be kept in the premise can be limited if necessary to further reduce the scale of the business. However, it should be noted that except during school holiday periods catteries usually have less than 50% occupancy.
12. There are no other facilities of this kind in Mundijong. The nearest other catteries are in Oakford, Oldbury and Baldivis approximately 15 kilometres away.
13. The future zoning of the land under the Mundijong Structure Plan is not known and could be Residential, Rural-Residential, Low Density Special Residential, Mixed Business or some other mix of residential and non-residential uses.
14. There are no recorded complaints with regard to the other catteries in the Shire with regard to noise, traffic, odour, dust or other amenity issues.
15. The proposed premise will be predominantly screened from view from the street or adjacent properties by the existing significant vegetation on the subject site and abutting sites. Additional landscaping can be added to enhance this screening.
16. The nearest existing residence on an adjoining property is over 60 metres from the proposed shed.

Given all of the above points it is considered that the Council could grant approval to this proposal subject to conditions relating to amenity, landscaping and operation of the business.

Local Law Relating to Kennel and Cattery Establishments

Under the above Local Law the operators of the business will be required to obtain a licence before commencing the business and are required to renew that licence annually. An inspection is carried out prior to renewal of the licence by Shire Rangers and any areas of non-compliance result in suspension of the licence until the issue is rectified.

The Local Law requires catteries to be located in the zone approved for the establishment of catteries. The Shire does not have a specific Cattery zone. The Scheme does not specifically prohibit the establishment of catteries in the Urban Development zone.

It may be prudent to limit the number of cats to 30 initially with any increases in numbers in the future to be subject to no valid complaints being received with regard to the operation of the business.

Voting Requirements: Normal

SD016/08/06 Committee/Officer Recommended Resolution:

The application for the development of a Cattery on Lot 96 Robinson Street, Mundijong be approved subject to the following conditions:

1. A maximum of 30 cats to be housed on the premise at any one time unless otherwise approved in writing by the Shire. Any application for an increase in cat numbers is to be in the form of an application for planning consent and approval will be subject to no valid complaints being received with regard to the operation of the business.
2. Pick-up and drop-off times are to be limited to 9am to 5pm on any day.
3. Only one sign with maximum dimensions of 1m² may be erected on the site with regard to the business. No signs relating to the business are permitted to be displayed on any road verge or any other property except for a Directional Sign supplied by the Shire (application and fees apply).
4. Housing of cats is to comply with the following standards:
 - a) Cats shall be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens. Cats must be housed singly except in the case of compatible cats from the same household with the written agreement of the owner.
 - b) Walk-in modules must have a minimum floor area of 1.5 square metres and contain at least two levels including raised sleeping quarters. This size is for one cat only and an additional one square metre floor space is required for a second cat. No more than two cats may be housed together in this type of accommodation.
 - c) Cats may be multiple housed in colony pens. Each cat shall have a floor area of two square metres plus an individual sleeping area. Only desexed compatible cats should be housed in this type of accommodation;
 - d) each module and every part thereof shall not be at any less distance than nine metres from the boundaries of the land in the occupation of the owner;
 - e) each module and each yard and every part thereof shall be behind the house line.
 - f) the walls shall be rigid, impervious and structurally sound;
 - g) the roof shall be constructed of approved impervious materials;
 - h) all untreated external surfaces of cattery shall be well maintained and aesthetically suitable as not to detract from the local environment and amenity.
 - i) the lowest internal height shall be at least 1.65 metres from the floor;
 - j) the outdoor yard shall be securely fenced and kept securely fenced with a fence not less than 1.65 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting and roofed with a material sufficient to prevent escape.
 - k) all doors shall be provided with proper catches or means of fastening;
 - l) the upper surface of the floor shall be set at least 75mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100. All modules and yards shall be surrounded by a drain, which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the Health requirements of the Council;
 - m) The floor of any yard shall be established and maintained to ensure a safe and hygienic environment;

- n) All modules and yards and all feeding and drinking vessels shall be maintained in a clean condition and regularly cleaned and disinfected or when so ordered by an officer of Council.
5. Waste litter in cat enclosures is to be collected daily and stored in a fly proof container with an impermeable base and covered to prevent rainwater access until taken off site for disposal.
6. Prior to the issue of a Building Licence for the new sheds, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and shoreline plant species to be established.
7. The proposed development shall not commence until the Shire has approved the Landscape and Vegetation Management Plan in writing.
8. The implementation of the approved Landscape and Vegetation Management Plan shall be completed within twelve months of the development approval being granted
9. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
10. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.
11. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
12. The surface of the vehicle access ways and car park is to comprise 50mm thick crushed road base to the satisfaction of the Shire.
13. The colours and materials used in the construction of the cattery shed are to be as detailed on the schedule of colours and materials attached and forming part of this approval unless the prior written approval of the Shire is obtained for alternatives
14. A Practical Completion Inspection being obtained prior to occupancy requiring an on-site inspection and clearance of all outstanding conditions to the satisfaction of the Shire.
15. This approval is specific to the applicants only and is not transferable if the property is sold.
16. Prior to commencement of operation of the Cattery a Licence for the business is to be obtained from the Shire in accordance with the requirements of the Serpentine Jarrahdale Shire's Local Law Relating to kennel and Cattery Establishments. The Licence is required to be renewed on an annual basis.

Advice Note:

1. The Landscape and Vegetation Management Plan required by condition 6. shall meet the following requirements:
 - a) Include a scaled map of the development.
 - b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or is not to be retained as a result of driveways, fences, drains, firebreaks, power lines and other access ways and services plus proposed buildings and other structures;
 - c) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - d) Locate proposed revegetation works on the map and describe the species, densities and soil preparation.
 - e) Describe ongoing management of vegetation on site;
 - f) Visual screens are to include a minimum of two rows of trees and shrubs and must be no less than 4 metres wide;
 - g) Stems within visual screens are to be planted at minimum densities of one stem per three metres along rows that are no more than two metres apart;
 - h) Visual screening is to include a mixture of trees and shrubs such that no more than one third of the plants are trees.

LOST 0/7

SD016/08/06 COUNCIL DECISION

Moved Cr Murphy seconded Cr Star

That the application for a Cattery on Lot 96 Robinson Street, Mundijong be refused for the following reasons:

- 1. The subject lot falls within the Mundijong townsite locality which is identified for future structure planning under the Scheme and Rural Strategy. The locality has been designated as an area requiring structure planning prior to development in order to ensure that appropriate levels of pre-planning occur, taking full and proper account for coordinated servicing, setting of population targets, subdivision and development requirements. In the absence of the required structure planning to determine the most appropriate form and pattern of future subdivision, development and landuses for the townsite (taking full account of land and environmental constraints), the proposed development is considered to be premature and inconsistent with the Scheme and Rural Strategy.**
- 2. The subject land is within the Urban Development Zone and in this regard Clause 5.18.7.3 prevents the Council from approving a use other than a Single House unless Council are satisfied that the nature or scale of the development or use will not have an adverse effect on the preparation of the structure plan and the orderly and proper planning of the area intended for the preparation of a Structure Plan. The Council is not satisfied that the proposed development, by virtue of the nature of the development, will not have an adverse effect on the outcome of the structure planning process for the Mundijong area.**

CARRIED 8/0

Moved Cr Star seconded Cr Kirkpatrick that the order of business be changed so that Item OCM04/08/06 is considered after item SD016/08/06 to allow interested participants in the gallery to hear Councils discussion on the item at the beginning of the meeting.

OCM04/08/06 REVIEW OF BYFORD STRUCTURE PLAN 2005 (A1320)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	Various	
Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	Review of the Byford Structure Plan 2005 to Byford District Structure Plan 2006.
Signatures Author:		To consider reports relating to various components of the adopted district Byford Structure Plan.
Senior Officer:		
Date of Report	22 August 2006	
Previously	Various reports	It is recommended that this review be advertised for public comment pursuant to the provisions of Town Planning Scheme No. 2
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: Not applicable
 Advertised: Required as per Scheme
 Submissions: Not applicable
 Lot Area: (As per Byford Structure Plan report)
 L.A Zoning: Various
 MRS Zoning: Urban, Urban Deferred and Rural
 Byford Structure Plan: Entire area
 Rural Strategy Policy Area: Not applicable
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Some properties are included
 Townscape/Heritage Precinct: Byford Town Centre
 Bush Forever: Various – Brickwood Reserve
 Date of Inspection: Not applicable

Background

The Byford District Structure Plan (BDSP) was adopted by the Shire in March 2005 after eight years of work by the Shire and planning consultants Taylor Burrell Barnett. The Plan was adopted by the Department for Planning and Infrastructure (DPI) in September 2005. Compared to District Structure Plans completed elsewhere in the Perth Region the BDSP lacks clarity in retail planning, traffic modelling, infrastructure staging and implementation and some elements of urban design. In addition there is some confusion evident with respect to depiction of the Byford Urban Stormwater Management Strategy requirements in spatial terms on the Plan.

A copy of the Byford Structure Plan is with the attachments marked OCM OCM04.1/08/06

A number of Local Structure Plans (LSP's) have been prepared and submitted for Shire for approval to advertise. Experience with implementing these through to subdivision has highlighted some areas of the Byford Plan which do not meet the Council expectations for sustainable urban design which includes walkable neighbourhoods, lots which are oriented for cost-effective and energy efficient housing design, and urban stormwater systems which are proving to be difficult to implement and commission at the time of subdivision. From this

perspective it is evident the Plan can be improved and can be made more effective at meeting contemporary urban design and sustainability targets.

Byford Main Precinct

In December 2005, a local structure plan was submitted by LWP for the Byford Main Precinct. This plan was prepared for the Shire by Taylor Burrell Barnett, the authors of the BDSP. Somewhat surprisingly, given TBB had provided professional input and advice into the preparation of the BDSP, the LSP was lodged within a relatively short timeframe of adoption of the BDSP. Whilst this is not unusual, the fact that the LSP was inconsistent with the adopted BDSP was a cause for concern given the recent involvement of TBB in the district structure planning process.

Notwithstanding the above, the LSP for the Byford Main Precinct is inconsistent with the adopted BDSP in the following areas:

- Road location, function, hierarchy and cross section
- Location of retail centres
- Location of drainage corridors and function
- Provision of permanent water bodies; and
- Location of educational facilities

The BDSP adopted in 2005 did not have traffic modeling, retail strategy planning or any consideration to the staging of urban development and subdivision throughout the Byford Urban Cell. The changes to the LWP LSP therefore make it difficult for the Shire to adequately assess changes in a district wide context or to ascertain whether the redesign proposed by the LSP for the Byford Main Precinct provides a more sustainable planning and environmental outcome and/or to which landholdings.

Other Local Structure Plan

Other developers have also submitted LSPs for their individual landholdings and although many of these were consistent with the approved BDSP, in the course of assessing these some doubt has arisen about the efficacy and robustness of the BDSP 2005 as a tool for coordinating the implementation of urban development equitably to achieve the outcomes required by the Shire for sustainable urban development across all landholdings.

Comment

The particular issues raised by the Main Precinct LSP reinforced officer and Councillor concerns that the BDSP may possibly no longer be an appropriate basis for future planning of the Byford Cell. The author of the plan now describes it as a diagram rather than a plan and has previously called for Council to ignore the BDSP 2005 and supersede this with individual LSP's regardless of their consistency.

Council understands and remains committed to the importance of the BDSP to provide the overview and coordination for planning the entire urban district cell. Council also appreciates that to ignore the BDSP 2005 could result in inconsistent and ad-hoc urban development using different design standards across development and creating incompatible examples of urban infrastructure and long-term costs to Council and the community.

These matters are currently highlighted as causing concern for all local governments and their communities in WA.

The Review

Sensing the urgency of resolving this issue, Council resolved in March 2006 to undertake a prompt review of the Byford Structure Plan to enhance its capacity to direct local structure planning and to provide the necessary planning content and technical rigour against which different LSP proposals may be assessed. Recognising that the progress of the BDSP 2005 had taken several years of study and an extensive budget staff were requested to undertake a prompt and effective technical update study to bridge those gaps in technical areas such as traffic, retail strategy, drainage and infrastructure staging and sustainable urban design.

The Shire has engaged an urban design consultant, a retail planning consultant, a traffic engineering company and convened an interdepartmental drainage implementation and review panel to provide the necessary additional technical information to enhance the BDSP, to more fully understand the implications of proposed changes and to assist individual developers to refine their proposals to meet Shire expectations for sustainable urban development.

Summary of Changes

The Updated Plan – the Byford District Structure Plan 2006 (BDSP2006) features the following:-

- A report covering issues of urban design, retail strategy, traffic model assumption, and strategy addressing the provision of infrastructure and staging of development.
- A plan depicting the urban form, commercial centres, roads, multi-use corridors, service corridors, environmental areas and public facilities.
- A staging plan identifying sub-cells and staging consistent with achieving cohesive planning and development of all necessary urban infrastructure including roads, foot paths, parks schools, community facilities, commercial centres, water management systems and green corridors.
- Criteria for drainage, urban design, landscaped open space and road function hierarchy and construction specifications are being prepared and will issue in the following months.

A copy of the Byford District Structure Plan 2006 is with the attachments marked OCM04.2/08/06.

Changes

The update exercise has sought to maintain overall land use composition of and continuity with the Byford Structure Plan 2005 but to provide greater clarity of purpose and strategy to guide local structure and subsequent implementation to a cohesively sustainable urban outcome.

Some areas of deficiency have been identified and remedial measures effected to the new plan. In summary these are as follows:-

Landuse

Employment - The BDSP 2005 has insufficient provision for employment generating land uses. This is one of its fundamental weaknesses and the revised plan seeks to set an objective to create Byford as a centre for workers as well as residents. Employment areas will provide opportunities for local people to work within their community, and without a requirement to commute to work remote from the Shire. This is especially important given the lack of certainty to electric passenger rail services on the south-eastern railway. Until there is more certainty, the Shire will actively promote the establishment of employment generating land uses within Byford.

Residential diversity - The BDSP 2006 proposes a revision of the residential densities to create a greater spread of housing choice and to match better to the existing character of the town, which has larger lots, more trees and open spaces. The Byford Town Centre and to a

lesser extent the Neighbourhood Centres, will contain precincts of mixed residential and retail/commercial development. This trend is already proving popular in urban hubs elsewhere in Perth and is more consistent with Network City ideas. It is also possible with mixed residential to create special needs housing for the elderly and other special needs groups. Larger lots are proposed for the margins of Byford where appropriate. Developers are also encouraged to consider different approaches to the tracts of suburban R20, in some cases Radburn principles may be warranted to achieve a walkable and green neighbourhood outcome.

Roads

Functional Hierarchy - A functional road hierarchy has been identified and established within Byford as part of this redesign. This system intends to better manage through-traffic and to set a framework of street blocks which reinforce a north-south/east-west orientation. These roads will provide a more direct and purposeful route for cycling and public transport between neighbourhood centres, the Byford Town and other nodes. This will result in more sustainable access in terms of travel time, and in the reduction of car-dependence for accessing local needs.

In addition this cardinal north/south and east/west orientation will provide the best opportunity for lots to be created for optimum solar access and cost-effective passive solar energy design.

The Byford Town Centre is now more resolved in form and its frame of distributor roads no longer encourages busy routes of through-traffic in the centre. Pushing the distributor routes to the edge of the Town will activate the edges yet liberate the town main-street for slower access traffic, for walking and cycling and civic activities which may inspire future residents to spend time in the Town Centre.

A Town Centre Vision – urban form and design guidelines study will be commenced before the end of this year to provide a better indication to how the Town Centre will be laid-out in detail with open spaces and public roads and private space.

Deletion of the Thomas Road redirection into the Byford Cell - Based upon of preliminary traffic volume estimates from our traffic model, this BDSP 2005 proposal is judged to be an unsatisfactory design idea due to its potential to congest the northern neighbourhoods with through-traffic and to interrupt the important District role of Thomas Road as a major through-route for the district and the sub-region. The deviation also imposed a large and unnecessary scale of road into what are intended to be walkable neighbourhoods. Following analysis it is concluded that such a busy road will jeopardise pedestrian activity and also create detail design issues leading to poor lot orientation and the creation of service roads and laneways, further reducing lot yield in the north-western neighbourhoods. Although the distributor road remains, in part because it has been already created through to pre-cal subdivision it is proposed to be engineered and constructed for slower traffic and with direct access possible in some places.

Distributor Roads Realigned - The relocation of the distributor roads has provided better linkage at the edge of neighbourhoods rather than splitting them. North Avenue now better links the neighbourhood centre to the Town Centre. It has been shifted away from primary schools in recognition of the importance of promoting safe walking and cycling access to school, something a busy through-route does little to foster. South Avenue links from the Town Centre to the Southern Neighbourhood Centre via the District Recreation Centre and the proposed High School. West Avenue connects North and South Neighbourhood Centres via the western neighbourhoods.

In the case of Orton Road the Shire is not privy to the plans of the MRWA and DPI for this freight route at this stage. However, a distributor route Cardup Drive is proposed parallel to Orton Road just a block to the north to connect southern neighbourhoods with a direct but low-speed street. The Plan also depicts Orton Road as a grade-separated crossing of the

railway to connect much needed employment zones to the Tonkin and South West Highways.

Abernethy Road (renamed Abernethy Drive) has been realigned at its eastern edge to connect via Mead Street to cross the railway to meet at Nettleton Road. This change has been made to provide a more effective crossing of the railway, to link the western and eastern districts of Byford and to create a spine of movement through the centre of the cell. The realignment also provides the opportunity and space for a Town Centre and main-street which is walkable, and can have centre development which is at a human scale rather than 'car oriented strip development'.

The western end of Abernethy Drive is ultimately intended to flyover the Tonkin Highway to link the Town Centre with Rural Residential areas to the west. This is planned with no access to Tonkin Highway to respect MRWA and DPI requirements.

Centres

The BDSP 2006 creates a more clearly legible hierarchy of centres, a primary centre and retail hub of Byford Town Centre, and two neighbourhood centres; one near Thomas Road and the other close to Doley and Orton Road. Urban design of the three centres is intended to promote a core which is walkable and able to be used for civic purposes. Each centre will have its own character inspired by the landscape attributes of the setting.

The northern centre will overlook the Thomas Brook – trees will be protected within the proposed site to enable a sense of nature and maturity of townscape. Long views back towards the Darling Range will be possible along the Brook corridor and North Avenue. These views of a beautiful 'borrowed' Byford landscape will reinforce our desire to respect our native plants and landforms, within an urban context that remembers it is in Byford.

The southern centre will adopt a more urban character by virtue of a main street, a minor square or plaza and will also have long-view visual reference east to Brickwood Park and the Darling scarp courtesy of South Avenue.

In terms of location the design considers two possible locations for the southern centre. The retail study identifies that it is important for the centre to be located where it is accessible to the majority of its neighbourhood cell. This requires that it be well south of Abernethy Brook to ensure that the Cardup Brook residents are able to avail themselves of the neighbourhood facilities without needing to drive to the neighbourhood village.

One option is for the centre to be central to a precinct framed by the multi-use corridors of the Abernethy Brook and Orton Brook thus providing easily accessible green margins to the neighbourhood.

The other option is for a neighbourhood centre to be located near the junction of Doley and Orton Roads.

This framework of brooks and roads creates a distinct sense of green neighbourhoods throughout Byford, each with a green edge heralding the borders of each neighbourhood. Necessary additional green space has been identified to connect parkland and provide even greater opportunity for trails throughout the Byford District.

Byford Town Centre (BTC) has been laid out to make greater use of the natural qualities of the Beenyup Brook. Instead of piping this into a drain, the plan now proposes a series of linked parks connected by the Brook. Each park will be overlooked by medium density housing with small shops and offices on the ground floor. This will not only serve an aesthetic purpose but will participate in the active detention of stream flows in storm events.

A pedestrian and cycle crossing will be established to connect the existing east-side town with the new west-side precinct. A new pocket-park is proposed to the north of Pitman Way

and this will save a stand of mature trees and the small creek which presently runs through this land.

Trees and Bush

Due to the amount of landfill required in Byford to achieve drainage (in excess of 1 metre in most places) it has been evident in the first twelve months of development that Byford will lose most of its remaining mature native trees.

Given that our community is strongly attached to trees and their beauty, the BDSP2006 has been revised to save those significant stands of native and mature trees which can be incorporated into road reserves, local parks and other public areas. This has been possible by shifting roads from areas of quality remnant native vegetation. In the case of Mead Street, this has been shifted 20 metres to the north to protect a band of trees which provide an important green-edge to the Briggs Park recreation campus. Alexander Rd has likewise been changed – terminated before Marri Grove Primary to save what remains as good quality remnant urban bushland: the makings of a green corridor for walking and cycling next to the railway line.

