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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 FEBRUARY, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.05PM 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
KR Murphy
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
IJ Richards
JA Scott

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

APOLOGIES: Cr AJ Simpson Leave of Absence

GALLERY: 41

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Question taken on notice at the Sustainable Development Committee Meeting on 18th January, 2005

Kerry-Anne Joy Warry, Lot 8 Nettleton Road, Byford

Q At the time the games room addition was built (1982) was it a council regulation that additions be site inspected?

A The statutory regime in place at the time the games room was constructed was the Local Government Act 1960. At the time, there was no obligation or duty to inspect any additions and the Shire has no record of any such inspections being carried out.

George Soans, Lot 2 Jarrahdale Road (in relation to item SD018/01/05)

Q1. A definition of “valuable farmland” which has no water for approximately 6 months/year.

A1 The term “valuable farmland” was used in the context of the Shire’s Rural Strategy which states the following in respect of land which is identified for Agricultural Protection:

“The Agriculture Protected Policy Area includes land indicated as good quality in the Land Capability Assessment for Annual and Perennial Horticulture and Grazing, conducted by the Western Australian Department of Agriculture.”

Q2. Proper consideration given to those at or approaching retirement - who will not have the funding to maintain their properties on a pension.

A2 The Rural Strategy states the following headlining objective for the Agricultural Protection Policy Area:

“AP1 To retain and maintain the productive capacity of land and agricultural enterprise in close proximity to Perth and its markets;”

Such land is therefore principally targeted for ongoing productive capacity and agricultural enterprise, reflecting its demonstrated capability for rural use. While the Shire will support at every available opportunity long term residents being able to retire within the Shire, this cannot be done in a manner which removes highly capable land from associated agricultural use. Accordingly, the Shire sees its role as protecting highly capable agricultural land by preventing further subdivision, and at the same time making available a variety of other smaller-style lots in appropriate areas of the Shire for residents to retire to.

Q3. An explanation of recent subdivision anomalies.

A3 The Shire is not aware of any recent subdivision anomalies which go against the policy direction set by the Rural Strategy. The Shire strictly maintains the policy context set through the Rural Strategy, and in partnership with the Western Australian Planning Commission use it to guide all decision making processes in respect of rezonings and subdivision.

Q4. Response to comment by the Senior Planner on 17/1/05 that “there is a mis-match between the Rural Strategy and Town Planning.

A4 The officer mentioned above met with Mr George Soans to discuss the situation he faced on his land. The officer advises that he clearly explained to Mr Soans what the Scheme and Rural Strategy established as land use and subdivisional controls for his land. The officer also advises that he made it clear to Mr Soans that there would be no avenue under the current planning context to allow for the general ad-hoc subdivision of ‘Rural’ zoned land along the Jarrahdale Road precinct. Such would contravene both proper and orderly planning principles, and would oppose the specific policy direction established through the Rural Strategy. The officer advises that at no time was it stated that there was a mis-match between the Rural Strategy and town planning in respect of this.

Question taken on notice at the Ordinary Council Meeting on 24th January, 2005

Mrs Bond, Stockmans Close

Q Is the Council Solicitor on a retainer, and if so what is the cost per year?

A The Acting Chief Executive Officer advised that the Council Solicitor is on a retainer. The cost per year for the retainer is \$3,000.

2.2 Public Question Time

Public Question Time commenced at 7.07 pm

Cheryl Guest – Lot 14 Richardson Street, Serpentine

Re Item SD028/02/05 proposed workers residence.

Q At what date did the new provision of the scheme come in?

A The Chief Executive Officer advised that supplementary information has been provided to councillors in respect to this and is contained within the Council agenda (following the recommended resolution).

Q Why should these rules apply to us when all the way we were told two dwellings could go on and the reason for buying this block in the first place was for two dwellings?

A The Presiding Member advised that the matter is before Council this evening.

Kevin Radcliffe, Kiln Road

Q Was permission granted for Lot 6 for an Excavation Licence and why have letters not been sent by registered mail to adjacent landowners regarding an application for an Excavation Licence?

A The Chief Executive Officer advised that Council is looking at the development application, not the excavation licence and went on to explain the process. Registered letters are required to be sent out for the excavation licence only.

Robyn Murray, Wallace Street

Q Commercial truck parking on 3 Wallace Street, what is being done?

A The Chief Executive Officer took this question on notice and advised that she will advise Ms Murray by telephone of the outcome.

Public Question Time concluded at 7.13pm

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.13pm

Kevin Radcliffe, Kiln Road

Statement regarding report to Council from the Sustainability Committee on Lot 6 Shale Road, Cardup. Application is for 10 years. This is too far ahead for this type of application. Suggested that only the first stage is permitted before allowing the next two stages to go ahead.

Public Statement Time concluded at 7.15pm

4. PETITIONS & DEPUTATIONS:

Petitions and Deputations commenced at 7.15pm

Cr Kirkpatrick presented a Petition to Council in relation to an urgent request for a thorough upgrade of Adonis Street Mundijong. Adonis Street is a major link road between Mundijong Road and Richardson Street and carries a large volume of traffic, heavy vehicles and is also used by children too and from school on bike or foot. In wet weather, drainage near the Adonis/Richardson Street intersection is a big problem. It is high time that this road is upgraded to meet the standards of other roads in the Shire, as at present, it poses a safety risk. We urge you to consider this as a priority as the attempts of patching and grading, up to date, are definitely unsatisfactory. 114 people signed the petition. A letter of support also accompanied this petition from Tony Simpson the Liberal Candidate for Serpentine Jarrahdale.

SD029/02/05 - Brian Hunt, Statewest Surveying and Planning deputation in relation Lot 6 Shale Road, Cardup acting for Austral Brick.

Mr Hunt clarified details in relation to the application as requested by Council. Shale is found in a very narrow band of material along the Scarp. Austral bricks are made using 30% shale in the brick making process and there are different hues produced depending on the shale. Mr Hunt gave an explanation on the different hues in brick making and concluded that the lighter bricks were in fashion. The lighter shale materials are found at L6 Shale Road and the darker materials are found at the existing pit at Nettleton Road and the un-accessed site approved for extraction at Kiln Road. He emphasized that Austral Bricks have been revegetating L6 Shale Road for a number of years to lower the visual impact of the site. He explained that the longer planning approval was required due to the upfront costs of establishing the extraction operation. He confirmed that an annual extraction licence would be applied for and be reported on annually and believes this is an effective tool in ensuring the site is managed to acceptable environmental and community standards.

Petitions and Deputations concluded at 7.22pm

5. PRESIDENT'S REPORT:

The Presiding Member introduced Joanne Abbiss to members of the gallery, as the new Chief Executive Officer of the Shire and welcomed Joanne to her first Ordinary Council Meeting in her new capacity.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

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 January, 2005

COUNCIL DECISION

**Moved Cr Wigg seconded Cr Richards
That the minutes of the Ordinary Council Meeting held on 24th January, 2005 be confirmed.
CARRIED 9/0**

7.2 Special Council Meeting – 15th February, 2005

COUNCIL DECISION

**Moved Cr Price seconded Cr Star
That the minutes of the Special Council Meeting held on 15th February, 2005 be confirmed.
CARRIED 9/0**

REPORTS OF COMMITTEES:

SD024/02/05 COMMUNITY INDICATOR PROGRAM – FUNDING AGREEMENT (A0310)		
Proponent:	Shire Serpentine Jarrahdale	In Brief The Community Indicators Program commenced in 2004 through the Serpentine and Byford community forum groups. The program is based on the UK Health Checks program. In August 2004 the Shire applied to the State Government Network Cities Funding and were recently successful in receiving \$30,725 for the full implementation of the indicator program. It is recommended that the Shire supports the implementation of the indicators program and delegates authority to the Chief Executive Officer to sign the funding agreement with the Department for Planning and Infrastructure.
Owner:	N/A	
Officer:	Carlie Eldridge - Manager Sustainability Unit	
Signatures Author:		
Senior Officer:		
Date of Report	31 January 2005	
Previously	CRD33/06/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In June 2004, following the Serpentine-Jarrahdale Chief Executive Officer’s visit to the United Kingdom in May, Council considered adapting the successful United Kingdom-based community economic development process called the *Market Towns Initiative* as the Community Indicators Program for the Shire. The Council resolved as follows:

“CRD33/06/04 COMMITTEE DECISION/Officer Recommended Resolution:

*Moved Cr Needham seconded Cr Murphy that Council agrees to support the progress of the Community Indicators Program as proposed and the process as required.
CARRIED 5/0”*

Following this support, the handbooks and worksheets were adapted to suit the local conditions and processes and the program was introduced at a workshop to all community forums through representatives, key staff and Councillors. The two communities of Byford and Serpentine accepted the opportunity to pilot the program and subsequently undertook further training. The long term plan was to seek funding to engage a project officer to implement the program across all community forums.

In August 2004 the Shire submitted a funding application to the Department for Planning and Infrastructure through around one of the Network Cities Communities Funding program. The Shire applied for \$30,725 and was successful in receiving the full amount in January 2005.

A copy of the funding application is with attachments marked [SD024.1-02-05.doc](#).

A copy of the funding agreement is with attachments marked [SD024.2-02-05.pdf](#).

In regard to the funding agreement, the Department for Planning and Infrastructure has agreed to the following amendments to the funding agreement:

1. An extension of time for signing the agreement to 4 March 2005 to allow for Council to consider the agreement at the February Sustainable Development Committee meeting.
2. An extension of time for completion of the project to February/March 2006.
3. Agreement to allow expenditure already incurred on the project as meeting the Shire's resource commitment to the project including the preparation of all the material and program outline as well as training and officer time already spent with the groups.

Sustainability Statement

Effect on Environment: The Community Indicators Program will support priority projects in each locality. Where projects correspond with those contained within the Shire's Strategic Plan and/or require Council approval, each project will be subjected to normal approval processes, including specific assessment regarding environmental factors. Therefore, this proposal in itself supports the overall sustainability directions of the Shire.

The indicators program has an environmental component that allows each community to look at their environmental assets and determine the environmental priorities within their areas and work together with the shire and other key players to determine a sustainable plan of action.

Resource Implications: The implementation of the project throughout all localities will allow for each area to assess their priorities and work with Council to determine an action plan. This action plan will look at the economic and resource viability of the project and prioritise them. The action plans will be completed to allow for them to be part of the 2006 forward financial plan considerations.

Use of Local, renewable or recycled Resources: The use of resources will form part of the consideration of each forum in the assessment of their areas.

Economic Viability: The project so far has been undertaken by the Chief Executive Officer and the Community Development Officer in the preparation of the program handbook and worksheets as well as induction training.

The funding received by the Department for Planning and Infrastructure under the Network City Communities Program is for \$30,725 which, as outlined in the funding submission, is for technical support, promotion, office space and facilities, executive and technical support and on costs. The Shire has committed to spending at least the amount of the grant. The Shire commitments outlined in the submission include Community Development Officer resources, office space and facilities, technical and planning support, executive support and consumables.

The funding allows for the Shire to employ a project officer to implement the project in accordance with our funding agreement over a period of 12 months. After the first year of implementation and capacity building of the community forums, it is anticipated that the community forums will be equipped to review the action plans annually and work with Council through the Community Development Officer. In 12 months time, it will be able to be determined if there will be the need for an ongoing program support role that the Shire would need to fund or if, as anticipated, it can be accommodated in the current time allocation to community forums.

Economic Benefits: The Community Indicators Program focuses on meeting the objectives and strategies contained within the Strategic Plan. This will include strategies that will provide significant economic gains to the Shire. The social and community input will enable the Shire and community to work together to check the progress of key actions identified through the process. These will provide the best possible solutions for local issues.

Social – Quality of Life: The underlying objective of the Community Indicators Program is to generate primary data that will supplement existing data sources, and provide good indicators of progress on social factors that are of importance to the community.

Ultimately, this project will improve the quality of life in the Shire for residents as the projects generated will be those identified by the community themselves as of greatest benefit to their own community.

Social and Environmental Responsibility. Implementation of the project will foster partnerships and community involvement across the Shire. The project, and the overall increased level of awareness of the Shire, will benefit all areas of the Shire. It is envisaged that as the project progresses, partners are identified in the project profile and relevant community groups/members, will be drawn into the process.

Social Diversity: This program does not disadvantage the community. The aim is to achieve far-reaching engagement of the community through the community forums and through the employment of a project officer to support the groups.

Statutory Environment:

No specific statutory procedures must be followed, except those for individual projects that may be identified as the program progresses.

Policy/Work Procedure Implications:

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

Financial Implications:

The financial commitment by Council that is required as part of the funding agreement is that they spend at least \$30,725 on the project. The financial and in kind commitments outlined in the funding application below:

Shire Contribution	Cash	In Kind
Community Development Officer	21,500	
Office space and facilities		4,200
Technical Planning Officer support	5,000	
Office consumables		2,000
Executive support	5,000	
Contributions	31,500	6,200
Total Shire contribution	\$37,700	

In regard to the commitment above, clarification has been sought in regard to the expenditure incurred so far on the project implementation and the Department for Planning and Infrastructure has confirmed that if the expenditure can be demonstrated to meet the outcomes of the agreement, it can be included.

Therefore, expenditure that has occurred already is approximately \$5,000 for the Chief Executive Officer to prepare the handbook worksheets and run induction training. There has also been a time commitment by the Community Development Officer and also administrative support. Based on this it is believed that the Shire can achieve the financial commitments of the project as outlined above within budget expenditure of 2004/5.

Within the 2005/6 budget there will have to be the additional allocation of office space and consumables.

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.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

3. 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.
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.
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.

Community Consultation:

Since the support of Council was received for the program there has been the implementation of the first stage of community engagement in the two pilot towns of Byford

and Serpentine. All of the community forums as well as Councillors and key staff were invited to attend a workshop outlining the program. Further to this the community forums of Byford and Serpentine have had additional training and workshops on the project.

Comment:

The implementation of the program is proposed below:

Timeframe: The timeframe outlined in the application had the project commencing August 2004 and completing December 2004. Based on the realistic speed of implementation through the pilot forums, and the delay in receiving funding, the anticipated time for completion is approximately 12 months. It is therefore proposed to have the timeframe on the funding agreement as February 2005 – March 2006 whilst acknowledging that the project has commenced mid 2004. Confirmation has been received from the Department for Planning and Infrastructure that they will accept a reviewed and altered timeframe to reflect the delays and a realistic completion time.

Staffing Resources: The program implementation based on the realistic progress the community forums can make would require a part time staff resourcing commitment. The Shire's Community Development Officer would provide the management of this position guiding the officer to achieve the outcomes of the agreement and to work within the Shire's processes. The Community Development Officer already has time allocated to the community forums and a portion of this time could be used in this management capacity of the project officer.

Office Space and Facilities: The project officer would be required to spend a great proportion of their time at community meetings. Therefore, the office space requirement would be less than 2.5 days a week.

Project Officer Role: The role of the project officer is to ensure the successful implementation of the project and to ensure that the requirements of the funding agreement with the Department for Planning and Infrastructure are met. They will be the primary contact for all the Community Forums and will be required to provide support for the community forums and to provide program guidance as each locality works on the community indicators program to prepare their action plan. The key outcome will be that the officer builds the capacity of each group to continue with the program after the first year and to feel that they are empowered in progressing the prioritised actions and outcomes of their localities.

Implementation:

February 2005	- Recruit a project officer for a March commencement
March 2005	- Induction of officer within Council - Commence with the existing Byford and Serpentine Community Forums - Prepare engagement strategy for other community forums
April 2005	- Work with other Community Forums (Jarrahdale, Mundijong and Oakford) to engage them in the project - Initial induction training for new community forums - Continue with Byford and Serpentine
May – November 2005	- Work within the forums on the completion of worksheets collecting data for each locality and collating information - Celebrate milestones in project with localities - Preparation of actions list by each locality - Work with localities to engage with Council as well as other agencies and potential partners to develop proposed actions - Prepare draft action plans
December 2005 – February 2006	- Prioritisation of actions and completion of action plan

February – March 2006	- Work with Council and other agencies to ensure action plans are considered as part of forward financial plan deliberations and budget allocations
March	- Celebration of completion of first action plans

Department for Planning and Infrastructure Commitment: The Department for Planning and Infrastructure has indicated that it will provide staffing resources for all the successful funding projects to ensure that the intent of the Network City funding program is achieved. The Department for Planning and Infrastructure project officer has offered the following suggestions of resource support for this project:

- Provide an officer to be part of a steering committee
- Facilitators for meetings in particular bringing together all the forums for a dialogue
- Planning and community engagement technical support for the groups and the Shire's CIP project officer

Once the project officer is engaged by Council, the support which will be most suitable for this project will be discussed in detail with the Department for Planning and Infrastructure as it will be influenced by the officer's skills.

