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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 TUESDAY 29<sup>TH</sup> MARCH, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.03PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**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 M Beaverstock ..... Director Asset Services  
Mr C Green ..... Acting Director Corporate Services  
Mr B Gleeson ..... Acting Director Sustainable Development  
Mrs S Langmair ..... Minute Secretary

**APOLOGIES:**

**GALLERY: 8**

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice  
Nil

Public Question Time commenced at 7.04pm

John Dwyer, 35 Pollard Cross West, Cardup

Regarding item CGAM036/03/05 Sale of Council Property Lot 0 Karbro Drive, Cardup

Q Why is the Council being asked to authorise sale of land and property which the community built and funded and provides a resource for a new growing community in the area for the future?

Q Why is Council being asked to follow a sales process outside of normal guidelines? Whilst Section 3.58 (3a and 3b) may legally allow the process it seems they are being used for convenience not for the benefit of ratepayers.

Q Why is the sale price recommended by the sub-committee \$187,000 which is under market price evaluation in 2003 and certainly would be well under market place now given the sale price of properties in the immediate vicinity in recent times?

A The Acting Director Corporate Services advised that item CGAM036/03/05 has been deferred and further investigation required.

The Chief Executive Officer advised that the recommendation to Council is in accordance with the Regulations.

Public Question Time concluded at 7.08pm.

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**3. PUBLIC STATEMENT TIME:**  
Nil

**4. PETITIONS & DEPUTATIONS:**  
Nil

**5. PRESIDENT'S REPORT:**

The Shire President officially welcomed members of the Youth Advisory Council (YAC) to the Council meeting and commended Robyn Brown (Community Development Officer) for the work she does with the YAC.

**6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**  
Nil

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

7.1 Ordinary Council Meeting – 28<sup>th</sup> February, 2005

**COUNCIL DECISION**

**Moved Cr Wigg seconded Cr Star**

**That the minutes of the Ordinary Council Meeting held on 28<sup>th</sup> February, 2005 be confirmed with the addition of a note following the Council Decision in item OCM03/02/05 – “Note: Whilst the Council Officers and volunteers and FESA entered into the MOU in good faith the logistics of the day to day operations made it unworkable in its existing form”.**

**CARRIED 9/0**

**REPORTS OF COMMITTEES:**

SD037/03/05 PROPOSED FILLING OF LAND – LOT 496 (NO. 110) JARRAHDAL ROAD, JARRAHDAL (P03457/01)		
Proponent:	Sunrise Investments Pty Ltd	In Brief  To rehabilitate an old quarry site by filling the land and removal of loose granite rocks from the surface of the property. It is recommended that the application be conditionally approved.
Owner:	Sunrise Investments Pty Ltd	
Officer:	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	21 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	
<b>Delegation</b>	<b>Council</b>	

Owner: Sunrise Investments Pty Ltd  
 Owner's Address: 41 Spearwood Avenue  
 Bibra Lake WA 6163  
 Applicant: As above  
 Applicant's Address: As above  
 Date of Receipt: 15 March 2004 (pending receipt of revised information)  
 Advertised: 19 January – 11 February 2005  
 Submissions: 2 submissions received  
 Lot Area: 39.45ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: Environmental Repair Policy Overlay  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: August 2004

**Background**

The subject site is located on the southern side of Jarrahdale Road east of the South Western Highway. The subject site has been the subject of excavation for hard rock by a number of operators since the early 1970s.

The surrounding properties are zoned Rural and used for a variety of rural uses.

The following is a summary of the proposal taken from the report submitted by the applicant:

*“Some decades ago a hard rock (granite) quarry operated on site, with a crushing plant and associated infrastructure. Several pits were opened to provide rock. Oversize was placed on site for future use. In all, a significant area of just over 7 hectares was disturbed by quarrying activities.*

*The quarry operation ceased operations and later was purchased by Sunrise Investments Pty Ltd to develop a quarry on site. However, when the associated company WA Limestone,*

*who owns and operates the Mundijong quarry trading as WA Bluemetal, commenced quarrying at that site, a quarry was not required on Location 496.*

*No restoration or rehabilitation work has been completed on Location 496 prior to or since WA Limestone purchased the site.*

*WA Limestone will make safe the old quarry on Location 496 and undertake the landscape restoration and rehabilitation of the site.*

#### *Quarry Safety*

*A recent site inspection reveals that the quarry faces, whilst not particularly high by hardrock quarry standards, have faces of up to 25 metres high. Few parts of the faces are vertical, but the steepness of the faces and the fact the previous operator abandoned the operation, has meant that there are rocks and boulders on the upper slopes and faces that could move, particularly when loaded with water in winter.*

*The main quarry is dangerous and needs to be made safe. Quarry safety is controlled by the Department of Industry and Resources, under the Mines Safety and Inspection Act.*

*The quarry does not currently comply with Department of Industry and Resources, Environmental Management of Quarries.*

*Not only does the quarry need to be made safe, but substantial areas of rubble, dumps, oversize and other material needs to be rehabilitated.*

#### *Access*

*The entrance lies on a section of Jarrahdale Road which is wider due to the commencement of the uphill passing lane about 100 metres west of the entrance. The speed limit on this section of road is 80 km/h.*

#### *Proposal*

*The two main methods of making the quarry safe and rehabilitating the site are:*

- 1. Knock down the quarry faces with blasting to provide a safe batter.*
- 2. Backfill the open quarries to push material up to the level of natural land surface, and create a land surface similar to pre-existing surface.*

*In both cases the waste rock will have to be picked up from much of the site and either placed back into the pit, or removed off site for crushing. The ground will then have to be covered by overburden if available and topsoil, to provide a sufficiently deep base for trees and shrubs to grow.*

#### *Restoration Method 1*

- The quarries will have to be drilled, charged and fired using a number of small charges.*
- There will be noise impacts from the drilling lasting up to several weeks.*
- The impact of blasting will occur over some weeks.*
- Loaders and trucks will be used to collect rock from the site to place back in the pit.*
- A substantial amount of overburden and topsoil will have to be brought onto the site, to cover the exposed rock and covered.*
- The hill will be lowered, changing the aesthetics of the area.*
- The batter slopes created by knocking the brow of the quarry faces, will be steep at about 1:1 and always susceptible to erosion, with little protection for future use.*

#### *Restoration Method 2*

- A loader and truck will be used to collect rock from around the site to place back into the pit or for back loading.
- A substantial amount of overburden will have to be brought onto the site to cover the exposed rock, and subsequently covered by topsoil.
- Trucks bringing material to the site can collect suitable waste rock that is lying on the ground to back load to WA Bluemetal Quarry for crushing. This will reduce the amount of rock that has to be dealt with and covered on site.
- There will be no blasting or drilling.
- There will be more trucks arriving and exiting the site, but back loading will help reduce the number. The hill be reformed to pre-existing landform contours.
- There will be no batter slopes and the landform will be more resistant to erosion.
- The aesthetics of Medulla Brook will be maintained and the riparian vegetation can be re-established.

Restoration Method 2 is proposed.

The assessment of this proposal is based on Option 2 as presented by the applicant.

**A copy of the site plans, aerial photo, site photos and cross sections of the site is with the attachments marked [SD037.1-03-05.tif](#).**

### **Sustainability Statement**

**Effect on Environment:** The property contains Medulla Brook, which enters from the east and exits the property from the north western corner.

The applicant advises:

*“Much of the site and the old quarries are screened from Jarrahdale Road and adjoining land users. A pine plantation lies to the west, the quarries are screened by the landform and a row of trees occurs along Jarrahdale Road. The final land surface will be similar to the pre-excavated surface and will reform the landscape features of this part of the Darling Scarp and valley of the Medulla Brook.*

*Location 496 and surrounding land is parkland pasture, with a line of trees along Jarrahdale Road. Cotton Bush and occasional Thorn Apple are present. The vegetation consists of scattered Eucalyptus calophylla, and E Wandoo particularly near Jarrahdale Road, with E. rudis along Medulla Brook.*

*The objectives of the rehabilitation plan are to:*

- *Reform a soil profile and revegetate with parkland pasture to match the surrounding landscape.*
- *Provide and enhance the landscape on this section of the Darling Scarp.*
- *Restore riparian shrub and tree species.*

### *Vegetation Establishment*

- *Introduced topsoil will be spread or otherwise the topsoils will be created from site.*
- *Weeds are likely to significantly impact on the rehabilitation and will be sprayed or grubbed out.*
- *Rehabilitation will take place during the first winter months following the restoration earthworks.*
- *Seeds of pasture species will be scattered during late summer.*
- *Areas will be retained as clumps of vegetation. These will be seeded with native seed and tube planted.*
- *Tube planting will be installed in June-July at a density of 300 tube plants per hectare in addition to tree species including in the seed mix.*
- *Plant tube plants of riparian vegetation in rehabilitation areas along Medulla Brook.*



*Completion criteria will be:*

- *A self sustaining cover of pasture with clumps of local native tree and shrub species.*
- *100 trees and shrub stems per hectare.*
- *Restoration of riparian shrubs and trees with one tree or shrub per linear metre along the brook.*
- *200 tree and shrub stems per hectare.*
- *Weed species at levels not likely to threaten the native species.*

*Erosion control*

- *Moving and placing fill in summer will minimise the potential for sediment export to Medulla Brook.*
- *Water erosion will be controlled by leaving the surface slightly rough to trap surface water and prevent runoff.*
- *Small retaining banks and detention basins will be created to minimise the possibility of runoff.*
- *Once the land surface is stabilised and revegetated any unwanted detention basins will be removed.*

*Water Quality*

*All fill will be natural soil materials, sourced from the existing WA Bluemetal in Mundijong operational quarry.*

*The main issue with water quality is the potential for runoff to carry sediments to Medulla Brook. During placement of fill small retaining banks and detention basins will be created to minimise the possibility of runoff and eroded soil materials being carried to Medulla Brook. This will be important if not all the fill can be rehabilitated in one season.*

*Once the land surface is stabilised and revegetated, any unwanted detention basins will be removed.”*

The applicant has also advised:

- *A comprehensive weed management strategy is also proposed for the property;*
- *No fuels or buildings will be stored onsite, with perhaps the exception of a serviced portable toilet if the fill is to be placed in short intensive periods each summer; and*
- *Any fuel requirement will be by mobile tanker.*

Noise

The applicant advises:

*“The main operation equipment will be a rubber tyred loader to move material. Occasionally a bulldozer will be used to compact and push the backfill in the quarry. The other equipment will be road trucks bringing fill to the site. The method chosen (to fill the land) is deemed to be the most appropriate to minimise transport impacts.”*

A number of residential dwellings exist adjacent to the property. Two dwellings are located approximately 320 and 400 metres to the north east of the site. These dwellings are screened from the development by the existing landform. Two dwellings are located approximately 450 and 480 metres to the south east and one dwelling is located approximately 670 metres to the north west of the proposed area to be filled.

As there are numerous noise sensitive neighbours adjacent to the site, the proponent should be required to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997. A condition will be included on the planning approval requiring the preparation and approval of a Noise Management Plan.

## Water management

A comprehensive water management plan is required to be submitted prior to the commencement of any onsite works. The Environmental Officer advises that it is possible to ensure water quality is maintained on-site and stormwater systems should be designed to cope with 1:100 year rain events. This will be included as a planning condition.

## Dust

The applicant advises:

*“The placement of fill will be undertaken in summer because the movement, placement and working of fill in winter creates safety issues due to slippery clay present in the natural fill materials.*

*Excessive dust has the potential to impact on adjoining land. Dust could be a potential problem during backfill reinstatement in the summer months. The access roads will be treated or watered by mobile tanker if excessive dust is generated.*

*Completed sections of the quarry will be rehabilitated as soon as practical to reduce the area of open ground and help reduce wind speed onsite. Loads likely to generate dust or sand will be wetted down and/or adequately covered.”*

The development provides the opportunity to improve the environmental attributes of this property. This includes revegetation of the rehabilitated area as well as along Medulla Brook.

The proposal was referred to the Department of Indigenous Affairs for comment, however at the time of completing this report no comments have been received. A condition can be imposed advising the landowner that the land may be affected by the provision of the Aboriginal Heritage Act and that consultation should occur with the Department of Indigenous Affairs relating to this development.

**Resource Implications and Use of Local, renewable or recycled Resources:** *The applicant advises:*

- 1 *The final level of fill will restore original contours and blend into the surrounding land surface. The main fill area is between RL75 and RL100 m AHD.*
- 2 *The grades will be as per original at 1:5 and 1:8.25.*
- 3 *The quarry will be progressively back filled with natural soils and clay overburden removed from WA Bluemetal Mundijong Quarry.*
- 4 *The natural fill will be tipped onto the quarry floor in compacted cells at 0.5-1.0 metre thickness, until a final land surface similar to the pre-existing land surface can be formed.*
- 5 *An area of approximately 1 hectare will be worked/filled at any one time to minimise ongoing environmental impact.*
- 6 *Suitable granite rock may be back loaded to the Mundijong Quarry for crushing. This will minimise the amount of fill that will be required over the lower old processing areas and lessen truck movements.*
- 7 *The landform will be left with a rough surface containing some rock and not smoothed or flattened which encourages erosion.*
- 8 *Where necessary through compaction, the top of the hill will be ripped to assist root penetration.*
- 9 *Placement of fill will only take place over summer. Whilst this can add to the potential for dust, moving overburden at the WA Bluemetal Quarry is not carried out in winter. It is too difficult and dangerous to place and compact clay fills in winter.*
- 10 *Transport Option 1 – Small number of trucks on most days over summer; or*
- 11 *Transport Option 2 – Larger number of trucks over a shorter campaign period. It would be envisaged that each truck would make 10-12 trips per day. The access on Jarrahdale Road would be signposted appropriately.*

- 12 *The last surface layer will be sourced from material having an acceptable colour, similar to that of the surrounding topsoils. For example a final white kaolin cover would not be acceptable, but a brown gravelly, saprolite, loamy or other manufactured surface layer will be acceptable.*
- 13 *Some clumps of rock are to be retained to provide habitat and recreate the original rocky outcrops on site.*
- 14 *Where available topsoil will be spread.*
- 15 *It is unlikely that all the fill can be placed and rehabilitated in one season.”*

The proposal will utilise resources from an existing extractive industry in the Shire. Soil will be removed from the WA Bluemetal quarry and placed on this property to backfill the excavated area. The proposal will involve a number of truck movements between the two sites. Long distance trucking movements to the site from other areas outside the Shire are not proposed.

***Economic Viability and Benefits:*** There are some limited economic benefits to the community from this project. Transportation of soil and rock by trucks to and from this property will occur.

***Social – Quality of Life:*** There is the potential that the amenity of the area could be affected in the short term by additional traffic, water pollution, noise and dust if the development is not properly managed. The existing entry to the site off Jarrahdale Road will need to be upgraded to ensure traffic safety is maintained. In the long term the rehabilitation of this land improves the local amenity.