As a general principle subordinate local structure plans will need to strive to protect trees and bush through measures such as these and to devise feasible methods for the protection and ongoing management of bush remnants.

Infrastructure

The BDSP2005 did not adequately address the provision of infrastructure. This has now been addressed. The BDSP2006 allows for a 30 metre infrastructure corridor immediately adjacent to the eastern boundary of the Tonkin Highway. This is to initially construct a pressure mains sewer however it will also buffer the Tonkin Highway edge and facilitate the staged implementation of the drainage strategy.

It highlights what is the development service front for the western district. This corridor will also provide a vegetated buffer to the Tonkin Highway. A Primary School has been shifted to complement this corridor.

Drainage and multi-use corridors are intrinsic to the future urban design of Byford. Just as the creeks and gullies in the old town add character and a reminder of the importance of water to our daily urban lives, so too the western areas of Byford will have corridors which exhibit natural landscape qualities with walk and cycle trails and places for repose and play. As a design principle drainage detention areas for urban run-off are not to encroach on these creek corridors. It is an important design principle of BDSP 2006 that water is conserved and re-used for human use and environmental water requirements.

Artificially constructed and ornamental water bodies so prevalent in suburban estates throughout the Swan Coastal Plain are not supported by the Shire. These features are not sustainable due to their reliance on energy for pumping, the diversion of water from the environment and also the ongoing management issues for the Shire associated with healthy waterways and community health.

The landscape design aesthetic for Byford will be predominantly ephemeral water landscapes; ones which provide the habitat for those living things presently adapted to this water regime and recognise our predominantly dry climate with brief periods of inundation over the winter.

Staging

This is a founding principle of sustainable planning in the local government sphere and is part of Network City strategy.

Byford is a large urban area and will not develop cohesively if it is only subject to the ad-hoc vagaries of the land market.

Often the commercial interests of individual land developers seldom extend beyond the period of sale for the real estate. The Shire however is responsible for cost-effective planning and ongoing management of infrastructure and reserves. A truly robust plan should make provision and take account for the incrementalism of development and extension of services and facilities to meet demand and supply of resources. BDSP2006 seeks to achieve this in its staging overlay.

Development of corridors of parkland for example must be coordinated to ensure contiguous and consistent standards of work and landscape design. Centres are to be regulated in the town planning scheme to ensure that early growth supports and nourishes the BTC. Neighbourhood centres are restricted in size and to those functions which are appropriate to a neighbourhood rather than the Byford Town Centre.

A Discount Department Store is proposed to be located somewhere in the BTC and so it is important that this threshold is protected in the Scheme and this plan. The *Town Centre Vision – Urban Form and Design Guidelines* study will further define this overall layout and location however the concept illustrated in the BDSP2006 identifies a Shopping Centre that will have an open-air street in-lieu of the usual enclosed mall. It also shows a mixture of shopping and residential uses within the centre – adding life and after-hours activity to the town. All landowners within the Byford Town Centre are to be invited to participate in the preparation of the *Town Centre Vision – Urban Form and Design Guidelines* study.

Public transport within the Byford District needs to be planned and staged thoughtfully. At present Byford has a bus service which takes all passengers out of the Shire towards Armadale. Other destinations are not considered by public transport, for example Rockingham or Kwinana are not directly connected to Byford at all. The Australind Passenger train is the only public rail service to Byford and links Byford to Perth and Bunbury. This service may be better utilised to provide access between Byford and the regions.

Extension of more frequent passenger services and ultimately electrification of the rail corridor south from Armadale is a priority for the Shire. The BDSP already provides some guidance to how Byford Town Centre will be designed to promote Transit Oriented Development (TOD).

The new Byford Station is proposed located to a position north of the present Abernethy Road crossing. This may be the initial park'n'ride station however eventually Cardup will become the primary park'n'ride site for the Byford District.

Land set aside in the Town Centre for car parking will eventually be redeveloped for town centre activities but not until the service extends south to Cardup and on to Mundijong. This illustrates that staging is an important part of the overall strategy for public transport services.

A local bus circuit for Byford is facilitated by the distributor road network to be implemented as urban build-out occurs and seeks to connect neighbourhood centres to the Byford Town and to other activity hubs within Byford such as Briggs Park and Schools.

Old Byford Townsite

The eastern district of Byford will be increased in density to promote integrated redevelopment of existing housing stock. This will be R30 – 80 mixed use zoning. The plan proposes employment based (non-retail) land use along the railway and this is intended to provide the growing community with jobs locally in accordance with sustainability and cleaner production principles.

Provision is made for a new Primary School site to the north of Nettleton Road on the Beenyup Brook. This School site is central to the eastern Byford area and may ultimately result in the development of a modern school and community facility. Further discussions with the Department of Education and Training are required on this proposal.

Sustainability Statement

Effect on Environment: The BDSP 2006 has been reviewed and changes made to account for the importance of protecting areas of remnant vegetation, habitat and biodiversity. Impacts upon areas such as Brickwood Reserve and the natural waterways of Byford have been ameliorated by thoughtful changes to the overall plan layout and urban design. Better connectivity and walkability within the district will reduce car-dependency to access services locally and provide a reduction in the emission of greenhouse gas and fuel consumption. Stronger re-orientation of urban form to east-west cardinal axis for lots will promote better opportunity for cost-effective housing designed for solar access and energy efficiency. The BDSP 2006 also promotes the better management of water for optimum re-use within the environment.

Use of local, renewable or recycled resources: The BDSP 2006 replaces the BDSP 2005 and makes use of many of its fundamental principles by building upon its framework of multiple use corridors.

Economic Viability: The BDSP 2006 focuses on environmental and resource sustainability of use and design appropriate to purpose and community need. The Plan also devotes its attention to the identification of a development front basis for urban development in definite urban sub-cells. Rather than degrade existing rural standard infrastructure this approach promotes the cost-effective use of resources, reduction of traffic across Byford and builds and maintains roads capable of carrying heavy traffic for earthworks and landfill materials.

Social – Quality of Life: The Plan proposes the creation of neighbourhood centres which serve local community needs in a cost effective and with sustainable access routes. The centres have maximum walkable catchments surrounding them and so promote social interaction through street-activity. The Plan also creates urban landscapes which celebrate the Byford setting, also its rural history. These dimensions enrich the experience of living in the Byford community and promote community attachment to place beyond the formulaic suburban experience.

Statutory Environment:

The Byford District Structure Plan is a requirement of the Shire Town Planning Scheme (Scheme No.2) and guides the location and development within the Urban Development Zone. The Plan once adopted will be advertised in accordance with the Scheme No.2.

Local Structure Plans are required to be prepared consistent with the District Structure Plan. Once adopted by Council these are advertised in accordance with the Scheme No.2.

Policy/Work Procedure Implications:

Staff will be required to receive and respond to enquiries during advertising period. Following the close of this period submissions will be reviewed and a report prepared for Council making recommendation as to the finalisation of the District Structure Plan. It is recommended that a public presentation be made to the community prior to the close of the advertising period.

Financial Implications:

The cost of the additional work of consultants and the advertisement of the Plan and review of submissions are matters to be undertaken to accord with Budget. The estimated cost of the studies is in the order of \$30 000. Additional costs will include mapping and advertisement.

Strategic Implications:

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

1. People and Community

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

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

Next steps

Provided Council accepts the Byford District Structure Plan 2006 as an improved, more sustainable and more readily implemented plan for Byford district, it then needs to be advertised for public information and comment.

Prior to advertising the plan developers, community and other stakeholders will be apprised of the changes and additional planning detail as an aid to them bringing their local structure plans into alignment and refining urban infrastructure designs and implementation programs, or to prepare written submissions which relate to the BDSP 2006 during the period of advertising.

Conclusion

The updated plan reflects a number of important revisions to improve the clarity of the District Structure Plan to lead development and set the vision for a sustainable new Byford. The BDSP 2006 set a clear and spatially resolved direction for all subordinate local structure plans. It is more than a diagram and should therefore be heeded in the subsequent local structure planning.

It is important that the Council consider the proposed changes and if satisfied that these are sufficiently resolved for discussion in a broader audience agree to adopt the plan for advertisement and public consultation as a priority.

OCM04/08/06 Officer Recommended Resolution:

1. In accordance with clauses 5.18.3.1 and 5.18.3.2, Council determines that the Byford District Structure Plan 2006 as attached at *OCM04.2/08/06* is satisfactory for advertising for a period of 28 days.
2. Council authorises the Chief Executive Officer to convene a public meeting be held in Byford to present BDSP2006 to the community.
3. Council officers prepare a Briefing Paper and a Media Release for the WA Planning Commission and Hon Minister for Planning and Infrastructure explaining the updated plan, its importance for sustainable urban development in Byford and its key benefits.

4. Following completion of advertising of the Byford District Structure Plan 2006, a further report be presented to Council to consider all submissions and adoption of the Byford District Structure Plan 2006.
5. Council adopts the draft plan as its policy position with respect to urban development and subdivision in Byford.

OCM04/08/06 COUNCIL DECISION

Moved Cr Star seconded Cr Wigg

1. Council defer consideration of the Byford District Structure Plan 2006 to a Special Council Meeting to be held on Friday 1st September, 2006 at 11.00am. The purpose of the deferment is to allow the Byford District Structure Plan to be updated to reflect existing land uses in the Structure Plan area as identified by Councillors.
 2. The Department of Planning and Infrastructure be advised of Councils decision.
- CARRIED 8/0**

Moved Cr Price seconded Cr Star that the order of business be changed so that Item OCM05/08/06 is considered after item OCM04/08/06 to allow interested participants in the gallery to hear Councils discussion on the item at the beginning of the meeting.

OCM05/08/06 LOCAL STRUCTURE PLAN – SOUTHWEST BYFORD DOLEY ROAD PRECINCT VARIOUS LOTS (A1364/02)		
Proponent:	Taylor Burrell Barnett	In Brief
Owner:	LWP Property Group Pty Ltd	
Officer:	Sylvester Tan – Strategic Planner	To consider a Local Structure Plan for properties bounded by Abernethy Road, Warrington Road, Orton Road and Tonkin Highway reserves and for Lot 2 George Street on the western side of Perth – Bunbury Railway Line.
Signatures Author:		
Senior Officer:		
Date of Report	25 August 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	It is recommended that Council defer consideration of the Local Structure Plan until a revised Plan is submitted to Council .
Delegation	Council	

Date of Receipt:	August 2006
Advertised:	To be undertaken
Submissions:	N/A
Lot Area:	330 hectares
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	To be consistent with BDSP2006
Rural Strategy Policy Area:	NA
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	Various - Last August 2006

Background

The land subject of this Local Structure Plan consists of nineteen (19) separate allotments covering 330 hectares. The Precinct is generally bounded by Abernethy Road to the north, South Western Highway to the east, Orton Road to the south and the future Tonkin Highway.

In December 2005, a LSP was submitted by LWP for the Byford Main Precinct. This plan was prepared by Taylor Burrell Barnett, the authors of the Byford Structure Plan (BSP) 2005. Surprisingly, given Taylor Burrell Barnett had provided professional input and advice into the preparation of the BSP, the LSP was lodged within a relatively short timeframe of adoption of the BSP. Whilst this is not unusual, the fact that the LSP was inconsistent with the adopted BSP was a cause for concern given the recent involvement of TBB in the district structure planning process.

In particular the location of the proposed neighbourhood centre has shifted 600 metres from the centre of the Precinct resulting in the majority of residents in the area having no walkable access to the centre. The location of the proposed primary school in the vicinity of the proposed neighbourhood centre further isolates the majority of residents in the Precinct. Considering the scale of development within the Precinct, no public transportation has been planned and specifically bus routes servicing the Precinct.

The BDSP 2006 shows a buffer housing belt of semi rural/ rural residential properties to mitigate noise in areas of amenity impact. BDSP 2006 shows R30 density and higher housing surrounding each of the three activity centres in the Precinct and redesigned road networks. The neighbourhood centre is centrally located in the Precinct.

Provided a revised LSP is to be prepared by the applicant consistent with the BDSP2006 to the satisfaction of the Executive Manager Strategic Community Planning then this LSP can be advertised for public comment.

Sustainability Statement

Effect on Environment: Land is zoned for Urban Development – Multi use corridors will ensure adequate water quality and quantity to accord with Byford Urban Stormwater Strategy.

Economic Viability: Local Structure Plan seeks to maximise lot yield and to implement urban development to accord with Byford Structure Plan.

Economic Benefits: Some local employment during construction (possible) and an increase in the number of rateable households.

Social – Quality of Life Good urban design as per Byford Structure Plan.

Statutory Environment:

Advertising is required in accordance with Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

Policy/Work Procedure

Implications:

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

Financial Implications:

There are no Financial implications to Council related to this application/issue. Need to review Byford Structure Plan with respect to traffic/road design.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

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

Community Consultation:

Required: Yes, as a requirement of the Town Planning Scheme

Comment:

The South West Byford Doley Road Precinct Local Structure Plan as analysed is deficient in a numbers of areas. As such it presents a number of implications for Byford and the wider Shire of Serpentine Jarrahdale, which undermine Shire objectives to promote sustainable development.

A detailed analysis of the Local Structure Plan report has been made and is included as a separate attachment.

Voting Requirements:

Normal

OCM05/08/06 /Officer Recommended Resolution:

1. The Shire receives the Local Structure Plan (LSP) for South West Byford Doley Road Precinct.
2. Pursuant to Clause 5.18.3.2 Council determine that the proposed Local Structure Plan is not to be advertised until modification are undertaken to bring the Plan into conformity with the Byford District Structure Plan 2006.
3. The applicant be advised that Council has determined not to advertise the Local Structure Plan as submitted for the following reasons:
 - 3.1 No sustainability statement and assessment provided
 - 3.2 Conflict between the neighbourhood centre and Byford town centre.
 - 3.3 Poor access to ill defined road network.
 - 3.4 Other reasons as detailed in this report and the technical assessment appendix in the report as identified by the Executive Manager Strategic Community Planning.
4. That the Western Australian Planning Commission be advised of this decision.

OCM05/08/06 COUNCIL DECISION:

Moved Cr Murphy seconded Cr Price

1. **Council defer consideration of the Local Structure Plan – South West Byford Doley Road Precinct Various Lots to a Special Council Meeting to be held on Friday 1st September, 2006 at 11.00am. The purpose of the deferment is to allow the Plan to be considered in conjunction with the review of the Byford District Structure Plan.**
 2. **The Department of Planning and Infrastructure be advised of Councils decision.**
- CARRIED 8/0**

SD013/08/06 AUSTRALIA DAY CELEBRATIONS – VENUE ASSESSMENT (A0009-02)		
Proponent:	SJ Community Events Committee - Australia Day Project Group	In Brief Council is asked to endorse the recommendations of the SJ Community Events Committee - Australia Day Project Group, for the proposed venue for the Australia Day Celebrations in 2007.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Carole McKee – Community Development Coordinator	
Signatures Author:		
Senior Officer:		
Date of Report	08.08.06	
Previously	SD070/05/05; CRD17/11/04; CRD44/05/01	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest	
Delegation	Council	

Background

As per Council resolution SD070/05/05 a number of community facilities across the Shire were evaluated by the SJ Community Events Committee - Australia Day Project Group in March 2006. This was undertaken through a combination of site tours and desk top analysis to determine the potential future locations and venues for the Australia Day Celebrations.

The listed venues, all of which had previously been sites for the Australia Day Celebrations with the exception of Jarrahdale Amphitheatre were assessed. Advice from the Jarrahdale Heritage Park Project Officer, indicated that the Amphitheatre would not be completed in time for Australia Day 2007. As part of this research a new site was also suggested by the Community Development Team for consideration, that being the Serpentine Camping Centre.

The Australia Day Project Group were unanimous in their decision to recommend the Serpentine Camping Centre as the preferred venue for the Australia Day celebrations in 2007.

The SJ Grammar School (Mundijong Hall & Oval) was the second choice of the group for 2007, based on their brief to rotate the event between localities on an annual basis.

Sustainability Statement

Effect on Environment: The Serpentine Camping Centre provides numerous large trees providing shade in the area where breakfast would be served, alleviating the need to hire and erect either marquees or umbrellas.

The use of Serpentine as the venue could result in a slight increase in car/transport use, with the venues being in the less populated outer lying areas of the Shire.

The event would use gas BBQ's and a public address system that would emit noise to the environment for the duration of one morning at a similar level to any of the events that take place on any of Council's recreation grounds throughout the year.

Resource Implications: The rotation of venues on an annual basis increases officer and volunteer time required to organise Australia Day. As the team becomes more familiar with each new venue, the time allocation will reduce slightly over the years.

At the Serpentine Camping Centre, maximum use would be made of the available shade from the verandas and trees which would minimise the amount of additional shade necessary. Reduced cost entertainment is available and a reduced number of chairs would need to be delivered to the venue to supplement the 400 chairs and 40 trestle tables on site. An excellent PA and sound system, as well as use of a large well equipped commercial kitchen is available.

With the anticipated increase in attendance due to the popularity of the 2006 event, as well as an incremental increase in catering, costs would take the budget up to \$8,000, of which \$2,000 will be sought in grants.

The dining hall with stage would be used for the ceremonies. An indoor sports hall which includes a climbing wall, basketball courts, badminton and volleyball courts is also available. Outdoors there is a Flying Fox, putt-putt golf range, basketball courts and a large grassed area for other activities. There is a swimming pool with security fencing, which would not be used for the event.

There are both recycling and normal waste bins available at the Camping Centre and provision will be made in the budget to provide extra bins from the Shire's contractor.

Use of Local, renewable or recycled Resources: The Australia Day event engages the assistance of a number of voluntary groups including Byford & Districts Guides, Byford Scout Group, Byford & Districts Rotary Club, Serpentine Country Women's Association, Serpentine Jarrahdale Lions Club, Serpentine Jarrahdale Returned Servicemen's League, Serpentine Jarrahdale Emergency Services, FESA Emergency Services Mounted Section, local volunteer fire brigades and schools, local sport & recreation group and clubs.

The caterer uses local produce suppliers, where possible, to support local business.

Economic Viability: It is anticipated that there will be the need to increase the budget allocation for Australia Day, no matter which venue is used, due to a combination of increasing costs in transportation/hiring of equipment, increased numbers attending and the fact that catering and entertainment costs have increased.

In order to offset the increasing cost of this important annual event, and keep Council's contribution to \$6,000, funding assistance will be sought.

Economic Benefits: Rotating the annual Australia Day Celebrations has the potential to promote a number of community facilities that may be of interest for groups and families around the Shire to use/visit for future functions and events. This can lead to increased local activity and spending by locals and their friends and families.

Social and Environmental Responsibility: Holding the event in rotating localities would potentially engage additional locality based community groups, over and above the groups traditionally involved. Council is able to build the capacity of the volunteers involved to participate in the organisation of the event through the assignment of tasks through volunteer team leaders.

This is the kind of event that connects the wider community, giving a feeling of improved quality of life about where you live. It also has the potential to break down social barriers which exist between groups/residents within localities, as well as between localities. It, therefore, has the potential to build relationships and increase community connectedness and cohesion, which can lead to better communication, support and long-term community well being.

Social Diversity: Public transport is limited, so cars are relied upon in most instances for all the venues investigated. The preferred venue has excellent access for people with disabilities and prams to all areas of the site. The rotation of the event between localities

also allows for Serpentine, Byford, Mundijong and Jarrahdale to create a unique event in each locality to celebrate the rich diversity of cultures - with urban; rural; equine; sporting; the arts and natural heritage amongst the themes.

The event would reflect both indigenous and non indigenous heritage and culture through the participation of the Aboriginal elder, didgeridoo player, displays and activities that reflect the area's culture.

Statutory Environment:

The Health Act for catering and ablution purposes

Policy/Work Procedure Implications:

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

Financial Implications:

It is anticipated that while every venue will have slightly differing requirements – with chair/table re-location, shade, catering and entertainment, it is anticipated that it should be possible to run the event in Serpentine within a budget allocation of \$8,000. This is comparable to 2005/06 costs which would experience similar increases in 2006/07.