Voting Requirements: ABSOLUTE MAJORITY

SD024/02/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Price

Council supports the proposed implementation plan for the Community Indicators Program described in this report and delegates authority to the Chief Executive Officer to sign the funding agreement with the Department for Planning and Infrastructure as attached at SD024.2/02/05 subject to the following amendments:-

- 1. An extension of time for signing the agreement to 4 March 2005 to allow for Council to consider the agreement at the February Ordinary Council Meeting.**
- 2. An extension of time for completion of the project to February/March 2006.**
- 3. Agreement to allow expenditure already incurred on the project as meeting the Shire's resource commitment to the project including the preparation of all the material and program outline as well as training and officer time already spent with the groups.**

CARRIED 9/0 ABSOLUTE MAJORITY

SD026/02/05 PROPOSED PLACE OF PUBLIC WORSHIP (CHURCH) – LOT 8 (NO. 199) ROWLEY ROAD, DARLING DOWNS (P00771/01)		
Proponent:	Free Reformed Church of Darling Downs Inc.	In Brief The proponent seeks planning approval for the development of a Place of Public Worship (Church) on the subject property. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	31 January 2005	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Free Reformed Church of Darling Downs Inc.
 Owner's Address: c/o G.J. Bosveld 1442 Rowley Road, Wungong
 Applicant: As above
 Applicant's Address: As above
 Date of Receipt: 10 September 2004
 Advertised: 19 October to 22 November 2004
 Submissions: 5 objections, 5 no objections
 Lot Area: 7.3582 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Residential & Stable
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 5 November 2004

Background

The applicant is seeking approval from the Council to develop a Place of Public Worship (Church) on the corner of Rowley Road and Masters Road in Darling Downs. Details of the proposal as provided by the applicant are as follows:

“The Proposed building will be cream in colour on the outside with a zincalume roof. The external walls will be tilt panel with the interior walls being brick.

We intend to be serviced by scheme water as it is available on Rowley Road. We are also looking currently at being serviced by deep sewer but wish to emphasise that this is not a certainty at this stage.

The kitchen facilities are basically for food warm up purposes and will be used solely for church related catering such as light luncheons and coffee socials.

Floor space is approximately 650m².

Usage:

The building will be used for church related purposes only.

<i>Sundays:</i>	<i>200-400 people will be accessing the building. Will come at 9:00am and leave at 11:00am Will come at 2:00pm and leave at 4:00pm</i>
<i>Mondays:</i>	<i>10 people for a meeting at 8:00pm till 10:00pm</i>
<i>Tuesdays:</i>	<i>10-20 people for a meeting at 8:00pm till 10:00pm</i>
<i>Wednesdays:</i>	<i>20-30 people for a meeting at 8:00pm till 10:00pm</i>
<i>Thursdays:</i>	<i>Nothing</i>
<i>Fridays:</i>	<i>20-30 people for a meeting at 8:00pm till 10:00pm</i>
<i>Saturdays:</i>	<i>Occasional use of the church for weddings. Envisage approximately 3-6 times per year.</i>

Parking is being considered initially for up to 75 vehicles and this may be upgraded at a later stage to around 100 vehicles.

Our current membership is 184 members and we are considering constructing a building to cater for up to 400 people at any one time.”

A copy of the development plans are with attachments marked [SD026.1-02-05.tif](#).

Sustainability Statement

Effect on Environment: It is considered that the development of a church on the property will not detrimentally impact on the environment. Through the connection of the development to scheme water and deep sewer and eliminating the use of any on-site sewerage treatment systems, any possible risk of contamination of the groundwater or the property has been reduced.

There will not be any significant impact on the vegetation on the property as it has virtually all been cleared with the exception of a few large trees. The implementation of a landscape plan will help to screen the car parking area and buildings from Rowley Road.

Resource Implications: Parts of the building face north and will benefit from the northerly aspect during winter.

Use of Local, renewable or recycled Resources: It is considered that the application may use locally and regionally available resources.

Economic Viability and Benefits: It is considered that the proposal may encourage visitors to the Shire to use the development. The use of the building for wedding ceremonies may also attract visitors from other Shires to use the development's church and meeting halls.

Social – Quality of Life: This proposal could potentially impact on the quality of life for residents of adjacent properties with noise and traffic being generated and impacts on the visual amenity of the streetscape. Accordingly, any approval should be conditional to reduce any impacts to surrounding landowners.

Social and Environmental Responsibility: It is considered that the proposal creates opportunities for the community to participate in the activities and social functions on the property.

Social Diversity: It is considered that the proposal will cater for the needs of members of the Free Reformed Church.

Statutory Environment:

Town Planning Scheme No.2
Statement of Planning Policy No.2 – The Peel-Harvey Coastal Plain Catchment
The proposal was advertised in accordance with clause 6.3.1 of the Scheme and referred to the Department of Environment for comment.
Western Australian Planning Commission determination of the application is required in accordance with Clause 32 of the Metropolitan Region Scheme.

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
4. Respect diversity within the community.

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

Strategy:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategy

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

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Required: Advertising of the proposal for public comment was undertaken as a requirement of the Scheme.

Support/Object: Five objections and five non objections were received

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/Support/Dismiss)
Submission 1 - A267500	<p>Objects for the following reasons:</p> <p>The current state of Masters Road is too narrow, too fast and the surface is inferior.</p> <p>The drains are a hazard and should be piped and filled in.</p> <p>Location of the off ramp near the corner of Masters and Rowley Roads is dangerous.</p>	<p>The location of the crossover to the site from Masters Road is supported by Asset Services. There may need to be a portion of Masters Road upgraded at the cost of the landowner.</p> <p>The current open style drainage system is typical within a rural setting. These do not need to be altered by the applicant.</p> <p>Traffic access off and onto Masters Road from the property can be controlled through appropriate planning conditions.</p>	Comments noted. Appropriate conditions can be put on the approval to address these concerns.
Submission 2 - A248003	<p>Objects for the following reasons:</p> <p>Introduction of these types of businesses will increase traffic, crime and lower public safety.</p>	<p>It is unsubstantiated that the development of a church will increase crime and lower public safety. Appropriate conditions can be placed on the proposal to limit the amount of traffic generation on and off the property.</p>	Comments noted
Submission 3 - A269600	<p>Objects for the following reasons:</p> <p>The current state of Masters Road too narrow, too fast and the surface is inferior.</p> <p>The proposed crossover onto Masters Road is a joke.</p> <p>This development doesn't fit in with the area and would</p>	<p>Refer Officer comments (submission 1).</p> <p>Refer Officer comments (submission 1).</p> <p>A church is an SA use in the Rural zone which is a</p>	Comments noted. Appropriate conditions can be put on the approval to address these concerns.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>reduce land values.</p> <p>Increase in traffic on Masters Road will pose safety concerns.</p>	<p>use that Council may, at its discretion permit after public consultation.</p> <p>Refer Officer comment (submission 1).</p>	
<p>Submission 4 - A294100</p>	<p>Objects for the following reasons:</p> <p>A church should be in a Townsite and not a Rural area.</p> <p>The development of a school on the same block is likely to follow after the church has been built.</p> <p>Increase in traffic on Masters Road will pose safety concerns.</p>	<p>Refer Officer comment (submission 3).</p> <p>Any application for a school on the property will be subject to separate planning assessment and referrals to neighbours for comment.</p> <p>Refer Officer comment (submission 1).</p>	
<p>Submission 5 - A270300</p>	<p>No objection only submission of concerns:</p> <p>Access off and onto Masters Road does not appear to be a very safe option.</p> <p>Additional traffic along Masters Road will be unwelcome and will cause noise pollution and pose safety concerns.</p>	<p>Refer Officer comment (submission 1).</p>	<p>Comments noted. Appropriate conditions can be put on the approval to address these concerns.</p>
<p>Submission 6 - L2, 3 & 26 Rowley Road, Brookdale</p>	<p>No objection</p>	<p>Noted.</p>	<p>Noted</p>
<p>Submission 7 - A270000</p>	<p>No objection only submission of concerns:</p> <p>Does Council really want parishioners and other visitors to the area to see the embarrassing and shocking state of Masters Road?</p>	<p>Refer Officer comment (submission 1).</p>	<p>Comments noted.</p>
<p>A293302</p>	<p>No objection only submission of concerns:</p> <p>Wouldn't the access to the</p>	<p>The City of Armadale and</p>	<p>Comments noted.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>property be better from Rowley Road as it is already a busy road?</p> <p>Increased traffic on Masters Road will pose safety concerns to residents and horses which use Masters Road.</p> <p>The use of zincalume for roofing material may turn parts of Rowley Road into blind spots.</p> <p>The drainage system needs to be looked at as it is currently blocked and causes a huge mosquito problem for residents.</p>	<p>Council officers have agreed that access to the property shall be restricted from Rowley Road. Access is to be via Masters Road via a sealed crossover only.</p> <p>Refer Officer comments (submission 1).</p> <p>It is considered that the use of zincalume will not cause any safety issues to drivers as the building is setback considerably from Masters Road and Rowley Road. The zincalume roof is unlikely to impact on the visual amenity of the adjoining landowners.</p> <p>Refer Officer comment (submission 1).</p>	

Response from Government Agencies

City of Armadale

The City of Armadale has no objection to the proposal subject to the following requirements:

1. No vehicular access / egress to be permitted to / from Rowley Road;
2. Contribution to upgrade Rowley Road as required to the satisfaction of the City of Armadale;
3. Widening of Rowley Road required to the satisfaction of the City of Armadale; and
4. Upgrade Rowley Road / Masters Road intersection, as necessary, to the satisfaction of the City of Armadale.

Department of Environment

The Department of Environment (DoE) initially objected to the proposal because of the inaccessibility to connect to reticulated sewerage. Under section 6.1.1 of Statement of Planning Policy No.2 – The Peel-Harvey Coastal Plain Catchment, all lots created for tourist development are to be connected to a reticulated sewerage system. The Department of Environment considers the impacts of a Place of Public Worship to be similar to a function centre and therefore needs to be considered in light of the above.

Further correspondence from the Department of Environment suggested that the proposal may be exempt from the requirement for reticulated sewerage if it fulfills the provisions of section 5.7 of Statement of Planning Policy No 2. Under section 5.7 “the Commission may consider, upon the advice of the Water Authority, the Health Department and the Environmental Protection Authority, small-scale developments with alternative wastewater treatment and effluent disposal systems”. However, the onus of proof will rest with the proponent to provide sufficient technical and engineering evidence that alternative systems or site modifications remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the character of the area.

Although the Department of Environment may be willing to approve the development if it uses on-site effluent treatment systems, it is recommended that the proposal be approved subject to being connected to scheme water and deep sewer.

Western Australian Planning Commission (WAPC)

The application was referred to the Western Australian Planning Commission in accordance with clause 32 of the Metropolitan Region Scheme which requires that the Western Australian Planning Commission will determine all applications for non-rural uses within the Rural zone. On 29 October 2004, the Western Australian Planning Commission advised that they would not be assessing the proposal. This is because they have no comments to make and any conditions they would recommend will be similar to the ones imposed by Council.

Comment:

Rural Strategy and Scheme Requirements

The subject site is zoned ‘Rural’ under Council’s Town Planning Scheme No.2 and is identified within the ‘Residential and Stable’ policy area within the Rural Strategy. A Church falls under the definition of a Place of Public Worship. A Place of Public Worship is defined in the scheme as:

“means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential institution”.

A Place of Public Worship is classified as an ‘SA’ use within the Rural zone which means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with clause 6.3 of the Scheme. The proposal was referred to affected property owners for a period of twenty-eight (28) days and advertised on site.

The car parking area is proposed to be of size 45.0m by 70.0m and is to be setback 16.0m from Rowley Road and 20.0m from Masters Road. The proposed church building will be setback 20.0m from Masters Road. The use of zincalume for roofing material is considered appropriate given the large setback distances of the building from Rowley Road and Masters Road.

Statement of Planning Policy No.2 – The Peel Harvey Coastal Plain Catchment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2. As advised by the Department of Environment, any development on the property needs to be connected to reticulated sewerage unless the applicant can adequately demonstrate, through sufficient technical and engineering advice, that the use of on-site systems will not detrimentally impact on the environment.

On 16 December 2004, further advice was received from the applicant with regards to the possibility of connecting the lot to scheme water and deep sewer. The applicants have been in contact with Peet & Co who are developing land on the northern side of Rowley Road. Peet & Co has indicated their willingness to service Lot 8 with sewer and scheme water. The

applicants are currently seeking the necessary approvals from the Water Corporation to enable this connection to occur.

It is recommended that the application be approved subject to connection to scheme water and reticulated sewerage.

Car Parking & Access

The application states that the building is to cater for up to 400 people at any one time. Within the Shire's Scheme, car parking requirements for a Place of Public Worship are one space per four persons accommodated. Therefore, 100 car spaces will need to be provided inclusive of 5 spaces for disabled parking. A detailed car parking plan, including landscaping, will need to be submitted to Council for assessment and comply with clauses 7.7 and 7.10 of the scheme (off street parking and landscaping).

Access on and off the property is to be via a single driveway onto Masters Road. The crossover will need to be constructed to the satisfaction of Council's Director of Asset Services. There may be a need for a portion of Masters Road to be upgraded where the crossover is to be constructed. Any upgrading will need to be determined and to the satisfaction of the Director of Asset Services.

Environmental

The land is practically 100 per cent cleared so the impact on the vegetation will be minimal. There is an opportunity to require some landscaping over the site, especially within the car parking area and around the property.

A car parking plan, including provision of landscaping, will need to be submitted to Council for approval prior to the issue of a building licence.

Health Requirements

The recommendation that the development is to be connected to scheme water and deep sewer will eliminate the need for any on-site effluent disposal systems. Other Health requirements relating to the provision of toilets and kitchen facilities can be addressed through the recommended conditions and through the building licence stage. Noise and amenity impacts are generally low where the building is used during the day by the congregation but may increase with night time use or if the building is hired out for other higher impact activities.

Impacts on the Locality

The scale of development that is proposed has the potential to adversely impact on the amenity of the district and the life of surrounding residents if not managed properly. The main sources of disturbance are likely to be through noise and increased traffic along Masters Road. The implementation of a landscape plan will help to screen part of the development from view and help provide a buffer between adjoining properties.

It is considered that a majority of the traffic accessing the site will do so via Rowley Road. This road already has high traffic volumes so any additional impacts on the locality as a result of the increase in vehicle movements is not considered to be substantial. Increases in traffic movements along Masters Road may require the need for a section of Masters Road to be upgraded at the cost of the applicant.

As Byford is beginning to develop for residential purposes there is a need for additional facilities to be created to cater for a rapidly expanding population. The location of the proposed church is in a prime position for residents within the Shire and surrounding localities to access. It is considered that the church will be a valuable asset for the Shire and address the need to cater for growing numbers of members of the Free Reformed Church.

Conclusion

The proposal will provide additional facilities for members of the Free Reformed Church to partake in religious facilities and functions within the Shire. Through the implementation of a landscaping plan and a car parking plan and compliance with the recommended conditions, a compromise can be reached that helps the applicant to establish a use that is being applied for whilst ensuring that the quality of life for surrounding residents is not jeopardised. It is therefore recommended that the application be conditionally approved.

Voting Requirements: Normal

Officer Recommended Resolution:

The application for a Place of Public Worship (church) on Lot 8 (#199) Rowley Road, Darling Downs be approved subject to the following conditions:

1. Hours of operation are to be limited to 8.00pm to 10.00pm on Monday, Tuesday, Wednesday and Friday and 9.00am to 4.00pm on Sunday. The church is not to be used on Thursdays and is only to be used on Saturdays for the purpose of wedding ceremonies unless otherwise approved in writing by the Director Sustainable Development.
2. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
3. The Place of Public Worship (church) is to be constructed of new materials.
4. Only materials identified in the schedule of colours, materials and finishes, submitted 10 September 2004, are to be used in the construction of the Place of Public Worship (church) unless the prior written approval of the Shire is obtained.
5. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties.
6. The carpark and roof runoff being retained on site or provided with an adequate outlet drainage system at the landowners cost to the satisfaction of the Shire.
7. No vehicular access or egress onto the property is permitted to or from Rowley Road. Access onto the site shall be restricted to Masters Road only as shown on the plan approved by Council.
8. A contribution to upgrade Rowley Road is required to the satisfaction of the Shire of Serpentine-Jarrahdale.
9. Upgrade of the Rowley Road and Masters Road intersection, as necessary, to the satisfaction of the Shire of Serpentine Jarrahdale.
10. The crossover to the property shall be constructed to the satisfaction of the Shire.
11. Internal driveway and parking bays shall be surfaced using bituminous concrete as a minimum (brick/block paving or asphalt is acceptable).
12. A car parking plan showing the layout of the car parking area for 100 car parking bays, inclusive of five disabled bays, including landscaping, is to be submitted to the satisfaction of the Director Sustainable Development, prior to the issue of a building licence.
13. An overflow carpark being designed and constructed within the property to the satisfaction of the Shire.
14. A minimum of five (5) disabled parking bays are to be provided and shall be located convenient to the building entrance, with a minimum width of 3.8 metres and marked and signed as such as per the specifications in Australian Standards AS2890.1, to the satisfaction of the Director of Asset Services.
15. A minimum of one hundred (100) parking bays shall be provided and shall be a minimum of 5.5 x 2.5 metres, served by a 6 metre wide paved accessway.
16. Street lighting being upgraded on the intersection of Masters Road and Rowley Road to the satisfaction of the Director Asset Services.

17. Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Director Asset Services.
18. Any outdoor display lighting or security lighting be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.
19. Reticulated sewer and water supply is to be connected to the premises by the landowner prior to occupation.
20. A landscape plan must be submitted (in triplicate) to Council's Planning Services and approved, prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - (a) The location, name and mature heights of existing and proposed trees and shrubs;
 - (b) A plant schedule identifying the use of tall trees intermixed with medium and ground cover shrubs to provide an effective screen buffer between the car parking area and Rowley Road boundary;
 - (c) Any lawns and paved areas to be established;
 - (d) Any natural landscaped areas to be retained; and
 - (e) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
21. Revegetation/landscaping shall be implemented in accordance with Condition 20 by 30 September 2005 and thereafter maintained to the satisfaction of the Director Sustainable Development.
22. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Director Sustainable Development.
23. Unreasonable construction noise not to be emitted from building site prior to 7.00am and after 7.00pm Monday to Saturday.
24. Fire hydrants are to be installed to the satisfaction of the Shire.

Advice Note:

1. All development is to comply with the following legislation:
 - (a) Building Code of Australia;
 - (b) Shire of Serpentine Jarrahdale Local Laws;
 - (c) Health (Food Hygiene) Regulations 1993;
 - (d) Health (Public Building) Regulations 1992;
 - (e) Health Act 1911;
 - (f) Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981; and
 - (g) Sewerage (Lighting, Ventilation and Construction Regulations) 1971.

SD026/02/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Hoyer seconded Cr Wigg

The application for a Place of Public Worship (church) on Lot 8 (#199) Rowley Road, Darling Downs be approved subject to the following conditions:

1. **Hours of operation are to be limited to 8.00pm to 10.00pm on Monday, Tuesday, Wednesday and Friday and 9.00am to 4.00pm on Sunday. The church is not to be used on Thursdays and is only to be used on Saturdays for the purpose of wedding ceremonies unless otherwise approved in writing by the Director Sustainable Development.**
2. **A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
3. **The Place of Public Worship (church) is to be constructed of new materials.**
4. **Only materials identified in the schedule of colours, materials and finishes, submitted 10 September 2004, are to be used in the construction of the Place of Public Worship (church) unless the prior written approval of the Shire is obtained.**

5. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties.
6. The carpark and roof runoff being retained on site or provided with an adequate outlet drainage system at the landowners cost to the satisfaction of the Shire.
7. No vehicular access or egress onto the property is permitted to or from Rowley Road. Access onto the site shall be restricted to Masters Road only as shown on the plan approved by Council.
8. A contribution to upgrade Rowley Road is required to the satisfaction of the Shire of Serpentine-Jarrahdale.
9. Upgrade of the Rowley Road and Masters Road intersection, as necessary, to the satisfaction of the Shire of Serpentine Jarrahdale.
10. The crossover to the property shall be constructed to the satisfaction of the Shire.
11. Internal driveway and parking bays shall be surfaced using bituminous concrete as a minimum (brick/block paving or asphalt is acceptable).
12. A car parking plan showing the layout of the car parking area for 100 car parking bays, inclusive of five disabled bays, including landscaping, is to be submitted to the satisfaction of the Director Sustainable Development, prior to the issue of a building licence.
13. An overflow carpark being designed and constructed within the property to the satisfaction of the Shire.
14. A minimum of five (5) disabled parking bays are to be provided and shall be located convenient to the building entrance, with a minimum width of 3.8 metres and marked and signed as such as per the specifications in Australian Standards AS2890.1, to the satisfaction of the Director of Asset Services.
15. A minimum of one hundred (100) parking bays shall be provided and shall be a minimum of 5.5 x 2.5 metres, served by a 6 metre wide paved accessway.
16. Street lighting being upgraded on the intersection of Masters Road and Rowley Road to the satisfaction of the Director Asset Services.
17. Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Director Asset Services.
18. Any outdoor display lighting or security lighting be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.
19. Reticulated sewer and water supply is to be connected to the premises by the landowner prior to occupation.
20. A landscape plan must be submitted (in triplicate) to Council's Planning Services and approved, prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - (a) The location, name and mature heights of existing and proposed trees and shrubs;
 - (b) A plant schedule identifying the use of tall trees intermixed with medium and ground cover shrubs to provide an effective screen buffer between the car parking area and Rowley Road boundary;
 - (c) Any lawns and paved areas to be established;
 - (d) Any natural landscaped areas to be retained; and
 - (e) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
 - (f) Revegetation of the lot to achieve 25% cover with locally native species
21. Revegetation/landscaping shall be implemented in accordance with Condition 20 by 30 September 2005 and thereafter maintained to the satisfaction of the Director Sustainable Development.
22. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Director Sustainable Development.

- 23. Unreasonable construction noise not to be emitted from building site prior to 7.00am and after 7.00pm Monday to Saturday.**
24. Fire hydrants are to be installed to the satisfaction of the Shire.

Advice Note:

- 1. All development is to comply with the following legislation:**
(a) Building Code of Australia;
(b) Shire of Serpentine Jarrahdale Local Laws;
(c) Health (Food Hygiene) Regulations 1993;
(d) Health (Public Building) Regulations 1992;
(e) Health Act 1911;
(f) Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981; and
(g) Sewerage (Lighting, Ventilation and Construction Regulations) 1971.

CARRIED 9/0

Committee Note: Condition 20 (f) was added to require revegetation of the lot to clarify the requirements of the landscape plan.

SD027/02/05 PROPOSED OVERSIZE SHED & LEAN-TO – LOT 41 (NO. 820) ROWLEY ROAD, OAKFORD (P00792/02)		
Proponent:	Andrew Beale	In Brief The applicant seeks Planning approval for an oversize shed and lean-to. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2 February 2005	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Andrew Beale
 Owner's Address: 820 Rowley Road, Oakford
 Applicant: As above
 Applicant's Address: As above
 Date of Receipt: 17 December 2004
 Advertised: 10 to 31 January 2005
 Submissions: None received
 Lot Area: 4.0469 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural Living B
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 21 December 2004 & 2 February 2005

Background

The applicant seeks approval for an oversize shed and lean-to. The proposed shed is to be 25.5m by 12.16m in size (310.08m²) and is to be constructed entirely of zinalume. The shed is to be located 25.0m from the eastern side boundary.

The applicant is also seeking approval to construct a lean-to that will be attached to the existing shed on the property. The lean-to is to be 24.45m by 6.0m, will be unenclosed and constructed of zinalume. The existing shed on the property has a floor area of 297m².

The purpose for the second shed is to store farm machinery, equipment associated with a previously approved Transport Depot and cars undercover and out of the weather. The cars that are currently on the property are a private collection and all belong to the owner of the land. The farm machinery is used to maintain the 4ha rural property.

The current shed on the property does not have any more space in it for storage.

On 23 August 2001, the applicant was granted approval to establish a Transport Depot on the subject property subject to the following conditions:

- “1. *Approval is specific to the applicant only;*
2. *Approval is for the parking of 3 commercial vehicles only, each with a maximum length of 19.0m and not to exceed 42.5 tonne GVM;*
3. *No mechanical works other than minor maintenance of subject three commercial vehicles to be carried out;*
4. *Trucks are to be parked at the rear of property adjacent/behind existing storage shed in accordance with submitted site plan;*
5. *Business signposting to be limited to completely within the property and shall not exceed 0.5m² (ie 1.0m x 0.5m) on the property frontage. The height of the sign from ground level shall not exceed 1.5m.*
6. *A landscaping programme to be implemented by the applicant to satisfaction of Council which effectively screens the truck parking area from the road. In this regard, revegetation with no less than three rows of local native trees and shrubs at two metre spacings between plants is to be planted by the applicant by September 2002.”*

It is considered that part of the proposed shed will be used as an ancillary use to the Transport Depot with the remainder being used for storage of private vehicles/equipment and farm machinery.

A copy of the plans are with attachments marked [SD027.1-02-05.tif](#).

Sustainability Statement

Effect on Environment: The proposed shed extension will not involve the clearing of any native vegetation.

Resource Implications: It is considered that the proposed shed will not minimise resource use.

Use of Local, renewable or recycled Resources: It is considered that the proposal may use locally available resources.

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

Economic Benefits: The proposed shed and lean-to will partly be used to store equipment used in the operation of a Transport Depot on the property. This use provides employment for the owner of the property.

Social – Quality of Life: It is considered that by keeping the current equipment on the property undercover and out of view from Rowley Road, the aesthetic qualities of the property for surrounding landowners will be improved.

Social and Environmental Responsibility: The application has been referred to adjoining landowners for comment. No submissions have been received in relation to the application.

Social Diversity: It is considered that the proposal does not disadvantage any social groups.

Statutory Environment: Town Planning Scheme No.2
Local Planning Policy No.17 – Residential and Incidental Development within Serpentine-Jarrahdale Shire

Policy/Work Procedure Implications: The combined floor area of the existing and proposed sheds exceeds Council's Policy requirements for the maximum floor area of outbuildings within the Rural Zone

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
3. Economic
Objective 2: Well developed and maintained infrastructure to support economic growth
Strategy:
2. Consider specific sites appropriate for industry /commercial development.
4. Governance
Objective 1: An effective continuous improvement program
Strategy:
1. Identify and implement best practice in all areas of operation.
Objective 3: Compliance to necessary legislation
Strategy:
1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: Yes

No submissions were received.

Comment:

Scheme Requirements & Local Planning Policy No.17

Under Council's Local Planning Policy N^o 17, the maximum floor area of all outbuildings combined in the Rural Zone is 500m². The combined floor area of the existing shed and the proposed shed will be 607.08m². The floor area of the lean-to is not taken into consideration as it is unenclosed and not, therefore, classified as an outbuilding. All heights of the shed and lean-to and setbacks to lot boundaries comply with Local Planning Policy N^o 17.

Under the 'Rural Zone' within Council's Town Planning Scheme N^o 2, clause 5.10.1 states that:-

“the purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.”

The purpose of the second shed on the property is to store farm machinery and equipment and privately owned cars that do not fit within the existing shed. The farm machinery is used to help maintain the land and carry out rural activities on the property. It is also considered that the proposed shed will be partly used as an ancillary use to the approved Transport Depot on site. This is because some of the machinery used for the business will also be stored within the new shed other than left in the open. The proposed use complies with clause 5.10.1 above.

Impact on Locality

It is considered that the impact on the locality and surrounding neighbours will be minimal and that the appearance of the block will actually be improved through the construction of the second shed. Although the property has been very well maintained, equipment used in the operation of the Transport Depot, farm machinery and cars are kept behind and alongside the existing shed. These pieces of equipment can be partly viewed from Rowley Road however, large trees exist on the property that screen most of the truck parking area. If the proposed shed is approved, it will be used for the storage of these pieces of equipment and will tidy up the property by keeping it all undercover.

The location of the proposed shed behind the existing shed will make it difficult to be viewed from Rowley Road and is considered to be a better aesthetic outcome for the locality.

Conclusion

Although the combined floor areas of both outbuildings on the property are approximately 100m² over the figures stipulated under Local Planning Policy N^o 17, it is considered to be a good planning outcome to grant approval for the proposed shed and lean-to. The equipment that is currently out in the open on the property will be able to be kept undercover. This will consequently improve the aesthetic value of the property not only for the owners, but also for surrounding properties. The location of the proposed shed behind the existing shed will make it difficult to be seen from Rowley Road.

It is therefore recommended that the application be conditionally approved.

Voting Requirements: Normal

Officer Recommended Resolution:

The application for an oversize shed and lean-to on Lot 41 (#820) Rowley Road, Oakford be approved subject to the following conditions:

- 1 A building licence is required to be obtained prior to the commencement of any development (including earthworks).
- 2 The shed and lean-to are to be constructed of new materials.
- 3 The shed and lean-to are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
- 4 The lean-to is to remain unenclosed unless the prior written approval of the Shire is obtained.
- 5 No direct discharge of stormwater into watercourses or drainage lines is permitted.
- 6 All stormwater from roofs and hardstand areas are to be disposed of on-site.
- 7 Only materials identified in the schedule of colours, materials and finishes, submitted 17 December 2004, are to be used in the construction of the shed and lean-to unless the prior written approval of the Shire is obtained.

Committee Recommended Resolution:

That the application for an oversize shed and lean-to on Lot 41 (#820) Rowley Road, Oakford be deferred to the February Ordinary Council Meeting in order for additional information to be supplied regarding compliance with previous conditions relating to revegetation.

SUPPLEMENTARY INFORMATION

A site visit was undertaken on the property on 16 February 2005 to check compliance with the planning conditions issued previously for the Transport Depot.

The site inspection confirmed:

1. A number of large trees exist adjacent to the existing shed which provides good screening to the transport depot. However there is not screening at ground level between tree trunks.
2. The landowner has not complied with the planning condition requiring a minimum 3 rows of local native trees and shrubs

The landowner advised staff that he considered the existing trees provided adequate screening to the transport depot.

It is recommended that the following condition be placed on the planning approval for the shed:

Condition 8: The landowner shall install revegetation to screen the transport depot with no less than three rows of local native species and shrubs at two metre spacings between plants by 30 September 2005 and thereafter maintain the screening vegetation to the satisfaction of the Shire.

The officer recommended resolution be altered to:

SD027/02/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Richards seconded Cr Price

The application for an oversize shed and lean-to on Lot 41 (#820) Rowley Road, Oakford be approved subject to the following conditions:

- 1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
- 2. The shed and lean-to are to be constructed of new materials.**
- 3. The shed and lean-to are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.**
- 4. The lean-to is to remain unenclosed unless the prior written approval of the Shire is obtained.**
- 5. No direct discharge of stormwater into watercourses or drainage lines is permitted.**
- 6. All stormwater from roofs and hardstand areas are to be disposed of on-site.**
- 7. Only materials identified in the schedule of colours, materials and finishes, submitted 17 December 2004, are to be used in the construction of the shed and lean-to unless the prior written approval of the Shire is obtained.**
- 8. The landowner shall install revegetation to screen the transport depot with no less than three rows of local native species and shrubs at two metre spacings between plants by 30 September 2005 and thereafter maintain the screening vegetation to the satisfaction of the Shire.**

CARRIED 9/0

SD028/02/05 PROPOSED RURAL WORKER'S DWELLING AND RURAL USE (KEEPING AND REARING OF LIVESTOCK) - LOT 14 RICHARDSON ROAD, SERPENTINE (P02663/02)		
Proponent:	NA Guest	In Brief An application has been received for a proposed rural worker's dwelling and rural use on Lot 14 Richardson Road, Serpentine. The application has coincided with Amendment No. 127 to the Scheme being gazetted, which introduces new provisions for the consideration of additional dwellings on 'Rural' zoned land. As the application does not comply with the new provisions of the Scheme introduced through Amendment No. 127, it is recommended for refusal.
Owner:	JMW & TS & CD Guest	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	15 February 2005	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: JMW & TS & CD Guest
 Owner's Address: PO Box 113, Serpentine WA 6125
 Applicant: NA Guest
 Applicant's Address: PO Box 113, Serpentine WA 6125
 Date of Receipt: 5 November 2004
 Advertised: N/A
 Submissions: N/A
 Lot Area: 6.2336ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Farmlet
 Rural Strategy Overlay: Townsite Urban Expansion Investigation Area
 Future Structure Planning/Investigation Area
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 1 December 2004

Background

An application has been received for a proposed rural worker's dwelling and rural use (keeping and rearing of livestock) on Lot 14 Richardson Road, Serpentine. The application has coincided with Amendment No. 127 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") being gazetted, which introduces new provisions for the consideration of additional dwellings on 'Rural' zoned land. The amendment was undertaken to bring the Shire's Scheme into conformity with Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*) regarding additional dwellings on 'Rural' zoned land. The amendment introduces new provisions to the Scheme regarding minimum land area, density, location and the intended purpose of additional dwellings. The amendment also reflects recommendation No. 8 of the Rural Strategy review completed in 2003.

As the application does not comply with the new provisions of the Scheme introduced through Amendment No. 127, it is recommended for refusal. Refusal is recommended on the basis that the proposed rural use, entailing the keeping and rearing of 12 sheep, two goats and two cattle, is not sufficient to justify the need for a dedicated rural worker and hence a separate dwelling.

A copy of the proposal including site plan, floor plan and elevations is with the attachments marked [SD028.1-02-05.tif](#).

Sustainability Statement

Effect on Environment: The proposed rural worker's dwelling is considered to have an adverse impact on the environment. While the proposal will not involve the clearing of any remnant vegetation, the need for an additional dwelling on the land for a rural worker is not considered justified given the low level nature of the proposed rural use. Accordingly, the resulting spread of built development across the subject land if two dwellings were permitted without justification is considered to detract from the rural environment.

Resource Implications: Permitting two dwellings on the subject land without suitable justification is not considered appropriate in terms of minimising resource use within the Shire.

Use of Local, renewable or recycled Resources: It is uncertain whether the proposal will use locally available or produced resources. However, it could be expected that some building materials and resources will be sourced from the local area.

Social and Environmental Responsibility: It is considered that the additional dwelling, if approved without suitable justification, may create pressure for subdivision of a 'Rural' lot which is not considered socially responsible.

Social Diversity: It is considered that the proposal will not disadvantage any social groups.

Statutory Environment: Town Planning and Development Act 1928
Town Planning Scheme No. 2
SPP No. 2.5 (Agriculture and Rural Land Use Planning)

Policy/Work Procedure Implications: There are no work procedures/policy implications directly related to this application/issue.