***Social and Environmental Responsibility and Social Diversity:*** In order to prevent any adverse impacts on the environment or amenity of the area, the owners will need to demonstrate a continued commitment to a high level of social and environmental responsibility.

**Statutory Environment:** Advertising of the proposal was required in accordance with the provisions of Clause 6.2.1 of Town Planning Scheme No. 2.

**Policy/Work Procedure Implications:** LPP 4 – Revegetation

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

**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*

**Strategy:**

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

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

**Strategies:**

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

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

Strategies:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

Comments from External Agencies

The proposal was referred to the Department of Environment and the Department of Indigenous Affairs. No comments have been received at the time of writing this report from the Department of Indigenous Affairs. The Department of Environment advises it has no objections to the proposal subject to the following condition:

1. *A rehabilitation management plan being prepared and implemented, prior to the commencement of site works, to the satisfaction of the Department of Environment.*

Advice Note:

*Beds and Banks Permit*

*A permit to interfere with the bed and banks of Medulla Brook is required under the Rights in Water and Irrigation Act (1914). Please contact the Department of Environment Mandurah Office to discuss this issue.*

**Community Consultation:**

Required: Yes

Support/Object: Two submissions received.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
<b>A143200</b>	<p>The proposal appears to be a good one for the environment. The following points are made:</p> <ol style="list-style-type: none"> <li>1. After rehabilitating the quarry what will the end use be.</li> <li>2. Will the Shire assure residents that the land will not be used for activities creating</li> </ol>	<p>Submission noted.</p> <ol style="list-style-type: none"> <li>1. The land that has been filled will be covered with pasture with clumps of local natives trees and shrubs and used for grazing. No other end use has been identified by the landowner.</li> <li>2. If any complaints are received in relation to noise, they will be</li> </ol>	<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>noise such as trail bike riding and loud music from anti-social behaviour caused by poor fencing.</p> <p>3. What is the time frame for the rehabilitation work.</p> <p>4. What action will the Shire take to ensure nuisances such as noise and dust would not inconvenience road users and residents during the proposed works.</p> <p>5. What monitoring measures will be put in place to ensure Medulla Brook is not polluted.</p>	<p>investigated and discussed with the landowner. Secure fencing and gates at the property would assist to minimise inappropriate activities occurring on this vacant property.</p> <p>3. The proponent advises that the filling works on the land are proposed during the summer months, however this may be over a two to three year period. Revegetation of the land will generally occur during the winter/spring months.</p> <p>4. A condition will be imposed on the planning approval requiring the submission of a noise and dust management plan for the development. This plan will be assessed and approved by the Shire. The landowner will need to comply with these approved plans.</p> <p>5. A water management plan will be required to be submitted for approval to ensure all water is retained onsite and not disposed of in the creek. Regular inspections will also occur at the property to ensure compliance with planning conditions.</p>	
<b>A190201</b>	<p>1. Request notification of the starting and finishing date of the project.</p>	<p>1. Refer officer comment (3) above. It is proposed to impose a condition that limits the approval period for the filling of the land to a maximum of three years to complete the works. The full rehabilitation must be complete with five years.</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>2. Following the fire in 1999, we have grave concerns about a repeat fire emanating from this quarry. Will the project create a fire risk during the summer months? What precautions will the owner take to avoid these risks?</p> <p>3. Does the Shire endorse the rehabilitation plan.</p>	<p>2. A condition can be imposed requiring that a fire management plan be submitted to the Shire for approval. The owner will then need to ensure compliance with the approved plan.</p> <p>3. The information submitted relating to the rehabilitation and revegetation for the site is considered inadequate. A revegetation plan is required to be submitted for approval by the Shire.</p>	

**Comment:**

**Statutory Context**

Town Planning Scheme No. 2 (TPS 2) 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 property contains loose granite rocks on the surface of the property remaining from previous excavation activities. The loose rocks will be loaded into trucks and removed off site. A portion of the land that contained the former quarry will then be filled to bring the land back its historical natural ground level.

The proposed use does not fit within the "Extractive" category of Industry because the proposal does not involve the excavation of rock from below the land surface. An extractive industry licence will not be required for this development.

Clause 3.2.5 of TPS 2 states:

*"If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted, or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

The proposal has been advertised for public comment and submissions received. The matters raised in the submissions can be addressed as conditions on the planning approval.

### Traffic management

Asset Services requires the submission of a traffic management plan for the site. The plan once approved by the Shire, may necessitate the upgrading of the crossover to the property and internal access roads. This will be included as a condition of the planning approval.

It is considered that the proposal is consistent with the objectives and purpose of the Rural zone as it will allow a former quarry which is in an unsafe condition to be rehabilitated and the land returned back to its natural level. Revegetation will also be undertaken on the land including the creek line.

**Voting Requirements:** Normal

### **Officer Recommended Resolution:**

- A. Council determines that rehabilitation of land and removal of surface rocks is a use consistent with the objectives of the Rural zone.
- B. Council grants approval for the rehabilitation of land and removal of surface rocks on Lot 496 (no. 110) Jarrahdale Road, Jarrahdale, subject to the following conditions:

### PLANNING

1. The applicant shall prepare and submit the following technical documents for approval by the Director Sustainable Development prior to commencement of any development on site:
  - (a) A Biodiversity and Landscape Management Plan;
  - (b) A Dust Management Plan;
  - (c) A Noise Management Plan;
  - (d) A Water Management Plan;
  - (e) A Traffic Management Plan; and
  - (f) A Fire Management Plan.
2. The approved plans required under condition 1 shall be implemented in their entirety to the satisfaction of the Director Sustainable Development.
3. The development will require approval under the Aboriginal Heritage Act, prior to the commencement of any on-site works.
4. This approval is valid for a period of three (3) years only from the date of the decision.
5. The rehabilitation of the site must be completed within five (5) years from the date of this decision to the satisfaction of the Director Sustainable Development.
6. Development shall be in accordance with the approved site plan and cross sections.
7. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from Council.
8. The landowner shall:
  - (a) provide the Shire with at least 5 days advance noticed in writing of the intention to cart excavated materials from the land; and
  - (b) cause signs to be erected on Jarrahdale Road within 20 metres of the entry to the east and west warning "Caution – Trucks Entering Road" during times of cartage.
9. The access to Lot 496 including the crossover and internal access roads shall be upgraded at the full cost of the landowner in accordance with the approved Traffic Management Plan to the satisfaction of the Director Asset Services. The crossover and sections of Jarrahdale Road adjacent to Lot 496 shall be maintained at all times and any damage to this portion of road shall be repaired to the satisfaction of the Director Asset Services.

10. All fill placed on Lot 496 shall only be clean material received from Lot 344 South Western Highway, Whitby. No other fill or materials from any other land shall be deposited on Lot 496 with the exception of topsoil.
11. All development in accordance with the approved plan shall only occur between the hours of 7am and 6pm Monday to Saturday only, excluding public holidays and Sundays.
12. The owner shall not store or allow the use of explosives on the property without the prior written approval and in compliance with any conditions required by the Director Sustainable Development.
13. The proponent is to submit to the Director Sustainable Development a Geotechnical Report from an accredited Geotechnical Engineer that certifies the structural and surface stability of all rehabilitated areas upon completion of the filling of the land.

#### DUST

14. The proponent shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles, areas under rehabilitation and machinery from crossing the boundary of Lot 496 Jarrahdale Road by using appropriate dust suppression techniques.
15. The proponent shall not store, crush or screen materials on Lot 496 Jarrahdale Road without the prior written approval of, and in compliance with any conditions required by the Director Sustainable Development.
16. The proponent shall ensure that all loads entering or leaving Lot 496 Jarrahdale Road of shale, sand, soil, clay or other particulate resources likely to blow around, are enclosed or completely covered by a secured tarpaulin or are treated in an alternative manner to suppress dust and prevent dust nuisance to the satisfaction of the Director Sustainable Development.

#### ENVIRONMENT

17. The proponent shall not store environmentally hazardous chemicals, including, but not limited to, fuel, oil or other hydrocarbons on the site without written permission from, and unless in accordance with any conditions specified by the Director of Sustainable Development.

#### WATER QUALITY

18. The proponent shall ensure that any discharge of water from operational areas including runoff from unsealed access tracks and roadways and any other unvegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials prior to entering surface or ground water resources or leaving Lot 496 Jarrahdale Road.
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 Medulla Brook and other natural streams.
20. Unless the proponent has the prior written approval of the Director Sustainable Development, the quality of the water directly down stream of that portion of Medulla Brook into which water discharges from, or is impacted by, the site works is at all times to be within 10% of the quality of water directly up stream of that portion of Medulla Brook into which water discharges from the site works.
21. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of two times a year with at least one of those readings being taken within one (1) hour after a significant (25mm over 2 hours) rainfall event and are to be analysed for total suspended solids at an accredited laboratory.
22. On receipt of water sample data which is non-compliant with the target levels set out in condition 20, the proponent shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the premises is



- undertaken, shall notify the Shire by fax within 24 hours and provide a written report within five (5) working days with evidence to satisfy the Director of Sustainable Development that measures have been taken to prevent a recurrence.
23. The proponent is to ensure that there are no interruptions or obstructions to the flow of Medulla Brook as a result of extractive industry site works, infrastructure, stockpiles, or site rehabilitation unless in accordance with the approved Water Management and Landscape and Biodiversity Management Plans or unless written approval has been obtained from the Director Sustainable Development prior to the flow being interrupted or obstructed.
24. Revegetation of bushland and riparian habitats is to:
- a) Be with locally occurring native plant species;
  - b) Achieve a density of one stem per one square metre when a minimum of 80% of the plants have survived at least two summer seasons;
  - c) Achieve a plant diversity of at least 60% of the plant diversity at agreed natural community reference sites;
  - d) Comprise a mixture of trees, shrubs and groundcover plants indicative of agreed reference sites;
  - e) Be managed adaptively to approximate the community structure of agreed natural community reference sites for a minimum of two years after complying with the density target above;
  - f) Achieve a weed burden at levels not likely to threaten the native species;

#### BIODIVERSITY

25. Revegetation and maintenance of parkland cleared land is to achieve:
- a) Stable soils resistant to wind and water erosion;
  - b) A 90% cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt grasses and love grass;
  - 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 across the whole area of parkland cleared land when a minimum of 80% of the tree and shrub stems have survived at least 2 summer seasons;
  - d) A minimal and controlled weed burden of declared weeds;
26. Revegetation of shoreline habitats is to be with locally occurring native sedges and rushes which are to be planted in clumps at minimum densities within the clumps of 6 stems per square metre.
27. The proponent shall control declared weeds throughout the site to the satisfaction of the Director Sustainable Development.
28. The proponent is to landscape and stabilise the banks of Medulla Creek and establish a vegetated buffer of native shoreline, riparian and bushland vegetation within a buffer with a minimum width of 20 metres on either side of the centre point of Medulla Creek.
29. Revegetation works are to be protected by stock proof fencing after completion of the revegetation works if the land is used for grazing.
30. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
31. The proponent is to submit an annual report on progress of works at the site to the Director Sustainable Development by 1 November each year of operation.

#### Advice Notes:

1. No structures or effluent disposal systems shall be installed on site without prior approval of the Shire.
2. 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.
3. The Noise Management Plan is to consist of text and diagrams and include an acoustic consultant's 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;
- e) Potential sources of complaints including local residences; and
  - f) Procedures to both document and address complaints with complainants and regulatory authorities.
4. 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 both their abilities to retain water on site during storm events and their abilities to remove suspended material prior to discharge into Medulla Brook and other natural surface and ground water resources;
  - d) The designs and locations of other pollution control infrastructure including traps, filters and bunds to meet water quality conditions;
  - e) Proposed management of existing natural water courses, though the information relating to the rehabilitation and stabilisation of the banks of Medulla Brook can be referred to in the landscape and Biodiversity Management Plan to avoid duplication;
  - f) Where water is discharged from the premises as surface and/or ground water, 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 of Sustainable Development if required.
5. For the purpose of condition 19, "Quality" refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals.
6. Written approval to disturb sediment within Medulla Brook will be considered only if it is necessary to do so in order to re-landscape and stabilise the bed or banks of Medulla Brook in accordance with an approved Water Management and Landscape and Biodiversity Management plans and any such approval will be given only after the receipt of advice from State Government agencies in relation to proposed operations and revised conditions.
7. The written report in relation to condition 21 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.
8. Written approval to interrupt or obstruct the flow of Medulla Brook will be considered only if it is necessary to do so in order to re-landscape and stabilise the bed or banks of Medulla Creek and any such approval will be given only after the receipt of advice from State Government agencies in relation to proposed operations and revised conditions.
9. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
- a) Include a statement of biodiversity values on Lot 496 Jarrahdale Road with a focus on all areas that will be disturbed as part of this proposal, including an assessment of the hollows plus the feeding or nesting use by black cockatoo species in live and dead trees proposed to be disturbed;
  - b) Identify threats to and pressures on biodiversity values;

- c) Include a commitment to strategies to be implemented by the proponent to protect biodiversity values from the identified threats and pressures or provide replacement values elsewhere;
  - d) Include at least one scaled map of the premises which can be placed as an overlay over a recent (since 2002) 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 rehabilitation activities over the old quarries and along the banks of Medulla Brook;
  - 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 extraction, rehabilitation, firebreaks, drainage, the provision of power and any other activities that may impact vegetation or other wildlife habitats;
  - g) Locate on the map and both identify and describe the management of any existing exotic vegetation;
  - h) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
  - i) Locate on the map and describe all end point vegetation types over the whole of Lot 496 Jarrahdale Road for example local bushland, agricultural parkland cleared, visual screening, aquatic and riparian;
  - j) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types described in the clauses above;
  - k) Describe the community structures, species compositions and diversities of naturally growing reference communities;
  - l) Include a commitment to auditable completion criteria for landscape and vegetation in the different habitat types (including weed burden);
  - m) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
  - n) Locate fire breaks on the map.
  - o) Provide time frames for stages of proposed operations and rehabilitation;
  - p) Include copies of any necessary State Government approvals for clearing.
10. The Department of Environment advises:
- a) Beds and Banks Permit A permit to interfere with the bed and banks of Medulla Brook is required under the Rights in Water and Irrigation Act (1914). Please contact the Department of Environment (Mandurah Office) to discuss this issue.
11. The landowner is encouraged to undertake fox baiting on the property.
12. Compliance with the Environmental Protection (Noise) Regulations 1997.
13. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt.
14. The traffic management plan is to detail operations, routes, traffic volume and type, signage and access to the property.
15. The annual report shall include details of any complaints received and the outcome by the landowner in resolving these complaints.
16. For the purpose of condition 10 the following definitions are provided:
- Clean material is defined as material containing only sand, shale and/or clay
  - Topsoil is defined as soil which provides a growing medium for revegetation to a minimum depth of 300mm