Council is requested to consider a budget allocation of \$8,000 (MOC528) in the 2006/07 budget deliberations. Funding assistance will be sought to cover at least \$2,000 of this.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

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

Strategy:

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

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategy:

5. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategy:

2. Develop a risk management plan.

Community Consultation:

Taking into consideration all the feedback from the community, volunteers and staff following previous Australia Day Celebrations, the Serpentine Jarrahdale Community Events Committee - Australia Day Project Group (comprising staff and community volunteers) has undertaken an evaluation of community venues in each locality across Serpentine Jarrahdale. A summary of their findings is as follows:

Locality	Facilities	Comment	Recommendation
Mundijong	Mundijong Pavilion and Oval, Mundijong Hall and Oval	Pavilion/marquee/oval configuration not suitable for morning event Hall & oval has potential	Project Group recommended Hall and Oval site as a second choice for 2007 event.
Byford	Serpentine Jarrahdale Community Recreation Centre, Briggs Park Pavilion and Byford Hall	Byford Hall considered unsuitable. SJ Community Recreation Centre to be considered once again for future events to comply with the event rotation. The cost of hiring the SJ Community Recreation Centre from the YMCA has been taken into consideration.	Serpentine Jarrahdale Community Recreation Centre – venue for 2006 event and thereafter be reassessed for future rotation – semi rural/urban/extreme sports/ youth style of event
Oakford	Oakford Community Hall	Oakford Community Hall/marquee considered unsuitable for size and nature of event	Not recommended for size and nature of event.
Jarrahdale	Bruno Gianatti Hall & Heritage Park Amphitheatre	Bruno Gianatti Hall /playpark considered unsuitable for size & nature of event	Heritage Park Amphitheatre to be assessed once venue becomes available.
Serpentine	Eric Senior Pavilion and Clem Kentish Hall	Clem Kentish Hall/ marquee/ oval considered unsuitable for size and nature of event	Eric Senior Pavilion/ grounds/marquee – considered suitable venue for annual rotation – to be reassessed for future events - rural equine style of event
Serpentine	Serpentine Camping Centre	Good access, ample parking, large area of shade, numerous on-site activities available.	To be considered as the preferred site for the 2007 Australia Day Celebrations.

Comment:

The brief of the Serpentine Jarrahdale Community Events Committee - Australia Day Project Group is to recommend venues based on an annual rotation of Australia Day Celebrations between localities.

The Serpentine Jarrahdale Community Events Committee - Australia Day Project Group resolved the following at their March 20, 2006 meeting:

- 1 *The venue for the 2007 Australia Day Celebrations is the Serpentine Jarrahdale Camping Centre.*

- 2 *Serpentine Jarrahdale Community Events Committee – Australia Day Project Group be requested to re-evaluate venues and make recommendations to Council in May 2007.*
- 3 *A budget allocation of \$8,000 (MOC528) be considered in the 2006/76 budget deliberations for the 2007 Australia Day Celebrations event, towards which external funding assistance of at least \$2,000 will be sought.*

The Australia Day Project Group were unanimous in their decision to recommend the Serpentine Camping Centre as the preferred venue for the Australia Day celebrations in 2007. This decision was influenced by a number of factors including large shaded areas for outdoor activities including breakfast, ample parking and toilets, access to every area of the site for wheelchairs and prams, a wide variety of activities, as well as the availability of some of the equipment required for the event being already on site. A traffic management plan would be produced to manage the access off and on the South West Highway.

It has become apparent over the years that the relocation and return of increasing numbers of equipment (up to 600 chairs and 30 tables) between venues for the Australia Day Celebrations is over-committing local volunteers. This issue has also been taken into consideration as part of the future Australia Day venue evaluation as have the budget implications associated with it.

Conclusion

Despite the increased complexity this adds to the task for both staff and volunteers, this is considered an appropriate and valuable commitment to make to an annual event that aims each year to attract a greater cross-section of the community, build relationships and increase community connectedness between existing and new residents. The rotation also adds an element of excitement, with a refreshing new challenge each year for those organising it and variety through cultural and geographical diversity for those attending.

It should also be noted that, in the spirit of rotating the event the communications plan for the event needs to be effective in relation to ensuring that people are clear about where the event is being held each year.

With the changing demographics and needs for facilities and services as we plan for 2020, the Community Facilities and Services Plan to 2020 will highlight all of the potential, commercial, council and community venues for events such as Australia Day. This will enable a suitable venues list to be created for this event, including consideration of both commercial and community options.

Voting Requirements: Normal

SD013/08/06 Committee/Officer Recommended Resolution:

Council resolves that:

1. The venue for the 2007 Australia Day Celebrations is the Serpentine Camping Centre.
2. Serpentine Jarrahdale Community Events Committee – Australia Day Project Management Group be requested to evaluate all possible venues (community and commercial) and make recommendations to Council in May 2007.
3. A budget allocation of \$8,000 (MOC528) be considered in the 2006/07 budget deliberations for the 2007 Australia Day Celebrations event, towards which external funding assistance of at least \$2,000 will be sought.

The Executive Manager Strategic Community Planning left the meeting at 7.32pm and returned at 7.33pm.

SD013/08/06 COUNCIL DECISION

**Moved Cr Murphy seconded Cr Scott
 Council resolves that**

- 1. The venue for the 2007 Australia Day Celebrations is the Serpentine Jarrahdale Community Recreation Centre.**
- 2. Serpentine Jarrahdale Community Events Committee – Australia Day Project Management Group be requested to evaluate all possible venues (community) and make recommendations to Council in May 2007.**
- 3. A budget allocation of \$8,000 (MOC528) be considered in the 2006/07 budget deliberations for the 2007 Australia Day Celebrations event, towards which external funding assistance of at least \$2,000 will be sought.**

CARRIED 6/2

SD014/08/06 SERPENTINE JARRAHDAL SHIRE COMMUNITY FACILITIES AND SERVICES PLAN TO 2020 (A1354)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	Not Applicable	
Officer:	Carole McKee, Community Development Coordinator	Council is requested to approve the inclusion of a non conforming tender, in the competitive tender process for the selection of a preferred tenderer for the Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020.
Signatures Author:		
Senior Officer:		
Date of Report	11 August 2006	
Previously	OCM042/05/06	
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	Council is requested to award the tender to CCS Strategic Management with Geografia for the Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020.
Delegation	Council	

Background

The services to be provided under this Tender are for the development of a strategic plan to 2020, for the sustainable provision of community facilities and services for the Shire to meet the needs of a strongly connected community, preparing for rapid growth.

This unique project is a collaborative and shared funding partnership between the Council and land developers. It will be underpinned by sustainability principles, local cultural values, strong community engagement principles and a wide view of what constitutes future facilities and services.

At the Ordinary Council Meeting on 22 May 2006, Council resolved:

OCM042/05/06 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Richards

That Council accepts the short listing of Expressions of Interest for the development of the Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020, and endorses the calling of Tenders from

- CCS Strategic Management in association with Geografia, and*
- Sustainable Development Facilitation*

CARRIED 9/0

Prior to calling for tenders both consultants provided clarification on a number of aspects of their submissions and made a presentation of their alternative methodologies to the Community Development Coordinator and members of the Executive team.

Minor updates were then made to the brief, without altering its intent, and tenders were invited from short listed companies CCS Strategic Management with Geografia, and Sustainable Development Facilitation. Tenders closed on 11 July 2006 at 2pm.

These were compliance checked and assessed through qualitative and pricing criteria.

Sustainability Statement

Effect on Environment: This proposal will be underpinned by sustainability principles and local cultural values and aims to enhance the built and social environment without being detrimental to the natural environment.

Resource Implications: This proposal aims to strategically plan for future resources through a staged and sustainable approach.

Use of Local, renewable or recycled Resources: The assessment process considers local and regional knowledge as part of the selection criteria, and the plan will consider local facilities and services.

Economic Viability: The assessment process aims to ensure value for money, with 60% allocated to the qualitative assessment and 40% weighting allocated to the pricing assessment. The process has also requested stages to be separately costed.

The proposed strategic and sustainable provision and maintenance of community facilities and services, in partnership with land developers, other agencies and the community will enable the project to be economically viable.

Economic Benefits: It is anticipated that the plan will stage the provision of facilities and services which will generate and justify employment opportunities, enhance tourist opportunities, and provide local resources that would otherwise not be available.

Social – Quality of Life: The plan for sustainable provision of community facilities and services for the Shire to 2020, aims to meet the needs of a strongly connected community, preparing for rapid growth.

It will be underpinned by local cultural values, strong community engagement principles, a wide view of what constitutes future facilities and services, and aims to enhance the quality of life for residents.

Social and Environmental Responsibility: This plan will be based on partnerships and its implementation will broker further partnerships.

The community will be heavily involved; from the acknowledgement of what they have already provided Council through past consultations, through to community engagement throughout the planning, implementation & monitoring stages.

Social Diversity:

The proposal aims to provide for the social diversity of a rapidly growing and changing population.

Statutory Environment: Local Government Act 1995

Policy/Work Procedure

Implications:

Serpentine Jarrahdale Shire: Purchasing Policy; and
General Conditions of Contract for the Engagement of
General Services Consultants 2002

Financial Implications:

Cost implications have been factored into the 2006/07
budget deliberations (CDO572). This includes
contributions from developers (CDO105) with the balance
being funded by 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:

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

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

Strategies:

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:

2. Build key community partnerships.

2. Environment

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

Strategies:

1. Implement known best practice sustainable natural
resource management.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
3. Integrate and balance town and rural planning to
maximise economic potential.

4. Governance

*Objective 1: An effective continuous improvement
program*

Strategies:

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

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

Strategies

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

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Extensive community consultation will take place as part of the project.

Comment:

Under the terms and conditions of the Tender Lodgement Process the tender from Sustainable Development Facilitation is deemed to be non compliant due to the submission not being received by the due date. It was established however, that this error was due to the submission being forwarded to the incorrect email address. The non compliance is considered a minor technicality, considering the tender submission was technically forwarded to Council in good faith, several days prior to the closing date, and the integrity of the tender process was not compromised.

In line with the Local Government Act, Council has the right to exercise its discretion to consider including the non compliant submission as part of the tender process. In this case including the submission would enable a competitive process to be realised.

An Evaluation Panel, comprising the Community Development Coordinator and 3 members of the Executive team assessed the two submissions against the selection criteria set out in the Project Brief. Aside from the issue of receipt, both were deemed to be compliant.

Following the compliance check, the tenders were first assessed on the qualitative criteria which provided a score based on their skills, knowledge and experience which would enable them to undertake the project to Council's satisfaction. Being the more critical element of the assessment process this score was then given a 60% weighting as per the Project Brief. The 40% weighting was then applied to the score given for price, and the two scores were added together to determine the preferred tender.

The assessment process, incorporating qualitative and quantitative criteria, identified CCS Strategic Management with Geografia to be the preferred tender. The total fee submitted by the preferred tender being \$93,301.91 (ex GST).

Voting Requirements:

ABSOLUTE MAJORITY

NEW MOTION

Moved Cr Murphy seconded Cr Star (proforma)

That Council defer this item for consideration at the Corporate Governance & Asset Management Committee meeting in September 2006 to consider the analysis regarding the tenderers.

MOTION WITHDRAWN

The Community Development Coordinator left the meeting at 7.51pm and returned at 7.54pm.

SD014.1/08/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Price seconded Cr Murphy

Council approves the inclusion of the non complying tender from Sustainable Development Facilitation in the competitive tender process for the selection of a preferred tenderer for the Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020, due to the minor nature of the technical non compliance.

CARRIED 8/0 ABSOLUTE MAJORITY

SD014.2/08/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Price seconded Cr Wigg

1. Council awards the tender to CCS Strategic Management in association with Geografia, for a total fee of \$93,301.91 (ex GST), for the Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020.
2. Council writes to Sustainable Development Facilitation, and all consultancies who submitted Expressions of Interest, to thank them for their participation in the process.

ADVICE NOTE: The awarding of this tender was made on the basis of the assessment of the selection criteria undertaken by the senior Executive Management Team of the Shire.

CARRIED 8/0 ABSOLUTE MAJORITY

Council Note: An advice note was added to SD014.2/08/06 as a point of clarification.

Cr Star declared an interest of impartiality in Item SD018/08/06 – Proposed Disposal of Unallocated Crown Land Woodland Street, Alford Road, Siford Way, Sladden Street and Cousens Street, Jarrahdale as her daughter owns property nearby.

SD018/08/06 PROPOSED DISPOSAL OF UNALLOCATED CROWN LAND (UCL) WOODLAND STREET, ALFORD ROAD, SIFORD WAY, SLADDEN STREET AND COUSENS STREET, JARRAHDAL (A1171)		
Proponent:	Department for Planning & Infrastructure	In Brief Department for Planning and Infrastructure seek comment from the Council on the proposed disposal of Unallocated Crown Land within Jarrahdale Townsite to the Department of Housing and Works. It is recommended that the proposed disposal be supported subject to conditions.
Owner:	Crown	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	20 July 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	

Date of Receipt: 12 July 2006
 Advertised: N/A
 Submissions: N/A
 Lot Area: Combined area is approximately 2 hectares
 Average lot size is 1000m²
 L.A Zoning: Residential R12.5
 MRS Zoning: Urban
 Municipal Inventory: Not listed
 Townscape/Heritage Precinct: Townscape
 Bush Forever: No
 Site Inspection: 20 July 2006

Background

The Department for Planning and Infrastructure have written to the Council seeking comment on the proposed disposal of Unallocated Crown Land (UCL) lots on Woodland Street, Alford Road, Siford Way, Sladden Street and Cousens Street within the Jarrahdale townsite. There are 25 lots ranging in size from 711m² to 1184m².

Siford Way, Woodland Street, Sladden Street, Alford Road and Cousens Street abutting the subject lots have never been constructed. Siford Way and Sladden Street abut the Jarrahdale Primary School site.

All lots and the unconstructed road reserves are densely covered in native vegetation.

DPI advises that the Department of Housing and Works intend to:

1. Retain some of the lots for rental properties
2. Sell the remaining lots
3. Be responsible for the provision of the required roads and services subject to the land being valued as unserviced land by the Department of Land Information.

An aerial photograph of the subject lots is with the attachments marked SD018.1/08/06.

Sustainability Statement

Effect on Environment: Construction of roads and infrastructure to service the subject lots, the construction of dwellings, outbuildings, effluent disposal and fencing on the lots will result in the loss of a significant amount of native vegetation. It may be possible to require building envelopes on the lots and place restrictive covenants on the certificates of title for the lots to enable the retention of some of the native vegetation.

Resource Implications: Possible loss of trees and other native vegetation. Increased demand on utilities (power, water) and community services in the town.

Use of Local, renewable or recycled Resources: Not applicable

Economic Benefits: The development of the lots could see the addition of another 25 families to the town. This would have economic benefits for local businesses, the local school and community organisations. In addition the construction of 25 additional houses could provide local employment opportunities.

Social – Quality of Life: The release of more residential land in the townsite will enable more people to be able to enjoy the benefits of living in a beautiful natural environment and in a small town.

Statutory Environment:

Land Administration Act
Planning and Development Act 2005
Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Nil

Financial Implications:

Financial implications to the Council would include the construction of roads and other infrastructure (if not paid for by the applicant) as well as the ongoing costs of maintaining those roads and power costs for street lighting.

Strategic Implications:

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

1. People and Community

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

Strategies:

3. Design and develop clustered neighbourhoods in order to minimise car dependency.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required.

Comment:

There is a shortage of undeveloped residential lots ready to build on within the Jarrahdale townsite. There are some privately owned parcels of land along Atkins Street and in Cousens Street that are large enough to be subdivided into the minimum 2000m² size lots permitted under the Government Sewerage Policy (ie minimum size permitted without reticulated sewerage). In addition, there is still some land to be released in the Chestnuts Special Residential estate although these lots will be approximately 4000m² in area. Accordingly there is the need for additional townsite lots to be released.

There are more than 25 parcels of unallocated crown land (UCL) within the townsite. The average size of these UCL lots is 1000m². The land is already zoned for Residential development. However, there are issues for the Council with regard to these lots relating to:

1. There is not any constructed road access to the lots and as the lots are already created there is no avenue for the Council to require the subdivider to provide constructed public roads. Accordingly, if the lots were released there would be a requirement for the Shire to construct the unmade roads including the installation of

- infrastructure such as drainage and street lighting if the applicant did not construct the roads. The Council has not budgeted for these works
2. If the lots are retained by the Department of Housing and Works and developed as either Homeswest or Government Employees Housing rental properties then the Shire will not derive any rates income from the lots which could be offset against road construction and maintenance costs, waste collection costs and street lighting power costs.
 3. The lots and the unmade road reserves are densely vegetated with native vegetation, which could be substantially lost if the lots are developed.
 4. The lots are in close proximity to the Serpentine National Park (in some cases over the road) and any dwellings on the properties and their occupants could be subjected to an extreme risk in the event of bushfire events in the locality.

It is considered that if the Council does support the release of these lots then it would be appropriate to require the Department of Housing and Works to enter into a legal agreement with the Shire to:

1. Pay all costs related to providing constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure.
2. Identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire.
3. Identify building envelopes of a maximum area of 500 square metres on each lot to enable the retention of native vegetation on the lots.
4. Place restrictive Covenants on the certificates of Title for all the lots preventing the removal of any native vegetation outside the building envelopes except for specific purposes such as fire breaks and driveways.
5. Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).

Voting Requirements: Normal

Officer Recommended Resolution:

The Department for Planning and Infrastructure be advised that the Council supports the disposal of Lots 58-63, 83-89 90-92 and 94-106 Woodland Street, Siford Way, Cousens Street, Sladden Street and Alford Road, Jarrahdale to the Department of Housing and Works subject to the following conditions:

1. The Department of Housing and Works entering into a legally binding agreement with the Serpentine Jarrahdale Shire to:
 - a) pay all costs associated with the provision of constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure;
 - b) identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire;
 - c) identify building envelopes of a maximum area of 500 square metres on each lot to enable the retention of native vegetation on the lots;
 - d) Place restrictive covenants on the Certificates of Title for all the lots preventing the removal of any native vegetation outside the building envelopes except:
 - i. where the vegetation constitutes an immediate threat to life or property, or is dead or diseased, the proof of which threat lies upon the person who removes, destroys, or damages the tree;
 - ii. where vegetation is required to be removed for firebreak purposes required by a Regulation or Local Law;

- iii. a boundary fence is to be erected;
 - iv. in an area required for the construction of an effluent disposal system approved by Council;
 - v. a vehicle accessway to a property;
 - vi. for the installation of any public utilities to service a dwelling.
 - vii. any tree having branches directly overhanging the roof of any building, but in that case the exemption applies only to the lopping of an overhanging branch; and
 - viii. any tree within 2 metres of a sewer, water-main, effluent disposal system, stormwater or power network, where the tree has caused damage of blockage to the installation or equipment in question, proof of which damage lies upon the person removing, destroying or damaging the tree;
- e) Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).

2. The cost of preparing the legal agreements and construction plans/drawings for the project is to be the responsibility of the Department for Planning and Infrastructure.

SD018/08/06 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Brown

1. Council defers a decision on item SD018/08/06 to allow a meeting with the Conservation Commission regarding alternative uses for this land.
2. The Jarrahdale Community Forum be advised in writing of this proposal.

CARRIED 8/0

Committee Note: The Officer Recommended Resolution was changed so that a decision could be deferred to evaluate alternative proposals for the land (CALM has expressed an interest in acquiring this land to be included in Serpentine National Park).

CGAM012/08/06		FOREST PRODUCTS COMMISSION WA – OVERSIZE VEHICLE APPLICATION BELL PLANTATION SERPENTINE NATIONAL PARK TO WELSHPOOL AND NEERABUP (A0772)
Proponent	Forest Products Commission Western Australia	In Brief An application has been made by the Forest Products Commission WA for Council approval to supply and deliver 6000 tonnes of timber/wood chip from the Bell plantation in Serpentine National Park – Gooralong to Veneer and Fibreboard Manufacturers in Neerabup and Welshpool.
Officer	Nick Juricev Manager Engineering	
Signatures - Author:		
Senior Officer:		
Date of Report	2 August 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

The Forest Products Commission Western Australia (FPCWA) submitted a letter on the 11 July 2006 seeking Council approval to use oversize vehicles no greater than 27.5 metres in

length on specific roads within the Serpentine Jarrahdale Shire. The applicant intends to supply and deliver 6,000 tonnes of timber logs or wood chip from the Bell Plantation in the Serpentine National Park – Gooralong via Robinswood Follow, Jarrahdale Road, South Western Highway, Thomas Road, Tonkin Highway, Kewdale Road (for deliveries to the Laminex Mill), Reid Highway, Beechboro Road, Gnangara Road, Wanneroo Road, Flynn Drive and Pederick Road (for deliveries to the Wesbeam Mill).