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

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

- 1. People and Community**
Objective 1: Good quality of life for all residents
Strategy:
 4. Respect diversity within the community.
- 2. Environment**
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategy:
 1. Increase awareness of the value of environmental requirements towards sustainability.
- 3. Economic**
Objective 3: Effective management of Shire growth
Strategy:
 3. Integrate and balance town and rural planning to maximise economic potential.
- 4. Governance**
Objective 3: Compliance to necessary legislation
Strategy:
 1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: No

Comment:

The subject land, as with immediately surrounding land, is zoned 'Rural' pursuant to the Scheme. The intent of the 'Rural' zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area. Given the important land resource which the 'Rural' zone represents for the Shire, there is a restriction on subdivision below 40ha minimum lot sizes. This is to maintain the agricultural viability of such land, recognising that land fragmentation through subdivision has a detrimental impact on land capabilities.

While not a form of subdivision, additional dwellings on 'Rural' zoned lots can give the impression that separate land titles exist even though subdivision would not be possible. This can lead to pressure for subdivision, although the Scheme makes it clear that additional dwellings should not constitute Council support for further subdivision. With regard to effectively limiting this pressure for subdivision, the Scheme has introduced (through amendment No. 127) specific provisions whereby additional dwellings may be considered for approval in the 'Rural' zone. These provisions are contained under clause 5.10.3(a) of the Scheme and state:

"5.10.3(a) The Council may permit the construction of an additional dwelling on a lot within the Rural Zone provided that:-

- (i) the lot has a land area of not less than 4 hectares; and*
- (ii) the total number of dwellings on the lot will not exceed two; and*
- (iii) the additional dwelling is to be used for the purposes of a rural worker's dwelling as defined in Appendix 1 of the Scheme; and*
- (iv) the additional dwelling is located within close proximity of the existing dwelling on the lot as determined by the Council and shares all services where practical."*

While the application generally fulfils provisions (i), (ii) and (iv) above, it does not meet provision (iii) with regard to it being used for a rural worker's dwelling. In allowing the establishment of a rural worker's dwelling, the Scheme determines that an existing or proposed rural use for the land must be of a scale which necessitates the need for a full-time rural worker. The Scheme does not set any thresholds in this respect, leaving the responsibility for suitable justification on the applicant.

In the case of the application for Lot 14 Richardson Road, Serpentine, the proposed rural use involving the keeping and rearing of 12 sheep, two goats and two cattle is not considered sufficient to justify the need for a dedicated rural worker and hence a separate dwelling. On this basis the application is recommended for refusal.

Voting Requirements: Normal

SD028/02/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

Council refuses the development application dated 5 November 2004 for a proposed rural worker's dwelling and rural use (keeping and rearing of livestock) on Lot 14 Richardson Road, Serpentine for the following reasons:

- 1. The proposed additional dwelling does not satisfy the requirements of clause 5.10.3(a)(iii) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*), in that the proposed rural use (involving the keeping and rearing of 12 sheep, two goats and two cattle) is not of a sufficient scale to justify the need for a dedicated rural worker and hence a separate dwelling.**
- 2. Approval of the application would set an undesirable precedent for other such applications which do not comply with Town Planning Scheme N^o 2 and WA Planning Commission policies, and this is not recommended for reasons of proper and orderly planning.**
- 3. Approval of the application may generate pressure for the WA Planning Commission to support subdivision of the subject land, which is not currently permitted pursuant to Town Planning Scheme No 2 and the Shire's Rural Strategy.**

CARRIED 9/0

SUPPLEMENTARY INFORMATION

It should be noted that amendment No. 127 which introduced the new provisions to the Scheme regarding additional dwellings in the 'Rural' zone was formally gazetted after the date to which application had been made for Lot 14 Richardson Road. Specifically, gazettal of the amendment took place on 14 December 2004 whereas application had been made previous to this on 5 November 2004. Notwithstanding this delay, the Scheme amendment had been initiated by Council on 28 October 2002 and therefore was a seriously entertained planning proposal, which needed to be considered even prior to its formal gazettal and force of law. Therefore, while the application had been made prior to formalising the amendment, it is still clear that it needed to be given due regard in initial assessment of the application.

SD029/02/05 PROPOSED EXTRACTIVE INDUSTRY - LOT 6 SHALE ROAD, CARDUP (P05917/02)		
Proponent:	Statewest Surveying and Planning	<p>In Brief</p> <p>To consider a request to undertake an extractive industry for Shale on the above property.</p> <p>It is recommended that planning approval be granted subject to conditions.</p>
Owner:	Austral	
Officer:	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	17 December 2004	
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	

Owner: Austral
 Owner's Address: Locked Bag 100, Midland 6056
 Applicant: Statewest Surveying and Planning
 Applicant's Address: PO Box 1377, Midland WA 6936
 Date of Receipt: 3 October 2003 (pending receipt additional information)
 Additional information received in July, September and October 2004.

Advertised: Advertised 19 October to 10 November 2004.
 Submissions: 3 submissions received.
 Lot Area: 13.9 hectares
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: Raw Materials Extraction
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 17 November 2004

Background

This property is currently vacant and is used for grazing.

The applicant has provided the following information in relation to the proposal:

"The excavation proposals are shown on the attached plan (Plan A). The depth of overburden is 1.5m average, and the depth of the shale approximately 18 metres. Access and egress to the site will be from Shale Road, then to the South Western Highway. Shale Road has a sealed pavement. There are no improvements on the land. There are no service utilities, easements or other encumbrances on the land. There are three minor winter creeks on the land, draining to the west. There is a further creek on or adjacent to the southern boundary. There are existing perimeter fences and entry gates. Warning signs exist due to the excavation on (former) Lot 10, which is adjacent to the south.

The development of the site will take place in three stages from south to north. The initial southern stage will provide for an area to the east for the stockpiling of the stripped topsoil, whilst excavated material will be stockpiled in the south west corner. Excavation could extend up to 10 years, in three staged areas.

The stages correspond to areas between the existing winter creeks, and may each take 3-4 years of excavation.

The excavation program will begin with the clearing and stockpiling of the topsoil and overburden to the eastern side of the site. The excavation of the shale will be by a dozer ripping and track rolling the surface, with scrapers then picking up the material to a stockpile on the western side.

There will be no onsite processing.

The proposed total area of excavation will be between 7.5 and 8 hectares.

Each of the three excavation areas vary in depth between 3 metres and 18 metres including overburden.

Each of the three excavation areas would yield about 150,000m³.

Excavation depth would vary, but the peak to a self draining floor level would be a maximum of 18 metres.

The overburden is about 1.5 to 2 metres in depth and will provide 65,000m³ loose for each of the three stages. This overburden is soil and lateritic gravel.

The annual excavation will be about 45,000m³ and that each stage would last between 3-4 years with a total project life of approximately 10 years based on current excavation and manufacturing projections.

Access to the site is by Shale Road from the South Western Highway. Shale Road is sealed to a suitable width in the east/west direction, but is not constructed in the north/south link to the property. The north/south section will be constructed to an all weather surface (not sealed) and culverts placed where creek crossings are required. Internal access roads will be to a gravel standard with appropriate widths for passing trucks. Water trucks will be used if dust becomes an issue at any time.

The area will be re-contoured after excavation to facilitate grazing uses. This will involve the re-contouring of the banks and drainage channels. Stockpiled topsoil will be spread and the area reseeded for pasture. A general concept plan of the rehabilitated area is shown, but there could be changes as site conditions experienced during excavation may create different land shapes.

Experience has shown it is difficult to progressively rehabilitate areas that are being worked. This project is divided into three cells, and when excavation on one cell has been completed, rehabilitation can be initiated on that cell while the next area is being worked. Rehabilitation will therefore progress from south to north.

The shale material is very stable as experience in adjoining pits demonstrate. Working faces will be established in conformity with Department of Industry and Resources practice, and in the deeper areas may be stepped.

The site will be maintained in a neat and tidy condition during the excavation process and site provisions; fuel tanks, storage shed etc will be cleared at the completion of the works.

There will be no site processing, and no storage of fuel on site. Earthmoving equipment is provided by contractors who refuel from tankers who come to the site. Fuel is delivered by tanker, usually late in the afternoon, scrapers, dozers etc line up on the haul road within an area that is appropriately bunded as a catchment area if a spill occurs. All Caterpillar machines are pressure fed onto a special fuel coupling (spills are almost impossible).

We consider the particular values of the site to be the shale deposit, which is identified in the Basic Raw Materials Strategy and the Rural Strategy. The availability of this resource, which is critical to the brick manufacturing industry is quite limited, and this site has long been identified for excavation works.”

A copy of the excavation proposal of the site is with attachments marked [SD029.1-02-05.tif](#).

Sustainability Statement

Effect on Environment:

Vegetation

The Environmental Officer advises that it is recommended that the proposal be supported subject to agreement with the Department of Environment in relation to the buffer from the water course. A number of conditions should be imposed on the planning approval, rather than on the extractive industry licence.

The applicant advises:

“There is limited vegetation on the site, which has been utilised extensively for grazing in the past. The majority of the vegetation is along the watercourses, and that vegetation will remain.

Substantial tree planting has occurred along the western boundary of the site in preparation for excavation works. This tree planting provides a very effective visual screen from the South Western Highway, and will be maintained and enhanced if required.”

A copy of the cross sections of the site is with the attachments marked [SD029.2-02-05.tif](#).

The applicants have made a submission to the Department of Environment (DoE) for the necessary approvals to clear native vegetation on the property.

Revegetation

The applicant advises:

“Clumps of trees to create the parkland pasture are to be located onsite. These should be planted in clumps at a rate of 50 stems per hectare.”

Fauna

The applicant had advised that the WA Museum would assess the site for black cockatoo habitats. No further information has been submitted from the applicant in relation to this assessment by the WA Museum.

The applicant advises:

“Quartz outcrop

This area remains tree covered, and cannot be realistically excavated. The excavated area is structured around this feature.

Water course

The northern watercourse that follows the eastern boundary and then crosses the lot. The vegetation associated with this watercourse will be retained.

20 metre buffers will be maintained on either side of the creek line. We note that your policy states 40 metres, but do not see the need with these minor creeks. A 40 metre setback would virtually make the quarry unviable, and not reasonable as the site has long been identified as a Resource area, and screen planting and site preparation managed in preparation of these works.

The excavation will affect the catchment areas of the creek lines – the northern and southern creeks had relatively small catchments anyway, whilst the central creek loses all catchment and is proposed to be removed. It is not proposed to retain the central minor creek line, as it loses catchment, and would project above the excavated floor by several metres. The expressed concern is some vegetation loss, and some replacement planting will take place while maintaining pasture use.”

Department of Environment (DoE)

DoE advises:

“That the adjacent western lot contains a declared rare flora. A field investigation of the site should be undertaken in conjunction with a search from the Department of Conservation and Land Management’s database prior to any clearing. If identified on the property these species should be protected pursuant to the provisions of the Wildlife Conservation Act 1950. However, should the proponent address the above concerns then DoE would have no objection to the proposal.”

DoE has advised that it is prepared to accept a 30 metre buffer from the stream line in consideration of the lack of vegetation in the area. A condition has been requested relating to the preparation of a Water Management Plan for the development.

Other conditions have been recommended in relation to declared rare flora survey, drainage management plan and water quality monitoring program and advice notes relating to groundwater abstraction and works approval.

Rehabilitation

The applicant advises:

“Topsoil will be removed and stockpiled on the site. This soil will be respread on the edges of the re-contoured areas by front-end loader and grader. Additional seed will be applied as appropriate to ensure pasture growth to bind the soil and provide both aesthetic and practical cover. Tree planting will take place to the extent that a “parkland cleared” environment will be created.

The rehabilitation of the site will take place generally as follows:

Pasture – this would be a recreation of the existing land use, albeit with a modified topography. The banks would be made no steeper than 1 in 5 and topsoil spread and seeded as required, creating what is generally considered as “parkland cleared” land.

Where insufficient pasture seed is present in the topsoil, additional seed is to be applied at the rates and species recommended by a consultant or the Department of Agriculture. Advice on fertilizer to be applied is to be similarly sourced.

The remediation bond needs to reflect the value of the remediation works, and that this needs to be negotiated. The works required after excavation of shale are:

*side slopes earthworks
respreding topsoil and grassing
parkland tree planting.*

This is estimated to cost about \$15,000 per stage.”

It is recommended that a condition be included on the planning approval requiring the payment of a bond for each stage, prior to the commencement of that stage. This will ensure that the revegetation and rehabilitation works are undertaken for each stage.

Drainage

The applicant advises:

“We engaged McDowall Affleck, consulting engineers to calculate the capacity required for the proposed stormwater detention basins. Their calculations for each of the basins, the volume consists of two components – a stormwater runoff volume for a 1 in 100 year storm, and a water quality volume. It is considered that this level of storage capacity is adequate to maintain water quality prior to discharging into the creek lines. The size of the basins can be accommodated within the excavation area.

Cut off drains will be established above the works and channelled either to the pit drainage basins or to smaller basins before entering the creek lines. It is not anticipated that these drains will be affected by the excavation works however, a system will be established to ensure only “settled” water enters the creek system.

Drainage basins are provided at the low point of the three stages of excavation where runoff can “settle” before entering the stream system. The settlement basins will be appropriately sized on advice from our engineers. As part of the post excavation rehabilitation, the basins will be re-contoured to minimum grades.

Water Quality

It would seem appropriate to establish as the benchmark of water quality, the standard where the streams enter the property. In this regard, it should be noted that the southern stream may be affected by the adjacent landfill site, and that the “exit” monitoring should be separated from that influence.

In some circumstances it may not be possible to maintain the same water quality exiting the site as is monitored at entry. These circumstances will occur when there are periods of exceptionally heavy rains over short periods and virtually no system could cope. In these circumstances there would be some turbidity in the stream.

The property boundary crosses an existing pool on the southern creek line. The Austral property is clear farming land and as a consequence does not accept responsibility for the current state of the “pond”. The only drainage from the proposed excavation into the southern stream is from a cut-off drain above the stage 1 excavation area, which would not be affected by excavation.”

The Environmental Officer advises that it is possible to ensure water quality is maintained and stormwater systems should be designed to cope with 1:100 year rain events.

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

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

Economic Benefits: The extractive industry, once operating, has the potential to create employment opportunities for residents in the Shire.

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

Statutory Environment: Metropolitan Region Scheme (MRS)
Town Planning and Development Act
Local Government Act
Extractive Industries Local Law

Planning approval for the extractive industry is required from the Western Australian Planning Commission (WAPC) under the MRS and from the Shire under the Town Planning Scheme.

State or Regional Significance - MRS Clause 32 Resolution

The WAPC has resolved under MRS Clause 32 to call-in any application for development in the Rural zone which includes:

an extractive industry.

Approval for an extractive industry is required from the Western Australian Planning Commission under the Metropolitan Region Scheme. The proposal has been referred to the WAPC by the Shire.

Town Planning Scheme No. 2 (TPS 2)

The subject land is zoned "Special Use" in Town Planning Scheme N^o 2. The permitted uses in this zone for the subject lot include:

"Extraction and storage of Shale and Clay and manufacture, storage and distribution of Masonry and related products"

Clause 6.2.1(c) states that Council shall give public notice of the following matters in accordance with Clause 6.3:

"(c) any application for planning consent of which the Council decides public notice should be given."

The proposal was advertised for public comment to adjoining and surrounding landowners in the area.