#### AMENDMENT

That condition 25 b) be amended to specify a 90% cover of pasture species with a majority of species to be perennial pastures established where possible, that are not grass species considered to be environmental weeds such as veldt grasses and love grass. An additional Advice Note 17 stating that the applicant is requested in relation to condition 3 to liaise with local indigenous elders with respect to the presence of any significant sites that may be present on the land given that the Department of Indigenous Affairs may not have record of previous activities and Advice Note 18 advising in relation to condition 25 b) to seek advice

from the Serpentine Jarrahdale Landcare Centre regarding the establishment of pasture species

**SD037/03/05 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Price seconded Cr Star**

- A. Council determines that rehabilitation of land and removal of surface rocks is a use consistent with the objectives of the Rural zone.**
- B. Council grants approval for the rehabilitation of land and removal of surface rocks on Lot 496 (no. 110) Jarrahdale Road, Jarrahdale, subject to the following conditions:**

**PLANNING**

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  - (e) A Traffic Management Plan; and**
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- 2. The approved plans required under condition 1 shall be implemented in their entirety to the satisfaction of the Director Sustainable Development.**
- 3. The development will require approval under the Aboriginal Heritage Act, prior to the commencement of any on-site works.**
- 4. This approval is valid for a period of three (3) years only from the date of the decision.**
- 5. The rehabilitation of the site must be completed within five (5) years from the date of this decision to the satisfaction of the Director Sustainable Development.**
- 6. Development shall be in accordance with the approved site plan and cross sections.**
- 7. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from Council.**
- 8. The landowner shall:
  - (a) provide the Shire with at least 5 days advance noticed in writing of the intention to cart excavated materials from the land; and**
  - (b) cause signs to be erected on Jarrahdale Road within 20 metres of the entry to the east and west warning “Caution – Trucks Entering Road” during times of cartage.****
- 9. The access to Lot 496 including the crossover and internal access roads shall be upgraded at the full cost of the landowner in accordance with the approved Traffic Management Plan to the satisfaction of the Director Asset Services. The crossover and sections of Jarrahdale Road adjacent to Lot 496 shall be maintained at all times and any damage to this portion of road shall be repaired to the satisfaction of the Director Asset Services.**
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#### **DUST**

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- the Director of Sustainable Development that measures have been taken to prevent a recurrence.
23. The proponent is to ensure that there are no interruptions or obstructions to the flow of Medulla Brook as a result of extractive industry site works, infrastructure, stockpiles, or site rehabilitation unless in accordance with the approved Water Management and Landscape and Biodiversity Management Plans or unless written approval has been obtained from the Director Sustainable Development prior to the flow being interrupted or obstructed.
24. Revegetation of bushland and riparian habitats is to:
- a) Be with locally occurring native plant species;
  - b) Achieve a density of one stem per one square metre when a minimum of 80% of the plants have survived at least two summer seasons;
  - c) Achieve a plant diversity of at least 60% of the plant diversity at agreed natural community reference sites;
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  - e) Be managed adaptively to approximate the community structure of agreed natural community reference sites for a minimum of two years after complying with the density target above;
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#### **BIODIVERSITY**

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#### **Advice Notes:**

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2. 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.
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- 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;
- e) Potential sources of complaints including local residences; and
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4. 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 both their abilities to retain water on site during storm events and their abilities to remove suspended material prior to discharge into Medulla Brook and other natural surface and ground water resources;
  - d) The designs and locations of other pollution control infrastructure including traps, filters and bunds to meet water quality conditions;
  - e) Proposed management of existing natural water courses, though the information relating to the rehabilitation and stabilisation of the banks of Medulla Brook can be referred to in the landscape and Biodiversity Management Plan to avoid duplication;
  - f) Where water is discharged from the premises as surface and/or ground water, 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 of Sustainable Development if required.
5. For the purpose of condition 19, "Quality" refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals.
6. Written approval to disturb sediment within Medulla Brook will be considered only if it is necessary to do so in order to re-landscape and stabilise the bed or banks of Medulla Brook in accordance with an approved Water Management and Landscape and Biodiversity Management plans and any such approval will be given only after the receipt of advice from State Government agencies in relation to proposed operations and revised conditions.
7. The written report in relation to condition 21 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.
8. Written approval to interrupt or obstruct the flow of Medulla Brook will be considered only if it is necessary to do so in order to re-landscape and stabilise the bed or banks of Medulla Creek and any such approval will be given only after the receipt of advice from State Government agencies in relation to proposed operations and revised conditions.
9. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
- a) Include a statement of biodiversity values on Lot 496 Jarrahdale Road with a focus on all areas that will be disturbed as part of this proposal, including an assessment of the hollows plus the feeding or nesting use

- by black cockatoo species in live and dead trees proposed to be disturbed;
- b) Identify threats to and pressures on biodiversity values;
  - c) Include a commitment to strategies to be implemented by the proponent to protect biodiversity values from the identified threats and pressures or provide replacement values elsewhere;
  - d) Include at least one scaled map of the premises which can be placed as an overlay over a recent (since 2002) 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 rehabilitation activities over the old quarries and along the banks of Medulla Brook;
  - 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 extraction, rehabilitation, firebreaks, drainage, the provision of power and any other activities that may impact vegetation or other wildlife habitats;
  - g) Locate on the map and both identify and describe the management of any existing exotic vegetation;
  - h) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
  - i) Locate on the map and describe all end point vegetation types over the whole of Lot 496 Jarrahdale Road for example local bushland, agricultural parkland cleared, visual screening, aquatic and riparian;
  - j) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types described in the clauses above;
  - k) Describe the community structures, species compositions and diversities of naturally growing reference communities;
  - l) Include a commitment to auditable completion criteria for landscape and vegetation in the different habitat types (including weed burden);
  - m) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
  - n) Locate fire breaks on the map.
  - o) Provide time frames for stages of proposed operations and rehabilitation;
  - p) Include copies of any necessary State Government approvals for clearing.
10. The Department of Environment advises:
- a) Beds and Banks Permit A permit to interfere with the bed and banks of Medulla Brook is required under the Rights in Water and Irrigation Act (1914). Please contact the Department of Environment (Mandurah Office) to discuss this issue.
11. The landowner is encouraged to undertake fox baiting on the property.
12. Compliance with the Environmental Protection (Noise) Regulations 1997.
13. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt.
14. The traffic management plan is to detail operations, routes, traffic volume and type, signage and access to the property.
15. The annual report shall include details of any complaints received and the outcome by the landowner in resolving these complaints.
16. For the purpose of condition 10 the following definitions are provided:
- Clean material is defined as material containing only sand, shale and/or clay
  - Topsoil is defined as soil which provides a growing medium for revegetation to a minimum depth of 300mm



- 17. The applicant is requested in relation to condition 3 to liaise with local indigenous elders with respect to the presence of any significant sites that may be present on the land given that the Department of Indigenous Affairs may not have record of previous activities.**
- 18. The applicant is advised in relation to condition 25 b) to seek advice from the Serpentine Jarrahdale Landcare Centre regarding the establishment of pasture species.**
- CARRIED 7/2**

Committee Note: The Officer Recommended Resolution was changed by amending condition 25 b) to include the majority of species to be perennial pastures where possible and adding Advice Notes 17 and 18.

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

SD040/03/05 STAGE 3 RESIDENTIAL SUBDIVISION – BYFORD BY THE SCARP, LOT 100 SOUTH WESTERN HIGHWAY, BYFORD (S127104)		
Proponent:	Taylor Burrell Barnett Planning Consultants	In Brief  Stage 3 of subdivision of former Royal Australian Naval Armaments site. 109 residential lots ranging in size from 450 square metres to 1582 square metres in area with the average lot size being 602 square metres.  Approval is recommended subject to conditions.
Owner:	Bradwell Pty Ltd (Futuris/LWP Property Group joint venture)	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	23 February 2005	
Previously	SD005/01/05; P066/02/04	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 19 January 2005  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 84 hectares  
 L.A Zoning: Residential R20, R25, R40; Commercial; Public Purposes Reserve - Primary School; Local Reserve – Public Open Space.  
 MRS Zoning: Urban  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: Abuts Bush Forever site  
 Date of Inspection: 22 February 2005

## **Background**

### Historical Data

Due to the presence of the Cardup Brook and some fresh water springs, portions of the site were traditionally used by Aboriginal groups as a camping ground.

Some pastoral use of the land occurred during the 19<sup>th</sup> century and the early part of the 20<sup>th</sup> century.

Following the start of the Second World War, the subject site was used as an armaments depot for the Royal Australian Navy during the 1940's and 1950's. All structures associated with the former use have now been removed from the site except for a dwelling located on the foreshore reserve of Cardup Brook adjacent to Stage 2 of the subdivision. This dwelling is currently being assessed for its potential heritage values by the Peel Heritage Advisor on behalf of the Council.

The site was sold to the Smith Corporation, a land development company, in the late 1980's who rezoned the land and obtained subdivision approval but did not proceed with the development. Bradwell Pty Ltd (a joint venture comprising Futuris and LWP Property Group) purchased the site in 2003.

### Zoning

In 1999, the majority of the site was rezoned from Rural to Residential with residential density codes of R20-R40. A portion of the site was rezoned to Commercial (approximately 3 hectares) to facilitate a future neighbourhood shopping centre. At the same time, land within the site was reserved for the purpose of a primary school site (approximately 4 hectares) and public open space. The land is zoned Urban under the Metropolitan Region Scheme. The scheme amendment documents at that time, incorporated a Development Concept Plan for the site.

### Previous Subdivision Approvals

Following gazettal of the above Scheme Amendment, an application to subdivide the site into approximately 1 000 residential lots was submitted by Smith Corporation to the Western Australian Planning Commission (WAPC). The subdivision was generally in accordance with the Development Concept Plan incorporated in the scheme amendment documentation. The WAPC granted approval for this subdivision on 20 January 2000. Development was never commenced in accordance with this approval and accordingly, the approval expired on 20 January 2003.

An application for subdivision of the south-western portion of the site was submitted by Taylor Burrell Barnett planning consultants on behalf of Bradwell Pty Ltd in December 2003. This subdivision (comprising stages 1 and 2) contains 111 residential lots. The WAPC granted approval for stages 1 and 2 on 11 May 2004 subject to the following conditions:

- “1. *Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Authority the cost of such works as estimated by the Local Authority subject to the Local Authority giving assurance to the Commission that the works will be completed within a reasonable period of time acceptable to the Commission. (LG)*
2. *Street corners within the subdivision being truncated to the standard truncation of 8.5 metres. (LG)*

3. *Satisfactory arrangements for a dual use path to be designed and constructed along the South Western Highway reserve to the satisfaction of the Western Australian Planning Commission. (LG)*
4. *Dual use paths being designed and constructed along road reserves fronting the proposed public open space areas and foreshore reserve to the satisfaction of the Western Australian Planning Commission. (LG)*
5. *The proposed ‘PUBLIC OPEN SPACE’ and ‘POS AND FORESHORE RESERVE’ shown on the plan submitted by the applicant being shown on a Plan or Diagram of Survey (deposited plan) as a ‘Reserve for Recreation’ and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without payment of compensation by the Crown. (LG)*
6. *Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site not affected by necessary site works, worthy of retention prior to the commencement of site works. (LG)*
7. *The land being provided with an adequate outlet drainage system at the subdivider’s costs to the satisfaction of the Western Australian Planning Commission. (LG)*
8. *The land being graded and stabilised at the subdivider’s cost to the satisfaction of the Western Australian Planning Commission. (LG)*
9. *The land being filled and/or drained at the subdivider’s cost to the satisfaction of the Western Australian Planning Commission. (LG)*
10. *Such drainage easements as may be required by the Local Authority being granted free of cost to that Authority. (LG)*
11. *The applicant providing a geo-technical report certifying that the land is physically capable of development, to the satisfaction of the Western Australian Planning Commission. (LG)*
12. *The applicant providing a geo-technical report certifying that any filling or backfilling has been adequately compacted, to the satisfaction of the Western Australian Planning Commission. (LG)*
13. *Uniform fencing along the boundaries of all of the proposed lots abutting the proposed public open space to be constructed to the satisfaction of the Western Australian Planning Commission. (LG)*
14. *A bush fire management plan to be prepared, and measures for bush fire control to be provided to the satisfaction of the Western Australian Planning Commission. (LG)*
15. *Certification from the Water Corporation that arrangements have been made with that body so that connection to a water supply service will be available to the lots proposed by this application. (WC)*
16. *Certification from the Water Corporation that arrangements have been made with that body so that connection to a sewerage supply service will be available to the lots proposed by this application. (WC)*
17. *Such easements as may be required for the Water Corporation being granted free of cost to that Corporation. (WC)*
18. *Certification from the Water Corporation that arrangements have been made with that body with respect to the drainage of the land either directly or indirectly into a drain under the control of the Water Corporation. (WC)*
19. *Arrangements being made for the provision of underground electricity to the lots approved under this application to the satisfaction of the Western Australian Planning Commission. (Western Power)*
20. *The transfer free of cost of transformer and high voltage switch gear sites to the Western Power Corporation, with the locations of the sites being to the satisfaction of the Western Australian Planning Commission on the advice of the local government and Western Power Corporation. (Western Power) (LG)”*

Stages 1 and 2 are currently under construction with more than half of the 111 lots already under offer.

### Current Application

The application proposes the creation of 109 residential housing lots ranging in size from 450 square metres to 1 582 square metres with an average lot size of 602 square metres. The subject portion of the site has a residential density code of R20 (20 houses per hectare). There are two areas of public open space (POS) within Stage 3, comprising a linear park along South Western Highway and a pocket park near the main entrance to Stage 3. The portion of the site that is zoned commercial abuts the southern boundary of Stage 3.

The applicant has also submitted three plans showing potential variations to the subdivision layout to enable the retention of significant mature vegetation.

***A copy of the Stage 3 Subdivision Plan, the three variations to the subdivision design and the Development Strategy Plan are with attachments marked [SD040.1-03-05.tif](#).***

### Sustainability Statement

***Effect on Environment:*** The subdivision has the potential to provide considerable environmental benefits, enhance the environment and minimise environmental damage through:

***Biodiversity:*** The subdivision plan incorporates the retention of significant amounts of existing mature trees within road reserves, public open space areas and future residential lots. The linear parkland along the South Western Highway frontage of the site will also provide opportunities in the future for linkages to Brickwood Reserve and other nearby public open space and nature reserves.

Existing mature vegetation on the site includes *Corymbia Callophyla* (Marri) in both the more common white flowering variety and the less common pink flower (var. *rosea*). *Corymbia Callophyla* is the current name for *Eucalyptus Callophyla*. Other tree varieties include *Nuytsia floribunda* (Western Australian Christmas Tree), a variety of banksia with holly shaped leaves and jarrah. The three variation plans submitted aim to regain groupings of this vegetation in public open space with other significant trees retained within road reserves where possible.