A copy of the letter dated 11 July 2006 is with attachments marked CGAM012.1/08/06a (IN06/8132) and an emailed update of log volumes CGAM012.1/08/06b.

The timing of the operation is likely to be between October and November 2006 with a duration of approximately one (1) month. The FPCWA has advised that the times of operation for the felling, production and harvesting of the timber logs or wood chip would desirably be between 5.00am and 5.00pm Monday to Friday to maximise harvesting and transport efficiency and to avoid log truck traffic clashing with school bus times and routes. Equipment used in the operation will include a single grip harvester and rubber tyred forwarder and cartage by using 27.5 metre long Triaxle Easyloader, Pocket Roadtrain, B-Double or semi-trailers.

Photographs showing the single grip harvester and rubber tyred forwarder are with attachments marked CGAM012.2/08/06.

At its meeting held 13 September 2004, the Council considered roads to be included on the Main Roads Western Australia (MRWA) Notice Network for oversize vehicle use. At that meeting, the Council resolved to restrict heavy vehicle use on Thomas Road to the conditions stipulated below.

ROAD	SECTION	CONDITIONS
Thomas Road	South Western Highway to Hopkinson Road	<ul style="list-style-type: none">• No vehicles greater than 27.5m length• School bus curfews to apply• To be reviewed following opening of Tonkin Highway at Thomas Road
Thomas Road	Hopkinson Road to Western Boundary	<ul style="list-style-type: none">• No vehicles greater than 27.5m length• School bus curfews to apply

Jarrahdale Road is not identified as a heavy haulage route by the Serpentine Jarrahdale Shire. Jarrahdale Road is also a school bus route.

Robinswood Follow is an unsealed track located on the southern side of Jarrahdale Road opposite Buckland Road (approximately 250 metres west of Nettleton Road). The sight distance at Jarrahdale Road is relatively poor as vegetation obscures visibility to the west and east of Robinswood Follow and there is a crest located less than 150 metres to the west of the track. Robinswood Follow is located in a section of Jarrahdale Road subject to an 80 kilometre an hour speed zone, although the speed environment 100 metres to the east of the track changes to 60 kilometres an hour at the start of the townsite.

Sustainability Statement

Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport and road maintenance costs.

Sustainable permit vehicle operations should be contingent upon the operations being demonstrated to be properly managed to realize the potential benefits.

Statutory Environment: Motor Vehicle Act and Regulations

Policy Implications: There is no work procedures/policy implications directly related to this application.

Financial Implications:

The FPCWA has indicated that they propose to haul 6000 tonnes of timber logs or wood chip from the Bell Plantation in the Serpentine National Park. This equates to approximately twenty (20) return trips per day (i.e. 10 loaded; 10 unloaded vehicle movements).

Robinswood Follow is under the jurisdiction of the Department of Environment and Conservation. The road is relatively narrow (approximately 4.0m wide), poorly maintained and deteriorated. Accordingly, the road may require widening and upgrade if Robinswood Follow is to be used for haulage operations. In addition, sight distance at the Jarrahdale Road junction is poor and it is anticipated that works will be required to rectify this problem. Nonetheless, any improvement works would be at the cost of the FPCWA.

There are no financial implications as construction and maintenance costs would be borne by the proponent and/or the Department of Environment and Conservation.

Strategic Implications:

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.

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.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2 Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3 Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

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

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

4 Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation: Nil

Comments:

Robinswood Follow is an unsealed road that is relatively narrow and formed to an access track standard. The road is under the jurisdiction of the Department of Environment and Conservation being the managers of the Serpentine National Park.

To facilitate the movement of timber or woodchip by heavy vehicle, Robinswood Follow may require widening and resheeting. In addition, the sight distance at the intersection of Jarrahdale Road/Robinswood Follow will need to be improved for enhanced visibility and road safety at Jarrahdale Road. However, any widening and/or upgrade of Robinswood Follow would be at the discretion of the Department of Environment and Conservation and at the FPCWA's expense.

Council does not currently support the use of B-Doubles and Road Trains on Jarrahdale Road and has in the past not approved applications from heavy haulage contractors for such use. Therefore, it is recommended that the Council continues with this policy.

Voting Requirements: Simple Majority

CCGAM012/08/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Price

That:

- (1) Council does not endorse the use of oversize vehicles (B-Doubles and Road Trains up to 27.5 metres in length) by the Forest Products Commission Western Australia to supply and deliver timber or wood chip from the Bell Plantation located in the Serpentine National Park – Gooralong to Welshpool and Neerabup via Robinswood Follow, Jarrahdale Road, South Western Highway and Thomas Road.
- (2) Council endorses the use of 'As of Right' vehicles by the Forest Products Commission Western Australia to supply and deliver timber or wood chip from the Bell Plantation located in the Serpentine National Park – Gooralong to Welshpool and Neerabup via Robinswood Follow, Jarrahdale Road, South Western Highway and Thomas Road, subject to compliance with the following conditions:
 - (b) Neighbouring properties to the proposed haulage routes in Robinswood Follow and Jarrahdale Road being notified of the proposed commencement date and anticipated duration of haulage operations, at least one (1) week prior to the commencement of harvesting;

- (c) School bus operators being notified of the commencement date and anticipated duration of haulage operations, at least one (1) week prior to the commencement of harvesting;
- (d) Speed being limited to 60 km/hr on unsealed roads and 80 km/hr on sealed roads without pavement markings or less where either appropriate for safety reasons or posted at a lesser speed;
- (e) A Traffic Management Plan being prepared for traffic movements at the intersection of Jarrahdale Road / Robinswood Follow and that such a plan be submitted to the Shire for approval at least two (2) weeks prior to the commencement of harvesting.
- (f) As a minimum, appropriate warning signage for traffic being installed in accordance with AS1742.3-2002, with signs identifying truck movements being placed at Jarrahdale Road to the east and west of Robinswood Follow and at the intersection as prescribed by the relevant Australian Standards and Traffic Management Plan;
- (g) Haulage operations being limited to 12 hours daily between the hours of 6.00am and 6.00pm Monday to Friday. No cartage is permissible on Saturdays, Sundays or Public Holidays;
- (h) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closure as prescribed in Section 3.50 of the Local Government Act 1995;
- (i) The Shire being advised by the Forest Products Commission Western Australia of any bitumen seal failures at the intersection of Jarrahdale Road/Robinswood Follow within 24 hours of damage occurring and that such damage be rectified by and at the expense of the Forest Products Commission Western Australia and/or its haulage Contractor(s).
- (j) Council reserves the right to revoke its support if any of the above conditions are not adhered to, or road conditions and user safety is compromised.

(3) Main Roads Western Australia be advised in writing of the Council's decision in relation to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5 metres in length) by the Forest Products Commission Western Australia on both Robinswood Follow and Jarrahdale Road.

CARRIED 8/0

CGAM014/08/06 SALE OF PART LOT 814 JARRAHDAL ROAD JARRAHDAL TO LITTLE GREEN STEPS PTY LTD (P05576/33)		
Proponent:	Chief Executive Officer	In Brief Council is requested to approve the sale of part Lot 814 Jarrahdale Road Jarrahdale to Little Green Steps Pty Ltd after considering the submissions received that were invited in accordance with the Section 3.58 (3) of the Local Government Act 1995.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer		
Date of Report:	9 August, 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

In September 1999, the Shire produced a Business Plan related to its proposal to borrow \$605,000 for the original acquisition of the land for the Jarrahdale Heritage Park. This was done in accordance with the Local Government Act 1995 which requires local government to give state-wide and local public notice of any major land transaction that is under consideration. The debt of \$605,000 was successfully retired in 2003/04 financial year through the subdivision and sale of six (6) cottages in Millars Road, Jarrahdale and the subdivision and sale of seven (7) lots of vacant land on the corner of Kingsbury Drive and Jarrahdale Road Jarrahdale. The September 1999 Business Plan also highlighted the intention of Council to develop the remaining land in the Park.

In March 2004, the Shire produced a Jarrahdale Heritage Park (JHP) Development and Disposition of Property Business Plan related to its proposal to borrow funds (\$1M) to assist in the development of the Park with the intention of disposing of Shire owned land associated with the development of the Park to meet holding costs of the funds and the retirement of the \$1M debt.

The Business Plan outlined how Council would raise the \$1M to cover the debt through the sale of land and property associated with the Jarrahdale Heritage Park.

At its meeting in April 2004, Council agreed to commence implementing the land transactions as described in the March 2004 Jarrahdale Heritage Park Development and Disposition of Property Business Plan.

In June 2005, the Shire was approached by representatives of Little Creatures Brewing Pty Ltd (Little Green Steps Pty Ltd is the subsidiary company) who expressed an interest in establishing a commercial enterprise in Jarrahdale.

Following their investigation of an alternative privately owned site in Jarrahdale, which turned out to be unsuitable, Little Green Steps Pty Ltd identified a five (5) hectare site in the north-west corner of Lot 814 Jarrahdale Road, Jarrahdale as the most appropriate site for their development. Lot 814 is held in freehold by the Shire.

The sale of Lot 814 is recommended in the 2004 JHP Development and Disposition of Property Business Plan to assist with the repayment of the \$1M loan (when raised) for the heritage Park. Lot 814 is constrained to some extent by a 200 metre noise buffer zone from the Timber Saw Mill, which places some restrictions on the possible uses for the area

affected by the buffer. The land also contains the single men's quarters, the rotunda and a skateboard facility.

The Shire sought legal advice in respect to its discussions with Little Creatures Brewing Pty Ltd and the possible offer to purchase the site. The Shire was advised that this was in order provided the Shire followed the requirements outlined in section 3.58 (3) of the Local Government Act 1995.

The Shire prepared a plan of proposed subdivision subdividing Lot 814, which is split by Millars Road, into three (3) new lots: Lot 830 (15.4297 hectares), Lot 831 (5.03 hectares) and Lot 832 (1.6 hectares). Under this plan it was proposed that Lot 831 would be sold to Little Creatures Brewing Ltd, and the Shire would retain Lots 830 and 832. Licensed valuers – Australian Property Consultants – were engaged by the Shire to provide a valuation of Lot 831. The recommended valuation for Lot 831 (was between \$500,000 and \$600,000 allowing for the various constraints of the site.

Following extensive negotiations involving legal representation on both sides, the Shire has entered into a conditional Contract of Sale of Lot 831 with Little Green Steps Pty Ltd for \$550,000 + GST. The Contract of Sale is subject to the following conditions:

- The purchaser to take responsibility for upgrading and maintaining the single men's quarters and the rotunda, and the relocation of the skateboard facility.
- Little Green Steps Pty Ltd completing its due diligence of the site.
- The Shire complying with the requirements of Section 3.58 (3) of the Local Government Act, including issuing a public notice in respect to the proposed sale of the five (5) hectare site to Little Green Steps;
- Councils' consideration of the submissions received in response to the public notice.
- Councils' consideration of the responses from the Jarrahdale community to the proposed sale to Little Green Steps Pty Ltd.

Resource Implications

The Shire will be required to remove the rectangular building that is linked to the Rotunda.

The Shire may be required to provide some funds towards the provision of infrastructure to service proposed Lots 830 and 832 created through the subdivision of Lot 814. Western Australian Water Corporation and Western Power are yet to provide an accurate indication of these costs.

Use of local, renewable or recycled resources

Local and renewable resources will be used wherever possible.

Statutory Environment

Section 3.58 (3) of the Local Government Act 1995 (the Act) requires local government to give local public notice of any proposal to dispose of land other than by public auction or tender. The minimum period of time for comment is 14 days from the date of advertising.

Following the advertising period closing, the local government is to consider any submissions made and if a decision is made by the Council or a committee, the decision and the reasons for it are to be recorded in the minutes of the meeting.

Financial Implications:

Council intends to sell Lot 831 (5.03 hectares), which will be created through the subdivision of Lot 814 Jarrahdale Road Jarrahdale, to Little Green Steps Pty Ltd for the sum of \$550,000 plus GST. The amount is in accordance with the report and valuation received from Australian Property Consultants who valued the property between \$500,000 and \$600,000.

The Contract of Sale requires Little Green Steps Pty Ltd to renovate and maintain the Single Men's Quarters and the Rotunda that exist on Lot 831. Little Green Steps Pty Ltd is also required to relocate the Skate Board facility from Lot 831 to a location acceptable to the Jarrahdale community and the Serpentine Jarrahdale Shire. Little Green Steps Pty Ltd is also required to provide all relevant infrastructure costs including water, power and sealed roads to service the Lot 831.

The Shire will be responsible for removing the long rectangular building adjoining the Rotunda and for costs associated with providing essential services to Lots 830 and 832 created through the Subdivision of Lot 814. These costs are to be determined.

The sale of Lot 831 is in line with the JHP Development and Disposition of Property Business Plan and will help reduce the level of Council debt for the Heritage Park project.

Strategic Implications

The sale of Lot 831 is in line with the JHP Development and Disposition of Property Business Plan of April 2004. The proposed development, as part of the Jarrahdale Heritage Park, will be a major drawcard for Jarrahdale and the Park itself. It will also act as a major catalyst for other commercial operators and developers to establish in Jarrahdale. Importantly it will provide jobs for many in the community and markedly improve the vibrancy and economic viability of the town.

Community Consultation

The Jarrahdale community has been regularly informed of the actions the Shire is taking in respect to the development of the Park. The proposed sale of Lot 831 Jarrahdale Road to Little Green Steps Pty Ltd has been advertised locally and a letter advising of the proposed sale was forwarded to every Jarrahdale property owner on the Shire's data base seeking their comment on the proposed sale.

Comments on the proposal closed on 1 May 2006.

Comment

Little Green Steps Pty Ltd initially approached the Shire with the request to help them identify suitable land to establish a similar development as their Little Creatures establishment in Fremantle, but one which could provide a greater brewing capacity for their brands of ale. After investigations of a privately owned property in Jarrahdale proved to be unsuitable the Shire agreed to investigate a five (5) hectare site within Lot 814 Jarrahdale Road Jarrahdale. Lot 814 had been previously identified for disposal in the JHP Development and Disposition of Property Plan of April 2004. Following identification of the five (5) hectare site, a survey of the site was conducted and a subdivision application submitted to the WA Planning Commission. The site was then valued by Australian Property Consultants who concluded that the value of the site was between \$500,000 and \$600,000. In arriving at the sale price of \$550,000 plus GST the Shire gave due consideration to the significance of the proposed state of the art development it was attracting to Jarrahdale; the costs the purchaser would need to expend in renovating and maintaining the Single Men's Quarters and the Rotunda and the costs involved in relocating the Skate Board facility.

The establishment of Little Creatures in Jarrahdale will fulfil a range of objectives in progressing the Jarrahdale Heritage Park development. It will act as a major catalyst for people to visit Jarrahdale and therefore stimulate the town and the economy whilst providing much needed employment for locals. This in essence is why the Council has supported the development of the Jarrahdale Heritage Park.

The following documents are attached and marked:-

- CGAM014.1 JHP Development and Disposition Business Plan (E04/1036)**
- CGAM014.2 Map of site (E06/4075)**
- CGAM014.3 Valuation from Australian Property Consultants (IN06/9418)**
- CGAM014.4 Local Government Act 1995 Section 3.58.(3)**
- CGAM014.5 Little Creatures development briefing paper (E06/3737)**
- CGAM014.6 Public Notice Advertising Sale (E06/3755)**
- CGAM014.7 Letter to Jarrahdale ratepayers (OC06/2183)**
- CGAM014.8 Submissions from ratepayers (IN06/4906 & (IN06/4695)**

SUMMARY OF SUBMISSIONS RECEIVED

Submission Writer	Summary of Submission	Comment
Lavan Legal – representing the proprietors of the Jarrahdale Tavern:	Opposed to the sale of Lot 831 on grounds that the proposed Little Creatures development would be in direct competition and adversely affect their business.	It is acknowledged that there is potential for adverse commercial impacts on the Jarrahdale Tavern business. However it is also acknowledged that the proposal will also act as a major catalyst for economic development in the town, providing numerous opportunities for the attraction of complementary eco-businesses, thus strengthening the commercial base of the town. It is possible that over time, the tavern may also experience increased patronage due to increased visitor numbers to the town. It is recommended that given the potential economic benefits in attracting other complementary businesses in addition to Little Green Steps to Jarrahdale, Council dismiss this submission.
Jarrahdale Heritage Society:	Concerned at trails that may cross the proposed development area.	The concerns of the Heritage Society are noted and it is recommended that Council advise the Society that it will try to seek assurances from Little Green Steps that they will work closely with the Heritage Society to minimise any impacts to the Historic Sites trail in Jarrahdale.

Voting Requirements: Normal

CGAM014/08/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Star seconded Cr Price
That Council:**

- 1. Subject to the Contract of Sale conditions, proceed with the Sale of Lot 831, Jarrahdale to Little Green Steps Pty Ltd by private treaty;**
- 2. Acknowledge the submission received from Lavan Legal, on behalf of the Jarrahdale Tavern and advise that whilst Council acknowledges the concerns expressed as to the potential for adverse impact on the Tavern’s business,**

advise that the proposed sale provides greater potential for the town of Jarrahdale, including the Tavern to benefit from the additional activity. The sale also provides numerous opportunities to improve the vibrancy and economic viability of the town of Jarrahdale, and the proposed site will provide eco-tourism opportunities that will complement the Heritage park;

3. Acknowledge the submission received from the Jarrahdale Heritage Society Inc and advise that Council will seek assurances from Little Green Steps Pty Ltd that they will work closely with the Heritage Society to minimise any impacts to the Historic Sites trail that traverses Lot 831.

CARRIED 8/0

CGAM013/08/06		BOUNDARY RATIONALISATION FOR RESERVES 23011 AND 23012 (RS0038-02)
Proponent:	Department of Planning and Infrastructure	In Brief It is requested that Council consider the Department of Planning and Infrastructure's proposal to rationalise the boundaries between Reserve 23011 and Reserve 23012.
Owner:	Shire of Serpentine Jarrahdale and Department of Environment and Conservation	
Officer:	Paula Haro Reserves Officer	
Signatures Author:		
Senior Officer:	Nick Juricev Manager Engineering	
Date of Report	3 August 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

The Department of Planning and Infrastructure are considering rationalising the boundaries of Reserve 23011 and 23012.

Reserve 23011 which is located at Lot 199 South Western Highway, Mundijong is vested in the Shire for the purpose of "Sanitary Site" and was used up until recently as a Transfer Station. The reserve is dissected to the south-east by a disused railway previously utilised by Alcoa to transport bauxite from Jarrahdale to Kwinana. The disused railway reserve is now dedicated as Unallocated Crown Land (UCL).

Reserve 23012 which is located at Lot 139 South Western Highway Mundijong is formally known as the Watkins Road Nature Reserve and is vested with the Department of Environment and Conservation for the purpose of *Conservation of Flora*. Reserve 23012 occurs to the east of Reserve 23011 and is also dissected by the UCL to the north-west.

The rationalisation of the reserve boundaries would involve incorporating the portion of Reserve 23011 dissected by UCL to the south-east into Reserve 23012, and the portion of Reserve 23012 dissected by UCL to the north-west incorporated into Reserve 23011. The total area of Reserve 23011 is 3.033 hectares (ha). The area of the Shire reserve to the west of the UCL is 2.870 ha and the area of the Shire reserve to the south-east of the UCL is 0.163 ha. The area of Reserve 23012 to the west of the UCL is 0.006 ha.

After boundary rationalisation and incorporation of the portion of CALM vested reserve to the west of the UCL the proposed area of Shire Reserve 20311 would be 2.876 hectares (i.e. 3.033 ha minus 0.163 ha plus 0.006 ha).

In 2000, Reserve 23011 ceased its use as a sanitary site and since then some rehabilitation of vegetation has occurred. The condition of the vegetation ranges from Completely Degraded to Degraded to the west of the UCL and Good to the south-east.

Both reserves are part of the Bush Forever Site 360. The reserve portions to the east of the UCL contain a Threatened Ecological Community under the Western Australian *Wildlife and Conservation Act* 1950. This community is identified as SCP20b - *Banksia attenuata* and *Eucalyptus marginata* woodland and is defined as Endangered under this legislation.

No Declared Rare Flora occurs on Shire Reserve 23011.

Threatened priority fauna that are likely to be present in both reserves are listed in the table below.