Local Laws – Extractive Industries

The landowner is required to comply with the Shire's Local Laws relating to Extractive Industries as outlined below:

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 *A person must not carry on an extractive industry -*
- (a) unless the person is the holder of a valid and current licence; and*
 - (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*
- Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.*

APPLICANT TO ADVERTISE PROPOSAL

- 2.2 (1) *Unless the local government first approves otherwise, a person seeking the issue of a licence must, before applying to the local government for a licence -*
- (a) forward by registered mail a notice in the form determined by the local government from time to time to -*
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising*

- of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government.*
- (ii) *every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and*
- (b) *as soon as practicable after complying with the requirements of paragraph (a) -*
- (i) *forward a copy of the notice to the CEO; and*
- (ii) *publish the notice in a newspaper circulating in the area in which the proposed excavation is located.*
- (2) *The local government may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices -*
- a) *in the form determined by the local government from time to time;*
- b) *the content, size and construction of which have been approved by the CEO;*
- c) *specifying particulars of the proposed excavation; and*
- d) *inviting objections or comments within 21 days from the placement of the notice.*

APPLICATION FOR LICENCE

- 2.3 (1) *Subject to subclause (3), a person seeking the issue of a licence in respect of any land must apply in the form determined by the local government from time to time and must forward the application duly completed and signed by both the applicant and the owner of the land to the CEO together with –*
- (a) *3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing -*
- (i) *the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;*
- (ii) *the land on which the excavation site is to be located;*
- (iii) *the external surface dimensions of the land;*
- (iv) *the location and depth of the existing and proposed excavation of the land;*
- (v) *the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;*
- (vi) *the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;*
- (vii) *the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;*
- (viii) *the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;*
- (ix) *the location and description of existing and proposed fences, gates and warning signs around the land; and*
- (x) *the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;*
- b) *Three copies of a works and excavation programme containing -*
- (i) *the nature and estimated duration of the proposed excavation for which the licence is applied;*

- (ii) *the stages and the timing of the stages in which it is proposed to carry out the excavation;*
 - (iii) *details of the methods to be employed in the proposed excavation and a description of any on-site processing works;*
 - (iv) *details of the depth and extent of the existing and proposed excavation of the site;*
 - (v) *an estimate of the depth of and description of the nature and quantity of the overburden to be removed;*
 - (vi) *a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;*
 - (vii) *a description of the means of access to the excavation site and the types of thoroughfares to be constructed;*
 - (viii) *details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;*
 - (ix) *a description of any proposed buildings, treatment plant, tanks and other improvements;*
 - (x) *details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;*
 - (xi) *a description of the measures to be taken to minimise dust nuisance, erosion, watercourse siltation and dangers to the general public;*
 - (xii) *a description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;*
 - (xiii) *a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;*
 - (xiv) *details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and*
 - (xv) *a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;*
- (c) *Three copies of a rehabilitation and decommissioning programme indicating -*
- (i) *the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;*
 - (ii) *whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;*
 - (iii) *how any face is to be made safe and batters sloped;*
 - (iv) *the method by which topsoil is to be replaced and revegetated;*
 - (v) *the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;*
 - (vi) *how rehabilitated areas are to be maintained; and*
 - (vii) *the programme for the removal of buildings, plant, waste and final site clean up;*
- (d) *evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;*
- (e) *a certificate from a licensed surveyor certifying the correctness of -*
- (i) *the plan referred to in paragraph (a); and*
 - (ii) *the datum peg and related point referred to in paragraph (d);*
- (f) *evidence that the requirements of clause 2.2(1) and (2) have been carried out;*

- (g) *copies of all land use planning approvals required under any planning legislation;*
 - (h) *the consent in writing to the application from the owner of the excavation site;*
 - (i) *evidence that a notice of clearing has been given to the Commissioner of Soil and Land Conservation if that is required under regulation 4 of the Soil and Land Conservation Regulations 1992;*
 - (j) *any other information that the local government may reasonably require; and*
 - (k) *the licence application fee specified by the local government from time to time.*
2. *All survey data supplied by an applicant for the purpose of sub clause (1) must comply with Australian Height Datum and Australian Map Grid standards.*
3. *The local government may exempt a person making application for a licence under subclause (1) from providing any of the data otherwise required under subclause (1), if, in the opinion of the local government, the location and size of the proposed excavation are such that no significant adverse environmental affects will result therefrom.*

Although, planning approval is required from Council and the WAPC, an extractive industry licence is also required to be issued by the Shire. A further report will be presented to Council to consider granting an extractive industry licence, once planning approval has been granted by the Shire and WAPC.

Policy/Work Procedure
Implications:

Landscape Protection Policy Area.

The objectives of this policy are:

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

Financial Implications:

If planning approval is granted, an extractive industry licence and fee is required to be paid.

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.

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Support/Object: Submissions received are outlined below:

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
Submission 1 - Joint submission (various owners) A152000	1. Greatly concerned that the mining operation will constitute yet another blight on the landscape (nearby rubbish tip with offensive odours and motorcycle racing circuit	1. The submitted plans indicate that the extractive industry will be located behind the crest of a hill and should not be visible from the South Western Highway and the coastal plain. A row of	Comments noted. A number of conditions will be imposed on the planning approval to address the issues raised.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
<p>A151500</p> <p>A151901</p> <p>A152100</p> <p>A152701</p> <p>A152200</p> <p>A152400</p> <p>A152300</p>	<p>with the noisy loud speaker system and possible plastic factory adjacent to the brickworks).</p> <p>2. There is no specific detailed undertaking to establish an effective buffer zone of trees along the eastern and northern side of the excavation areas.</p> <p>3. The buffer zone should be 30 metres wide and consist of 6 rows of densely planted vegetation. The innermost row should consist of rapidly growing acacia species.</p> <p>4. All vegetation should be planted before the commencement of any excavation work. It should not be done stage by stage. One early single planting</p>	<p>mature trees and shrubs has been previously planted on the western boundary of the lot which will also provide additional screening to the property.</p> <p>2. The applicant has not provided any details regarding additional revegetation of the buffer areas of the property, other than stating that existing mature trees exist on the western boundary of the lot and that this planting could be enhanced if necessary. The edge of the excavation is setback 20 metres from the eastern western, northern and southern boundaries and also from the central creek. A revegetation plan will need to be submitted for approval by the Shire to ensure that there is adequate revegetation of the buffer areas around the edge of the extractive industry on all boundaries. Tree planting will need to be undertaken on an ongoing basis as each stage progresses.</p> <p>3. The extractive industry is setback 20 metres from the property boundaries in accordance with Council's Extractive Industry Local Laws. The revegetation will consist of native tree and vegetation plantings.</p> <p>4. The submission is noted and will be addressed as a planning condition. The landowners will be required to lodge a bond prior to the</p>	

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>operation would enable greater growth and greater protection when stages 2 and 3 commence. The excavation should not commence until the buffer zone trees are of a reasonable size.</p> <p>5. Rehabilitation of each zone of excavation should be commenced immediately after the excavation has concluded in that zone and before any excavation work is begun in the next zone.</p> <p>6. The figures provided in the application relating to areas of and the volume of excavated material in all three stages. It appears to be a massive volume of materials will be excavated and will result in massive recontouring of the surrounding land. The excavated area could potentially be used as landfill where there will be considerable damage to the environment.</p> <p>7. It is proposed to stockpile top soil and overburden along the eastern boundary of each of the sites. This would impinge on buffer zones of trees on the eastern side. Secondly, the piling of top soil and overburden would create a much greater likelihood of dust blowing onto properties and residences in Kiln</p>	<p>commencement of each stage to ensure that revegetation and rehabilitation works are completed for each stage.</p> <p>5. Refer to comment 4 above.</p> <p>6. The figures originally provided by the applicant stated that there were three excavation areas 45 000m³ in area. The applicants have since confirmed that each of the three excavation areas would yield approximately 150 000m³ of material, at an anticipated extraction rate of 45 000m³ per year. It is acknowledged that the development will involve the creation of a large excavation in the natural ground level. The applicant has not advised that there are any plans for this area to be used as a landfill in the future.</p> <p>7. The stockpiling of top soil and overburden will not be permitted in the buffer setback areas on the property and must be contained within the excavation areas. There is the potential for dust problems if the site is not adequately managed by the operator. A planning condition will be included to ensure that all stockpiles are adequately</p>	

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>Road. All stockpiled top soil and overburden must be adequately covered with a material that prevents wind dispersal of dust from the soil. Simply spraying the stockpiles with water would not produce an effective long term solution to dust dispersal.</p> <p>8. The Shire should regularly monitor the activity at each site to ensure all environmental requirements are being carried out. Without regular monitoring we have no confidence that these requirements will be observed.</p>	<p>covered by mulch or other materials to prevent dust blowing. The owner proposes that water trucks will be used on site as necessary to ensure that dust problems do not occur. Conditions will be imposed on the approval relating to the preparation of a dust management plan for the property.</p> <p>8. The Shire is very active in undertaking site visits to extractive industries to ensure compliance with appropriate conditions. The Shire also works closely with the Department of Environment in relation to investigation of any environmental related complaints and monitoring of licence conditions which occur annually.</p>	
<p>Submission 2 - A151800</p>	<p>Some of our concerns:</p> <p>1. What is the brickworks mining proposal.</p> <p>2. What will be done about the noise and dust problems. Noise occurs from the motocross noise on the rare occasion.</p> <p>3. Will mining and truck movements be restricted to Monday to Friday and restricted</p>	<p>1. This proposal only relates to Lot 6 Shale Road, Cardup and not the brickworks.</p> <p>2. Concerns about dust have been addressed above. Refer submission 1, comment 7 above. A condition has been included requiring that a noise management plan is prepared for the property. Noise problems associated with the motocross track are a separate issue that can be investigated by staff if any complaints are received.</p> <p>3. The activities of some mining operations and haulage times are restricted to between</p>	<p>Comments noted. A number of conditions will be imposed on the planning approval to address the issues raised.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>hours to accommodate residents enjoyment of the rural environment.</p> <p>4. What buffer conditions will apply.</p> <p>5. Will blasting be required. If so what restrictions are set.</p> <p>6. Rehabilitation should occur as soon as each stage is completed. This was to ensure that the highly visible nature of the quarry was rehabilitated and funded by the landowner.</p> <p>7. This quarry will be highly visible to residents and to traffic from nearby roads. What screening requirements would be established.</p>	<p>6.00am to 6.00pm, Monday to Saturday, or as adjusted with written agreement of Council. One operator is restricted to the hours of 7.00am and 5.00pm, Monday to Saturday. Some extractive industries do not have conditions restricting the operating hours.</p> <p>It is recommended that a condition be imposed restricting the operating hours at the site to between 6.00am and 6.00pm, Monday to Saturday, unless as otherwise approved in writing by Council.</p> <p>4. A 20 metre buffer setback to the property boundaries will apply.</p> <p>5. It is not known if blasting will occur. Conditions have been imposed on the approval relating to blasting.</p> <p>6. Refer to comments above relating to rehabilitation. The Local Laws include a requirement to ensure that the land is rehabilitated by the landowner after the extractive industry operation is completed.</p> <p>7. Refer to submission 1, comments 1 above.</p>	
Submission 3 - Serpentine-Jarrahdale Residents and Ratepayers	<p>1. Believe that the times/ tonnage and other details are incorrect.</p> <p>2. Request an extension</p>	<p>1. Refer to submission 1, comment 7 above.</p> <p>2. Following a meeting</p>	<p>Comments noted. A number of conditions will be imposed on the planning approval</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/Support/Dismiss)
Association Inc.	of time to consider the proposal.	<p>with representatives of the Association to discuss the proposed development, additional information was provided confirming the revised excavation figures. No further submission has been received.</p> <p>The proposal was advertised for public comment in accordance with the provisions of Town Planning Scheme No. 2 for a period of 21 days.</p>	to address the issues raised.

Comment:

Access to the site will be via the existing sealed Shale Road to the entrance to the rubbish tip. A new sealed road will be constructed along the unconstructed road reserve (Shale Road), between the entrance to the tip and the edge of the property. The new road will include a culvert or bridge crossing of a watercourse.

All costs associated with the construction of the sealed road will be borne by the owner and included as a condition of the approval.

One winter creek traverses the property and the headwaters of a second winter creek, commence on the property. The Department of Environment has advised that they are prepared to accept a 30 metre buffer in consideration of the lack of vegetation along the watercourse with the inclusion of a management plan being prepared.

The Local Law states that a person shall not without written approval of the local government, excavate within 40 metres of any watercourse. It is recommended that based upon advice from the Department of Environment, a 30 metre setback be applied to the watercourse located between Stages 2 and 3. It is recommended that the small watercourse that commences on the property not be protected as the land has been previously cleared of vegetation and is only the headwaters of a small creek with a very small catchment.

A group of trees located around the rock outcrop (approximately 5,500m²) should also be protected and excluded from the excavation area.

Conclusion

The proposed development is supported, subject to the inclusion of a number of planning, environmental and engineering related conditions.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. The applicant be required to:
- i) Undertake a field investigation of Declared Rare Flora on the subject site in conjunction with a search of the Department of Conservation and Land Management's database prior to any clearing on the land to the satisfaction of the Department of Environment and the Shire;
 - ii) Provide advice from the WA Museum relating to the existence of any WA Black Cockatoo habitats and feeding trees on the site and measures to be undertaken by the landowner in response to the report to the satisfaction of the Shire;
 - iii) Submit revised plans to show a 30 metre setback from the edge of the watercourse on the southern boundary, a 30 metre setback from the watercourse between Stages 2 and 3 and protection of the clump of trees (approximate area of 5,500m²) located above the rock outcrop;
 - iv) Prepare a Water Management Plan to the satisfaction and approval of the Shire and Department of Environment. The management plan shall include but not limited to:
 - i) Engineering plans of the proposed drainage basins design capacity;
 - ii) Discharge details; and
 - iii) Water quality protection measures.
- B. Subject to compliance with A above to the satisfaction of Director Sustainable Development, approval be granted for an extractive industry at Lot 6 Shale Road, Cardup, subject to the following conditions:

PLANNING

1. The buffer area along the watercourse shall be fenced to clearly demarcate any site construction impacts prior to any excavation to the satisfaction of the Shire.
2. No works including stockpiles are to be exposed to the view from the South Western Highway and the Coastal Plain.
3. No extraction or stockpiling shall occur within 20 metres of any site boundary.
4. Operating hours at the property are restricted to between 6.00am and 6.00pm, Monday to Saturday, unless as otherwise approved in writing by the Shire.
5. Planning approval for the extractive industry is limited to five (5) years.
6. A performance bond for landscaping and rehabilitation works to the value of \$3 000 per hectare of disturbed ground shall be paid to the Shire, prior to the commencement of each stage. Subject to compliance with the completion criteria set out in the approved Biodiversity and Landscape Management Plan to the satisfaction of the Director Sustainable Development, the bond will be returned.
7. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire that screen planting in the 20 metre buffer area has been established to the satisfaction of the Shire.
8. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.
9. The landowner must complete the rehabilitation and revegetation of Stage 2 to the satisfaction of the Shire within two years of commencing excavation of Stage 3.
10. Stage 3 must be rehabilitated and revegetated within two years of the cessation of extraction from Stage 3.

ENGINEERING

11. At the completion of each stage of mining operations, the landowner shall ensure that all rock faces, non operational stock piles and bund walls are safe and stable and

- must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.
12. Satisfactory arrangements being made with the Shire for the construction and drainage of Shale Road from the end of the existing road, with a cul-de-sac head treatment and a crossing on Shale Road being constructed over the creek, to satisfaction of the Director Asset Services. Technical drawings and detailed specifications of all proposed road and drainage works being approved by the Shire prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Shire regarding the required form of the constructional drawings.
 13. Street lighting being provided along Shale Road to the satisfaction of the Director Asset Services.
 14. The detention basins shall not be sloped towards the watercourse. The detention basin shall be designed based on a Flood Average Recurrence Interval (ARI) of 1 in 100 years to the satisfaction of the Director Asset Services.
 15. The landowner shall prepare an ongoing management plan for the long term monitoring and maintenance of the stormwater basin to the satisfaction of the Director Asset Services.

ENVIRONMENTAL

General:

16. Where extractive industry activities involve the use of machinery including stockpiling, the use of access ways, storage and haulages, are located within close proximity (30 metres) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.

Water Quality:

17. The approved Water Management Plan shall be implemented in its entirety.
18. The developer shall ensure that all surface water that is discharged from the site including runoff from access tracks and roadways and any other unvegetated areas, other than water flowing within undisturbed natural water courses or directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials.
19. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams.
20. The landowner shall ensure that the Water Quality in natural water courses at locations directly downstream of any point where water directly or indirectly discharges from areas of the site where the natural surface has been disturbed, is within 10% variation of the Water Quality in the water course immediately upstream of any such discharge point.
21. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least one of those readings being taken within two hours after a significant (25mm) rainfall event and are to be analysed for total suspended solids and hydrocarbon concentrations at an accredited laboratory.
22. On receipt of water sample data which is non compliant with the target levels set out in condition 17, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence.

23. The landowner is to ensure that there are no interruptions or obstructions to the flow of the natural watercourse in accordance with the approved site plan and Water Management Plan as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation.

Biodiversity Management:

24. Prior to the commencement of site works, the landowner shall prepare a Biodiversity and Landscape Management Plan for Director Sustainable Development approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety.
25. Revegetation of bushland and riparian habitats is to:
- a) Be with locally occurring native plant species;
 - b) Achieve a minimum survival of 500 locally native tree stems and 9,500 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - c) Achieve plant diversities of at least 60% of the plant diversities at agreed natural community reference sites and achieve at least 5 species per 100 square metres;
 - d) Be managed adaptively to approximate the community structures of agreed natural community reference sites for the period of extractive industry activities on Lot 6 Shale Road and for a minimum of three years after complying with the density target above; and
 - e) Maintain a weed burden at levels not likely to threaten the native species;
26. Revegetation and maintenance of parkland cleared land is to achieve:
- a) Stable soils resistant to wind erosion;
 - b) A 90% cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds; in rehabilitated areas throughout the period of extractive industry activities on site and for a minimum of three years from commencement of that stage of rehabilitation.
27. Revegetation of shallow water habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre.
28. The landowner shall control declared weeds throughout the site to the satisfaction of the Director Sustainable Development.
29. The landowner is to maintain a 20 metre buffer between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20 metre buffer of all property boundaries in accordance with the approved Biodiversity and Landscape Management Plan.
30. The landowner shall not disturb the following areas as marked in red on the approved plans other than for the establishment and maintenance of essential fire breaks and for approved habitat/biodiversity management:
- a) 30 metres either side of the natural surface water course that flows from the north eastern side of the property across the centre of the site and exits at the mid point of the western boundary of the site;
 - b) 30 metres either side of the natural surface water course and constructed wetland/dam that flows across the south eastern boundary of the site and adjacent to the southern boundary of the site;
 - c) an area measuring 5 500m² around a clump of trees located on and around a rock outcrop in the central at the southern end of the site; and
 - d) 20 metres along the western boundary.