***Energy Use/Greenhouse Gas Emissions:*** The dense development and efficient road, pedestrian and bicycle networks enable the reduction of car/transport use.

The Development Strategy Plan (previously approved by the Council) incorporates opportunities for the implementation of energy efficiency including smart-cabling (to enable broadband services), smart wiring of dwellings and use of low energy appliances within dwellings.

***Water Quality:*** The applicant advises that they intend to implement stormwater management and waterways management which incorporate:

- water management in construction
- water sensitive urban design in stormwater management
- minimise use of fertilisers and other contaminants
- maximum infiltration of water on site.

The subdividers' intentions in this regard are reinforced by appropriate conditions of approval.

***Air Quality:*** The proposal is not likely to cause emissions to the environment including solid, liquid, gas, noise or electromagnetic radiation. However, there is the potential for dust to be generated during construction and an appropriate advice note has been recommended.

**Heritage and Culture:** Aboriginal heritage issues have been addressed through the Aboriginal Heritage Management Plan prepared for the site and endorsed by the Council in 1999 when the previous subdivision was approved. Two Aboriginal heritage areas containing significant archaeological evidence of sustained Aboriginal use and occupation will be incorporated into public open space areas within the subdivision.

**Resource Implications:** The proposal minimises resource use, eg energy, land, water and soil compared to traditional development approaches through approximately 95% of all lots being of a design and/or orientation which enables passive solar design (eg facing the building north) which will have the benefits of reducing heating and cooling energy use and costs. Approximately 65% of lots are solar oriented on north to south or east to west as there was significant vegetation protected. Most of the remaining lots have the ability for a dwelling to be solar oriented.

**Water Use:** The proposal incorporates water sensitive urban design (eg use of rainwater tanks, swales, increased infiltration, reduced areas of lawn).

**Land:** Maximisation of the use of vegetated land such as the Cardup Brook foreshore and the area around the fresh water spring in the western area of the subdivision (ie within the public open space) to protect biodiversity.

**Use of Local, renewable or recycled Resources:** Not known at this stage.

**Economic Viability:** The proposal will be economically viable in a way that incorporates its external costs by minimising:

- pollution from transport or car dependence through the density of development and providing other efficient alternatives to road travel through the establishment of pedestrian and bicycle networks and linkages;
- removal of biodiversity (flora and/or fauna), land and waterway pollution;
- enhancing the quality of life of residents through reduced reliance on resources (power, water, car travel) as a result of the use of water wise, energy wise and opportunities for the use of advanced technology.

There will be future costs for the Shire with regard to maintenance of roads, public open space, foreshore, street trees and street lighting costs as well as the flow-on costs of providing services (rubbish, community services, recreation) to the future residents. However, these costs may be off-set initially by developer contributions towards community services and maintenance and monitoring (in the short term) of planting and water bodies. In the longer term, expansion of the rate base for the Shire will provide funds to off-set some of the costs.

**Economic Benefits:** Increased population means increased demand on businesses and services within Byford which may ultimately have benefits for employment creation in the locality (ie additional schools, larger shops, more shops etc.)

**Social – Quality of Life** The subdivision has the ability to improve the quality of life for the community through:

- Planning/Subdivisions: unrestricted solar access, public open space, public transport, noise buffering, good design for crime prevention, retention of existing vegetation and access to services (eg local shops).
- Assets: quality roads, lighting for safety, water sensitive design, pedestrian footpaths, trails and cycle ways.

**Social Diversity:** The variety of lot sizes proposed will encourage a diverse social structure including families, singles, couples and seniors.

**Statutory Environment:**

Town Planning and Development Act 1928;  
Town Planning Scheme No.2 and;  
Western Australian Planning Commission Act  
(Subdivision Regulations) 1985.

**Policy/Work Procedure  
Implications:**

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

**Financial Implications:**

Expenditure: Future maintenance of public open space (developer is required to maintain public open space for the first two years); future maintenance of drainage and road infrastructure; street lighting power costs will need to be considered carefully and a specified area rate may be applicable.

Income: Rates income from 109 new residential properties will be gained over the next few years depending on the rate of take-up of the lots.

**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.
6. Ensure a safe and secure community.

**2. Environment**

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.

**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 subdivision area comprises 12.53 hectares and proposes the creation of 109 residential lots and a balance lot of 1.45 hectares.

The balance lot is currently zoned Commercial and Public Open Space. Modification of the Development Concept Plan contained in the 1999 scheme amendment has placed the equivalent area of public open space in the large POS area contained in Stage 1. As such the land designated public open space next to the commercial site is not required as it has been duplicated in Stage 1. In addition, the commercial zone is intended to be reduced to 6 000 square metres. The applicant has recently submitted a scheme amendment request for rezoning of this land.

**Design:**

Lots are generally regular in shape and have been designed to optimise solar access. Lot layout within the subdivision provides for surveillance over the public open space areas that are contained within Stage 3.

**Lot size:**

The majority of lots within Stage 3 are between 450 square metres to 650 square metres in area. As such, the density of Stage 3 range generally from R15-R20. These densities have been derived through design measures aimed at tree retention and the local market demand.

**Detailed Area Plans:**

The applicant proposes to prepare detailed area plans to address issues such as development of lots in close proximity to South Western Highway, development of lots on narrow access places, development of lots abutting public open space and tree retention. A condition has been included in the recommendation in this regard.

**Movement network:**

Access to Stage 3 from South Western Highway will be via the neighbourhood connector currently being constructed as part of Stage 1.

Road reserves within Stage 3 vary from 12 metres to 18 metres in width. The street blocks are consistent with Liveable Neighbourhoods design criteria being between 150 metres to 220 metres in length and there will only be one small cul-de-sac within the subdivision (refer Option 1 plan). Therefore, permeability will be maximised.

**Public Open Space:**

Stage 3 will contain a portion of the linear public open space along the South Western Highway frontage of the site and two pocket parks. The pocket parks have been located to enable the retention of some significant groups of trees. Some of the pink flowering marri trees (*Corymbia calophylla rosea*) on the site are within the area of linear POS. The remainder of the pink flowering marri trees are within Stage 1.

**Flora for Fauna:**

A detailed flora, fauna and environmental assessment is still to be undertaken in relation to identifying any Marri (*Eucalyptus calophylla*) trees across the subject land which are significant in the feeding cycle of the Red-Tail, Black or Baudin Cockatoos (*Calyptorhynchus funereus latirostris*). The applicants did submit a document dealing with the black cockatoos but it dealt only with trees suitable for nesting rather than those trees which are current feeding trees. Any trees identified as significant in the feeding cycle of the black cockatoos should be required to be protected through inclusion in areas of public open space or verge medians where practicable.

Subsequent to submission of the subdivision application and site visits to the property with Councillors and officers, the applicants have submitted sketch plans for modifications to the proposed subdivision layout to enable the retention of significant groupings of trees and

significant individual trees within areas of public open space, road reserves and individual lots.

The three options for redesign within the subdivision area achieves a better outcome than the original subdivision design. Accordingly, it is recommended that Council's support for the subdivision be given on the basis of the proposed modifications being implemented.

#### Energy Efficiency and Solar passive design

About one third of the lots are not oriented east-west. However, most of the lots not oriented either due east-west or north-south are the larger, wider lots which offer a wider scope for orientation of dwellings to achieve solar/passive design. Sales contracts prepared by LWP Property Group for the lots include a "Sustainable Living Criteria" checklist. The checklist mandates that new homes within the subdivision must achieve 8 of the prescribed sustainability criterion to the satisfaction of the developer.

#### Buffers to adjacent brickworks and quarry

The subdivision has been assessed against the recommended dust, noise and gaseous emissions buffers that are currently in place for the adjacent brickworks and quarry. Stage 3 is outside all of these recommended buffers.

#### Conclusion

It is recommended that the Council advises the Western Australian Planning Commission that approval of the application for the Stage 3 subdivision is supported subject to conditions.

**Voting Requirements:** Normal

#### **Officer Recommended Resolution:**

The Western Australian Planning Commission be advised that Council supports approval of the application for subdivision of Lot 100 South Western Highway, Byford subject to the following conditions being imposed:

1. The subdivision layout shall be modified in accordance with the sketch plans entitled options 1, 2 and 3 attached to and forming part of this approval. A roundabout is to be included on the four way intersection shown on option 1 as per the original plan of subdivision.
2. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.
3. The intersection with South Western Highway to be designed and constructed to the satisfaction of Main Roads WA.
4. No permanent entry statements to be erected other than public art approved by Council.
5. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.
6. Street intersections being designed and constructed to the satisfaction of the Western Australian Planning Commission.
7. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the provision of proportional contributions for community facilities required within the Byford urban area in the future.



8. The Dual Use Path shown on the plan submitted by the applicant being constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.
9. The proposed public open space and foreshore reserves shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as "Foreshore Reserve" and "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.
10. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works including:
  - a) retention of all *Corymbia Callophylla Rosea* trees;
  - b) a detailed flora, fauna and environmental assessment being undertaken in relation to identifying any Marri (*Eucalyptus calophylla*) trees across the subject land which are significant in the feeding cycle of the Red-Tail, Black or Baudin Cockatoos (*Calyptorhynchus funereus latirotris*);
  - c) any trees which are identified as significant are required to be protected through inclusion in the foreshore reserve, areas of public open space or verge medians where practicable.
11. The subdivider shall be responsible for the maintenance of developed public open space for a period of two years or two summers from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.
12. Satisfactory arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation of a Drainage and Nutrient Management Plan for the subject land.
13. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
14. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
15. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
16. Drainage easements as may be required by the Local Government to cover drainage infrastructure developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.
17. Any required nutrient stripping treatments being designed, constructed and landscaped in accordance with water sensitive design principles to maximise detention time, and minimise the discharge of nutrients, to the satisfaction of the Western Australian Planning Commission.
18. The subdivider to undertake predevelopment and ongoing monitoring of drainage discharge and maintenance of any required nutrient stripping treatments, to be determined by, and upon the terms and conditions acceptable to the Western Australian Planning Commission. Arrangements being made to the satisfaction of the local government for the preparation of an on-going Drainage Management Plan for the long term monitoring and maintenance of stormwater treatments located within recreation reserves. The Drainage Management Plan to be prepared at the cost of the subdivider and to the satisfaction of the Western Australian Planning Commission.
19. Arrangements being made to the satisfaction of the Western Australian Planning Commission for a pro-rata contribution for the land required for drainage purposes and other drainage headworks/ infrastructure.
20. The location of any existing on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.
21. Potential landowners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.

22. The applicant engaging a suitably qualified engineer to certify that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
23. The subdivider to carry out remediation works for any areas within the subdivision area identified by the Environmental Review as requiring remediation to the satisfaction of the Western Australian Planning Commission.
24. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
25. Conduit and draw wires being provided adjacent to frontage of all lots to accommodate future data cabling.
26. The subdivider preparing a Bush Fire Management Plan in accordance with the specification of Fire and Emergency Services Authority and the Local Government for the ongoing protection of the subdivision to the satisfaction of the Western Australian Planning Commission.
27. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
28. Uniform fencing to be provided along the rear boundaries of any lots abutting South Western Highway, other subdivisional roads and public open space and to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.
29. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained due to earthworks associated with the subdivision to the satisfaction and specification of the local authority and the Western Australian Planning Commission. Where subdivision works includes the installation of retaining walls, the wall shall be located so that the footing and the top of the wall are fully within the boundaries of the lot on which it is constructed to the satisfaction of the Western Australian Planning Commission.
30. A section 70A Notification being placed on the Certificate of Title of all lots to alert purchasers and successors in title of the proposed lots of the following:  
*This land previously contained unexploded ordnance. The site has been cleared by the Fire and Emergency Services Authority however, due care should be taken during any excavation works such as the installation of swimming pools.*  
  
*This lot is in proximity to the South Western Highway (a major freight transport route). Therefore residential amenity is likely to be the subject of impacts from traffic with regard to noise, vibration and emissions. As a result, there may be a need to incorporate appropriate features in the design and construction of residences to mitigate against any impacts. (for lots adjacent to South Western Highway)*  
  
*This lot is in proximity to an existing brickworks and a shale quarry. Although buffers are in place, residential amenity may be the subject of impacts from these industries with regard to noise, vibration, dust and emissions. As a result, there may be a need to incorporate appropriate features in the design and construction of residences to mitigate against any impacts.*
31. The subdivider shall prepare detailed area plans to address issues such as development of housing on lots in close proximity to South Western Highway, development of housing on lots on narrow access places, development of housing on lots abutting public open space and tree retention.
32. The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining the proposed future development of the land.

Advice Notes:

1. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works require approval by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the construction drawings.
2. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works require approval by the Local Government prior to the commencement of site works (including the clearing of vegetation) and be in accordance with the approved Landscape Masterplan. The applicant is advised to liaise with the Local Government regarding the required form of the construction drawings.
3. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.
4. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
5. The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.
6. The Local Government and the applicant are advised that unless otherwise agreed to by the Western Australian Planning Commission, the first Diagram or Plan of Survey (Deposited Plan) lodged for the Western Australian Planning Commission's endorsement shall include the Public Open Space required by this approval, identified as a Reserve for Recreation, and shall include the creation of other lots within the subdivision to ensure that the Public Open Space land is properly vested under Section 20A on transfer of those lots.

The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.

7. The applicant is advised to liaise with the Local Government regarding the detailed requirements for drainage, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas. The natural wetland is to be retained in its natural state and not to be augmented by any other water supply including stormwater.
8. The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.
9. The applicant is advised that all development not covered by this subdivision approval (ie subdivisional earthworks, road works and subdivisional retaining walls) including the construction of dwellings and ancillary structures requires approval to commence development under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as the land is within the Shire's Landscape Protection Policy area. All purchasers of lots within this subdivision should be advised of this requirement by the developer.
10. The subdivider is required to comply with the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development.

#### AMENDMENT

That a condition 10 d) be added which states the retention of *Nutysia floribunda* through inclusion in the foreshore reserve, areas of public open space or verge medians where practicable.