Fauna species name	Category under State <i>Wildlife and Conservation Act</i>	Category under Commonwealth <i>Environmental Protection and Biodiversity Act</i>
<i>Baudin's White Tailed Black Cockatoo-Calyptorhynchus baudinii</i>	R	Vulnerable
<i>Carnaby's White Tailed Black Cockatoo-Calyptorhynchus latirostris</i>	R	Endangered
Red Tailed Black Cockatoo- <i>Calyptorhynchus banksii naso</i>	R	Not applicable
Quenda- <i>Isoodon obesulus</i>	P4	Not applicable

A copy of the aerial photograph of the area is with attachments marked CGAM013/08/06.

Sustainability Statement

Effect on Environment: The environment is not adversely impacted on by the proposal.

Resource Implications: The proposal will reduce the use of Shire resources in the management of the reserve and provides for better, continuous resource management.

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

Economic Viability: This proposal will reduce reserve management costs for the Shire as the size of Reserve 23011 will be reduced. Rationalisation of reserve boundaries will not require on-going costs.

Economic Benefits: Reduction in management costs will allow these resources to be utilised elsewhere.

Social – Quality of Life: Not applicable to this proposal.

Social and Environmental Responsibility: The proposal has minimal impact on social and environmental values as existing environment is proposed to be maintained.

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

Statutory Environment: Land Administration Act 1997

Referral to Department of Environment and Conservation
by Department of Planning and Infrastructure for
consideration

**Policy/Work Procedure
Implications:**

Reserve Management and Planning Policy

Financial Implications:

Nil

Strategic Implications:

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

1. People and Community

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

Strategies:

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.

4. Governance

*Objective 1: An effective continuous improvement
program*

Strategies:

5. Harness community resources to build social
capital within the Shire.

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

Strategies

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

Community Consultation: Nil

Comment:

It was observed during a site visit by the Shire's reserves officer and part-time Environmental Officer, that the portion of Reserve 23012 to be incorporated into the Shire managed Reserve 23011 has the same conservation value, or slightly better than Reserve 23011.

Rationalisation of the boundaries of the reserves will reduce the Shire's maintenance costs in relation to Reserve 23011 due to the reduction in reserve size. These extra resources would be available for resource management elsewhere in the Shire or utilised for better management and rehabilitation of the Mundijong Transfer Station site.

The proposal will also allow for the continuous management of the entire Threatened Ecological Community site to the east of the UCL by one management body, instead of two as it occurs now.

Voting Requirements:

Normal

CGAM013/08/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Wigg

1. Council supports the Department of Planning and Infrastructure’s proposal for rationalisation of the reserve boundaries of Shire Reserve 23011 and the Department of Environment and Conservation Reserve 23012.
2. Council advise the Department of Planning and Infrastructure that support for the rationalisation of the reserve boundaries is subject to the preparation of a Management Plan for Reserve 23012 at the proponents cost.
3. Council provide advice to the proponent that any legal and other costs associated with the rationalisation of the boundaries will be borne by the Department of Planning and Infrastructure and not the Serpentine Jarrahdale Shire.

Advice Note:

The Management Plan is to specifically address the exclusion/control of off-road vehicles in Reserve 23012.

CARRIED 8/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Council Note: Item OCM04/08/06 was considered after item SD016/08/06

OCM04/08/06 REVIEW OF BYFORD STRUCTURE PLAN 2005 (A1320)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	Various	
Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	Review of the Byford Structure Plan 2005 to Byford District Structure Plan 2006.
Signatures Author:		To consider reports relating to various components of the adopted district Byford Structure Plan.
Senior Officer:		
Date of Report	22 August 2006	
Previously	Various reports	
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.	It is recommended that this review be advertised for public comment pursuant to the provisions of Town Planning Scheme No. 2
Delegation	Council	

Council Note: Item OCM05/08/06 was considered after item OCM05/08/06.

OCM05/08/06 LOCAL STRUCTURE PLAN – SOUTHWEST BYFORD DOLEY ROAD PRECINCT VARIOUS LOTS (A1364/02)		
Proponent:	Taylor Burrell Barnett	In Brief
Owner:	LWP Property Group Pty Ltd	
Officer:	Sylvester Tan – Strategic Planner	To consider a Local Structure Plan for properties bounded by Abernethy Road, Warrington Road, Orton Road and Tonkin Highway reserves and for Lot 2 George Street on the western side of Perth – Bunbury Railway Line.
Signatures Author:		
Senior Officer:		
Date of Report	25 August 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	It is recommended that Council defer consideration of the Local Structure Plan until a revised Plan is submitted to Council .
Delegation	Council	

OCM06/08/06 APPOINTMENT OF ACTING PRESIDENT (A0906)		
Proponent:	Shire of Serpentine Jarrahdale.	In Brief
Officer:	Darren Long Director Corporate Services	
Signatures Author:		Council is requested to appoint a Councillor to act in the role of Shire President from 4 th September 2006 to 15 th September 2006 whilst the Shire President and Deputy President are on leave.
Senior Officer:		
Date of Report	21 August 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

Shire President, Cr Needham, and Deputy Shire President, Cr Price, have advised the Acting Chief Executive Officer that they will be on leave from 4th September, 2006 to 15th September, 2006.

To accommodate the smooth running of the Council, it is appropriate for Council to appoint a Councillor to fulfil the role and function of Acting Shire President during this period of leave.

Statutory Environment: Section 5.35 of the Local Government Act 1995 provides for:

- (1) *If the circumstances mentioned in section 5.34 (a) or (b) apply and:*
- (a) *the office of deputy mayor or deputy president is vacant; or*
 - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

and the mayor or president or deputy will not be able to perform the functions of mayor or president for a time know to the Council, then the Council may appoint a councillor to perform during that time the functions of mayor or president, as the case may be.

Policy/Work Procedure

Implications:

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

Financial Implications:

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

Community Consultation:

No consultation required.

Comment:

In the interests of good governance it is prudent that Council appoint a Councillor to fulfil the role and functions of Shire President, should there be a need, whilst the Shire President and Deputy President are on leave.

Voting Requirements: Simple Majority

OCM006/08/06 Officer Recommended Resolution:

That Council appoint Councillor _____ to fulfil the functions of Shire President from 4th September, 2006 to 15th September, 2006 inclusive, whilst the Shire President and Deputy President are on leave.

OCM006/08/06 COUNCIL DECISION:

Moved Cr Price seconded Cr Murphy

That Council appoint Councillor Star to fulfil the functions of Shire President from 4th September, 2006 to 15th September, 2006 inclusive, whilst the Shire President and Deputy President are on leave.

CARRIED 8/0

Mr D Long declared a financial interest in item OCM07/08/06 as it relates to his appointment as Acting Chief Executive Officer and he left the meeting at 8.10pm

OCM07/08/06 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (A1048)		
Proponent:	N/A	In Brief To appoint an Acting Chief Executive Officer for the period 30 September 2006 until 29 October 2006.
Owner:	N/A	
Officer:	Brad Gleeson, Acting Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25 August 2006	
Previously	OCM045/06/06 26 June 2006	
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

Council at its meeting held on 26 June 2006, resolved (in part):

6. *That Council adopts the following policy*

CSP37 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Council adopts the following Policy for the Appointment of the Acting Chief Executive Officer-

That when it is considered necessary by the Chief Executive Officer, as the result of absence from the District, to appoint an officer to the role of Acting Chief Executive Officer and time does not permit prior endorsement by Council, the role be offered on a rotational basis to the following Directors:

- Darren Long – Director Corporate Services
- Bradley Gleeson – Executive Manager Planning and Regulatory Services
- Stephen Bell – Director Engineering
- Ross Montgomery – Executive Manager Strategic Community Planning

7. *That Council endorses the following appointments:*

- (i) *Darren Long to the position of Acting Chief Executive Officer from the 8th July 2006 until 4th August 2006*
- (ii) *Bradley Gleeson to the position of Acting Chief Executive Officer from the 5th August 2006 until 1st September 2006*
- (iii) *Stephen Bell to the position of Acting Chief Executive Officer from the 2nd September 2006 until 29th September 2006*
- (iv) *Ross Montgomery to the position of Acting Chief Executive Officer from the 30th September 2006 until 29th October 2006*

In relation to the above appointments Council agrees to remunerate the position of Acting Chief Executive Officer for the periods specified above with a "higher duties allowance" of a salary of \$100,000 per annum. This "higher duties allowance" will apply for the duration of the term that each incumbent fills the role.

Sustainability Statement

Not applicable.

Statutory Environment:

Local Government Act 1995

Policy/Work Procedure Implications:

Policy CSP37 – Appointment of Acting Chief Executive Officer.

Financial Implications:

Provision has been made in the draft 2006/2007 budget for a higher duties allowance.

Strategic Implications:

This proposal relates to the following 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.
2. Build key community partnerships.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

The Executive Manager Strategic Community Planning has tendered his resignation with his last day on 22nd September, 2006. Council is required to appoint an Acting Chief Executive Officer for the period 30 September 2006 until 29 October 2006.

The issue has been discussed at Executive and it is recommended that Mr Darren Long be appointed as Acting Chief Executive Officer for this period.

Voting Requirements: ABSOLUTE MAJORITY

OCM07/08/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Scott seconded Cr Wigg

That Council endorses the appointment of Darren Long to the position of Acting Chief Executive Officer from the 30 September 2006 until 29 October 2006.

In relation to this appointment Council agrees to remunerate the position of Acting Chief Executive Officer for the period specified above with a "higher duties allowance" of a salary of \$100,000 per annum. This "higher duties allowance" will apply for the duration of the term of this appointment.

CARRIED 8/0 ABSOLUTE MAJORITY

Mr D Long returned to the meeting at 8.11pm.

OCM08/08/06 MEDIATION OF APPLICATION TO STATE ADMINISTRATIVE TRIBUNAL FOR REVIEW OF REFUSAL DECISION FOR PROPOSED OUTBUILDING - LOT 123 LESLIE STREET, SERPENTINE (P01288/03)		
Proponent:	J Brown	In Brief Mediation with regard to this appeal has proceeded to a point where the matter can be referred back to the Council for consideration of an amended proposal. It is recommended that the Council support the issue of a Consent Order for the amended proposal subject to conditions.
Owner:	As above	
Officer:	M Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	22 August 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	

Date of Receipt:	22 August 2006
Advertised:	N/A
Submissions:	N/A
Lot Area:	2 hectares approximately
L.A Zoning:	Residential R5
MRS Zoning:	Urban
Rural Strategy Policy Area:	Rural Living A
Rural Strategy Overlay:	Nil
Bush Forever:	Abuts Bush Forever Site 375 being Lambkin Reserve

Background

Site Description

The subject site has frontage to both Tonkin Street (northern boundary) and Leslie Street (Southern boundary). The site contains a single dwelling adjacent to the Leslie Street frontage. There are scattered clumps of remnant native vegetation in the northern half of the lot. There is an Environmental Protection Policy (EPP) wetland on the Lambkin Reserve, which abuts the western boundary of the property. The buffer for this wetland extends into Lot 123. Lambkin Reserve is managed by the Department of Environment and Conservation (DEC).

Proposed Outbuilding- First Application

The applicant initially applied for planning approval to construct a 450 square metre shed on the subject property on 8 February 2005. The shed is to be used for storage of personal vehicles and other domestic items as well as for the owners hobbies which involve the restoration of vintage cars, motor cycles and farm machinery and woodworking. The shed is proposed to be clad in Colorbond steel material in the shade Caulfield Green.

The applicant submitted letters from adjacent neighbours with his application who all stated that they had no objections to the proposed shed.

Site and elevation plans for the shed as submitted with the application for Planning Approval are with the attachments marked OCM08.1/08/06.

The proposed location of the shed, as per the plans submitted with the application, is within the buffer for the EPP wetland on Lambkin Reserve. Accordingly, the application was referred to the DEC for comment prior to being determined by the Shire.

The following comments were provided:

"CALM has no objection to the proposed outbuilding at Lot 123 Leslie Street Serpentine. It is noted however, that Lot 123 is directly adjacent to Lambkin Nature reserve. CALM requests that activities within the lot related to the proposed development do not adversely affect the conservation values of the nature reserve. The Department recommends that the Shire liaise with the Department of Environment regarding any wetland issues associated with the outbuilding development."

"DoE does not support the proposal in its current form for the following reasons:

- 1. Conservation Category Wetland Associated with Threatened Ecological Community.*

Lot 122, located immediately west of Lot 123, is classified as a Conservation Category wetland. This wetland is also identified as containing a Threatened Ecological community, as indicated on the attached plan. The DoE does not support development within 50 metres of this wetland."

The outbuilding was also assessed against the provisions of the Council's Local Planning Policy *LPP 17 Residential and Incidental Development*. The assessing officer determined that the proposed outbuilding did not comply with the policy provisions relating to the maximum height and floor area of outbuildings on land zoned Special Residential R5. In this regard Policy LPP17 contains the following provisions:

Maximum Floor Area:	100m ²
Maximum Wall Height:	2.7 metres

At 450m² and with a wall height of 3.5 metres the proposed outbuilding considerably exceeded the provisions of Local Planning Policy LPP17. Accordingly, given the above non-

compliance and the comments made by the DoE the assessing officer issued a Notice of Refusal for the proposed outbuilding on 5 April 2005 for the following reasons:

1. *The proposed outbuilding does not comply with Local Planning Policy No. 17, in that it exceeds the maximum floor area and wall and ridge heights able to be permitted for outbuildings within the 'Residential R5' zone under the Scheme. The magnitude of non-compliance is such that the proposed outbuilding does not comply with the objectives of the Policy or Scheme, and would have a detrimental impact on the amenity of the immediate locality.*
2. *The proposed outbuilding is located within the 50 metre buffer to the conservation category wetland and Bush Forever Site No. 375 which exist on the western adjoining Lamkin Reserve (Lot 122 Leslie/Tonkin Street). Built development within this buffer area is not supported, due to the potential for such to cause harm to the adjacent wetland and bushland environments.*
3. *Approval of the application would set an undesirable precedent for Council to consider similar applications which do not comply with Local Planning Policy No. 17 or the Scheme, and this is not recommended for reasons of proper and orderly planning.*

Second Application

On 18 October 2005 a second application for the proposed outbuilding was submitted to the Shire. The plans submitted were identical to the initial application. Accordingly, a second Notice of Refusal for the same reasons as previously was issued on 7 December 2005.

Appeal

Following issue of the second Notice of Refusal, an application for review of the decision to the State Administrative Tribunal was lodged on the following grounds:

1. Local Planning Policy LPP17 does not make reference to the Residential R5 zone but refers instead to the Special Residential R5 zone and therefore is not applicable to this property.
2. Clause 2.8 of the Residential Planning codes restrict the preparation of Local Planning Policies that seek to vary provisions of the codes to matters set out in Clause 2.6 of the Codes.
3. If LPP17 does not apply to this land then the shed should only be assessed in accordance with the Performance Criteria for Outbuildings contained in the Codes (ie will shed detract from streetscape or the visual amenity of neighbouring properties).
4. If LPP17 is determined to apply to this land then it should not be applied inflexibly.
5. There is no legislative basis for buffer zones to Conservation Category Wetlands.
6. There is little or no potential for the shed to cause harm to the wetland and Bush forever site.

At a Directions Hearing held on 15 February 2006 the presiding SAT member issued a direction that the application was referred for mediation between the applicant and the respondent (the Shire). A summary of the first mediation is provided below:

Two key issues were established in the mediation:

1. The structure and size of the shed; and
2. The location of the shed within the buffer zone for the wetland.

The applicant advised that they were not fully aware of the DEC position with regard to the reserve and the buffer zone and requested that the mediation be adjourned so that he could seek further information from DEC. The mediation was adjourned to 4 May 2006 and the applicant was ordered to provide copies of any information they received from DEC to the Shire. The Shire was ordered to provide a draft set of conditions for the use and construction of the shed, or a concession on size if the shed is located further from the reserve.

On the applicant's request the mediation was again deferred until 9 August 2006. A summary of the mediation held on 9 August 2006 is detailed below:

The applicant's solicitor outlined that the DEC had been unhelpful in providing any assistance to the applicant. In view of that the applicant's Solicitor referred the proposal to the Environmental Protection Authority (EPA). All this resulted in was advice that the EPA did not think the proposal warranted assessment. This response from the EPA was not surprising considering Section 38 of the Environmental Protection Act is for referral of proposals that may have a significant effect on a large scale. The above steps taken by the applicant appeared to not have advanced the matter at all since the last mediation.

The Shire's representatives again outlined that the two main issues were the location of the shed and the size of the shed. The applicant's solicitor advised that the applicant was prepared to compromise on both of these matters.

The Shire's solicitor and Shire officer attending the mediation put the following proposal to the applicants as a compromise:

- a) The shed should be located eastward so that it was located behind the clump of existing vegetation within the eastern portion of the Leslie Street frontage.
- b) The orientation should remain the same.
- c) The shed should halved in size to 216m².

The mediator made the further suggestion that screening vegetation should be installed between the shed and the eastern boundary and to screen it from the Leslie Street frontage.

The applicant responding positively to the above proposal with the exception that the applicant wished to compromise the size of the shed at 250m² rather than 216m². They also agreed in principle to screening vegetation.

The Tribunal made the following orders:

1. By 18 August 2006 the applicant provide to the Shire amended plans reflecting the proposal discussed in mediation.
2. Shire to report to Council on the mediated proposal at the Full Council meeting of 28 August 2006.
2. Mediation be adjourned to 6 September 2006 but both parties would be at liberty to apply for vacation of this mediation date if the matter is resolved prior to that date.

Amended Site, floor and elevation plans for the shed as submitted following the mediation held on 9 August 2006 are with the attachments marked OCM08.2/08/06.

Site plan showing revised shed location in relation to 50m buffer is with attachments marked OCM08.3/08/06.

The revised proposal submitted by the applicant on 22 August 2006 now needs to be assessed with a view to whether the Council should support the issue of Consent Order for the shed by the State Administrative Tribunal.

Sustainability Statement

The new location for the shed is outside of the 50 metre buffer to the wetland on Lambkin Reserve with the new location being setback approximately 60 metres from the western side boundary of the lot. The new site is clear of any existing vegetation. Accordingly, clearing of existing vegetation will not be required for the shed or a driveway servicing the shed.

The shed will be approximately 35 metres from the eastern side boundary of Lot 123 and will be partially screened from view of the street by existing vegetation. The applicant advises that they are willing to plant additional screening vegetation between the shed and the eastern boundary and add understorey shrub planting to the clumps of trees located

between the shed and the Leslie Street frontage of the lot. This would significantly reduce the potential impact of the shed on the visual amenity of adjoining properties and the streetscape.

The significant reduction in the size of the proposed shed from 450m² to 250m² will also significantly reduce the potential visual impact of the shed. The revised size is generally consistent with sheds on adjacent properties of similar size such as land within the Rural Living B and Special Rural zones where the minimum lot size is 2 hectares. In this regard LPP17 specifies a maximum floor area as of right of 300m².

Statutory Environment:

Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Local Planning Policy LPP17 Residential and Incidental Development

Financial Implications:

Council's legal costs associated with this appeal.

Strategic Implications:

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

1. People and Community

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

Strategies:

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:

6. Value, protect and develop biodiversity.

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

Comment:

Lot 123 and adjacent lots bounded by Tonkin and Leslie Streets are all around the 2 hectare size. Over the last 10 years there have been numerous applications to subdivide these lots into areas ranging from the minimum lot size permitted under the R5 density coding to the most recent application to subdivide Lot 123 into two lots of approximately 1 hectare each. All of these applications to subdivide Lot 123 and adjacent properties have been refused by the Western Australian Planning Commission on the following grounds:

1. Subdivision of land is premature until a structure plan is prepared for the development of the Serpentine townsite.
2. The Commission has been advised that the land is unsuitable for onsite effluent disposal.
3. Subdivision in the manner proposed is contrary to the provisions of the Commission's Statement of Planning Policy 2.1 for the Peel-Harvey Coastal Plain Catchment by reason of the potential for increased on-site effluent disposal and nutrient discharge into the catchment.

4. The proposed subdivision would create an undesirable precedent for the further ad hoc subdivision and development in the Serpentine townsite.