Dust:

31. Prior to commencement of excavation a Dust Management Plan shall be prepared and approved by the Director Sustainable Development. The approved Dust Management Plan is then to be implemented in its entirety.
32. The landowner shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons.
33. The landowner shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism is used to prevent dust nuisance.

Noise:

34. Prior to commencement of any on-site works the landowner shall prepare a Noise Management Plan for approval by the Director Sustainable Development. The approved Noise Management Plan shall be implemented in its entirety.
35. The landowner must notify the Director Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site. Blasting shall only take place between the hours of 8am and 5pm Monday to Friday only.
36. The landowner shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.
37. The landowner shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure.
38. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;
 - d) The landowner shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence.
39. The landowner shall take all measures to ensure noise from machinery and vehicles comply with the Environmental Protection (Noise) Regulations 1997.

Hazardous Chemicals:

40. Environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises

exceeds 250 litres) shall be stored within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound.

41. The landowner shall not store, or permit to be stored without approval of the Director Sustainable Development, any explosives or explosive devices other than in accordance with Department of Industry and Resources requirements.
42. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine Jarrahdale.
43. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
44. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
45. Mining and other industrial equipment is not to be stored on site unless it is required for approved operations on Lot 6 Shale Road, and written approval has been granted from the Director Sustainable Development.

Minimal Impact Management:

46. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
47. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
48. Preparation of an Emergency Management Plan that addresses emergency response, access/egress and water supplies must be completed to the satisfaction of the Shire prior to excavation commencing.

Advice Notes:

Planning:

1. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
2. Approval is required to be obtained from the Western Australian Planning Commission pursuant to the requirements of the Metropolitan Region Scheme.
3. The landowner must comply with all provisions of the Shire's Extractive Industry Local Laws.

Water Quality:

4. For the purpose of condition 20, "Quality" refers to the concentrations of total suspended solids, hydrocarbons and pH.
5. The Water Management Plan is to include text and diagrams that detail:
 - a) The amounts of storm water runoff in 10 year, 50 year and 100 year storm events;
 - b) The capacities, designs and locations of proposed detention basins and settlement ponds;
 - c) The projected residence times of surface waters within detention basins and settlement ponds in relation to their abilities to retain water on site during storm events;
 - d) The designs and locations of other pollution control infrastructure including bunds to meet water retention and quality conditions;
 - e) Proposed management of existing natural water courses;
 - f) Where water is discharged from the site along natural water courses, a water sampling program describing the sample sites, and work site operational

- procedures for collecting samples, sending them for analysis, storing the data and notifying the Director Sustainable Development if required.
6. The written report in relation to condition 22 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.

Environment:

7. The Department of Environment advises:
- a) The property is located within the Serpentine Groundwater Area where there are issues of water quality and availability. Whilst there is a current groundwater licence held by the proponent, any proposed increase in groundwater draw as a result of the proposed expansion will require a licence amendment.
 - b) No on-site processing or screening of raw materials is proposed. However, if on-site processing is to be undertaken a Works Approval will first need to be obtained from DoE.
8. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
- a) Include a statement of biodiversity values on the premises;
 - b) Identify threats to and pressures on biodiversity values;
 - c) Include a commitment to strategies to be implemented by the landowner to protect biodiversity values from the identified threats and pressures;
 - d) Include at least one scaled map of the premises which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole premises;
 - e) Illustrate and describe land contours at proposed stages of the development including prior to development and following completion of extractive industry activities;
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;
 - g) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - h) For areas outside bushland, locate on the map and describe the management of mature dead standing trees that may have hollows;
 - i) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - j) Locate on the map and describe all end point vegetation types for example local bushland, agricultural parkland cleared, visual screening, aquatic and riparian.
 - k) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
 - l) Describe the community structures, species compositions and diversities of naturally growing reference communities for each endpoint community to be reinstated;
 - m) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
 - n) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
 - o) Locate fire breaks on the map.
 - p) Provide time frames for stages of proposed industry operations;
 - q) Include copies of any necessary State Government approvals for clearing. (BM1)

- r) Detail the establishment of screening vegetation with the 20 metre buffer area to all property boundaries.

Dust:

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

Noise:

- 10. The Noise Management Plan is to consist of text and diagrams and include-
An acoustic consultants report that identifies:
 - a) All potential sources of noise;
 - b) Shows noise contours;
 - c) Details proposed noise management measures for each source which may include monitoring, buffers and vegetation or other screening;Details of complaints management that identifies:
 - a) Potential sources of complaints including local residences;
 - b) Procedures to both document and address complaints with complainants and regulatory authorities.
- 11. The written report in relation to condition 38(d) is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 36, why the non compliant levels were recorded and how the landowner has adjusted operations to ensure that it does not occur again.
- 12. The landowner is encouraged to develop and implement an environmental management system (EMS) using the conditions on this approval as targets.
- 13. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
- 14. The compounds described in condition 40 shall:
 - be graded or include a sump to allow recovery of liquid;
 - be chemically resistant to the substances stored;
 - include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
- 15. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt.

Committee Recommended Resolution:

That item SD029/02/05 be deferred to the February Ordinary Council meeting in order for the applicant to be invited to address Council with respect to the progression of extraction throughout their various holdings.

SD029/02/05 COUNCIL DECISION/Officers Recommended Resolution

Moved Cr Wigg seconded Cr Murphy

A. The applicant be required to:

- i) Undertake a field investigation of Declared Rare Flora on the subject site in conjunction with a search of the Department of Conservation and Land Management's database prior to any clearing on the land to the satisfaction of the Department of Environment and the Shire;**
- ii) Provide advice from the WA Museum relating to the existence of any WA Black Cockatoo habitats and feeding trees on the site and measures to be undertaken by the landowner in response to the report to the satisfaction of the Shire;**
- iii) Submit revised plans to show a 30 metre setback from the edge of the watercourse on the southern boundary, a 30 metre setback from the watercourse between Stages 2 and 3 and protection of the clump of trees (approximate area of 5,500m²) located above the rock outcrop;**
- iv) Prepare a Water Management Plan to the satisfaction and approval of the Shire and Department of Environment. The management plan shall include but not limited to:
 - i) Engineering plans of the proposed drainage basins design capacity;**
 - ii) Discharge details; and**
 - iii) Water quality protection measures.****

B. Subject to compliance with A above to the satisfaction of Director Sustainable Development, approval be granted for an extractive industry at Lot 6 Shale Road, Cardup, subject to the following conditions:

PLANNING

- 1. The buffer area along the watercourse shall be fenced to clearly demarcate any site construction impacts prior to any excavation to the satisfaction of the Shire.**
- 2. No works including stockpiles are to be exposed to the view from the South Western Highway and the Coastal Plain.**
- 3. No extraction or stockpiling shall occur within 20 metres of any site boundary.**
- 4. Operating hours at the property are restricted to between 6.00am and 6.00pm, Monday to Saturday, unless as otherwise approved in writing by the Shire.**
- 5. Planning approval for the extractive industry is limited to five (5) years.**
- 6. A performance bond for landscaping and rehabilitation works to the value of \$3 000 per hectare of disturbed ground shall be paid to the Shire, prior to the commencement of each stage. Subject to compliance with the completion criteria set out in the approved Biodiversity and Landscape Management Plan to the satisfaction of the Director Sustainable Development, the bond will be returned.**
- 7. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire that screen planting in the 20 metre buffer area has been established to the satisfaction of the Shire.**
- 8. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.**

9. The landowner must complete the rehabilitation and revegetation of Stage 2 to the satisfaction of the Shire within two years of commencing excavation of Stage 3.
10. Stage 3 must be rehabilitated and revegetated within two years of the cessation of extraction from Stage 3.

ENGINEERING

11. At the completion of each stage of mining operations, the landowner shall ensure that all rock faces, non operational stock piles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.
12. Satisfactory arrangements being made with the Shire for the construction and drainage of Shale Road from the end of the existing road, with a cul-de-sac head treatment and a crossing on Shale Road being constructed over the creek, to satisfaction of the Director Asset Services. Technical drawings and detailed specifications of all proposed road and drainage works being approved by the Shire prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Shire regarding the required form of the constructional drawings.
13. Street lighting being provided along Shale Road to the satisfaction of the Director Asset Services.
14. The detention basins shall not be sloped towards the watercourse. The detention basin shall be designed based on a Flood Average Recurrence Interval (ARI) of 1 in 100 years to the satisfaction of the Director Asset Services.
15. The landowner shall prepare an ongoing management plan for the long term monitoring and maintenance of the stormwater basin to the satisfaction of the Director Asset Services.

ENVIRONMENTAL

General:

16. Where extractive industry activities involve the use of machinery including stockpiling, the use of access ways, storage and haulages, are located within close proximity (30 metres) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.

Water Quality:

17. The approved Water Management Plan shall be implemented in its entirety.
18. The developer shall ensure that all surface water that is discharged from the site including runoff from access tracks and roadways and any other unvegetated areas, other than water flowing within undisturbed natural water courses or directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials.
19. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams.
20. The landowner shall ensure that the Water Quality in natural water courses at locations directly downstream of any point where water directly or indirectly discharges from areas of the site where the natural surface has been

- disturbed, is within 10% variation of the Water Quality in the water course immediately upstream of any such discharge point.
21. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least one of those readings being taken within two hours after a significant (25mm) rainfall event and are to be analysed for total suspended solids and hydrocarbon concentrations at an accredited laboratory.
 22. On receipt of water sample data which is non compliant with the target levels set out in condition 17, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence.
 23. The landowner is to ensure that there are no interruptions or obstructions to the flow of the natural watercourse in accordance with the approved site plan and Water Management Plan as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation.

Biodiversity Management:

24. Prior to the commencement of site works, the landowner shall prepare a Biodiversity and Landscape Management Plan for Director Sustainable Development approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety.
25. Revegetation of bushland and riparian habitats is to:
 - a) Be with locally occurring native plant species;
 - b) Achieve a minimum survival of 500 locally native tree stems and 9,500 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - c) Achieve plant diversities of at least 60% of the plant diversities at agreed natural community reference sites and achieve at least 5 species per 100 square metres;
 - d) Be managed adaptively to approximate the community structures of agreed natural community reference sites for the period of extractive industry activities on Lot 6 Shale Road and for a minimum of three years after complying with the density target above; and
 - e) Maintain a weed burden at levels not likely to threaten the native species;
26. Revegetation and maintenance of parkland cleared land is to achieve:
 - a) Stable soils resistant to wind erosion;
 - b) A 90% cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds; in rehabilitated areas throughout the period of extractive industry activities on site and for a minimum of three years from commencement of that stage of rehabilitation.
27. Revegetation of shallow water habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre.
28. The landowner shall control declared weeds throughout the site to the satisfaction of the Director Sustainable Development.
29. The landowner is to maintain a 20 metre buffer between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. Screening

vegetation is to be established within the 20 metre buffer of all property boundaries in accordance with the approved Biodiversity and Landscape Management Plan.

30. The landowner shall not disturb the following areas as marked in red on the approved plans other than for the establishment and maintenance of essential fire breaks and for approved habitat/biodiversity management:
- a) 30 metres either side of the natural surface water course that flows from the north eastern side of the property across the centre of the site and exits at the mid point of the western boundary of the site;
 - b) 30 metres either side of the natural surface water course and constructed wetland/dam that flows across the south eastern boundary of the site and adjacent to the southern boundary of the site;
 - c) an area measuring 5 500m² around a clump of trees located on and around a rock outcrop in the central at the southern end of the site; and
 - d) 20 metres along the western boundary.

Dust:

31. Prior to commencement of excavation a Dust Management Plan shall be prepared and approved by the Director Sustainable Development. The approved Dust Management Plan is then to be implemented in its entirety.
32. The landowner shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons.
33. The landowner shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism is used to prevent dust nuisance.

Noise:

34. Prior to commencement of any on-site works the landowner shall prepare a Noise Management Plan for approval by the Director Sustainable Development. The approved Noise Management Plan shall be implemented in its entirety.
35. The landowner must notify the Director Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site. Blasting shall only take place between the hours of 8am and 5pm Monday to Friday only.
36. The landowner shall measure and document for each blast the necessary parameters, and shall ensure that:
- a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the Environmental Protection (Noise) Regulations 1997.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.
37. The landowner shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure.
38. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
- a) the peak particle velocity from any single blast exceeds 10 millimetres per second;

- b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
- c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;
- d) The landowner shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence.

39. The landowner shall take all measures to ensure noise from machinery and vehicles comply with the Environmental Protection (Noise) Regulations 1997.

Hazardous Chemicals:

- 40. Environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) shall be stored within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound.
- 41. The landowner shall not store, or permit to be stored without approval of the Director Sustainable Development, any explosives or explosive devices other than in accordance with Department of Industry and Resources requirements.
- 42. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine Jarrahdale.
- 43. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
- 44. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
- 45. Mining and other industrial equipment is not to be stored on site unless it is required for approved operations on Lot 6 Shale Road, and written approval has been granted from the Director Sustainable Development.

Minimal Impact Management:

- 46. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
- 47. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
- 48. Preparation of an Emergency Management Plan that addresses emergency response, access/egress and water supplies must be completed to the satisfaction of the Shire prior to excavation commencing.

Advice Notes:

Planning:

- 1. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
- 2. Approval is required to be obtained from the Western Australian Planning Commission pursuant to the requirements of the Metropolitan Region Scheme.

- 3. The landowner must comply with all provisions of the Shire's Extractive Industry Local Laws.**

Water Quality:

- 4. For the purpose of condition 20, "Quality" refers to the concentrations of total suspended solids, hydrocarbons and pH.**
- 5. The Water Management Plan is to include text and diagrams that detail:**
- a) The amounts of storm water runoff in 10 year, 50 year and 100 year storm events;**
 - b) The capacities, designs and locations of proposed detention basins and settlement ponds;**
 - c) The projected residence times of surface waters within detention basins and settlement ponds in relation to their abilities to retain water on site during storm events;**
 - d) The designs and locations of other pollution control infrastructure including bunds to meet water retention and quality conditions;**
 - e) Proposed management of existing natural water courses;**
 - f) Where water is discharged from the site along natural water courses, a water sampling program describing the sample sites, and work site operational procedures for collecting samples, sending them for analysis, storing the data and notifying the Director Sustainable Development if required.**
- 6. The written report in relation to condition 22 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.**

Environment:

- 7. The Department of Environment advises:**
- a) The property is located within the Serpentine Groundwater Area where there are issues of water quality and availability. Whilst there is a current groundwater licence held by the proponent, any proposed increase in groundwater draw as a result of the proposed expansion will require a licence amendment.**
 - b) No on-site processing or screening of raw materials is proposed. However, if on-site processing is to be undertaken a Works Approval will first need to be obtained from DoE.**
- 8. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:**
- a) Include a statement of biodiversity values on the premises;**
 - b) Identify threats to and pressures on biodiversity values;**
 - c) Include a commitment to strategies to be implemented by the landowner to protect biodiversity values from the identified threats and pressures;**
 - d) Include at least one scaled map of the premises which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole premises;**
 - e) Illustrate and describe land contours at proposed stages of the development including prior to development and following completion of extractive industry activities;**
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage,**

- the provision of power and any other activities that may impact vegetation;
- g) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - h) For areas outside bushland, locate on the map and describe the management of mature dead standing trees that may have hollows;
 - i) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - j) Locate on the map and describe all end point vegetation types for example local bushland, agricultural parkland cleared, visual screening, aquatic and riparian.
 - k) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
 - l) Describe the community structures, species compositions and diversities of naturally growing reference communities for each endpoint community to be reinstated;
 - m) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
 - n) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
 - o) Locate fire breaks on the map.
 - p) Provide time frames for stages of proposed industry operations;
 - q) Include copies of any necessary State Government approvals for clearing. (BM1)
 - r) Detail the establishment of screening vegetation with the 20 metre buffer area to all property boundaries.

Dust:

9. The Dust management Plan is to include information relating to:

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

Noise:

10. The Noise Management Plan is to consist of text and diagrams and include-
An acoustic consultants report that identifies:

- a) All potential sources of noise;
 - b) Shows noise contours;
 - c) Details proposed noise management measures for each source which may include monitoring, buffers and vegetation or other screening;
- Details of complaints management that identifies:
- a) Potential sources of complaints including local residences;
 - b) Procedures to both document and address complaints with complainants and regulatory authorities.

11. The written report in relation to condition 38(d) is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 36, why the non compliant levels were recorded and how the landowner has adjusted operations to ensure that it does not occur again.

12. The landowner is encouraged to develop and implement an environmental management system (EMS) using the conditions on this approval as targets.
13. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
14. The compounds described in condition 40 shall:
 - be graded or include a sump to allow recovery of liquid;
 - be chemically resistant to the substances stored;
 - include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
15. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt.

CARRIED 7/2

Cr Kirkpatrick and Cr Wigg voted against the motion.