**SD040/03/05 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Scott**

**The Western Australian Planning Commission be advised that Council supports approval of the application for subdivision of Lot 100 South Western Highway, Byford subject to the following conditions being imposed:**

- 1. The subdivision layout shall be modified in accordance with the sketch plans entitled options 1, 2 and 3 attached to and forming part of this approval. A roundabout is to be included on the four way intersection shown on option 1 as per the original plan of subdivision.**
- 2. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Western Australian Planning Commission that the works will be completed within a reasonable period acceptable to the Western Australian Planning Commission.**
- 3. The intersection with South Western Highway to be designed and constructed to the satisfaction of Main Roads WA.**
- 4. No permanent entry statements to be erected other than public art approved by Council.**
- 5. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.**
- 6. Street intersections being designed and constructed to the satisfaction of the Western Australian Planning Commission.**
- 7. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the provision of proportional contributions for community facilities required within the Byford urban area in the future.**
- 8. The Dual Use Path shown on the plan submitted by the applicant being constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.**
- 9. The proposed public open space and foreshore reserves shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as "Foreshore Reserve" and "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.**
- 10. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works including:
  - a) retention of all *Corymbia Callophylla Rosea* trees;**
  - b) a detailed flora, fauna and environmental assessment being undertaken in relation to identifying any Marri (*Eucalyptus calophylla*) trees across the subject land which are significant in the feeding cycle of the Red-Tail, Black or Baudin Cockatoos (*Calyptorhynchus funereus latirotris*);**
  - c) any trees which are identified as significant are required to be protected through inclusion in the foreshore reserve, areas of public open space or verge medians where practicable.**
  - d) retention of *Nuytsia floribunda* through inclusion in the foreshore reserve, areas of public open space or verge medians where practicable.****
- 11. The subdivider shall be responsible for the maintenance of developed public open space for a period of two years or two summers from the date of**

- completion of public open space development to the satisfaction of the Western Australian Planning Commission.
12. Satisfactory arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation of a Drainage and Nutrient Management Plan for the subject land.
  13. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
  14. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
  15. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
  16. Drainage easements as may be required by the Local Government to cover drainage infrastructure developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act to the satisfaction of the Western Australian Planning Commission.
  17. Any required nutrient stripping treatments being designed, constructed and landscaped in accordance with water sensitive design principles to maximise detention time, and minimise the discharge of nutrients, to the satisfaction of the Western Australian Planning Commission.
  18. The subdivider to undertake predevelopment and ongoing monitoring of drainage discharge and maintenance of any required nutrient stripping treatments, to be determined by, and upon the terms and conditions acceptable to the Western Australian Planning Commission. Arrangements being made to the satisfaction of the local government for the preparation of an on-going Drainage Management Plan for the long term monitoring and maintenance of stormwater treatments located within recreation reserves. The Drainage Management Plan to be prepared at the cost of the subdivider and to the satisfaction of the Western Australian Planning Commission.
  19. Arrangements being made to the satisfaction of the Western Australian Planning Commission for a pro-rata contribution for the land required for drainage purposes and other drainage headworks/ infrastructure.
  20. The location of any existing on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.
  21. Potential landowners being advised of the location of any bores and wells being retained and the closest setback a building may be sited to the bore or well to the satisfaction of the Western Australian Planning Commission.
  22. The applicant engaging a suitably qualified engineer to certify that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
  23. The subdivider to carry out remediation works for any areas within the subdivision area identified by the Environmental Review as requiring remediation to the satisfaction of the Western Australian Planning Commission.
  24. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
  25. Conduit and draw wires being provided adjacent to frontage of all lots to accommodate future data cabling.
  26. The subdivider preparing a Bush Fire Management Plan in accordance with the specification of Fire and Emergency Services Authority and the Local Government for the ongoing protection of the subdivision to the satisfaction of the Western Australian Planning Commission.
  27. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the

- satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
28. Uniform fencing to be provided along the rear boundaries of any lots abutting South Western Highway, other subdivisional roads and public open space and to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.
29. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained due to earthworks associated with the subdivision to the satisfaction and specification of the local authority and the Western Australian Planning Commission. Where subdivision works includes the installation of retaining walls, the wall shall be located so that the footing and the top of the wall are fully within the boundaries of the lot on which it is constructed to the satisfaction of the Western Australian Planning Commission.
30. A section 70A Notification being placed on the Certificate of Title of all lots to alert purchasers and successors in title of the proposed lots of the following:  
*This land previously contained unexploded ordnance. The site has been cleared by the Fire and Emergency Services Authority however, due care should be taken during any excavation works such as the installation of swimming pools.*
- This lot is in proximity to the South Western Highway (a major freight transport route). Therefore residential amenity is likely to be the subject of impacts from traffic with regard to noise, vibration and emissions. As a result, there may be a need to incorporate appropriate features in the design and construction of residences to mitigate against any impacts. (for lots adjacent to South Western Highway)*
- This lot is in proximity to an existing brickworks and a shale quarry. Although buffers are in place, residential amenity may be the subject of impacts from these industries with regard to noise, vibration, dust and emissions. As a result, there may be a need to incorporate appropriate features in the design and construction of residences to mitigate against any impacts.*
31. The subdivider shall prepare detailed area plans to address issues such as development of housing on lots in close proximity to South Western Highway, development of housing on lots on narrow access places, development of housing on lots abutting public open space and tree retention.
32. The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining the proposed future development of the land.

**Advice Notes:**

1. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works require approval by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the construction drawings.
2. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works require approval by the Local Government prior to the commencement of site works (including the clearing of vegetation) and be in accordance with the approved Landscape Masterplan. The applicant is advised to liaise with the Local Government regarding the required form of the construction drawings.
3. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.

4. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
5. The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.
6. The Local Government and the applicant are advised that unless otherwise agreed to by the Western Australian Planning Commission, the first Diagram or Plan of Survey (Deposited Plan) lodged for the Western Australian Planning Commission's endorsement shall include the Public Open Space required by this approval, identified as a Reserve for Recreation, and shall include the creation of other lots within the subdivision to ensure that the Public Open Space land is properly vested under Section 20A on transfer of those lots. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.
7. The applicant is advised to liaise with the Local Government regarding the detailed requirements for drainage, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas. The natural wetland is to be retained in its natural state and not to be augmented by any other water supply including stormwater.
8. The Local Government advises that it will not support the burning of cleared vegetation on-site and that site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.
9. The applicant is advised that all development not covered by this subdivision approval (ie subdivisional earthworks, road works and subdivisional retaining walls) including the construction of dwellings and ancillary structures requires approval to commence development under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as the land is within the Shire's Landscape Protection Policy area. All purchasers of lots within this subdivision should be advised of this requirement by the developer.
10. The subdivider is required to comply with the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development.

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was amended by adding condition 10 d) which states the retention of *Nutysia floribunda* through inclusion in the foreshore reserve, areas of public open space or verge medians where practicable.

SD041/03/05 INITIATION OF SCHEME AMENDMENT – LOT 49 (NO. 26) LEFROY STREET (CNR WELLARD STREET), SERPENTINE (P00977)		
Proponent:	Dykstra & Associates	In Brief  Request for Council to initiate a Scheme Amendment to rezone the subject lot from 'Residential R10' to 'Commercial' under the provisions of Town Planning Scheme No.2. It is recommended that the rezoning be initiated.
Owner:	M W Pattullo	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25 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	
<b>Delegation</b>	<b>Council</b>	

Owner: MW Pattullo  
 Owner's Address: 26 Lefroy Street, Serpentine  
 Applicant: Dykstra & Associates  
 Applicant's Address: Unit 6/2954 Albany Highway, Kelmscott WA 6111  
 Date of Receipt: 16 December 2004  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 0.2023 ha  
 L.A Zoning: Residential R10  
 MRS Zoning: Urban  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Town & Village Urban  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: 28 February 2005

### **Background**

Dykstra and Associates has submitted a request to Council to rezone Lot 49 Lefroy Street, Serpentine from Residential R10 to Commercial. The subject block is currently used for residential purposes with a single dwelling already existing on-site. The purpose of the proposed rezoning is initially to allow the limited expansion of the existing house to establish a Real Estate Agency on the subject land, whilst also providing scope for future development opportunities.

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

#### "Location

*The subject land is located on the corner of Wellard Street and Lefroy Street in the central area of the Serpentine townsite and is situated approximately 45km south east of the Perth City Centre.*

#### Existing Land Use

*Currently the site accommodates a single dwelling which is situated on the western portion of the lot. The eastern part of the lot is undeveloped and is predominately devoid of any*



remnant vegetation. Surrounding land uses offer a variety of compatible commercial type land uses integrated with residential development and include the adjoining commercial zoned lot west of Lot 49.

#### Metropolitan Region Scheme

The subject land is zoned 'Urban' under the Metropolitan Region Scheme, which reflects its current land use.

#### Town Planning Scheme No.2

The subject land is zoned 'Residential' under the Shire's Town Planning Scheme No.2 and is coded to a density of R10. Given that a Real Estate Agency would be considered an 'office' under the Scheme which is not permitted in the Residential zone, a Scheme Amendment to rezone the subject land to Commercial would be necessary to accommodate the proposed use.

#### Shire of Serpentine Jarrahdale Rural Strategy

The subject land is allocated Town and Village Urban within the Rural Strategy, and whilst it assumes an advisory role only, it does emphasise the importance of integrating compatible land uses, including commercial.

#### LPP14 – Wellard and Richardson Street, Serpentine – Design Guidelines

The abovementioned policy was adopted by Council on 27 October 2003 and was prepared to assist Council dealing with development within the Wellard and Richardson Street Precinct. Whilst at this stage the application only proposes a rezoning, it acknowledges the fact that the subject land is located in the Wellard and Richardson Precinct and any future development will be subject to the provision of these guidelines.

#### Proposal Details - Design and Layout

The proposed Concept Development Plan depicts the manner in which the land is intended to be used and developed for commercial purposes. The key features highlighted on the Concept Development Plan include:

An existing dwelling converted to an office;

One access point from Lefroy Street;

An internal road servicing the lot to the proposed car park and crossover; and

Complementary landscaping to enhance visual appeal.

**A copy of the Concept Development Plan is with attachments marked [SD041.1-03-05.tif](#)**

#### Sustainability Statement

**Effect on Environment:** It is considered that the proposal will not have any impact on the environment.

**Resource Implications:** It is considered that the proposal will not result in any resource implications through the rezoning stage of development. The proposed Commercial zoning will not significantly alter demands on services such as telecommunications, power and water given the similarities to the current usage of the immediate surrounds.

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

**Economic Viability and Benefits:** The proposal will provide economic benefits for the Shire by ensuring that the subject land can be used for the proposed commercial purposes.

**Social – Quality of Life and Social and Environmental Responsibility:** Not applicable.

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

**Statutory Environment:** Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Metropolitan Region Town Planning Scheme Act 1959  
Town Planning Scheme No.2  
Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the *Town Planning and Development Act 1928* and the *Town Planning Regulations 1967*. At this stage it is the provisions relating to advertising and referral requirements of Scheme Amendments that must be adhered to as per Section 7 of the *Town Planning and Development Act 1928*. These are detailed below;

*“7. Preparation of schemes*

- (2) *Subject to subsection (2aa), a town planning scheme prepared or adopted, or an amendment to a town planning scheme prepared, by a local government shall --*
- (a) *After compliance with sections 7A1 and 7A2 in respect of that town planning scheme or amendment, be advertised for public inspection in accordance with the regulations; and*
  - (b) *After advertisement under this subsection and compliance with sections 7A3 and 7A4 in respect of that town planning scheme or amendment, be submitted to the Minister for his approval.*

(2aa) *A local government shall, before submitting a town planning scheme or amendment to the Minister under subsection (2)(b), make reasonable endeavours to consult in respect of the town planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the town planning scheme or amendment.*

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

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

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

**Policy/Work Procedure**

**Implications:** LPP14 - Wellard and Richardson Street, Serpentine – Design Guidelines.

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

**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:**

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
5. Protect built and natural heritage for economic and cultural benefits.

### **3. Economic**

*Objective 1: A vibrant local community*

Strategy:

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

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

Strategy:

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

*Objective 3: Effective management of Shire growth*

Strategy:

1. Enhance economic futures for Shire communities.

### **4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

### **Community Consultation:**

No community consultation has been carried out to date. However, if initiated, the Scheme Amendment will require public advertising for a period of not less than 42 days in accordance with the *Town Planning Regulations 1967*.

### **Comment:**

#### Town Planning Scheme No.2

The proposed use of a Real Estate Agency generally conforms with the interpretation of an 'office' under the Scheme which is not permitted in the Residential zone and therefore requires rezoning to Commercial to be permitted on the subject property.

#### Rural Strategy

Under the Shire of Serpentine Rural Strategy, the Town and Village Urban Policy Area has a policy objective to allow for mixed land use zoning. Within this policy area, the development of an office is considered to be a conditional use and therefore can be accommodated through relevant planning provisions and controls.

#### Officer Comment

From a local planning perspective, the development type, use and extent is considered to be generally acceptable given:

- A proliferation of commercial zoned land which exists along Wellard Street and immediately adjoining the subject property.
- The proposal is general compatible with the existing commercial uses on Wellard Street.
- The residential form of the existing dwelling will be retained consistent with the surrounding area and underlying zone.
- Any proposed development on the site will need to be in accordance with LPP14 – Wellard and Richardson Street, Serpentine – Design Guidelines and will require separate planning approval.

- The intended use is reasonably low key and similar in scale and impact as 'Consulting Rooms' which are permissible in the residential zone.
- Car parking and landscaping can be provided on the property consistent with Scheme requirements.

The proposed 'Commercial' zoning is considered to provide for a wider range of commercial uses, which will facilitate quality development in terms of landscaping, parking areas and building design. The proposed Real Estate Agency will also provide a service which is currently lacking in the Serpentine Townsite. By rezoning the subject property to 'Commercial', the strip of commercial zoned land can be extended between Richardson and Lefroy Street on the northern side of Wellard Street. As Wellard Street is a main street in Serpentine, it is considered to be an ideal location for the development of commercial uses. Therefore, the development of a Real Estate Agency is considered to be neither ad hoc nor out of place in its current context.

The proposed development of the Real Estate Agency is considered to be relatively small scale with upgrading to the existing dwelling and the development of a car park required. Access to the property is considered to be from Lefroy Street, providing significant setbacks from Wellard Street to the proposed development. Any development on the property will be subject to separate assessment with relevant planning controls being imposed at that time.

The subject land is currently serviced with roads, water, drainage, power and telecommunications with the need for on-site effluent disposal as per surrounding properties. The relatively low scale development that is proposed once the land has been rezoned will not place any high demand on the existing infrastructure and, through relevant planning controls, may improve the overall streetscape values of the subject lot.

It is considered that the proposed rezoning will contribute to the commercial and economic activities within Serpentine and will help to further establish Wellard Street as the commercial node within the townsite. The rezoning will allow for the commercial strip on the northern side of Wellard Street to be completed and will help to provide a service which is currently unavailable in this area of the Shire. Further, any design features of the built form will aim to complement the surrounding environment and preserve the character of Serpentine.

Council initiation of an amendment to rezone Lot 49 Lefroy Street (cnr Wellard Street), Serpentine to 'Commercial' to facilitate the development of a Real Estate Agency is, therefore, recommended.