Accordingly, it is considered that the subject land may never be considered suitable for further subdivision due to the constraints imposed by the adjacent wetland and the low lying nature of the land. The Council has recognised this in their Rural Strategy where the subject land has been placed within the Rural Living A policy area. Therefore, it is considered appropriate to treat this property as potentially retaining its 2 hectares of area and accordingly, assess any application for the construction of a shed on the property consistent with the provisions for zones that contain similar lot size (ie Special Rural and Rural Living B). Based on the above, it is considered that the amended proposal for a 250m² shed is appropriate for the subject land. It is therefore recommended that the Council support the issue of a Consent Order by the State Administrative Tribunal for the modified development subject to conditions.

Voting Requirements: Normal

OCM08/08/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Murphy seconded Cr Star

That Council advise the State Administrative Tribunal that the issue of a Consent Order for the proposed outbuilding on Lot 123 Leslie Street, Serpentine in accordance with the plans submitted 22 August 2006 is supported subject to the following conditions:

1. A building licence is to be obtained prior to the commencement of any development.
2. Landscape Screening is to be established between the proposed outbuilding and the eastern boundary of Lot 123 and the proposed outbuilding and the Leslie Street frontage of Lot 123 to the satisfaction of the Shire.
3. All existing trees and remnant native vegetation on site shall be retained and shall be protected from damage prior to and during construction of the outbuilding and any ancillary driveways and hardstand areas.
4. Prior to the issue of a Building Licence for the new shed, the proponent shall submit for the Executive Manager Planning & Regulatory Services' approval a Landscape and Vegetation Management Plan that details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs and groundcovers to be established in accordance with Conditions 2. and 3. above.
5. The implementation of the approved Landscape and Vegetation Management Plan shall be completed by 30 September 2007 to the satisfaction of the Shire. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
6. Earthy or bushland toned colours are to be used for the wall cladding of the outbuilding to the satisfaction of the Shire. Details of wall cladding colour to be submitted with the application for a Building Licence for the outbuilding.
7. The outbuilding is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation for other effluent disposal systems.
8. All driveway and hardstand surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby wetlands and drainage lines.
9. Outbuilding to be provided with an impervious floor to prevent leaching of oils, fuels and other possible pollutant liquids into the ground.
10. No direct discharge of stormwater into watercourses or drainage lines. All stormwater runoff from roofs and hardstand areas to be disposed of on site via construction of swales, within landscape areas or in water retention/reuse facilities such as tanks.

11. If toilet and/or washbasin facilities are intended to be installed in the shed then approval is to be obtained from the Shire's Health Services prior to the commencement of development for the connection of those facilities to the existing effluent disposal system on the lot.
12. The outbuilding is not to be used for any commercial or industrial business (including Home Business) or the parking of any vehicle fitting the description of a Commercial Vehicle as contained in Town Planning Scheme No. 2 unless with the prior written approval of the Shire.

CARRIED 8/0

OCM09/08/06 MEDIATION OF APPLICATION TO STATE ADMINISTRATIVE TRIBUNAL FOR REVIEW OF CONDITIONS FOR A PROPOSED POULTRY FARM – LOT 5 PUNRAK ROAD, HOPELAND (P00007/02)		
Proponent:	Dykstra Planning	In Brief
Owner:	H & H Evans	
Officer:	Brad Gleeson, Acting Chief Executive Officer	Mediation with regard to the above matter has proceeded to a point where the matter is referred back to the Council for consideration of reviewing condition 30 relating to noise attenuation.
Signatures Author:		
Senior Officer:		
Date of Report	25 August 2006	
Previously	OCM036/04/06; SCM 03/01/06	
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	It is recommended that the Council support the issue of a Consent Order for the amended condition.
Delegation	Council	

Date of Receipt: 18 October 2004.
 Advertised: Yes (original application)
 Submissions: Yes (11 objections)
 Lot Area: 20 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural Policy area
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A

Background

A copy of the location plan is with the attachments marked OCM09/08/06.

Council at its meeting held on 3 June 2005, originally resolved to refuse the planning application for an extension to an existing poultry farm.

Application for Review – Decision

The landowners lodged an application for review against the Council's decision with the State Administrative Tribunal (SAT).

At the Special Meeting of the Council held on 31 January 2006 a motion was carried that the application for approval to commence development for the expansion of the poultry farm at Lot 5 Punrak Road, Hopeland be approved subject to conditions.

Application for Review – Conditions

A mediation conference with regard to the proposal was held on 7 February 2006 at the SAT. The applicants and their representatives reviewed the conditions to be imposed by the Council and identified four (4) conditions they desired be modified prior to the issue of a consent order by the SAT.

In addition the presiding SAT officer advised that as the planning application had already been determined by the Council (Special Council meeting held on 3 June 2005) and that decision was the subject of a review by SAT, the Council motion to issue an approval was invalid. Accordingly, motion SCM 03/01/06 was revoked and a new motion supporting the issue of Consent Orders by the SAT was carried.

Council considered the issues raised through the mediation process at the Ordinary Meeting held on 27 February 2006 and agreed to support modification of three of the four conditions that it had been requested to reconsider.

Request to modify condition relating to Bunding

The applicant sought modification of the original condition 30 as follows:

“30. Prior to the commencement of use of the new poultry sheds, the following measures must be taken in order to achieve compliance with the Environmental Protection (Noise) Regulations:

- (i) Installation of an earthen bund at least 4 metres high above shed floor level running parallel to vehicle access way on the western side of the five new sheds;*
- (ii) A solid fence with a minimum height of 3 metres is to be erected around the southern end of the central vehicle access as indicated on the approved site plan; and*
- (iii) Any plant rooms, including any backup power generator, are to be acoustically insulated;*

to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.

The use (including construction of sheds) shall not commence until the Shire has received from the applicant and has approved:

- (a) specifications and elevation drawings of the earthen bund; and*
- (b) certification from a suitably qualified acoustic expert that the noise attenuation measures required and proposed will ensure that the noise generated by the development will at all times comply with the Environmental Protection (Noise) Regulations.”*

The applicant submitted further acoustic modelling based on the construction of a solid fence running the length of the west facing ends of the new sheds. Based on this the applicant requests that the condition relating to bunding be deleted and replaced with a condition worded as follows:

“Noise barriers to a maximum height of 2.5 metres shall be constructed at the tunnel ventilation end of each new shed, in the event that the annual auditing report or any other audit determines that such barriers are required to mitigate noise levels on the adjoining land, to the satisfaction of the Council.”

The applicant's request is based on the following information:

“Two separate acoustic models have been undertaken by Lloyd Acoustics to reflect the following scenarios:

- a) *The noise generated by the entire farm operation based upon a worst case scenario including the very rare occasion of each shed having 6 of the tunnel ventilated fans operating at the same time, assuming the placement of the 2.5m noise barrier deflectors as designed by Lloyd Acoustics in the earlier report; and*
- b) *In addition to the worst case scenario outlined in a) above, an even more extreme and very unlikely scenario of all the end tunnel fans operating at the same time in the evening.*

The above worst case scenarios are attached for your information and have been overlaid on the aerial photograph to illustrate the extent to which the acoustic contour affects the adjoining Lot 144 to the west.

The applicant wishes to emphasize that the Redmond Farm is a very different system than the other tunnel ventilated farms in the locality, particularly due to the fact that the existing farm and the proposed extensions are a roof ventilation system. The new sheds will have approximately 50% roof ventilation and accordingly, the use of the end tunnel ventilation fans is extremely limited. In fact the use of end fans at nighttime is highly unlikely to occur at all. It is for this reason that the use of a maximum of six end fans from the tunnel ventilation system is considered an extreme and rare scenario. Further, the full use of all end tunnel fans is considered extremely unlikely.

However, even taking these extremes into consideration, the noise modelling based on the placement of 2.5 m acoustic barriers shows only a limited impact on the adjoining Lot 144 to the west. I wish to reiterate, the use of end tunnel fans at this level is highly unlikely given that 60% of the ventilation is roof vented.”

The previous noise modelling report (November 2005) indicated a significant noise impact on adjacent Lot 144 Punrak Road, which at this time does not have a dwelling. Given that Council has no ability under its Town Planning Scheme to require a planning application for a single dwelling, there is no opportunity to control the location of any future dwelling on Lot 144 and therefore impossible to avoid a dwelling being built in a location that is known to have noise levels above regulatory standards. The same would apply to Lots 7 and 8 Punrak Road, however these are currently owned by the applicant.

The applicant submitted the November 2005 supplementary noise report to address the concerns raised by the Shire’s independent reviewer with regard to truck noise. However, the Shire’s independent reviewer casts doubt on the outcome of the modelling, particularly as the sound power data used for inputs was higher than in previous reports yet the outcomes were lower. The Shire has been advised that it would be necessary to audit the prediction model before this discrepancy could be resolved with any certainty.

Accordingly, it was previously recommended that Council not endorse the modifications to Condition 30 requested by the applicant (ie removal of the requirement to install an earthen bund on the western side of the new sheds).

The March 2006 acoustic report states that:

The operation of end fans in the new sheds is likely to occur for less than 2% of the time during the general operation of the fan. Additionally the end fans may be operated during catching to provide additional cooling for the catching crew. Under these circumstances up to half the fans in one shed may be operated during the night time period.

It is important to note that during catching periods the noise of end fans running will be combined with other noise producers such as trucks, forklifts and people's voices. Most of the activity occurs in between the sheds and also on the vehicle accessway that runs parallel to the western ends of the sheds so without a physical noise barrier being in place there is potential for noise to be dispersed to the west in particular.

Comment by Shire's Acoustic Consultant with regard to March 2006 Noise Modelling

The noise modelling report (March 2006) was forwarded to the Shire's acoustic consultant for assessment. The following response was received:

The latest noise report Fig 4.3 provides the worst case scenario. This shows the areas that would be sterilised for residential development based on the >35dB(A) shading. As can be seen in this figure, the area west and east of the site is significantly affected. This is one consideration for Council to include in their review (assuming the modelling is accurate).

The barrier doesn't appear to reduce the noise greatly when this figure is compared to those in the Nov report. There is a noticeable reduction in the 35dBA contour directly west, but not so much north west or south west.

The barrier material proposed is reasonable, as long as there are no gaps in it. It's lack of effectiveness is probably due to the 'effective' height which is only 400mm (fan height is 1.8m and barrier is 2.2m). It would need to be considerably higher to provide a marked benefit.

The latest noise contours (Fig 4.3 of March report) show the three existing dwellings (marked as rectangles in the figure) to receive <=35dBA, whereas the previous report show these to receive <=30dBA. This is strange but might be due to reflections from the proposed barrier modelled.

Modified noise modelling submitted by Applicant in April 2006

The assessment of the March 2006 noise modelling by the Shire's consultant were provided to the applicant. As a result, the applicant has provided additional noise modelling based on the use of a 2.5 metre high noise barrier (amended figure 4.4). This figure shows a significantly reduced impact on Lot 144 to the west during operation of the end fans. The applicant has also overlaid on an aerial photograph the noise contours produced when all end fans are operating and when only 6 end fans are operating in each shed and a 2.5 high barrier is in place at the western end of the sheds. This clearly depicts how much of Lot 144 will be affected by noise levels of 35 decibels or above during worst case scenarios and demonstrates that the 2.5 metre high barriers significantly reduce the amount of Lot 144 that would be sterilised by excessive noise.

As a result of the review of the further acoustic information, it was recommended to modify Condition 30.

It was not considered that the applicant's requested wording of this condition was acceptable as it only requires the fence to be erected if an audit proves a noise impact on Lot 144. It is considered that Council should be proactive by requiring the fence to be provided from the start and not once a dwelling has been built of Lot 144 and noise complaints have been received.

These changes were endorsed by Council on 24 April 2006 and a Minute of Consent Order submitted to SAT.

Sustainability Statement

Effect on Environment: The proposed poultry farm will not require the clearing of any remnant native vegetation. Waste products (spent litter, manures, dead birds) are removed

from the site and disposed of at licensed facilities. Stormwater water and waste water is disposed of in on-site detention ponds which allow filtration of matter contained in the water before recharging into the ground.

Resource Implications: The poultry farm will involve the use of groundwater as there isn't a reticulated water supply in the area. However, the new technology incorporated into the controlled environment poultry sheds means that water usage is 50% less than with older style sheds. Any increase in the use of bores outside current licensing limits, will require an application to the Department of Environment to extend those limits.

Use of local, renewable or recycled Resources: It is uncertain whether the proposed sheds will be constructed from locally available resources.

Economic Benefits: The proposal has the potential to generate long term employment within the Shire both directly at the farm and indirectly at businesses which service this type of operation.

Social – Quality of Life: The application was referred to surrounding landowners for comment. There is the potential for the amenity of the area to be affected by noise, odour and dust as well as visually if not managed and designed appropriately to ameliorate these potential impacts.

Social and Environmental Responsibility: In order to prevent any adverse impacts on the environment or amenity of the area, the owners would need to demonstrate a commitment to a high level of social and environmental responsibility. In order to determine what measures will be needed to achieve this, appropriate modelling needs to be carried out with regard to potential impacts. The onus is on the applicant to demonstrate that the proposed development will not have an adverse effect on the amenity of adjacent properties, particularly with regard to existing dwellings on adjacent properties given that the use of Poultry Farm is a discretionary use in the Rural zone except within the Poultry Farm Special Control area.

Social Diversity: The application for the extension of the poultry farm does not directly impact on any particular social group.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No.2

As per the resolution of the Western Australian Planning Commission made under Clause 32 of the Metropolitan Region Scheme, extensions to poultry farms that are greater than 100 square metres in area require separate determination by the WA Planning Commission under the Metropolitan Region Scheme (MRS). The Shire determines the application under the Town Planning Scheme (TPS) only.

Policy/Work Procedure Implications:

The site is within the Peel-Harvey Coastal Plain Catchment Area Statement of Planning Policy No.2.1, Statement of Planning Policy No.5, Draft Environmental (Peel Harvey Estuarine System) Policy 1992

Financial Implications:

The Financial implications to Council relating to this application (appeal) include legal costs and the costs associated with the expert witnesses engaged by the Shire to assist in the appeal

Strategic Implications:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

Further mediation on Condition 30

Following Council's decision on 24 April 2006, the matter has still been in the process of mediation at SAT. The landowner is contesting the wording of condition 30 and the need for the construction of a 2.5 metre high continuous fence along the west facing ends of the new sheds.

The applicant has been attempting to demonstrate in the mediation that individual barriers at the end of each shed would adequately mitigate noise.

A further report was submitted by the landowner's consultant Lloyd Acoustics, including:

1. A profile diagram of the proposed 2.5 metre high barriers at the western end of each shed;
2. A statement that that barriers are to have sidewalls placed both north and south of the barrier such that the fans are fully enclosed to the top of the barrier; and
3. A noise contour map showing predicted noise levels assuming all end fans are running.

The noise contour map attached to this report showed a significant improvement in terms of noise exposure on Lot 144 (to west of this lot), which is the property that has been the subject of concern.

The key to the difference in noise results appear to lie in the modified design of the individual noise barriers themselves. There is still a small area of 35dBA-plus exposure in worst case

scenario conditions, and would not amount to any partial sterilisation of Lot 144 potential to accommodate a residential dwelling.

The Shire's independent acoustic consultant has advised that they have not identified any methodology flaws in this latest report. The consultant recommends a condition simply be imposed which required the Environmental Protection (Noise) Regulations be complied with. Under the condition, the applicant would be required do whatever it takes to comply with the Regulations.

Conclusion

It is recommended that condition 30 be modified as follows:

“ 2.5 metre noise attenuation baffles with side walls are to be erected at the western end of each shed, to a width, design and other specifications set out in the annexure. This requirement is without prejudice to the obligations of the operator to comply at all times with the Environmental Protection (Noise) Regulations, including any obligation that may arise after the granting of this approval on any future residential or other development on nearby land. “

The annexure would be the requirement to provide a drawing which details the height, width and design of the side walls.

Conclusion

It is considered that the applicant has now adequately demonstrated that any impacts associated with the extended farm can be ameliorated to a level satisfactory to the Shire. Accordingly, it is recommended that the Council advise the State Administrative Tribunal that they support the issue of a Consent Order subject to conditions and including the modification to Condition 30.

Voting Requirements: Normal

OCM09/08/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Star

The State Administrative Tribunal be advised that Council supports the issue of a Consent Order for the proposed extensions to the existing Poultry (Broiler) Farm on Lot 5 Punrak Road, Hopeland subject to the following conditions:

GENERAL

- 1. Development shall be in accordance with the approved plans except as otherwise required by a condition of this approval.**
- 2. A building licence being obtained prior to the commencement of any of the works covered by this approval including earthworks.**

ENVIRONMENTAL MANAGEMENT PLAN

- 3. An Environmental Management Plan shall be prepared for the farm to the satisfaction of the Shire and shall be submitted to and approved by the Shire prior to the commencement of the use covered by this approval.**
- 4. In carrying out the development the approved Environmental Management Plan must be complied with at all times.**
- 5. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle in the new sheds and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:**

- a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site.
- b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).
- c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of operations against the Environment Protection (Noise) Regulations and the Environmental Protection Authority's Guidelines for the Assessment of Odour Impacts.
- d) an evaluation of its response to any complaints.
- e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.
- f) The results of monitoring that is conducted throughout the year at such times and for such periods as specified in the Environmental Management Plan or in relation to any written notice issued under Condition 6.

A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

6. In the event the Shire is not satisfied with any audit, the Shire may by notice in writing require the applicant to take the action stipulated in the notice in order to ensure the approved Environment Management Plan is complied with.
7. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the management guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australian May 2004 as amended from time to time.

VEGETATION MANAGEMENT

8. Prior to the issue of a Building Licence for the new sheds, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and plant species to be established around the retention basin to aid in filtration of nutrients.
9. The proposed development shall not commence until the Shire has approved the Landscape and Vegetation Management Plan in writing.
10. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of the development approval being granted and is to be completed within three years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
11. As a performance guarantee against satisfactory completion of the auditable completion criteria in the approved Landscape and Vegetation Management Plan, a revegetation bond calculated at the rate of \$3.00 per stem to an overall maximum value of \$5 000 is to be paid to the Shire prior to the commencement of development. The bond shall be refunded by the Shire upon the satisfactory planting and survival of not less than 75% of plantings over one summer period. Any such bond is to be accompanied by a written authorisation from the owner of the land that the Shire may enter the land to complete or rectify any outstanding works in accordance with the approved Landscape and Vegetation Management Plan.
12. In the event of livestock grazing occurring on the subject land the landowner shall fence the existing revegetation areas.

13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.

DRAINAGE & NUTRIENT MANAGEMENT

14. The proponent shall prepare a Drainage and Nutrient Management Plan for approval by the Shire prior to the issue of a building licence for the new sheds and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety prior to the commencement of the use of the new poultry sheds.
15. The approved Drainage and Nutrient Management Plan must be complied with at all times.
16. The owner shall ensure that the use of water for wash down is minimised.
17. Any discharge of water (washdown water, stormwater) from the premise including seepage to groundwater, other than directly to sewer or septic systems, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanism to remove nutrients and chemical agents to the satisfaction of the Shire.
18. Separate facilities should be provided for the retention of both washdown (and other waste waters) and storm waters to prevent the settling pond overflowing during major storm events and unfiltered waste waters possibly impacting on surface or ground waters.
19. All water treatment facilities are to be regularly maintained to minimise the discharge of nutrients, total suspended dissolved solids, total suspended solids and other pollutants to ground and surface water resources and removal of build-up when required.

STORAGE AND DISPOSAL OF CHEMICALS, FEED AND WASTE MATERIALS

20. The owner shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compound(s).
21. The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturer's recommendations.
22. No chemicals or potential liquid contaminants are to be disposed of on-site.
23. Stock feed is to be stored within containers that prevent access by vermin and native wildlife.
24. All solid wastes (including poultry litter and spilt feed) should be contained in weather-proof conditions (on a covered hardstand) until removed from the site for disposal at an approved facility.
25. Manure shall not be disposed of on site and all temporary stockpiles of manure are to be contained in covered storage compounds which maintain them in a dry condition and do not allow access by flies.
26. Dead birds shall be stored in a cool-room facility and removed from the site on at least a weekly basis for disposal at an approved facility. Vehicles used to remove dead birds from the premise shall be covered to reduce odour emission.
27. All feed deliveries shall take place between the hours of 7.00am and 7.00pm.

NOISE

28. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.

29. All alarms associated with the operation of the poultry farm (ie power supply, temperature, feed and the like) shall be amended so that they are non-audible outside of any structure on the farm. Alternative non-audible methods of notification such as personal pagers carried by farm operators and employees when outside the structures shall be used to the satisfaction of the Shire.
30. 2.5 metre high noise attenuation baffles with side walls are to be erected at the western end of each shed, to a width, design and other specifications set out in the annexure. This requirement is without prejudice to the obligations of the operator to comply at all times with the Environmental Protection (Noise) Regulations, including any obligation that may arise after the granting of this approval on any future residential or other development on nearby land.
31. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.