SD031/02/05 CONSULTATION PROCESS - PROPOSED POULTRY FARM APPLICATIONS, LOT 368 HENDERSON ROAD, LOT 5 PUNRAK ROAD, HOPELAND AND LOT 1 CASUARINA ROAD, OLDBURY (P01406/01, P00007/02, P00516/01)		
Proponent:	Dykstra Planning Consultants	In Brief Summary of public consultation to date and proposed further public consultation process with regard to the above applications. It is recommended that specific liaison between submitters and applicants be initiated and facilitated by the Shire for each of the above applications.
Owner:	Various	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	4 February 2005	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Shire is currently assessing three applications for the expansion or development of poultry (meat bird) farms being:

1. Expansion of an existing poultry farm at Lot 5 Punrak Road, Hopeland
2. Expansion of an existing poultry farm at Lot 1 Casuarina Road, Oldbury; and
3. Development of a new poultry farm on Lot 368 Henderson Road, Hopeland

All three applications have been advertised to potentially affected landowners in accordance with the provisions of Town Planning Scheme No. 2. The submission periods for each of the three applications have now closed with the following results:

1. Lot 5 Punrak Road - 11 objections
2. Lot 368 Henderson Road - 23 objections
3. Lot 1 Casuarina Road - Three objections

A summary of the issues raised in these submissions is contained in the "Community Consultation" section below.

Maps showing the location of the subject poultry farms and the origin of objections are with the attachments marked [SD031.1-02-05.tif](#).

Following the close of the public submission period the Council met with the owners and operators of the 12 poultry (meat bird) farms located within the Shire and with representatives of the Barrter/Steggles group who own the livestock grown at 11 of these 12 farms. The purpose of this meeting was for the Council to gain an understanding of the future intentions of the poultry (meat bird) industry within the Shire both from the growers and the processors perspectives.

Additionally, a public information session was held on the evening of 31 January 2005. Representatives from the WA Broiler Growers Association, the Barrter/Steggles group and the Department of Environment made presentations to the public with regard to the operation of poultry farms, developments in technology, ways the industry is seeking to address the existing amenity issues associated with these farms, the industry's future intentions for the Shire and water issues within the area containing the poultry farms.

Approximately 70 members of the public attended the information evening. Following the presentations, the audience was invited to put questions to the panel of speakers. The question and answer session ran for approximately one and a half hours.

Due to the level of community interest with regard to these proposals it is now necessary to determine what further community consultation may be required in order to enable the Council to complete the assessment and determination of these applications.

It should be noted that at this time assessment of all of the three applications is pending the submission of additional information from the proponents with regard to traffic impact assessment, odour and noise modelling and other matters. Therefore, the applications will not be put to Council for determination until such time as all of the additional information requested has been received and assessed by Shire officers.

Sustainability Statement

Community consultation is an integral component of the Shire's Strategic Plan. The Council has community and legislative obligations to consult with all stakeholders on issues, plans and strategies that may directly or indirectly affect them. Consultation is essential if Council is to respond to the needs and priorities of all stakeholders and is an integral component of informed decision-making. It is also well recognised that effective consultation can lead to significant time, resource and cost savings for Council and ultimately the community (ie less staff time required to deal with customer complaints and compliance matters).

Community consultation and participation processes are a vital part of local democracy, is good business practice and critical to good government. Effective consultation results in an increased level of community ownership and acceptance of decisions made by Council.

Statutory Environment:

Advertising of the proposal was required in accordance with the provisions for such proposals contained within the town planning scheme.

Policy/Work Procedure

Implications:

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

Financial Implications:

Costs associated with materials, refreshments and staff time necessary for the proposed meetings.

Strategic Implications:

This matter 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.

4 Governance

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

Strategies

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

Community Consultation:

Below is a summary of the issues raised in the written submissions received from the community with regard to the three applications:

Buffers & Location

- *Poultry farms are required to have a 500 metre buffer zone and this should not be on other peoples land*
- *The EPA stipulate that there has to be a 300 metre distance between the poultry sheds and rural residential zones*
- *The generic separation distances contained in the EPA's guidelines do not take into account the cumulative impacts of multiple facilities such as poultry farms and piggeries being located in a small area*
- *These new and larger poultry farms need to be located on much larger pieces of land which enable the containment of buffers within their own boundaries*
- *There have been many properties available within the poultry farm overlay area so there is no need for a new farm to locate outside of that area*
- *Poultry farm sizes are being increased by stealth*
- *New farms should not be permitted outside the Poultry Policy Overlay Area*
- *Properties in Hopeland will be devalued as a result of all these poultry farms*
- *Approval of extension to and additional poultry farms in Hopelands will impact on the future urban development of the area*
- *The Poultry Policy Area special controls state that all new applications should be on properties of a minimum of 100 acres (40 hectares) but the Punrak Road farm is only 50 acres (20 hectares)*

Visual Amenity

- *The rural identify of the area should be retained and these industrial type units should not be allowed to be built*
- *Total screening around the whole poultry farm is required. Single line planting will not meet the screening standards*
- *The many large sheds will be unsightly*
- *The Shire has a poor track record in enforcing vegetation, bunding and set back conditions on existing poultry farms*

Odour

- *The dead chook truck passes twice a day, is not sealed and makes being on the road totally unpleasant due to odour*
- *The odour coming from the existing poultry farms, piggery and turf farm are putrid and will only worsen with this new farm*

Dust

- *The tunnel ventilated sheds do create dust which is ejected via the exhaust fans. This emits in a cloud of fog and remains until it blows away or settles on the ground*
- *Dust from the poultry farm will settle on neighbours roofs and therefore affect rainwater that is used for domestic purposes*
- *Limestone driveways will cause a dust nuisance due to truck movements*
- *Vegetation screening does not block out noise, odours and smells. Earthen bunds should be constructed around all poultry farm operations*

Noise

- *The new total environment controlled sheds do not address noise and odour issues and the extraction fans provide a new source of noise. Earthen bunding is required around all of the sheds to contain noise*
- *The existing farms in the area already create unacceptable noise levels particularly at night*
- *The odour from existing farms is overpowering at times*
- *There have been numerous complaints about noise emissions from Redmond Broiler Farms since it commenced operation in 1995. These noise emissions occur after hours and result from feed deliveries, cleaning of sheds, bird removal, emergency power generators, trucks kept idling, workers shouting and forklifts beeping*
- *Provision should be made for birds to be harvested and sheds cleaned during daylight hours (ie 7am to 7pm)*

Water Issues

- *The operation of such large poultry farms will have a massive draw on groundwater supplies and also has the potential to pollute groundwater supplies*

Traffic Impact

- *The applicant has not provided any information on the traffic impact of this proposal*
- *The standard of roads within the Hopeland area are not adequate to cater for the truck traffic generated by these poultry farms*
- *The fast moving truck traffic generated by these farms creates a hazard for cyclists, pedestrians and horse riders*
- *Farms of the size proposed at Punrak Road will generate 8 414 trucks per year*

Monitoring of Compliance issues by the Shire

- *How will the Shire monitor noise levels between 10.00pm and 3.00am*
- *The Shire officers do not respond to odour, noise and dust issues immediately and by the time they arrive the problem has ceased*

Other Issues

- *Broiler farms are not rural pursuits they are intensive farming and an offensive trade*
- *The poultry farms will result in stable fly breeding which will severely impact on established horse stud facilities in the area*
- *There is a possibility of the failure of biosecurity leading to a breakout of harmful diseases*
- *The increased use of our area for offensive industries is contradictory to the original plans for the area. A township was originally planned in Hopeland*
- *All of the existing problems being experienced in the area as a result of the existing poultry farms and these issues should be resolved before the Shire approves any extensions of new farms*

Comment:

Community consultation encompasses a range of levels from information provision through to active participation in decision-making. These levels of consultation need to be carefully considered when determining the purpose and importance of the consultation process from both the community's and Council's perspective. The level of consultation selected depends upon the nature of the issue being discussed.

Information provision is a vital step in all community consultation processes. In order to participate in informed debate, the community must have access to all relevant facts relating to the issue. Information processes such as the recent public information meeting held with regard to the poultry industry in the Shire have enabled the community to become informed regarding general aspects of the meat bird farms.

Although the Shire has engaged in some "two-way" consultation with regard to the current poultry farm applications (ie calling for written submissions) this could be further improved with a specific exchange between all of the stakeholders in this matter (proponents, affected community members and Council). Accordingly, it is considered that there is a need for the Shire to initiate and facilitate discussions between the stakeholders for each of the three applications. This method of seeking information will provide affected community members with a real opportunity to be involved in informed discussion and debate prior to Council making a decision with regard to the three proposals.

It is envisaged that these meetings will be held at the Council offices and involve the applicant, their consultant/s and those community members who made a written submission with respect to each proposal. Councillors and relevant Shire staff would also be in attendance. The likely format would be a short presentation from the applicant covering the details of the proposal followed by a question and answer session chaired by the Shire. A separate meeting would be held for each application.

It is important to note however, that Council has no statutory power to require the proponents to engage with the community in this way and can only request that they take part in the interests of community consultation and informed decision making.

Should any of the applicants decline the opportunity to be involved in the style of meeting described above then it is recommended that a meeting be held between the Council and those community members who made a written submission with respect to the applications, in order for the community to have adequate opportunity to have their interests heard. It is then recommended that the Council seek to have a meeting with the applicants in order to gain an understanding of each proposal and the measures intended to be taken by the applicant to address matters raised by the community.

Voting Requirements: Normal

Officer Recommended Resolution:

Council requests the proponents of the development applications received for Lot 368 Henderson Road, Hopeland, Lot 5 Punrak Road, Hopeland and Lot 1 Casuarina Road, Oldbury engage in the community consultation process described in this report prior to the individual applications for planning approval for the poultry farms being presented to Council for determination.

LOST 1/6

COMMITTEE FORESHADOWED MOTION

Cr Needham foreshadowed a motion that Council convene a meeting on 2 March 2005 with community members to discuss planning applications for poultry farms and other matters concerning the poultry industry in general if the motion under debate was lost.

**SD031/02/05 COUNCIL DECISION/Committee Recommended Resolution/Committee
Foreshadowed Motion:**

Moved Cr Price seconded Cr Murphy

1. Council convene a meeting on 2 March 2005 with community members to discuss planning applications for poultry farms and other matters concerning the poultry industry in general.
2. Council requests the proponents of the development applications received for Lot 368 Henderson Road, Hopeland, Lot 5 Punrak Road, Hopeland and Lot 1 Casuarina Road, Oldbury engage in the community consultation process described in this report prior to the individual applications for planning approval for the poultry farms being presented to Council for determination.

CARRIED 9/0

CGAM016/02/05		ADOPTION OF LOCAL LAW 2005 FOR SERPENTINE & JARRAHDAL E CEMETERIES (A0090/06)
Proponent:	Director Asset Services	In Brief It is proposed that Council resolve its intention to repeal the existing local law relating to its cemeteries and substitute it with a new local law, and invite submissions on these proposals by public notice.
Officer:	M C Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	15 December 2004	
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

It is a requirement of the Local Government Act 1995 that all local laws are reviewed at least once in every eight years.

The review of the Cemeteries Local Law provided opportunity for the format to be amended to that of the model local law contained in the Western Australian Local Government Association Local Laws Manual.

The purpose of this local law is for the uniform regulation and administration of cemeteries within the Shire of Serpentine-Jarrahdale.

A copy of the proposed local law is with attachments marked [CGAM016.1-02-05.pdf](#).

Sustainability Statement

Effect on Environment: Not applicable.

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

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

Economic Viability: Not applicable.

Economic Benefits: Not applicable.

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

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

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

Statutory Environment:

Cemeteries Act 1986
Local Government Act Section 3.11 to 3.17
Local Government (Functions and General) Regulations
37.

These provisions require that a summary of the purpose and effect of the proposed local law **be read aloud at a council meeting** by the person presiding or other person so directed.

A copy of the Statements to be read aloud is in attachment marked [CGAM016.2-02-05.pdf](#)

Policy/Work Procedure Implications:

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

Financial Implications:

Enforcement of the Local Laws; Council's Legal Budget and cost of gazettal notice. The approximate costs are as follows:

- | | |
|---------------------|-------|
| (i) Gazettal Notice | \$600 |
| (ii) Advertising | \$375 |

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes, required to be advertised Statewide to public requesting submissions about the proposed law.

Comment:

All persons engaged in the administration of the cemetery, burying deceased persons in the cemetery, or otherwise providing services to or making use of the cemetery, are to comply with the provisions of this local law.

Voting Requirements: Normal

Council Note: The Presiding Member read out aloud the summary of the purpose and effect of the proposed local law.

CGAM016/02/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Murphy

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

1. Preliminary

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

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

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

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

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

(b) insert new item –

"1.2 Application".

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

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

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

(a) delete Divisions 2 and 3 entirely; and

(b) insert new item –

"Division 2 – Placement of Ashes

5.7 Disposal of Ashes".

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

(a) delete Divisions 2 and 3 entirely;

(b) renumber Division 4 as Division 2; and

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

2. PART 1 – PRELIMINARY

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

2.2 Insert the following new clause –

"1.2 Application

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

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

"1.4 Repeal

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

3. PART 2 – ADMINISTRATION

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

4. PART 3 – APPLICATION FOR BURIALS

4.1 Delete clause 3.2 entirely.

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

4.3 In clause 3.3, renumbered as clause 3.2 -

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

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

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

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

5. PART 4 – FUNERAL DIRECTORS

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

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

6. PART 5 – FUNERALS

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

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

6.3 In clause 5.6 paragraph (d), delete the complete text, and substitute "bury that dead body;".

6.4 Delete the whole of Division 2 - Cremation.

6.5 In Division 3 - Placement of Ashes -

(a) renumber Division 3 as Division 2;

(b) renumber clause 5.12 as 5.7;

(c) in subclause (1) of clause 5.12 renumbered as clause 5.7, delete -

"Niche Wall

Memorial Wall

Garden of Remembrance

Ground Niche

Memorial Rose, Tree or Shrub

Family Shrub

Memorial Desk

Granite Seat

Family Grave

Book of Remembrance

Scattering to the Winds

Memorial Gardens

Other memorials approved by the Board";

and substitute the following –

"Niche Wall;

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

Family Grave;

Scattering to the Winds; or

Other memorials approved by the Board."; and

(d) delete clauses 5. 13 and 5.14.

7. PART 6 – BURIALS

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

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

8. PART 7 – MEMORIALS AND OTHER WORK

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

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

"A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act."

8.3 Delete the whole of Division 2 - Lawn Section.

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

8.5 In Division 4 - Licensing of Monumental Masons -

(a) renumber Division 4 as Division 2;

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

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

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

9. Second Schedule

In the Second Schedule –

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

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

10. Third Schedule

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

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

CARRIED 9/0

CGAM018/02/05		OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 6 GOSSAGE ROAD, OLDBURY AND LOT 2 KARGOTICH ROAD, MUNDIJONG (A0512-03)
Proponent:	Dawson Contracting	In Brief <i>An application has been made by Dawson Contracting for Council consent to use long vehicle (road trains) to cart timber product to Lot 6 Gossage Road, Oldbury and to Lot 2 Kargotich Road, Mundijong. Conditional consent is recommended.</i>
Owner:	Not applicable	
Officer:	Bryce Coelho Manager Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	1 February 2005	
Previously	AS085/06/03 – 23 June 2003 AS006/07/03 – 28 July 2003 AS007/08/04 – 9 August 2004	
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

Palcon Group submitted an application in June 2003 seeking Council consent to the use of oversize permit vehicles (Pocket Road Trains) under 27.5 metres in length to transport timber product to Inglewood Products located at Lot 6 Gossage Road. Conditional consent was granted by Council (CRAS085) for a period of twelve (12) months.

Council also granted consent for Palcon Group in July 2003 to the use of oversize permit vehicles (Pocket Road Trains) under 27.5 metres in length to transport timber product to the property of Mr Clive Atwell, Lot 2 Kargotich Road, Mundijong (CRAS006).

Both permits to service these properties have expired since then.

Dawson Contracting has submitted an application seeking Council consent to the use of oversize permit vehicles (Pocket Road Trains) under 27.5 metres in length to transport timber product to Inglewood Products located at Lot 6 Gossage Road and to the property of Mr Clive Atwell at Lot 2 Kargotich Road, Mundijong.

Current delivery schedules from the Forests Products Commission are showing that approximately 2000 tonnes of forest product is to be delivered to Inglewood Products and 500 tonnes to be delivered to Mr Atwell's property.

The applicant requests approval for the issuance of permits for the same consented routes which were as follows:

Destination: Inglewood Products – Lot 6 Gossage Road, Oldbury via Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Gossage Road) and Gossage Road (King Road to Lot 6 Gossage Road).

Destination: C. Atwell - Lot 2 Kargotich Road, Mundijong via Thomas Road (South Western Highway to King Road), King Road (Thomas Road to Mundijong Road), Mundijong Road (King Road to Kargotich Road) and Kargotich Road (Mundijong Road to Lot 2 Kargotich Road).

A copy of the “Proposed Routes” is included with the attachments and marked [CGAM018-02-05.pdf](#)

It is anticipated that the bulk of the cartage would be carried out between January and June 2005 at a rate of approximately 1 trip per day per property. It should be noted that the contractors are currently fulfilling these operations by means of semi-trailers.