**Voting Requirements:** Normal

**SD041/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Price**

1. Council, in pursuance of section 7 of the *Town Planning and Development Act 1928* ("the Act"), initiates an Amendment to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 for the purposes of rezoning Lot 49 Lefroy Street (cnr Wellard Street), Serpentine from Residential R10 to Commercial.
2. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.
3. The applicant be required to pay the planning fee of \$1,500 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment).
4. That the Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by section 7A1 of the Act, and on receipt of a response from the Environmental Protection Authority indicating that the Amendment is not subject to formal environmental

**assessment, be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.**

- 5. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.**

**CARRIED 9/0**

SD042/03/05 SCHEME AMENDMENT NO. 105 - REZONING LOTS 11 & 12 (FORMALLY LOT 824) NETTLETON ROAD, KARRAKUP FROM 'RURAL' TO 'FARMLET' (P03740/01)		
Proponent:	Taylor Burrell Barnett	In Brief  That Council resolves not to proceed with Amendment No. 105 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") as the landowner / proponent no longer wishes to proceed with the amendment.
Owner:	Laytome Pty Ltd	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	15 March 2005	
Previously	P159/02/00	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Laytome Pty Ltd  
 Owner's Address: 1201 Nettleton Road, Karrakup WA 6122  
 Applicant: Taylor Burrell Barnett  
 Applicant's Address: 187 Roberts Road, Subiaco WA 6008  
 Date of Receipt: 25 October 1999  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 8.8140ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural and Water Catchments  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Agricultural Protection  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: N/A

### **Background**

At its meeting held on 28 February 2000, Council resolved (P159) to initiate Amendment No. 105 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme"). The Amendment proposed to rezone Lots 11 and 12 (formally Lot 824) Nettleton Road, Karrakup from 'Rural' to 'Farmlet'.

The proponent and landowner have now advised that they do not wish to proceed with the Amendment. As there is no overriding planning benefit associated with the Amendment, it is recommended that Council agrees to not proceed with the Amendment.

**A copy of Council's resolution P159/02/00 is with attachments marked [SD042.1-03-05.tif](#)**

### **Sustainability Statement**

Not applicable

### **Statutory Environment:**

Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Local Government Act 1995  
Town Planning Scheme No. 2

### **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:-

#### **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:

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

### **Community Consultation:**

Not undertaken

### **Comment:**

Amendment No. 105 proposed to rezone Lots 11 and 12 (formally Lot 824) Nettleton Road, Karrakup from 'Rural' to 'Farmlet'. This was to facilitate subdivision of the lots into a total of four lots, consistent with an appurtenant Subdivision Guide Plan forming part of the Amendment.

The proponent and landowner have now advised that they do not wish to proceed with the Amendment. As there is no overriding planning benefit or justifications associated with the Amendment, it is recommended that Council agrees to not proceed with the amendment.

### **Voting Requirements:**

**ABSOLUTE MAJORITY**

**SD042/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Scott**

1. Council resolves not to proceed with Amendment No. 105 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
2. The landowner, proponent, Western Australian Planning Commission and those persons who lodged submissions on the amendment, be advised in writing of Council's decision.

**CARRIED 9/0 ABSOLUTE MAJORITY**

SD043/03/05 SCHEME AMENDMENT NO. 133 - REZONING LOT 5 KARNUP ROAD, SERPENTINE FROM 'RURAL' TO 'FARMLET' (P02140/01)		
Proponent:	The Planning Group	In Brief  That Council resolves not to proceed with Amendment No. 133 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") as the landowner / proponents no longer wish to proceed with the amendment.
Owner:	JWG Stokman & M Van Hage	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	15 March 2005	
Previously	P238/03/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Owner: JWG Stokman and M Van Hage  
 Owner's Address: PO Box 335, Serpentine WA 6125  
 Applicant: The Planning Group  
 Applicant's Address: Mezzanine Level Central Park, 152-158 St Georges Terrace, Perth WA 6000  
 Date of Receipt: 12 December 2002  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 12.28ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Farmlet  
 Rural Strategy Overlay: Future Structure Planning  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: N/A

**Background**

At its meeting held on 24 March 2003 Council resolved (P238/03/03) to initiate Amendment No. 133 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme"). The amendment proposed to rezone Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet'.

The proponent and landowner have now advised that they do not wish to proceed with the Amendment. As there is no overriding planning benefit associated with the Amendment, it is recommended that Council agrees to not proceed with the amendment.

**A copy of Council's resolution P238/03/03 is with attachments marked [SD043.1-03-05.doc](#)**

### **Sustainability Statement**

Not applicable

### **Statutory Environment:**

Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Local Government Act 1995  
Town Planning Scheme No. 2

### **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:-

#### **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:

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

### **Community Consultation:**

Not undertaken

### **Comment:**

Amendment No. 133 proposed to rezone Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet'. This was to facilitate subdivision of the lot into three lots, consistent with an appurtenant Subdivision Guide Plan forming part of the Amendment. While the Shire's Rural Strategy did identify the subject land for 'Farmlet' development, it also showed it being subject to future structure planning in line with the remainder of the townsite. This structure planning is yet to be commenced, and hence any rezoning can be viewed as generally premature.

In line with the above, the proponent and landowner have now advised that they do not wish to proceed with the Amendment. As there is no overriding planning benefit or justifications associated with the Amendment, it is recommended that Council agree to not proceed with the amendment.

### **Voting Requirements:**

**ABSOLUTE MAJORITY**



**SD043/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Scott**

1. Council resolves not to proceed with Amendment No. 133 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
2. The landowner, proponent, Western Australian Planning Commission and those persons who lodged submissions on the amendment, be advised in writing of Council's decision.

**CARRIED 7/2 ABSOLUTE MAJORITY**

SD044/03/05 SCHEME AMENDMENT NO. 139 - PT LOT 521 SOUTH WESTERN HIGHWAY, BYFORD (P04659/02)		
Proponent:	Taylor Burrell Barnett and Wormall Group of Companies	In Brief  That Council resolves not to proceed with Amendment No. 139 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") as the landowner / proponent no longer wishes to proceed with the amendment.
Owner:	Bristile Ltd	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	15 March 2005	
Previously	P060/01/04	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Bristile Ltd  
 Owner's Address: Locked Bag 100, Midland WA 6056  
 Applicant: Taylor Burrell Barnett and Wormall Group  
 Applicant's Address: 187 Roberts Road, Subiaco WA 6008  
 Date of Receipt: 16 December 2003  
 Advertised: Yes  
 Submissions: 13  
 Lot Area: 10.1526ha  
 L.A Zoning: Special Use  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Conservation - Private Land  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: Site No. 271  
 Date of Inspection: N/A

**Background**

At its meeting held on 27 January 2004, Council resolved (P060/01/04) to initiate Amendment No. 139 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme"). The Amendment proposed to modify 'Special Use' No. 2 of Appendix 2 of the Scheme Text to allow for the manufacture, storage and distribution of plastics and related products; servicing and storage of civil engineering related machinery and equipment; caretaker's dwelling and incidental office on Pt Lot 521 South Western Highway, Byford.

The proponent and landowner have now advised that they do not wish to proceed with the Amendment due to failed negotiations between the proponent and landowner for the necessary transfer of the subject land to Wormall Group. As there is no purpose for the amendment anymore due to this failed transfer, it is recommended that Council agrees to not proceed with the amendment.

***A copy of Council's resolution P060/01/04 is with attachments marked [SD044.1-03-05.doc](#)***

### **Sustainability Statement**

Not applicable

### **Statutory Environment:**

Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Local Government Act 1995  
Town Planning Scheme No. 2

### **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:-

#### **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:

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

### **Community Consultation:**

The scheme amendment was advertised for public comment and submissions received.

### **Comment:**

Amendment No. 139 proposed to modify 'Special Use' No. 2 of Appendix 2 of the Scheme Text to allow for the manufacture, storage and distribution of plastics and related products; servicing and storage of civil engineering related machinery and equipment; caretaker's dwelling; and incidental office on Pt Lot 521 South Western Highway, Byford. This was to facilitate the proponent (Wormall Group) to set up their civil construction business on the subject land, which is involved in researching advances in water sensitive urban design such as that being targeted for the Byford Structure Plan area. The business was hence seen as an appropriate venture to locate within the Shire.

Due to contractual breakdowns, the proponent and landowner have now advised that they do not wish to proceed with the Amendment. As there is no purpose for the Amendment, it is recommended that Council agrees to not proceed with the amendment.

### **Voting Requirements:**

**ABSOLUTE MAJORITY**

**SD044/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Richards**

- 1. Council resolves not to proceed with Amendment No. 139 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.**
- 2. The landowner, proponent, Western Australian Planning Commission and those persons who lodged submissions on the amendment, be advised in writing of Council's decision.**

**CARRIED 9/0 ABSOLUTE MAJORITY**

CGAM026/03/05		SERPENTINE JARRAHDAL COMMUNITY RECREATION CENTRE MANAGEMENT GROUP (A0900-03)
Proponent:	Director Asset Services	In Brief  Council is requested to appoint Community and Councillor positions to the Recreation Centre Management Group.
Officer:	M.C. Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	28 February 2005	
Previously	CRD15/11/04: 22/11/2004 CGAM002/01/05: 18/01/2005	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

At its meeting of 18 January 2005, under delegation of Council, the Corporate Governance and Asset Management Committee resolved to form a Serpentine Jarrahdale Community Recreation Centre Management Group, endorse its Terms of Reference and call for expressions of interest for the appointment of two community positions on the Management Group.

The Management Group will be comprised of community, staff and two Councillor positions, being held for a period of two years with the first term expiring on 30 April 2007. The Group is expected to meet quarterly as a minimum with a meeting held in May of each year at which the Recreation Centre Operator will present their proposed operating budget prior to submission to Council for approval.

Expressions of Interest were advertised in the local newspaper and on the shire's website with two submissions received by 25 February 2005. One submission was from the Youth Advisory Committee (YAC) seeking to allow member involvement in the Management Group to provide input from the shire's young people. A submission was also received from Mr Dale Oliver, a resident of Byford.

The YAC have requested that two members are considered for appointment to the Working Group. It is considered advantageous to have YAC members involved to provide feedback to Council on the effectiveness of Recreation Centre programs in regard to meeting the needs of the shire's youth. Two members are requested as attendance by a single person may be daunting. It is also requested that the memberships are open allowing several YAC members to rotate through the Management Group.

Mr Dale Oliver has supported his application for membership with details of his professional and community background. Mr Oliver has been involved in a number of local community groups during the 12 years he has lived in Byford and is currently president of the Vipers Roller Hockey Club. Mr Olivier has significant experience in budgeting and forecasting, business reporting, costing and general accounting activities. He is also an Associate Member of Chartered Professional Accountants Australia and holds a Bachelor of Commerce – Accounting qualification.

### **Sustainability Statement**

**Effect on Environment:** Not applicable.

**Resource Implications:** The proposal aims to ensure best practice service delivery is maintained in the operation of the Recreation Centre through providing a mechanism by which community feedback of the performance of the Operator can be conveyed to Council.

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

**Economic Viability:** The proposal is aimed at ensuring the community receives the best standard and range of recreational programs within the financial capacity of Council to provide them via its Centre Operator.

**Economic Benefits:** The economic benefit of the Centre will be affordable recreational services and programs for the residents of the shire.

**Social – Quality of Life:** A Recreation Centre Management Group will be able to recommend changes to programs and services offered to the community to meet its needs.

**Social and Environmental Responsibility:** The proposal is aimed to be socially responsible through direct engagement of the community in the operation of the Recreation Centre.

**Social Diversity:** The proposal does not disadvantage any social groups and may encourage groups to participate in activities not currently available.

**Statutory Environment:** Not applicable.

### **Policy/Work Procedure Implications:**

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

### **Financial Implications:**

The proposal is aimed at operating the Centre in the most affordable manner possible ensuring community needs and expectations are aligned with the capacity of Council to provide them.

### **Strategic Implications:**

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### **Strategies:**

1. Provide recreational opportunities.

*Objective 3: High level of social commitment*

##### **Strategies:**

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

#### **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Expressions of Interest were advertised in the local newspaper and the shire's website from 19 January 2005 until 25 February 2005. The SJ Youth Advisory Council were contacted directly in relation to this matter.

**Comment:**

The submission by the YAC requesting two positions on the Management Group is supported as it provides a mechanism by which the performance of the Recreation Centre in relation to services provided to the shire's youth can be reported. An added benefit of rotating YAC membership through the Management Group will be to gain experience and personal confidence.

Appointment of Mr Oliver to the Management Group is also seen as beneficial due to his experience in financial matters and long term involvement with community groups, including recreational activities.

The appointment of two Councillors is also requested. In the event that appointed Councillors are not returned following the May 2005 local government elections, Council will be requested to appoint replacement members, otherwise the Councillor appointments will be effective until 30 April 2007.

**Voting Requirements:**

Normal

**CGAM026/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Wigg**

**Council appoints the following persons to the Serpentine Jarrahdale Community Recreation Centre Management Group until 30 April 2007:**

- 1. Mr Dale Oliver of 6 The Rampart, Byford as a community member;**
- 2. Two members of the Youth Advisory Council as community members; and**
- 3. Councillor Hoyer and Councillor Scott as Council members.**

**CARRIED 9/0**

CGAM027/03/05 SHIRE OF SERPENTINE JARRAHDAL OPERATIONAL ENTERPRISE AGREEMENT 1998 – PRODUCTIVITY GAINS THROUGH REDUCTION OF SICK LEAVE (A1048)		
Proponent:	Director Asset Services	In Brief  Council is requested to adopt a new Work Procedure through which the payment of Sick Leave entitlements on retirement / resignation of Operations employees under the Operational Enterprise Agreement 1998 is calculated.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	28 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	
<b>Delegation</b>	<b>Council</b>	

**Background**

In 1998 Council and its Operations employees negotiated an Enterprise Bargaining Agreement (the Shire of Serpentine Jarrahdale Operational Enterprise Agreement) which was certified by the Industrial Relations Commission on 16 December 1998.