DUST

32. The sheds' ventilation systems shall incorporate measures to achieve a maximum emission of dust to a target of 50 µg m⁻³ and so as not to have greater than five exceedances per year, to the satisfaction of the Shire.
33. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build up in poultry sheds.
34. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
35. Litter removal from the sheds shall be scheduled for times when dust nuisance to neighbours is likely to be minimised to the satisfaction of the Shire.
36. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using where necessary appropriate dust suppression techniques.

LIGHTING

37. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.

ENGINEERING

38. Crossovers to be constructed in accordance with Serpentine Jarrahdale Shire standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
39. The surface of the portion of Punrak Road abutting the subject site shall be upgraded to the satisfaction of the Shire including the widening of the road pavement to a minimum of six (6) metres for a length of 15 metres either side of the crossover and for a concrete apron to be installed between the crossover and the sealed surface of Punrak Road, to the satisfaction of the Shire. All costs associated with the required upgrading shall be at the expense of the developer of the subject site. The road pavement shall taper back from the 6 metre width to the existing 3 metre width after the 15 metres north and south of the crossover.
40. All driveway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust and to ensure that no visible dust extends beyond the site boundary.
41. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.

VISUAL AMENITY

42. The external cladding of the new poultry sheds shall match that of the existing poultry sheds.

SIGNAGE

43. A notice indicating the type of operation, hours of operation and potential impacts of the poultry farm operation is to be displayed adjacent to the Punrak Road frontage of the site in accordance with the specifications contained in the Western Australian Planning Commission's Statement of Planning Policy No. 4.3 - Poultry Farms Policy, to the satisfaction of the Shire.

ODOURS

44. Odour emissions must at all times comply with the Environmental Protection Authority's document "Guidance for the Assessment of Environmental Factors – Assessment of Odour Impacts from New Proposals No 47" as amended from time to time.

Advice Notes:

1. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development.
4. The operations should be carried out in accordance with the document '*Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas*' produced by the Water and Rivers Commission.
5. The Environmental Management Plan required by condition 3 shall be prepared in accordance with the *EMS for Meat Chicken Farms - Example Environmental Management Plan* published by the Australian Government Rural Industries Research and Development Corporation.
6. The Landscape and Vegetation Management Plan required by condition 8 shall:
 - a) Include a scaled map of the development which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 5 Punrak Road;
 - b) Locate on the map and both identify and describe how existing indigenous vegetation is to be protected or is not to be retained as a result of driveways, fences, drains and other surface water features, firebreaks, power lines and other access ways and services plus proposed buildings and other structures;
 - c) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - e) Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide complete screening of all existing and proposed poultry sheds from the roads and adjoining properties, maximise nutrient uptake from surface waters and surrounding soils, reconnect remnant vegetation with visual screen plantings and provide habitat for local woodland and wetland fauna.
 - f) Describe ongoing management of vegetation on site;

- g) Clearly state auditable vegetation management targets including weed control and revegetation outcomes for audit at the time of vegetation management bond return and thereafter as follows:**
- i) Visual screens are to include a minimum of six rows of trees and shrubs and must be no less than 10 metres wide;**
 - ii) Stems within visual screens are to be planted at minimum densities of one stem per three metres along rows that are no more than two metres apart;**
 - iii) Visual screening is to include a mixture of trees and shrubs such that no more than one third of the plants are trees.**
 - iv) Sedges and rushes to be planted around the settling pond are to be clumped with densities of four stems per metre squared within clumps and interspersed with other local wetland species;**
 - v) Required stem densities relate to a time when a minimum of 80% of the plants have survived at least two summer seasons and this is to be achieved initially within three years after development approval is given and thereafter maintained;**
 - vi) All plants are to be of locally native species indicative of neighbouring woodland and wetland communities;**
 - vii) Achieve a plant diversity of at least 80% of the plant species that are listed within the dominant shoreline ground cover, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;**
 - viii) Maintain a weed burden at levels not likely to threaten the native species;**
 - ix) Locate fire breaks on the map.**
 - x) All earth bunds are to be vegetated to the satisfaction of the Shire.**
- 7. The Drainage and Nutrient Management Plan required by condition 14 above shall address the following:**
- a) show how the capacity of the settling pond will cope with storm water and shed wash down water in all but 1:10 year storm events;**
 - b) show how chemicals from disinfectants used and nutrients from wash down water are treated so that no pollution can impact ground water resources or drain to the conservation category wetland down stream;**
 - c) describe and commit to best management practice of swales including the placement of and periodic replacement of yellow sand linings, establishment and maintenance of a complete cover of healthy kikuyu, repeated clipping of kikuyu and disposal of clippings away from water courses, preferably to be exported off site to be composted with shed litter;**
- 8. Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.**
- 9. Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.**
- 10. This approval is issued under the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Separate approval under the Metropolitan Region Scheme is also required to be obtained from the Western Australian Planning Commission prior to issue of a Building Licence and the commencement of any of the works covered by this approval.**
- 11. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the subject site will require the separate approval of the Shire.**

Annexure:

- 1. The applicant is to provide prior to the issue of a building licence, a drawing which details the height, width and design of the side walls of the noise barriers to the satisfaction of the Shire.**

CARRIED 8/0

Council Note: The words “of the noise barriers” was inserted in Annexure 1 as a minor point of clarification.

OCM010/08/06 ADOPTION OF 2006/2007 STATUTORY BUDGET (A1281)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council adopt the proposed 2006/2007 statutory budget.
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	23/08/06	
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

Section 6.2 of the Local Government Act 1995 requires local governments to prepare an annual budget not later than 31st August in each financial year. The local government is to prepare and adopt the budget in the form and manner prescribed and by absolute majority.

In the preparation of the budget the local government is to have regard to the contents of the plan for the future/forward financial plan accepted under section 5.58 and is to prepare a detailed estimate for the current year of;

1. The expenditure by the local government,
2. The revenue and income, independent of general rates, and
3. The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue.

The budget is to incorporate;

1. Particulars of the estimated expenditure to be incurred by the local government;
2. Detailed information relating to the rate and service charges which will apply to land within the district, including the estimated amount to be yielded by the rate and the rate of interest to be charged by the local government on unpaid rates and service charges;
3. The fees and charges proposed to be imposed;
4. The particulars of borrowings and other financial accommodation proposed;
5. Details of the amounts to be set aside in, or used from, reserve accounts and the purpose for which they are to be used;
6. Particulars of proposed land transactions and trading undertakings; and
7. Such other matters as prescribed.

Sustainability Statement

This budget aims to achieve a balance between required services and infrastructure improvement projects for the community. It demonstrates the allocation of scarce resources in an efficient and effective manner to provide the outcomes expected by the community and considers the forward financial plan 2006 – 2016 adopted by Council in July 2006.

Statutory Environment:

Section 6.2 of the Local Government Act 1995 requires local governments to adopt a budget prior to 31 August each financial year.

Policy/Work Procedure Implications:

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

Financial Implications:

The proposed budget is presented as a balanced budget. The rates increase provides the minimum requirement from the community to fund all of the services provided within the document.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
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.
3. Develop tourism potential.

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Plan for the Future Consultation

A 21 day community consultation period was completed on the plan for the future, which outlines the operational and capital requirements of the Shire for the 2006/2007 financial period and for the ensuing nine (9) years. One (1) submission was received during the consultation period and was addressed during the plan for the future adoption process by Council.

Differential Rate Submissions

A 21 day community consultation period was undertaken on the proposed differential rate system to be imposed for the 2006/2007 rating year. One submission, with a signed petition was received, on the differential rating system during the consultation period. This submission will need to be dealt with by Council prior to the adoption of the differential rates in the dollar.

A copy of the submission and petition is included with the attachments and marked OCM010.1/08/06. (IN06/7916).

Comment:

The budget has been developed in accordance with the Forward Financial Plan adopted by Council in July 2006. The proposed budget presented this year has been based on an 8.5% general rate increase and provides for a balanced budget.

A hard copy of the Draft 2006/2007 Budget (E06/4218), and Schedule of Fees and Charges (E06/3485), is included with the attachments and marked OCM010.2/08/06.

The following is a summary of the more relevant points in relation to this document:

General Purpose Funding

Rates

A general 8.5% increase has been applied in accordance with the workshop and differential rate advertisement. This figure is compatible with the increase projected in the Forward Financial Plan.

WA Local Government Grants Commission Grant

Advice was received from the Commission detailing the notional grants to be provided for 2006/2007. Council has been advised that it has received a general increase in its notional allocations for the 2006/2007 year. The general purpose component being \$1,154,800 - \$46,000 increase on last year; and the untied road grant component being \$630,300 - \$35,500 increase on last year.

Governance

Operating:

An amount of \$94,000 has been set aside in the budget to fund the Community Facilities and Services Plan. A recommendation on the appointment of a consultant for this project was made at Councils Sustainable Development Committee meeting in August 2006.

A sum of \$12,000 was obtained in 2004/2005 for a Crime prevention programme. This has been carried forward and included in the programmes for the forthcoming year.

Capital:

A community facility reserve has been established, consisting of developer contributions of \$300/lot, for an estimated 300 lots in this financial year, totalling \$90,000. Councils matching contribution was transferred to the reserve in 2005/2006.

A sum of \$100,000 has been included for the cost of design fees for renovations/extensions to the Administration Centre. Renovations/extensions to the Administration Centre are now becoming an urgent issue due to lack of space for employees and workstations.

An amount of \$25,000 has been provided for the replacement of Councillor Laptop computers.

An amount of \$155,200 has been placed in the budget to fund the purchase of 5 new servers, with software, a new gigabit switch, firewall and WAP/UPS upgrades, a new colour copier and a new scanner for records. These are essential investments in information technology that will allow Council Officers to continue to operate at efficient levels.

Emergency Services

Operational:

The emergency services levy will provide \$291,500 towards volunteer fire brigade operations and \$39,800 for State Emergency Services operations. Council provides a contribution towards Brigade operations to cover the funding shortfall from the ESL grant.

Capital:

The emergency services levy will provide for the provision of a new light tanker vehicle, a heavy duty 3.4 tender and a new bulk water tanker.

Community Amenities

The waste budget includes the 100% waste strategy requirements. The rubbish charge has been increased by \$20 to \$190.00 per service due to the increase in the waste levy from \$3 to \$6 per tonne and also the increase in contractors' costs as a result of increased fuel prices. A charge of \$190 (ex GST) per additional service is proposed. There has been an allocation for two green waste collections and one hard waste collection.

As per the forward financial plan an allocation of \$60,000 has been provided in this area for Serpentine Jarrahdale Landcare, located in the Protection of the Environment section. A further provision of \$30,000 has been provided for the South West Biodiversity project, of which \$15,000 in funding has been obtained.

Planning projects for the year include the Mundijong Structure Plan \$225,000, Byford Structure Plan Review \$33,000, Byford Town Centre Policy \$30,000 and Local Planning Strategy Review \$75,000. No developer contributions are anticipated this financial year, therefore no projections have been included in the budget.

Recreation and Culture

A provision of \$40,000 has been made for the commencement of restoration works to Percy House, with anticipated matching funding of \$20,000 from grant sources.

An amount of \$198,700 has been allocated to the Recreation Centre management costs, which is under contract with the YMCA. A sum of \$7,200 has been provided in the budget for specific works to the emergency booster fire pump and ATU for waste water, and \$4,000 for the provision of crockery and cutlery in the Kingia Function Centre.

Transport

All construction works detailed in the forward financial plan have been funded in the budget. Blackspot funding of \$325,000 and a Roads to Recovery allocation of \$349,162 assist in the provision of these works. A further allocation of Roads to Recovery funding of \$430,000 will assist in funding additional road projects this year.

Works will be carried out at Nicholson/Thomas Road intersection, Karnup, Watkins, Kargotich, Butcher, Dougall, Livesey, Michael, Lionel, Walker and Catherine Road. \$50,000 has been allocated for the further construction of Bridle Trails as per the Forward Financial Plan. A sum of \$100,000 has been allocated for the construction of paths, identified in the programme, to continue. An amount of \$60,000 has been allocated for an Asset Management System to be purchased and implemented.

Major machinery and vehicle purchases include a welfare vehicle, ranger vehicle, replacement operations vehicles and a building surveyor vehicle.

Other Property and Services

The Jarrahdale Heritage Park expenditure is included in this section under Town Planning Schemes. The Local Government (Financial Management) Regulations 1996 provides for land development to be placed under this section. A sum of \$2.285 million is included in this area.

New Loans

The budget has included a new loan of \$2,100,000 for renovations/extensions to the administration centre as per the forward financial plan. It is proposed that this loan be drawn over a fifteen year period. An interest only loan of \$1,280,000 has also been included for the Jarrahdale Heritage Park project as per the forward financial plan. The Jarrahdale Heritage Park Business Plan provides for this loan to be repaid in 2009/2010.

Differential Rate Submissions

The advertising period for submissions relating to the Differential Rates closes on Friday 25 August 2006. One (1) submission, including a signed petition, has been received from Mrs Tracey MacDonald objecting to the rating category of Light Industry/Residential Composite applied to properties within the Darling Views Estate. They object on the grounds that they are not conducting a business from the property and have no intention of doing so in the future and should therefore not be paying the rate applicable to the light industry rating category.

The land within Darling Views Estate has been zoned Light Industry/Residential Composite under Councils Town Planning Scheme. This entitles the owner of the land to conduct a business from their property, in accordance with the requirements of the Town Planning Scheme. Councils' objective when implementing a rating category Light industry/Residential Composite was to ensure that properties that had the ability to impact on infrastructure more greatly than a general residential property were paying a reasonable proportion of the rate burden. It must be noted that whilst the owner may not choose to operate a business from their property, land within Darling Views Estate does have that capacity under the Town Planning Scheme. Therefore, it is fair and reasonable to assume that land within the Darling Views Estate would have a greater potential impact on Councils infrastructure, particularly roads, via the movement of heavy vehicles related to the conduct of a business, than standard residential properties. It is also noted that the properties within this area have been marketed by the original seller as large residential properties with the appropriate zoning to run light industry business from.

Voting Requirements: ABSOLUTE MAJORITY

OCM010/08/06 Officer Recommended Resolution:

1. In accordance with Section 6.36 of the Local Government Act 1995, and subject to Ministerial approval being granted, the following differential rates be imposed in the 2006/2007 statutory budget:

DIFFERENTIAL RATE CATEGORY	PROPOSED 2006/2007		
	GRV RATE IN \$	UV RATE IN \$	MINIMUM RATE
Rural Living - Special Rural		0.3586	\$753
Rural		0.3726	\$753
Residential	8.7451		\$611
Residential Vacant	17.4902		\$701
Commercial	10.5983		\$701
Public Purposes		0.6163	\$701
Special Use	10.0901		\$1,076
Special Residential	9.9733		\$701
Special Residential Vacant	17.4902		\$701
Light Industrial	16.5083		\$701
Units- Rowley Rd	10.4540		\$538
Caravan Parks	9.1824		\$701
Intensive Farming Rural		0.5708	\$753
Mining Tenement		0.9765	\$783
Light Industry/Residential Comp	16.5083		\$701

2. Rate Concessions

A rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

A rate concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

3. Discount on Rates

Council grant a 3% discount on rate payments fully paid on or before the 4th October 2006 for the 2006/2007 financial year.

4. Fees and Charges

The Schedule of Fees and Charges, provided within the 2006/2007 statutory budget, be adopted.

5. Due dates for rate instalment payments

The due dates for rate instalment payments for the 2006/2007 rating year be:

Full Payment discount	4 th October 2006
1 st Instalment	9 th October 2006
2 nd Instalment	11 th December 2006
3 rd Instalment	12 th February 2007
4 th Instalment	12 th April 2007

6. Interest rates and administration charge for instalment payments

An administration charge of \$5.00 be applied to instalment payments and an interest charge of 5.5% be applied in the 2006/2007 statutory budget.

7. Accrual of interest on overdue rates

Penalty interest of 11% per annum be applied to overdue rates in the 2006/2007 rating year.

8. Accrual of interest on outstanding debtors

Interest of 11% per annum be applied to overdue debtors in the 2006/2007 financial year.

9. Fees, expenses and allowances for Council members

The fees, expenses and annual allowances to be paid to members of Council in the 2006/2007 statutory budget be as follows:

Presidents Annual Sitting Fee	\$14,000
Deputy President Annual Sitting Fee	\$ 9,000
Councillor Annual Sitting Fee (per councillor)	\$ 7,000
Reimbursement of Telecommunications	\$16,050
Reimbursement of Travel Allowance (Total)	\$17,000

10. 2006/2007 Municipal Fund Budget

The 2006/2007 Municipal Budget, as presented, be adopted.

11. Authority to call tenders

The Chief Executive Officer be delegated authority to invite tenders for works and services in the statutory 2006/2007 budget, where required, in accordance with the provisions of the Local Government Act 1995.

OCM010/08/06 REVISED OFFICER RECOMMENDED RESOLUTION:

Moved Cr Murphy seconded Cr Wigg

1. In accordance with Section 6.36 of the Local Government Act 1995, and subject to Ministerial approval being granted, the following differential rates be imposed in the 2006/2007 statutory budget:

DIFFERENTIAL RATE CATEGORY	PROPOSED 2006/2007		
	GRV RATE IN \$	UV RATE IN \$	MINIMUM RATE
Rural Living - Special Rural		0.3586	\$753
Rural		0.3726	\$753
Residential	8.7451		\$611
Residential Vacant	17.4902		\$701
Commercial	10.5893		\$701
Public Purposes		0.6163	\$701
Special Use	10.0901		\$1,076
Special Residential	9.9733		\$701
Special Residential Vacant	17.4902		\$701
Light Industrial	16.5083		\$701
Units- Rowley Rd	10.4540		\$538
Caravan Parks	9.1824		\$701
Intensive Farming Rural		0.6163 0.5708	\$753
Mining Tenement		0.9765	\$783
Light Industry/Residential Comp	16.5083		\$701

2. That the submission from Mrs T MacDonald be dismissed on the grounds that the the land within Darling Views Estate has been zoned Light Industry/Residential Composite under Councils Town Planning Scheme. This entitles the owner of the land to conduct a business from their property, in accordance with the requirements of the Town Planning Scheme. Council's objective when implementing the rating category of Light Industry/Residential Composite was to ensure that properties that had the ability to impact on infrastructure more greatly than a general residential property were paying a reasonable proportion of the rate burden. It must be noted that whilst the owner may not choose to operate a business from their property, land within Darling Views Estate does have that capacity under the Town Planning Scheme. Therefore, it is fair and reasonable to assume that land within the Darling Views Estate would have a greater potential impact on Councils infrastructure, particularly roads, via the movement of heavy vehicles related to the conduct of a business, than standard residential properties. It is also noted that the properties within this area have been marketed by the original seller as large residential properties with the appropriate zoning to run light industry business from.

3. Rate Concessions

A rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

A rate concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

4. Discount on Rates

Council grant a 3% discount on rate payments fully paid on or before the 4th October 2006 for the 2006/2007 financial year.

5. Specified Area Rate

A Specified Area Rate be levied on the Chestnuts subdivision, with a rate in the dollar set at 1.4328cents, to cover the costs of drainage maintenance.

6. Fees and Charges

The Schedule of Fees and Charges, provided within the 2006/2007 statutory budget, be adopted.

7. Due dates for rate instalment payments

The due dates for rate instalment payments for the 2006/2007 rating year be:

Full Payment discount	4th October 2006
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Reimbursement of Telecommunications	\$16,050
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12. 2006/2007 Municipal Fund Budget

The 2006/2007 Municipal Budget, as presented, be adopted.

13. Authority to call tenders

The Chief Executive Officer be delegated authority to invite tenders for works and services in the statutory 2006/2007 budget, where required, in accordance with the provisions of the Local Government Act 1995.

LOST 0/8

FORESHADOWED MOTION

During debate Cr Star foreshadowed that she would move some minor alterations to the table contained within the Revised Officer Recommendation by increasing Rural Living to 0.3709 (UV Rate in \$), the Units on Rowley Road to residential rate, residential vacant from \$701 to \$651 and change the intensive farming rural to public purposes with the Rate increase of 8% if the motion under debate is defeated.