It should also be noted that at its meeting of 13 September 2004 Council endorsed the following roads for inclusion in the Notice Network for oversize vehicle use.

ROAD	SECTION	CONDITIONS
Thomas Road	South Western Highway to Hopkinson Road	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	No vehicles greater than 27.5m length School bus curfews to apply
King Road	Mundijong Road to Thomas Road	No vehicles greater than 27.5m length School bus curfews to apply
Mundijong Road	Western Boundary to Lightbody Road	No vehicles greater than 27.5m length School bus curfews to apply
Mundijong Road	Lightbody Road to Watkins Road	No vehicles greater than 27.5m length School bus curfews to apply Livestock carriers only Delivery to only Monday – Friday only Daylight hours only

Sustainability Statement

Effect on Environment: The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service. The use of medium size trucks would be minimized resulting in less vehicle trips.

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

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

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

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

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

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

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

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

Statutory Environment: Motor Vehicle Act and Regulations

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

It is recommended that, if approval is given, this should initially still be for a period of one year due to a new applicant submitting this request. This requires them to submit applications for any extension to the permit period, allowing officers to make a recommendation to Council based on the performance of the operator during the previous permit period and any issues that may have arisen such as public complaints.

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

Voting Requirements: Normal

Officer Recommended Resolution:

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

Committee Recommended Resolution

That CGAM018/02/05 be deferred until the Ordinary Council Meeting to be held 28 February 2005 to enable further discussions with Main Roads and the applicant.

SUPPLEMENTARY REPORT

Further inspection of the proposed routes, concerns were raised with consenting Gossage Road for the use of transporting to Inglewood Products. Concerns included the narrow width of bridge and pavement condition of the road from King Road to the Inglewood Products property.

After discussions and agreement with the applicant and further investigation of alternative routes, the recommended route to the use of oversize vehicles to access Inglewood Products are as follows:

via Thomas Road (South Western Highway to Kargotich Road), Kargotich Road (Thomas Road to Gossage Road) and Gossage Road (Kargotich Road to Lot 6 Gossage Road).

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

Given Council has a position that it does not want to encourage the use of Kargotich Road as a heavy haulage through route, and there are concerns with the condition of Kargotich Road south of Gossage Road as well as the railway crossing north of Bishop Road, the requested route to access Mr Atwell's property is recommended.

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

CGAM018/02/05 COUNCIL DECISION/Alternate Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Richards

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

CARRIED 9/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM03/02/05 COMMUNITY EMERGENCY SERVICES MANAGER – MEMORANDUM OF UNDERSTANDING (A0874-02)		
Proponent:	Director Asset Services	In Brief Council is requested to withdraw from the current Memorandum of Understanding with Fire and Emergency Services Authority and negotiate a new partnership agreement for the delivery of strategic Emergency Services functions.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	25 February 2005	
Previously	SM007/09/04 27 September 2004	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting of 27 September 2004, Council resolved to enter into a Memorandum of Understanding (MOU) between the Shire's and Fire and Emergency Services Authority (FESA) for the delivery of Emergency Services within the district of Serpentine Jarrahdale.

As the decision to enter the MOU was in close proximity to the 2004/05 fire season, an interim arrangement was made whereby the Shire's Fire and Emergency Services Officer would be appointed as Acting Community Emergency Services Manager (CESM) until 31 March 2005. This arrangement ensured minimal disruption to preparation for the summer

period and was intended to allow volunteers, the Shire and FESA to experience the operation of the position prior to a formal appointment being made.

The entrance into an MOU was seen as beneficial to the Shire as the effective management of Emergency Services requires both addressing operational and strategic functions however these aspects were not capable of being addressed with resources available to the Shire internally. Through the MOU it was intended that additional resources would be made available, primarily to assist with the strategic aspects of the role. This aspect was seen as a major benefit of the partnership between FESA and the Shire.

During the interim arrangement it has become apparent that the delivery of both strategic and operational services is difficult to achieve through a CESM position. The positioning of the CESM at FESA's Belmont Office is advantageous with regard to undertaking strategic functions of the role, however there are some operational difficulties occurring, mainly due to travel time from Belmont to the Shire. In addition there have been concerns raised by volunteers that accessibility to the CESM is difficult for both volunteers and the community.

Discussions have been held with FESA and it is acknowledged by both parties that the current MOU is not working as expected. The continuation of a formal partnership agreement with FESA is however seen as beneficial with regard to addressing strategic issues, however the operational functions of the position are currently best coordinated and managed by the Shire.

It is recommended that Council formally withdraw from the current MOU however negotiate a new agreement based on a partnership which addresses the strategic aspects of emergency services within the Shire.

Sustainability Statement

Effect on Environment: Best practice delivery of emergency services will be enhanced by access to support, resources and industry knowledge which can further improve environmental management.

Resource Implications: The proposal provides the Shire and its emergency services with support to undertake functions not achievable utilizing Shire resources alone.

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

Economic Viability: The proposal is economically viable as external assistance will be available as an alternative to fully funding the provision of additional internal resources required to adequately address strategic functions.

Economic Benefits: Provision of a safe, well prepared community will be enhanced through addressing both operational and strategic functions.

Social – Quality of Life: The proposal aims to improve the service and support provided to volunteers and continues to assist volunteers in providing a safe and secure community.

Social and Environmental Responsibility: The proposal aims to further develop the partnership between FESA, the Shire and its volunteers in providing best practice emergency services delivery for our community.

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

Statutory Environment:

The roles and responsibilities of the Community Emergency Services Manager retain statutory obligations of the Bush Fires Act 1954, Local Government Act and Fire & Emergency Services Act.

Policy/Work Procedure

Implications:

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

Financial Implications:

The current MOU contains an agreement by which the Community Emergency Services Manager position is funded equally by both parties. Any changes to this arrangement will likely result in additional costs to Council, however these cannot be quantified until a new agreement has been finalized.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

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.
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.

Community Consultation:

Negotiations for the development of the current MOU were undertaken with FESA and volunteers. The Chief Executive Officer and Director Asset Services have met with the Volunteer Emergency Services Executive Group and FESA to determine that the withdrawal from the current MOU and negotiation of an alternate partnership agreement is the most beneficial solution for the community.

Comment:

There is no doubt that an ongoing partnership between FESA and the Shire is of benefit and value to the community. The interim arrangement has identified that the undertaking of strategic and operational functions through a single position is not effective as the task is too large.

Voting Requirements: Normal

OCM03/02/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Star
Council:

1. Authorises the Chief Executive Officer to advise Fire and Emergency Services Authority that Council wishes to withdraw from the current Memorandum Of Understanding for the delivery of Emergency Services within the district of Serpentine Jarrahdale Shire.
2. Requests the Chief Executive Officer (or her representative) to negotiate a new partnership agreement with Fire and Emergency Services Authority for the delivery of strategic Emergency Services functions and refers such an agreement to Council for endorsement.

CARRIED 9/0

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM02/02/05 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	J Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	18 th February, 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM02.1/02/05 COMMON SEAL REGISTER REPORT – JANUARY, 2005 (A1128)

The Common Seal Register Report for the month of January 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [OCM02.1.02.05.doc](#) (E02/5614)

OCM02.2/02/05 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT – FEBRUARY, 2005 (A0436-05)

The Economic & Tourism Development Officer report of priorities to 15th February, 2005 is with the attachments marked [OCM02.2.02.05.pdf](#).

OCM02.3/02/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING MINUTES 20 JANUARY, 2005 (A1164)

The Minutes and attachments(from the Peel Zone meeting held on 20th January, 2005 are in the attachments marked [OCM02.3.1.02.05.doc](#), [OCM02.3.2.02.05.pdf](#) and [OCM02.3.3.02.05.doc](#) (IN05/1111)

OCM02.4/02/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MINUTES FEBRUARY 2005 (A1164)

The summary minutes of the WALGA State Council Meeting held in February, 2005 are in the attachments marked [OCM02.4.02.05.pdf](#) (IN05/1769)

CROCM02/02/05 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Scott
The Information Report to 18th February, 2005 is received.
CARRIED 9/0

10. URGENT BUSINESS:

COUNCIL DECISION

Moved Cr Price seconded Cr Wigg

That the item OCM04/02/05 congratulating Cr Tony Simpson as the Member for the new seat of Serpentine Jarrahdale be dealt with as an item of new business of an urgent nature.

CARRIED 9/0

OCM04/02/05 CR TONY SIMPSON - CONGRATULATIONS		
Proponent	Cr John Price	In Brief Congratulations to Tony Simpson on his successful election as the Member for the new electorate of Serpentine Jarrahdale
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report	28 th February, 2005	
Previously		
Disclosure of Interest		
Delegation	Council	

COUNCIL DECISION

Moved Cr Price seconded Cr Wigg

1. Congratulations to Cr Tony Simpson on his successful election as the Member for the new electorate of Serpentine Jarrahdale and to thank him for his hard work over the past four years as a Councillor of the Serpentine Jarrahdale Shire and that Council looks forward to working closely with him over the next four years.

2. Acknowledgement to Martin Whitely for his hard work as the Member for Roleystone.

CARRIED 9/0

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business the meeting closed at 7.53pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD020/02/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	01.02.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD020/02/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the January 2005 Building Information Report.
CARRIED 7/0**

SD021/02/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3.02.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD021/02/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the Health Information Report for January 2005.
CARRIED 7/0**

SD022/02/05 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Carole McKee – Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3.02.05	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD022/02/05 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the January 2005 Community Development Information Report.
CARRIED 7/0**

SD023/02/05 BRIGGS PARK POWER SUPPLY (RS0124)		
Proponent:	Director Asset Services	In Brief Council is requested to approve expenditure from the Recreation Centre Construction Contingency Fund for modifications to electrical supply to the BMX and Tee Ball facilities at Briggs Park.
Officer:	MC Beaverstock - Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	3 February 2005	
Previously	AS077/05/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD023/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

- 1 Council approves the expenditure of \$4,931 (excluding GST) from the Recreation Centre Contingency Fund to modify the power supply within Briggs Park to meet current regulatory requirements.**
- 2 Council requests Merym Constructions to undertake the necessary works to modify the power supply within Briggs Park as a variation to the current Design and Construction Contract.**

CARRIED 7/0

SD025/02/05 RECREATION CENTRE EXTREME SPORTS FACILITY (A0900-03)		
Proponent:	Director Asset Services	In Brief Council is requested to approve the deletion of indoor skate facilities at the Recreation Centre to be replaced with an indoor Beach Volleyball Court, "Aerial Challenge" facility, upgraded climbing wall and outdoor skate facility at Briggs Park.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	2 February 2005	
Previously	CRAS077/05/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD025/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council approves the following variations to Contract C15/2003-04 Design And Construction Of The Serpentine Jarrahdale Community Recreation Centre subject to costs of variations being contained within the current Extreme Sports Facility budget:

- 1. Deletion of Pulastic flooring to Extreme Sports facility**
- 2. Deletion of indoor skateboard equipment**
- 3. Upgrading of Climbing Wall**
- 4. Provision of Indoor Beach Volleyball court and equipment**
- 5. Provision of "Aerial Challenge" equipment**
- 6. Provision of outdoor skateboard equipment to be located at Briggs Park.**

CARRIED 7/0

SD030/02/05 PROPOSED WASTE TRANSFER AND RECYCLING STATION - PT LOT 54 KING ROAD (CORNER JACKSON ROAD) OLDBURY (P05597/02)		
Proponent:	Koltasz Smith Development Consultants	In Brief Proposed waste transfer and recycling station for demolition contractors. Refusal of the proposal is recommended.
Owner:	GMF Contractors	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	1 February 2005	
Previously	P203/01/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD030/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

A. Council refuses the application for approval to commence development for the proposed waste transfer and recycling station on Lot 54 King Road, Oldbury for the following reasons:

1. The use of “sorting of building materials and crushing of building materials” is classified as ‘Industry-General’. The zoning/land use table of Town Planning Scheme No. 2 does not contain a use classification for ‘General-Industry’ in the Rural zone and therefore is not permitted.
2. The proposed use is contrary to the purpose and intent of the Rural zone, which is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.
3. The development may be detrimental to the amenity of the occupiers of the nearby dwelling houses, by reason of the noise resulting from the equipment required to be used to carry out the proposed use.
4. The nature of the proposed use is incompatible with the existing and future character of the area as envisaged by the Shire of Serpentine-Jarrahdale in their Rural Strategy.
5. The industrial nature of the proposed business may adversely affect the streetscape of King Road, which is predominantly rural in character.
6. The approval of industrial land uses in the Rural zone may prejudice the outcome of the current industrial land needs study being carried out by the Shire and the soon to be commenced town planning scheme review.

B. Council advises GMF Contractors in writing that within 28 days of being notified they must:

1. Remove the unauthorised stockpiles of material;
2. Relocate the fencing, shed and access road for the storage depot to the location previously approved by the Council; and
3. Rehabilitate those areas that have been disturbed by these unauthorised works to the satisfaction of the Shire.

CARRIED 7/0

SD032/02/05 REQUEST FOR RECONSIDERATION OF DELEGATED REFUSAL TO GRANT PLANNING CONSENT FOR TWO PROPOSED OUTBUILDINGS OUTSIDE OF BUILDING ENVELOPE – LOT 71 (NO. 3) MARGINATA PARADE, JARRAHDAL (P03173/02)		
Proponent:	Coastline Sheds	In Brief A written submission has been received from the landowner requesting Council reconsider the delegated decision to refuse the granting of planning consent for two proposed outbuildings outside of the building envelope on Lot 71 Marginata Parade, Jarrahdale. It is recommended that Council reaffirm the delegated decision of planning refusal, and dismiss the request for reconsideration.
Owner:	J & KB Brooks	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	15 February 2005	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD032/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

**Council reaffirms the delegated decision of planning refusal dated 12 January 2005 for two proposed outbuildings outside of the building envelope at Lot 71 Marginata Parade, Jarrahdale and dismiss the request for reconsideration.
CARRIED 7/0**

Committee Note: Council would be prepared to consider a single shed to be located in the position proposed by the applicant.

SD033/02/05 PLANNING INFORMATION REPORT		
Proponent	Director Sustainable Development	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 February 2005	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM051/06/04	

SD033/02/05 COMMITTEE DECISION/Officer Recommended Resolution

**The Information Report to 9 February 2005 be received.
CARRIED 7/0**

CGAM017/02/05 HALL ROAD SERPENTINE - SPEED ZONING REVIEW (R0019)		
Proponent:	Shire of Serpentine-Jarrahdale	In Brief Council is requested to endorse the lowering of the speed zoning in Hall Road Serpentine in accordance with the Main Roads WA review and recommendation from 240m south of Karnup Road to Utley Road from 90km/hr to 80km/hr.
Owner:		
Officer:	Patrick Rose	
Signatures Author:		
Senior Officer:		
Date of Report	1 February 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Committee - in accordance with resolution SM046/05/04	

CGAM017/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council support Main Roads WA recommendation to reduce the speed zoning on Hall Road Serpentine from 240m south of Karnup Road to Utley Road from 90km/hr to 80km/hr.
CARRIED 7/0**

CGAM019/02/05		VERGE TREE REMOVAL ON ALICE ROAD, CARDUP (R0155, P01942)
Proponent:	Alan Clarkson	<p>In Brief</p> <p>A request has been received by the Shire to remove a number of verge trees on Alice Road, Cardup.</p> <p>An arboriculturist has been engaged by the shire to inspect in detail and provide a report on the condition of the verge trees.</p> <p>It is recommended that Council act according to the consultants recommendations.</p>
Owner:	Road reserve under care, control and management of local government.	
Officer:	Jenni Andrews - Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	01/02/2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee - in accordance with resolution SM046/05/04	

CGAM019/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

**Council endorse the program of works as per the Arboricultural Report dated 19 January 2005 on Alice Road, Cardup attached at CGAM019/02/05.
CARRIED 7/0**

CGAM020/02/05		STATE GOVERNMENT DISCUSSION PAPER ON EXTENDED PRODUCER RESPONSIBILITY (A1177)
Proponent:	Western Australian Local Government Association	<p>In Brief</p> <p>Council is requested to support a submission prepared by the Municipal Waste Advisory Council on Extended Producer Responsibility.</p>
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	7 February 2004	
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	

CGAM020/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

**Council writes to the Minister for the Environment and advises that it supports the Municipal Waste Advisory Council Submission on the Department of Environment Extended Producer Responsibility Discussion Paper.
CARRIED 7/0**

CGAM021/02/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during January 2005
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM021/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of January, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0

CGAM022/02/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 January 2005
Owner:	Not Applicable	
Officer:	Cary Green – Manager Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM022/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 January 2005.
CARRIED 7/0

CGAM023/02/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 January 2005
Owner:	Not Applicable	
Officer:	Cary Green – Manager Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM023/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 January 2005.
CARRIED 7/0**

CGAM024/02/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 January 2005
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM024/02/05 Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 31 January 2005.
CARRIED 7/0**

CGAM025/02/05		INFORMATION REPORT	
Proponent:	Director Corporate Services	In Brief To receive the information report to 4 February 2005	
Owner:	Not Applicable		
Officer:	Various		
Signatures Author:			
Senior Officer:			
Date of Report			
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution SM046/05/04		

CGAM025/02/05 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 7 February 2005 be received.
CARRIED 7/0