The Agreement contains the following clause which is intended to reward employees who do not use sick leave entitlements:

**17. PRODUCTIVITY GAINS THROUGH REDUCTION OF SICK LEAVE**

*The following proposal has been developed to reward Council's permanent workforce who, by their continued presence on a day to day basis, contribute to the smooth running of routine tasks by providing the person power and expertise without exploiting sick leave provisions and thereby the good will of fellow workers united commitment to team objectives.*

*The scheme provides for a graduated entitlement to the unused sick leave as per the following model:*

<u>Unused Sick Leave</u>	<u>Entitlement</u>
1-200 hours	20%
201-400 hours	40%
401-600 hours	60%
601 hours +	80%

*On resignation, retirement or redundancy employee is entitled to a bonus in accordance with the following formula –  $(LR-LC) \times EP \times RP$*

*Where -*

*LR = sick leave entitlement on resignation/retirement*

*LC = sick leave entitlement at the commencement of the scheme*

*EP = entitlement percentage*

*RP = hourly rate of pay at resignation/retirement*

*The proposal only pays out for sick leave accumulated in addition to the balance at the start of the scheme and so does not create any sudden liability for Council. Past good performance is recognized by the credits helping to put up the entitlement percentage.*

*As recognition of past good attendance those employees who had accrued in excess of 5 years service at the commencement this Agreement shall be entitled to a minimum pay-out in accordance with Council's policy on retirement. It is to be noted that at the time of registration of this Agreement the maximum benefit was a payout of up to 50 days under certain conditions.*

The above clause was common in Enterprise Agreements of that time and the majority were applicable only for sick leave accrued from the date of certification. Most recognized the service of long term employees by calculating the entitlement percentage based on the total sick leave accrual at the time of resignation but still being applicable only to the hours actually accrued from the date of certification, primarily so Councils did not have a sudden financial liability.

Prior to the Serpentine Jarrahdale Agreement, Council had an existing policy on retirement which encouraged non-use of sick leave for Operations employees in which accrued sick leave was paid out fully to a maximum of 50 days (380 hours). The retention of this provision was negotiated into the Agreement but limited to employees who commenced with the shire prior to 16 December 1993, 5 years prior to certification of the Agreement. At the time there were 7 employees to which this would be applicable.

In July 2004 one of these employees retired and requested advice on the payment which would be received. At the time of retirement the employee had accrued in excess of 380 hours since 16 December 1998 and was advised that the payment would be based on that accrual being paid out fully. Operations employees advised that their interpretation of the sick leave Clause was that, as the employee had accrued in excess of 50 days (380 hours) at the time of certifying the Agreement, that 50 days was to be paid in full in addition to the 380 hours which would be paid at the applicable percentage.

The Director Asset Services, Operations employees and a representative of the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourses, Public Authorities Water Boards Union (LGRCEU) met to discuss the interpretation of the Clause. It became apparent that there were several ways the wording could be interpreted and no agreement could be reached.

The interpretation of the LGCCEU was that employees commencing prior to 16 December 1993 should be paid the first 380 hours of their accrual up until 1998 at the full rate then any additional accrual until resignation / retirement as per the formula within the Agreement. It was the view of the Director that this was not the intent of the Clause. In addition, a situation occurred where an employee had accrued in excess of 400 hours by December 1998 however utilized all sick leave due to an illness in 2003. If the LGCCEU interpretation was applied, the employee would be eligible for a sick leave payment on retirement / resignation which had actually been already paid.

It was agreed with the LGRCEU that the shire would request the Chamber of Commerce and Industry (CCI), in their capacity as Councils Industrial Advocate, to negotiate with the LGRCEU with the intent being to agree on an interpretation which would be accepted by all parties. This process was commenced in August 2004 and a final position was reached in February 2005.

In effect the clause is only applicable for sick leave accrued from 16 December 1998. Sick leave accrued prior to this date is not eligible for payment however is considered in determining the percentage rate at which payment would be made. For employees who commenced with the shire prior to 16 December 1993, again the Clause is only applicable for sick leave accrued from December 1998 however up to the first 380 hours of that accrual would be paid in full. Any remaining accrual (post December 1998) would be paid out using the formula in the Clause, again the total accrual over their employment being used to determine the percentage rate at which payment would be made.

Three possible scenarios exist using this methodology as follows:

- A.** For employees commencing after 16 December 1998, the payout would be the accrual at time of resignation / retirement with the percentage being based on that accrual:

e.g. Employee A (starting date 1 June 1999)  
Accrual 2005 → 235 hours  
Entitlement % [based on total accrual at retirement] → 40% (201-400 hours)  
Hours accrued 1998 to retirement → 235 hours

**Payout = 235 hours X 40% = 94 hours**

- B.** For employees commencing before 16 December 1998, but after December 1993, the payout would be limited to the accrual between 16 December 1998 and resignation / retirement date, but the percentage based on the actual entitlement at the time of resignation / retirement:

e.g. Employee B (starting date 1 April 1996)  
Accrual 2005 → 595 hours  
Accrual 1998 → 245 hours  
Entitlement % [based on total accrual at retirement] → 60% (401-600 hours)  
Hours accrued 1998 to retirement → (595 – 245) = 350 hours

**Payout = 350 hours X 60% = 270 hours**

- C.** For employees commencing before 16 December 1993, the payout would still be limited to sick leave accrued as from 16 December 1998, however up to the first 380 hours (50 days) of this accrual would be paid out at 100%. Any additional accrual would be as per the formula with the percentage based on the actual entitlement at the time of retirement:

e.g. Employee C (starting date 1 December 1985)  
Accrual 2005 → 1050 hours  
Accrual 1998 → 580 hours  
Entitlement % [based on total accrual at retirement] → 80% (601 hours +)  
Hours accrued 1998 to retirement → (1050 – 580) = 470 hours

**Payout = (a) 380 hours X 100% = 380 hours**  
**(b) (470 – 380 hours) X 80% = 72 hours**  
**Payout = (a) + (b) = 380 + 72 = 452 hours**



The LGRCEU have requested that the methodology for calculating payment is adopted by Council, enabling it to be referred to in Enterprise Agreements or employment contracts. It is recommended that it is adopted as a Work Procedure.

***A copy of the proposed Work Procedure CSWP50 Payment Of Entitlements Under Shire Of Serpentine Jarrahdale Operational Enterprise Agreement 1998 – Productivity Gains Through Reduction Of Sick Leave is with attachments marked [CGAM027-03-05.doc](#).***

### **Sustainability Statement**

***Effect on Environment:*** Not applicable

***Resource Implications:*** Not applicable

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

***Economic Viability:*** The proposal is seen as rewarding employees who have accrued sick leave entitlements, recognizing the positive effect this has on team productivity, while not exposing Council to a major financial liability.

***Economic Benefits:*** The proposal will provide economic benefits through good industrial relations with employees. Provision of the Sick Leave Clause encourages and rewards good productivity levels which enables works within the shire to be undertaken with low overhead costs.

***Social – Quality of Life:*** The Sick Leave Clause provides opportunity for employees to be rewarded on retirement / resignation if sick leave entitlements are not used. Equally, in the event of an employee being ill, sick leave accruals ensure a source of income is available while incapable of attending work.

***Social and Environmental Responsibility:*** The proposal is socially responsible as it benefits employees who have contributed to high productivity within Operations.

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

### **Statutory Environment:**

The Municipal Employees (Western Australia) Award 1999 (Federal) provides for accrual of sick leave at the rate of one sixth of a week for each completed month of service with the employer. This entitlement is the equivalent of 10 days (76 hours) per annum.

### **Policy/Work Procedure**

#### **Implications:**

New Work Procedure CSWP50

### **Financial Implications:**

The current cost liability to Council of all employees under the Agreement is approximately \$20,000. If employees do not utilize sick leave then this liability will gradually increase, however the cost is offset by productivity gains of employees being available for work.

Council has a Leave Reserve Account from which sick leave payments would be sourced. Council's present Sick Leave Liability is accommodated within the current Leave Reserve Account, however, ongoing contribution into this account is necessary to ensure sufficient funds will be available in the future.

### **Strategic Implications:**

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

#### **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

*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:**

Operations employees have been consulted through the LGRCEU.

#### **Comment:**

The interpretation of the Sick Leave Clause is seen as within the original intent of the Agreement. Importantly the interpretation provides recognition of long term employees by providing a mechanism by which their sick leave entitlement would be paid out at a higher rate. The interpretation also ensures Council meets its obligations in regard to the Agreement and is not placed in a dispute situation in the case where an employee has used sick leave for its intended purpose.

Provision of the Sick Leave Clause rewards employees who have accrued sick leave during their employment with the shire. While the Award does not consider sick leave as a cash entitlement forming part of an employees remuneration package, inclusion of the Clause is common in Enterprise Agreements.

**Voting Requirements:** Normal

#### **CGAM027/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick seconded Cr Richards  
Council adopts Work Procedure CSWP50 Payment Of Entitlements Under Shire of Serpentine Jarrahdale Operational Enterprise Agreement 1998 – Productivity Gains Through Reduction Of Sick Leave.  
CARRIED 9/0**

CGAM030/03/05 DANGEROUS TREE REMOVAL POLICY AP29 (A1048)		
Proponent:	Director Asset Services	In Brief  Council is requested to adopt a Policy relating to requests for the removal of trees based on an applicants belief that the tree is dangerous
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	1 March 2005	
Previously	CGAM004/01/05 24 January 2005	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

At its meeting of 24 January 2005, Council resolved to advertise its intention to adopt Draft Policy AP29 Request For Removal Of Dangerous Trees. The Draft Policy was advertised in the local newspaper and on Councils website from 25 January 2005 until 1 March 2005 with one public submission being made.

### **Sustainability Statement**

**Effect on Environment:** The proposed policy aims to ensure that trees are only removed when necessary.

**Resource Implications:** The proposed policy will not impact on resources however minimizes the legal exposure of Council should an officer be requested to provide an opinion on the integrity of a tree.

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

**Economic Viability:** The proposed policy is aimed at reducing Councils legal and financial exposure in relation of tree condition assessments without creating a financial burden on Council in engaging a professional arborist to assess requests.

**Economic Benefits:** An economic benefit will not necessarily be realized however the policy is aimed at reducing financial exposure.

**Social – Quality of Life:** By requiring residents to obtain independent professional advice regarding trees on private property, this may also reduce disputes between neighbours as currently occurs.

**Social and Environmental Responsibility:** The proposed policy aims to retain large trees within the shire unless it is determined that it is not safe to do so.

**Social Diversity:** The proposed policy does not disadvantage any social groups.

### **Statutory Environment:**

Schedule 3.1 (Powers Under Notices To Owners Or Occupiers Of Land) Division 1 9 of the Local Government Act provides Council with the power to issue a notice to “*Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.*”

Schedule 3.2 (Particular Things Local Government Can Do On Land Even Though It Is Not Local Government Property) 7 of the Local Government Act empowers Council to “*Make safe a tree that presents a serious and immediate danger, without having given the owner the notice otherwise required by the regulations.*” (The cost cannot then be recovered from the owner).”

**Policy/Work Procedure**

**Implications:**

New policy.

**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:

6. Ensure a safe and secure community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

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

**2. Environment**

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

Strategies:

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

3. Encourage protection and rehabilitation of natural resources.

6. Value, protect and develop biodiversity.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

2. Promote best practice through demonstration and innovation.

*Objective 3: Compliance to necessary legislation*

Strategies:

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:**

The Draft Policy was advertised in the local newspaper and on Councils website from 25 January 2005 until 1 March 2005 and one public submission was received.

Submission	Summary of submission	Officers Comment / Response to submission	Action (Support / Dismiss / Note)
Whittaker Livesey Street Mundijong	If the resident decides to rely on the judgement of the Council officers tree condition report, then any mishap in relation to that said tree becomes the sole responsibility of the Council, whether to person or property.	The purpose of the policy is to minimise Councils liability in relation to dealing with requests for removal of trees. The engagement of a qualified arborist ensures the decision of Council is made based on expert assessment of the condition of the tree.	Note
	If the resident decides to employ the services of a qualified arborist to determine the condition of the tree and the arborist finds it dangerous and in need of removal or pruning to make safe, etc, then Council should reimburse the resident the full cost of the arborist, as a resident should not be liable for the cost of determining the condition of a tree which is under the control of the Council.	In the situation of a tree on land under the care and control of Council, a resident may request a decision of Council if not satisfied with the determination of an officer that the tree will not be removed. If the resident engages a qualified arborist who recommends removal, and this is supported by Council, it is considered reasonable that the cost of the arborist report is refunded to the resident. It is not considered reasonable however in the event that the arborist report does not recommend removal.	Agree and policy revised.

**Comment:**

The intention of the Policy is to provide officers and Council with certainty in decision making with regard to dealing with requests for the removal of trees which are considered dangerous by residents, both on public and private land. The Policy also entitles residents to an appeal process should a request for removal on public land be denied by officers as a resident may, in accompaniment of an arborist's report commissioned by the resident, apply to Council to make a decision on the removal. It should be noted however that Council will still retain the ability to make the final decision on removal using the arborist report for assistance in that process.

**Voting Requirements:** Normal

**CGAM030/03/05 Committee/Officer Recommended Resolution:**

Council adopts Policy AP29 Request For Removal Of Dangerous Trees:

AP29 REQUEST FOR REMOVAL OF DANGEROUS TREES  
Responsibility: Director Asset Services

Requests for the removal or permission to remove dangerous trees are to be made to the shire as follows:

1. Trees on applicants property

An application will only be considered for removal of a dangerous tree (other than permitted under Clause 7.13.4 of Town Planning Scheme No.2) if a report by a qualified arborist detailing reason for removal is provided to Council.

2. Trees on adjacent private property

The Director Asset Services will consider the use of powers under Schedules 3.1 and 3.2 of the Local Government Act 1995 in relation to serving notice for the removal of a tree or entering a property to remove a tree in the following circumstances:

- (a) Where an officer of Council deems the tree to be in a dangerous condition; or
- (b) Where the affected neighbour can demonstrate reasonable negotiation has occurred with the owner of the property on which the tree is located and no agreement can be reached, and provides a report by a qualified arborist detailing reason for removal.

3. Trees on land under the care and control of Council

In the event that a request by a resident is denied for the removal of a tree on land under the care and control of Council, the resident may apply for decision of Council subject to the application including a report by a qualified arborist detailing reason for removal.

CARRIED 6/1

## SUPPLEMENTARY REPORT

### CGAM030/03/05 - DANGEROUS TREE REMOVAL POLICY AP29 (A1048)

A submission received in relation to the draft policy requested that, should an arborist report provided by a resident determine a tree is dangerous and warrants removal, the cost of the report be refunded to the resident. This submission was supported by officers and it was noted that policy had been revised, however the change was not shown in the Officer Recommended Resolution endorsed by Committee.