OCM010/08/06 COUNCIL DECISION

Moved Cr Star seconded Cr Kirkpatrick

1. In accordance with Section 6.36 of the Local Government Act 1995, and subject to Ministerial approval being granted, the following differential rates be imposed in the 2006/2007 statutory budget:

DIFFERENTIAL RATE CATEGORY	PROPOSED 2006/2007		
	GRV RATE IN \$	UV RATE IN \$	MINIMUM RATE
Rural Living - Special Rural		0.3709	\$753
Rural		0.3709	\$753
Residential	8.7048		\$611
Residential Vacant	17.4096		\$651
Commercial	10.5494		\$701
Public Purposes		0.6134	\$701
Special Use	10.8508		\$1,076
Special Residential	9.9274		\$701
Special Residential Vacant	17.4096		\$701
Light Industrial	16.4322		\$701
Units- Rowley Rd	8.7048		\$538
Caravan Parks	9.1400		\$701
Intensive Farming Rural		0.6134	\$753
Mining Tenement		0.9720	\$783
Light Industry/Residential Comp	16.4322		\$701

The above table be amended to reflect an 8% increase in the rate in the \$ for all rating categories.

2. That the submission from Mrs T MacDonald be dismissed on the grounds that the the land within Darling Views Estate has been zoned Light Industry/Residential Composite under Councils Town Planning Scheme. This entitles the owner of the land to conduct a business from their property, in accordance with the requirements of the Town Planning Scheme. Council's objective when implementing the rating category of Light Industry/Residential Composite was to ensure that properties that had the ability to impact on infrastructure more greatly than a general residential property were paying a reasonable proportion of the rate burden. It must be noted that whilst the owner may not choose to operate a business from their property, land within Darling Views Estate does have that capacity under the Town Planning Scheme. Therefore, it is fair and reasonable to assume that land within the Darling Views Estate would have a greater potential impact on Councils infrastructure, particularly roads, via the movement of heavy vehicles related to the conduct of a business, than standard residential properties. It is also noted that the properties within this area have been marketed by the original seller as large residential properties with the appropriate zoning to run light industry business from.

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Reimbursement of Telecommunications	\$16,050
Reimbursement of Travel Allowance (Total)	\$17,000

12. 2006/2007 Municipal Fund Budget

The 2006/2007 Municipal Budget, as presented, be adopted.

13. Authority to call tenders

14. The Chief Executive Officer be delegated authority to invite tenders for works and services in the statutory 2006/2007 budget, where required, in accordance with the provisions of the Local Government Act 1995.

CARRIED 8/0 ABSOLUTE MAJORITY

Council Note: The Revised Officer Recommended Resolution was changed to reflect the Council's wish to reduce the rate increase from 8.5% to 8% and to move certain categories in the direction in which they would move when changed to GRV in the following year.

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM011/08/06		INFORMATION REPORT	
Proponent	Acting Chief Executive Officer	In Brief Information Report for the month of August, 2006.	
Officer	S Langmair – PA to the Chief Executive Officer		
Signatures - Author:			
Senior Officer:			
Date of Report	24 th August, 2006		
Previously			
Disclosure of Interest			
Delegation	Council		

OCM011.1/08/06 **COMMON SEAL REGISTER REPORT – JULY, 2006 (A1128)**

The Common Seal Register Report for the month of July, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM011.1/08/06.(E02/5614)

OCM011.2/08/06 **USE OF DELEGATION REPORT (A0039-02)**

The Chief Executive Officer exercised the following delegations during the months of February and June 2006:

AS-27 Memorandum of Understanding for Greenskills to Provide Funding

Memorandum of Understanding for Greenskills to provide Shire with \$20,000 for on-ground works.

CS-9 Internal & External Funding Applications Seeking Council Endorsement

Letter of support – Serpentine Jarrahdale RSL for proposed flag poles adjacent Peace Memorial (OC06/835).

Letter of support – City of Mandurah for disability access and inclusion plan implementation support grant (OC06/4662).

AF-29 Write Off of Rates or Rate Interest

Write off small balances (under \$5.00).

OCM011.3/08/06 **POLICY FORUM – August, 2006 (A0429/05)**

The following items were discussed at the August, 2006 Policy forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Protecting Wildlife from predation by owned domestic cats
2.	Conflict of Interest Scenarios – “Managing procurement processes, tenders and contracts”
3.	Farmland Concessions Definitions

OCM011.4/08/06 **WASTE & RECYCLE 2006 CONFERENCE, FREMANTLE – 19-22 SEPTEMBER, 2006 (A0906)**

Cr Athol Wigg and Cr Beth Brown request Council’s consideration under Council Policy CSP25 – Council Training, Development & Conference Attendance Policy to attend the Waste and Recycle 2006 Conference in Fremantle from 19-22 September, 2006. The Early Bird Conference Registration fee is \$650.00 per person and the Pre-Conference Tours and Workshops Registration is \$187.00 per person.

OCM011.5/08/06 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION STATE COUNCIL MEETING MINUTES – AUGUST, 2006 (A1164)**

In the attachments marked OCM011.5/08/06 (IN06/9622) are the minutes of the Western Australian Local Government Association (WALGA) State Council meeting held on 7th August, 2006.

OCM011.6/08/06 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – ANNUAL GENERAL MEETING MINUTES – AUGUST 2006 (A0163-06)**

In the attachments marked OCM011.6/08/06 (IN06/9631) are the minutes of the Western Australian Local Government Association Annual General Meeting held on 6th August, 2006.

OCM011.7/08/06 **REGIONAL LEADERSHIP FORUM – JULY, 2006 (A0109-02)**

In the attachments marked OCM011.7/08/06 (IN06/9840) are the minutes of the Regional Leadership Forum meeting held on 10th July, 2006.

OCM011.8/08/06 **RESERVE 1194 – SERPENTINE SPORTS RESERVE – COMMUNITY WATER GRANT APPLICATION (RS0180)**

In the attachments marked OCM011.8/08/06 (IN06/9424) is a letter from the Federal Minister for The Environment and Heritage advising that Council is ineligible for the Community Water Grant Application for Reserve 1194 – Serpentine Sports Reserve project.

OCM011.9/08/06 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –
PEEL ZONE MEETING MINUTES – AUGUST, 2006 (A1164)**

The Minutes of the WALGA Peel Zone Meeting held on 3rd August, 2006 are in the attachments marked OCM011.9a/08/06 (IN06/10060) together with the WALGA President's Report to State Council marked OCM011.9b/08/06 (IN06/10061).

OCM011.10/08/06 **PEEL 2020 PARTNERSHIP MEETING MINUTES – AUGUST, 2006
(A0134)**

In the attachments marked OCM011.10/08/06 (IN06/10063) are the minutes of the Peel 2020 Partnership Meeting held on 22nd August, 2006.

OCM011/08/06 COUNCIL DECISION/Officers Recommended Resolution

Moved Cr Star seconded Cr Price

1. The Information Report to 24th August, 2006 is received.
2. Cr Wigg and Cr Brown be granted approval to attend the Waste and Recycle 2006 Conference and Pre-conference Tours and Workshop from 19-22 September, 2006.

CARRIED 8/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 8.37pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD011/08/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	Information report
Signatures Author:		
Senior Officer:		
Date of Report	3 August 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 SM046/05/04	

SD011/08/06 COMMITTEE DECISION/Officer Recommended Resolution

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

SD012/08/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	Information report
Signatures Author:		
Senior Officer:		
Date of Report	2 August 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 SM046/05/04	

SD012/08/06 COMMITTEE DECISION/Officer Recommended Resolution

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

SD015/08/06 KEYSBROOK MINERAL SANDS MINE (A0338/01)		
Proponent:	Olympia Resources Limited	<p>In Brief</p> <p>The proposal is for a 4.25 million tonne per annum mineral sands mine, covering an area of approximately 1234 hectares. The life of the mine is 8 years.</p> <p>The proposal is located on land within the Shires of Serpentine – Jarrahdale and Murray.</p> <p>The Environmental Protection Authority (EPA) has released a Public Environmental Review (PER) for this project, for public comment until 21 August 2006.</p> <p>It is recommended that the EPA be advised that the Shire opposes the mineral sands mine for the reasons as outlined in this report.</p>
Owner:	Various landowners	
Officer:	Brad Gleeson, Acting Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	10 August 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	Committee – in accordance with resolution SM046/05/04	

SD015/08/06 Officer Recommended Resolution:

- A. The Environmental Protection Authority be advised that:**
- 1. The Shire is opposed to the proposed Mineral Sands Project within the Keysbrook area of the Serpentine Jarrahdale Shire for all the reasons outlined in this report. The project would have a significant adverse environmental, social and amenity impact on the landowners and residents in the area.**
 - 2. The project is inconsistent with Council's adopted Policy position opposing Mineral Sands Mining in the Shire.**

SD015/08/06 COMMITTEE DECISION:

- A. The Environmental Protection Authority be advised that:**
- 1. The Shire is opposed to the proposed Mineral Sands Project within the Keysbrook area of the Serpentine Jarrahdale Shire for all the reasons outlined in this report. The project would have a significant adverse environmental, social and amenity impact on the landowners and residents in the area.**
 - 2. The project is inconsistent with Council's adopted Policy position opposing Mineral Sands Mining in the Shire.**
- B. The Shire clarify with Department for Planning and Infrastructure and Department of Environment and Conservation why the area of significant bushland north of Elliott Road which appears to contain important remnant vegetation including threatened ecological communities (TEC) was excluded from Bush Forever.**

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by adding a Part B recommending that the Shire clarify with Department for Planning and Infrastructure and Department of Environment and Conservation why the area of significant bushland north of Elliott Road which appears to contain important remnant vegetation including threatened ecological communities (TEC) was excluded from Bush Forever.

SD020/08/06 REQUEST FOR IN PRINCIPLE SUPPORT FOR SUBDIVISION - LOT 52 (10) LANG STREET, JARRAHDAL (P03592)		
Proponent:	Llio Pierce	In Brief The proponent has requested Council provide in principle support for the subdivision of the above property into two lots. Lots will be less than the 2000m ² minimum specified in the Government Sewerage Policy for unsewered land. The proponent does not want to submit a formal application to the WAPC if the Council is unlikely to support the subdivision. Given that the proposed subdivision is consistent with the prevailing lot pattern in the area and there is a shortage of residential land in Jarrahdale it is recommended that the Council give in principle support to the proposed subdivision.
Owner:	As above	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	2 August 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 <i>Local Government Act 1995</i>	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD020/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

The proponent be advised that the Council would support an application for the subdivision of Lot 52 Lang Street, Jarrahdale into two lots subject to compliance with the R10 density code and the proponent demonstrating to the satisfaction of the Shire's Principal Environmental Health Officer that the proposed lots will be suitable for on-site effluent disposal. An alternative treatment unit on the new lots will be required.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by adding that alternative treatment units will be required on the new lots. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD017/08/06 REQUEST FOR RENEWAL OF PLANNING APPROVAL FOR PROPOSED EXTENSION TO EXISTING PLANT NURSERY (FLORA PLANTS) - LOT 40 (22) ROWLEY ROAD, OAKFORD (P01975/06)		
Proponent:	R Dekkers	In Brief Approval for construction of new glasshouse at Flora Plant nursery of 8736 square metres was issued on 5 July 2004. The glasshouse has not been constructed and the approval expired on 5 July 2006. The applicant now seeks to renew this approval. It is recommended that the application be approved subject to appropriate conditions.
Owner:	Portio Pty Ltd	
Officer:	M Kenny - Senior Planner	
Signatures Author:		
Senior Officer:	Brad Gleeson, Acting Chief Executive Officer	
Date of Report	7 August 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	Committee – in accordance with resolution SM046/05/04	

SD017/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

The application for the renewal of planning approval for a 8736 square metre glasshouse for the existing plant nursery on Lot 40 Rowley Road, Oakford be approved subject to the following conditions:

1. The proponent shall prepare and lodge prior to the issue of a building licence, a Nutrient and Irrigation Management Plan (NIMP). The NIMP is to be approved by the Executive Manager Planning and Regulatory Services. This document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Water and Rivers Commission’s Water Quality Protection Note (October 1998) Nutrient and Irrigation Management Plans (attached). The approved Nutrient and Irrigation Management Plan shall then be implemented in its entirety.
2. The operation of the nursery to be in accordance with the Water and Rivers commission’s Water Quality Protection Note (March 2002) entitled “Nurseries and Garden Centres” (copy attached).
3. Roof and storm water shall be managed and disposed of in such a manner as will not adversely affect any adjoining property, by the creation of an on-site detention system.
4. No polluted waters, including but not limited to waste waters or turbid stormwater arising from the existing or proposed development or use of this land, shall be discharged into the stormwater drainage system or any water course.
5. Mosquito and Midge control to be incorporated into storm water system design with consideration given to water retention times and compensating basin construction.
6. A revegetation plan (including revegetation of the wetland area and screening vegetation between vehicle accessways, parking areas and buildings and the boundaries of the lot) shall be submitted for Shire approval within 28 days of development approval being issued;
7. All revegetation shall comply with Council’s Info Note PS03 – Landscaping and Revegetation. The revegetation shall meet the requirements for nutrient

- management and screening of the development contained in conditions 1 and 6 above;
8. Revegetation is to be implemented and maintained in accordance with the approved plan with planting works to be completed by 30 September 2007;
 9. The location of external fans, air conditioners and the like shall be to the satisfaction of the Shire and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
 10. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia 1996, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
 11. A Geotechnical Report covering the area affected by development on the lot being submitted by a professional engineer (structural) to the satisfaction of the Council before the Council is required to issue a building licence, and before the commencement or carrying out of any work or use authorised by this approval.
 12. The submission of an acoustic consultant's report demonstrating compliance with the report's recommendations that the proposed development is capable of containing all noise emissions in accordance with the limitations of the Environmental Protection Act 1996 to the satisfaction of Council.
 13. The provision of 15 on site car parking bays for staff, one parking bay for visitors, and truck parking and loading bays adequate to service the development in a location to the satisfaction of the Shire in addition to a minimum of two parking spaces (either open or enclosed) for each dwelling.
 14. The vehicle parking and accessways shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
 15. No vehicle associated with the operation of the nursery is to be permitted to stand on any road verge or street at any time.
 16. No retail sales to be conducted from the subject premises.
 17. All advertising signs require the submission of a separate application to the Shire.
 18. Hours of wholesale trading to be within normal business hours – Monday to Friday, 8.00am to 5.30pm.
 19. A building licence must be applied for and issued by Council before any work commences on the site.
 20. Classification Certificate being obtained prior to occupancy requiring an on-site practical completion inspection.
 21. Remaining part of the wetland and a five metre buffer is to be fenced to the satisfaction of the Shire.

Advice Notes:

1. The Department of Conservation and Environment advises the proponent that the property is located within the Perth Groundwater Area where there are issues of groundwater quality and availability. The proponent is reminded that the operation of the irrigation scheme for the proposal must comply with the conditions of the current groundwater licence GWL 152145(1).
2. The noise generated by the use and occupation of the premises including, machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.
3. This approval relates only to development approval pursuant to the provisions of the Town Planning Act and does not relate to structural aspects of the building.
4. The applicant is advised that approval from the Department of Conservation and Environment is required prior to the establishment of any land use involving the

- storage or use of any chemical, petroleum or other substance or any process capable of producing any waste or discharge.
5. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that Council's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
 6. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
 7. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
- CARRIED 7/0**

SD019/08/06 DRAFT DETAILED AREA PLAN FOR SUNRAYS ESTATE - LOT 68 SOUTH WESTERN HIGHWAY, BYFORD (S111781)		
Proponent:	Gray and Lewis	In Brief
Owner:	P Gangemi	
Officer:	Meredith Kenny – Senior Planner	To consider a draft Detailed Area Plan setting out design requirements for lots within the estate that are adjacent to South Western Highway. The draft Detailed Area Plan covers development requirements aimed at addressing the potential noise impact from South Western Highway.
Signatures Author:		
Senior Officer:		
Date of Report	25 July 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	It is recommended that, subject to some modifications, the draft Detailed Area Plan be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Delegation	Committee – in accordance with resolution SM046/05/04	

SD019/08/06 COMMITTEE DECISION/Officer Recommended Resolution

Council resolves that:

- A. Detailed Area Plan 1. for Sunrays Estate, Byford be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plans:

R CODING

1. The Residential Density Code applying to these lots is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements of the Scheme and Residential Design Codes are not proposed to be varied.

DESIGN ELEMENTS – NOISE ATTENUATION

3. 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.
 - a) Design shall incorporate opening reductions of limiting the size of openings/windows facades facing South Western Highway.
 - b) Bedrooms shall be placed in the parts of the house furthest away from South Western Highway.
 - 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 South Western Highway.
 - 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.

DESIGN ELEMENTS – VISUAL AMENITY

4. The developer is to build 2.0 metre high masonry walls with rammed earth or similar toned colours along the full length of the eastern side boundaries of Lots 328, 329 and 351 except for the first 3 metres back from the front boundaries of the lots to the satisfaction of the Shire.
5. The developer is to plant trees and shrubs in the public open space and the eastern side of the Pira Loop and D'Vitale Loop road reserves of a type and density adequate to provide a visual screen between South Western Highway and adjacent lots and local roads to the satisfaction of the Shire.
6. Fencing of the front and side boundaries forward of the building line of all lots shall be visually permeable 1.2m above natural ground. Front fences less than or equal to 1.2 metres in height are permitted to be constructed of solid materials.
7. Clothes drying lines and rubbish bin storage must be located or screened such that they are not visible from any street or public open space to the satisfaction of the Shire.
8. Outbuildings must be constructed of colours to match the walls and/or roof of the dwelling to the satisfaction of the Shire.
9. 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 street, South Western Highway 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;
10. Solar hot water systems must be integrated with the design of the roof, and where visible from adjacent front street, South Western Highway 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

11. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to the Offer and Acceptance being made.
12. A Section 70A Notification is to be placed on the title of each lot covered by this detailed area plan advising that future dwellings and lots may be subject to noise from South Western Highway.

Advice Notes:

1. **Planning Approval is not required for the construction of a dwelling on any lot covered by this Detailed Area Plan except where variations to the provisions of this Detailed Area Plan are sought.**
2. **Variations to any provision contained in this Detailed Area Plan will only be supported by the Shire where the applicant can demonstrate that the objectives and intent of the relevant provisions can still be achieved.**
3. **The noise attenuation measures required to be incorporated in the design of dwellings shall be shown on the plans submitted for a Building Licence.**

B. The plan shown on the Detailed Area Plan 1 is to be modified to identify where and how provisions 4, 5 and 6 apply.

C. Subject to B above, within ten days of the date of this resolution, a copy of the approved Detailed Area Plan for Sunrays Estate be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale’s Town Planning Scheme No. 2.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed to clarify Council’s requirement in regard to the screening wall in condition 4. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD021/08/06 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	10 August 2006	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD021/08/06 COMMITTEE DECISION/Officer Recommended Resolution

**The Planning Information Report to 11 August 2006 be received.
 CARRIED 7/0**

SD022/08/06 LOCAL ACTION PLAN FOR THE WATER CAMPAIGN (A1016)		
Proponent	Cr Star	In Brief
Officer	Cr Star	
Signatures – Author:		
Senior Officer:		
Date of Report	15 August 2006	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD022/08/06 COMMITTEE DECISION

**That a report on the Local Action Plan for the Water Campaign be presented to Council in September 2006.
CARRIED 7/0**

SD023/08/06 OLYMPIA RESOURCES MINING PROPOSAL (A0338/01)		
Proponent	Cr Star	In Brief
Officer	Cr Star	
Signatures – Author:		
Senior Officer:		
Date of Report	15 August 2006	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD023/08/06 COMMITTEE DECISION

**That given the short time available, a submission on the Olympia Resources mining proposal be prepared in consultation with interested Councillors and include potential social impacts.
CARRIED 7/0**

CGAM015/08/06 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during July 2006
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	9 August, 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	

CGAM015/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of July, 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 7/0

CGAM016/08/06 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 July 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	9 August, 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	

CGAM016/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 July 2006.

CARRIED 7/0

CGAM017/08/06 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 July 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	9 August, 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	

CGAM017/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 July 2006.
CARRIED 7/0**

CGAM018/08/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 July 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report	9 August, 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	

CGAM018/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 31 July 2006.
CARRIED 7/0**

CGAM019/08/06 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 31 July 2006
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report	9 August, 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	

CGAM019/08/06 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 11th August, 2006 be received.
CARRIED 7/0