It is requested that Part 3 of the Recommended Resolution is modified as follows:

3. *Trees on land under the care and control of Council*

*In the event that a request by a resident is denied for the removal of a tree on land under the care and control of Council, the resident may apply for a decision of Council subject to the application including a report by a qualified arborist detailing reason for removal. If Council resolve to approve the removal of the tree, the cost of the arborist report will be refunded to the resident.*

### **CGAM030/03/05 COUNCIL DECISION/Revised Officer Recommended Resolution:**

**Moved Cr Kirkpatrick seconded Cr Richards  
Council adopts Policy AP29 Request For Removal Of Dangerous Trees:**

**AP29 REQUEST FOR REMOVAL OF DANGEROUS TREES  
Responsibility: Director Asset Services**

**Requests for the removal or permission to remove dangerous trees are to be made to the shire as follows:**

**1. Trees on applicants property**

**An application will only be considered for removal of a dangerous tree (other than permitted under Clause 7.13.4 of Town Planning Scheme No.2) if a report by a qualified arborist detailing reason for removal is provided to Council.**

**2. Trees on adjacent private property**

**The Director Asset Services will consider the use of powers under Schedules 3.1 and 3.2 of the Local Government Act 1995 in relation to serving notice for the removal of a tree or entering a property to remove a tree in the following circumstances:**

- (c) **Where an officer of Council deems the tree to be in a dangerous condition; or**
- (d) **Where the affected neighbour can demonstrate reasonable negotiation has occurred with the owner of the property on which the tree is located and no agreement can be reached, and provides a report by a qualified arborist detailing reason for removal.**

**3. Trees on land under the care and control of Council**

**In the event that a request by a resident is denied for the removal of a tree on land under the care and control of Council, the resident may apply for a decision of Council subject to the application including a report by a qualified arborist detailing reason for removal. If Council resolve to approve the removal of the tree, the cost of the arborist report will be refunded to the resident.**

**CARRIED 9/0**

CGAM031/03/05		DRAFT ROADSIDE MANAGEMENT POLICY AP30 (A1048)	
Proponent:	Reserves Officer	In Brief  Council is requested to endorse Draft Roadside Management Policy.	
Owner:			
Officer:	Jenni Andrews Reserves Officer		
Signatures Author:			
Senior Officer:			
Date of Report	11 February 2005		
Previously	AS030.2/11/04 E032/04/02		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

**Background**

In April 2002 Council resolved:

- 1 *Council advertises its intention to adopt the following draft policy procedure for Roadside Management in accordance with the Community Consultation Framework, as follows : (draft roadside management attached with track changes)*
- 2 *Council notes the implementation strategy proposed in support of this policy.*
- 3 *Council gives consideration to including the costs described above in the 2002/03 and 2003/2004 budgets to allow implementation of the policy.*
- 4 *Council identifies and manages roads which fulfil a strategic fire management function.*
5. *Council prepares a register of significant trees*

Shortly after this resolution the Environmental Officer departed from the shire and a new Reserves Officer position was created. As a result the advertising of the draft policy procedure was overlooked. The draft policy procedure has recently been advertised in accordance with the April 2002 resolution.

The implementation strategy proposed by Environmental Officer has had minor changes updating the role of staff managing the implementation of this policy to the Reserves Officer, change of programmed date of roadside conservation value surveys to 2005/06 and cost estimates for 2005/2006 budget.

***A copy of the Draft Roadside Management Policy is with attachments marked [CGAM031-03-05.doc](#)***

### **Sustainability Statement**

#### ***Effect on Environment:***

Roadside corridors are often the only remaining remnant native vegetation in some areas and provide an example of the indigenous flora, provide wildlife and habitat corridors for fauna.

Good roadside management will ensure that biodiversity values are conserved and best management practice in roadside construction and management activities occur.

#### ***Resource Implications:***

This policy and implementation strategy requires intensive management, measurement and monitoring by staff. Forward planning and budgeting are necessary to see the success of this policy.

***Use of Local, renewable or recycled Resources:*** Where possible locally collected and grown plants will be used and local contractors sought. Training of staff and contractors will provide skills required to implement this policy.

***Economic Viability:*** Road construction and improvement programs in the Shire will see the widening of many roads to accommodate increasing traffic and the subsequent loss of native vegetation. This policy therefore encourages road design and works which minimise clearing and revegetates or repairs degraded roadsides.

#### **In 2002/2003**

- the estimated cost of providing plants to landholders with major road projects was \$2000
- Cost of incorporating revegetation into road-reconstruction works will vary according to the works, and should be factored into the cost of each major project
- \$5000 – weed control following Council approved roadside burning
- \$2500 for roadside management and dieback management training re-fresher for Council staff – within training budget for relevant staff
- Payment of Volunteer Fire Brigades to carry out controlled burns estimated at less than \$1000 (within budget)

#### **2005/2006**

- The estimated cost to providing plants to landholders with major projects in view of funds from principal activities plan and major road works in the last two financial year is \$4500
- Cost of incorporating revegetation cost will vary according to works, in view of principal activities plan and road works in last two financial years will be \$15,000.
- Weed control following Council approved road side burns \$3000 (within MOR799)
- Roadside management and dieback management training was undertaken in 2004/2005.
- Payment of Volunteer Fire Brigades to carry out controlled burns estimated at \$5000 (within MOR799)
- Roadside Conservation Value assessment and review is in kind with staff and volunteers.
- Weed control on high conservation value roadsides \$5000 (this budgeted for in NNW730)



This is an estimated total of \$32, 500 which will be accommodated in operating budget allowance.

**Economic Benefits:** Flora roads and scenic routes receive high use by tourists and visitors to the Shire. It is better to retain remnant native vegetation within road reserves where possible as revegetation can be costly and does not always succeed due to a variety of influencing factors.

**Social – Quality of Life** Roadside vegetation is a priceless community asset providing a snapshot of what the landscape looked like prior to European settlement and provides a sense of place to the local community.

**Social and Environmental Responsibility:** Community participation will be enabled through the Serpentine Jarrahdale Roadside Conservation Volunteer Committee in the implementation of this policy with the assistance of shire and Landcare staff.

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

**Statutory Environment:**

Environmental Protection Act  
Wildlife Conservation Act  
Bush Fires Act  
Utility Provider Act  
Land Administration Act  
Commonwealth Telecommunications Act

**Policy/Work Procedure Implications:**

New Council policy. This proposed policy will:

- a) Replace Work Procedure WP 4 FIREWOOD COLLECTION ON ROAD RESERVATIONS and WP10 ROAD VERGE – BURNING;
- b) Give effect to the ROADSIDES CONSERVATION POLICY OVERLAY (Shire Rural Strategy), the Shire's Policy for Dieback Disease Management (OCM Item E14, 28/4/1997)

**Financial Implications:**

2005/2006

- The estimated cost to providing plants to landholders with major projects in view of funds from principal activities plan and major road works in the last two financial year is \$4500
- Cost of incorporating revegetation costs will vary according to works, in view of principal activities plan and road works in last two financial years will be \$15,000.
- Weed control following Council approved road side burns \$3000 (within MOR799)
- Roadside management and dieback management training was undertaken in 2004/2005.
- Payment of Volunteer Fire Brigades to carry out controlled burns estimated at \$5000 (within MOR799)
- Roadside Conservation Value assessment and review is in kind with staff and volunteers.
- Weed control on high conservation value roadsides \$5000 (this budgeted for in NNW730)

This is an estimated total of \$32, 500 which will be accommodated in operating budget allowances.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

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

Strategies:

5. Protect built and natural heritage for economic

**2. Environment**

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

3. Develop tourism potential.

**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:**

Required: Yes

The draft roadside management policy has been advertised in the Serpentine Jarrahdale Examiner for a comment period of 42 days. The policy could be viewed at Council Administration Centre, Mundijong Library, and shire website. Comment was directly sought from the following community groups and service providers:

Local Fire Brigades

Serpentine Jarrahdale Land Conservation District Community

Serpentine Jarrahdale Roadside Care Volunteers Committee

Mundijong Celebration Community Forum

Oakford/Oldbury Community Association

Serpentine Community Forum

Jarrahdale Townscape Committee

Byford Townscape Committee

Department of Conservation and Land Management Road Conservation Committee

Western Power

Telstra

Alinta Gas  
Water Corporation  
Main Roads

Support/Object: Four organisations have responded with comments

<b>Group</b>	<b>Summary of Submission</b>	<b>Officer's Comment/response to submission</b>	<b>Action (Condition/ Support/ Dismiss)</b>
<b>Byford Volunteer Fire Brigade</b>	Approval for verge burns when substantial amount of lovegrass is present should only be granted if there is to be a planned chemical weed spray follow up.	This is addressed in section 9.3 e)"Where an approved burn is carried out, Council shall carry out effective weed control over the following growing season where this would assist with native plant regeneration". The policy does not favour chemical method over alternative methods of weed control.	Support
<b>Oakford / Oldbury Community Association</b>	8.6 Educating and employ shire staff and contractors who can identify weed problems and practise weed hygiene ie. Check tyres, wash machinery to reduce weed spread.	9.2 c) addresses the required competencies of vegetation management for shire staff and contractors. Council has adopted a dieback management policy and procedure. All Operations Shire staff attended Roadside management and Dieback Management course arranged by the Environmental Officer in 2004/2005.	Support
	In the past shire staff and contractors have worked around planted vegetation and accidentally slashed them.	9.4 f) community or resident groups proposing any projects on road reserves will require prior Council authorisation. This will ensure sites are registered and there is less chance of damage to plants by roadside workers.  The separate free verge plant scheme provides planting guidelines and warns that if plants are put in the wrong location they may be damaged in maintenance programs	Note
	Follow up maintenance of road verge planting must take place including removal of tree guards.	This will be addressed as part of the revegetation plan and budget.	Note
	8.7.1 Rare Flora signs are too small to be read by a moving car, and request to have larger signs.	This issue raised will be assessed in negotiation with SJ RCVC, shire and landcare. Larger interpretative signs may be considered in the future.	Note
	Support for the use of local seed when planting	The policy indicates that only local species should be used in	Support

<b>Group</b>	<b>Summary of Submission</b>	<b>Officer's Comment/response to submission</b>	<b>Action (Condition/ Support/ Dismiss)</b>
	on road verge.	revegetation projects. Local seed is always a preference however availability is a large factor in determining this.	
	10 Support for incentives to landowners to plant in land adjacent to road reserves and recommendation that the landowners are asked to pay 50% for plants rather than get them for free.	Participating landowners will need to complete necessary site preparation and maintenance for successful outcome. The purpose is to provide an incentive with the cost of plants covered.	Dismiss
<b>Serpentine Jarrahdale Roadside Care Volunteer Committee (SJ RCVC)</b>	6.2 Under explanation and Implementation – All railway line managers should be included	This policy is specifically for road reserves. As rail reserves contain similar biodiversity values it is recognized that a partnership needs to be formed with rail managers to achieve goals. This is being pursued by the trails working group.	Dismiss
	8.4 Under Explanation and Implementation – The last sentence should read : Revegetation on low conservation roadsides 'should be carried out " where it is to link to high or medium conservation areas – in line with the Shire's Strategic Plan which states that the Shire will build a network of vegetation corridors throughout the shire.	2001 – 2005 Strategic Plan – to build a network of green links throughout the shire for their conservation, water management and recreational values. Section 8.4 encourages strategic revegetation in low conservation roadsides. Such strategies will include linkage with other roadside, water and recreational corridor linkages.	Support
	Proposals to burn or carry out other fire management – Approval should only be granted where there is a plan to follow up with chemical weed control and revegetation. Where an approved burn is carried out Council should supply the Roundup and native plants or seed to the applicant who applied for that approval, through the free verge scheme and under the direction of the landcare center.	This is addressed in section 9.3 e)"Where an approved burn is carried out, Council shall carry out effective weed control over the following growing season where this would assist with native plant regeneration". The policy does not favour chemical method over alternative methods of weed control. The free verge plant and roundup scheme is advertised verbally by shire staff when requests to burn are received.	Support
<b>CALM Roadside Care</b>	Reference to the Roadside Care Committee and its distinction from CALM	Self Explanatory	Support

<b>Group</b>	<b>Summary of Submission</b>	<b>Officer's Comment/response to submission</b>	<b>Action (Condition/Support/Dismiss)</b>
<b>Committee (RCC)</b>	corrected where necessary		
	Differentiation made between 'road reserve' and 'roadside' made where necessary.	Self Explanatory	Support
	The term roadside conservation value should be used rather than condition as this can be interpreted in a number of ways.	Roadside conservation has been clearly defined , and it may be confusing to the reader so consistent terminology will be used.	Support
	References or supporting documents shall be cited at the back of the document.	It is assumed information for this policy had been sourced from CALM Roadside Conservation Committee resources. Referral to the text or source of information will direct the reader to further information. This is mentioned in the explanation and implementation notes for road managers.	Support
	The section Activity Specific Policies stated that 'Firewood collecting and timber harvesting on roadsides was prohibited', RCC have written guidelines for Managing the Harvesting of Native Flowers , Seed and Timber from Roadsides.	The policy prohibits firewood collecting and timber harvesting on road reserves so that it is retained for flora and fauna conservation and habitat.	Dismiss
	The balance between retaining remnant native vegetation and undertaking rehabilitation is important . It is better to retain remnant vegetation within roads reserves.	This is addressed is section 4 values of roadside vegetation section 5a) maximize the retention of roadside vegetation.	Support
<b>Western Power</b>	Revegetation in the vicinity of power lines will permit only plants of 3 metres in mature height.	Free verge plant guidelines specifies 2 metres. The specific height has been inserted in 9.5c).	Support
	Where tree retention and constant and frequent pruning near power lines is required by the Shire then the Shire will undertake the management of those trees as cultivated trees.	It is recognized that regrowth and new saplings can grow very quickly and interaction with power lines can be disastrous both for power supply and safety to the public however naturally occurring trees on the verge are Western Powers responsibility.	Dismiss
	In response to 9.2d) "Clearing or ground pruning of fast growing	The policy will continue to encourage replacement of fast growing vegetation for	Dismiss

<b>Group</b>	<b>Summary of Submission</b>	<b>Officer's Comment/response to submission</b>	<b>Action (Condition/Support/Dismiss)</b>
	vegetation may be considered in some circumstances where alternative revegetation is proposed to replace lost vegetation “. Offset planting for new power lines can be acceptable but not for maintenance of existing lines.	environmental, social and economic outcomes.	
<b>Reserves Officer/Operations Staff</b>	Grammatical and typographical errors.	Self Explanatory	
	Change of dates and staff responsibilities in explanation and implementation.	This does not differ the policy just keeps the implementation of the policy up to date with current position descriptions with staff.	
	9.5 )delete Where a roadside drain exists, only groundcovers, sedges and low shrubs (up to 0.7m) are to be seeded or planted between the drain and road shoulder edge.	The intention of this section is to design revegetation to avoid future safety and maintenance problems. Whilst the benefits of vegetation in the drain can be realized the cost and difficulty of maintenance access does not make this feasible.	Support
	9.5 )Delete direct seeding as a preferred method of revegetation.	Direct seeding projects have been successful in the past but on a small strip of land where control of species height and placement is essential in safety and maintenance precautions, an integrated and site specific method shall be used.	Support

**Comment:**

Many aspects of the policy have been implemented in work practices over the last 2 – 4 years. With increased involvement in road reserve management, the Reserves Officer will be required to liaise frequently with SJ Roadside Care Volunteer Committee (SJRCVC). Confirmation has been received that SJ RCVC are willing to actively participate in the 2005/2006 roadside flora conservation flora survey and map to be produced. This provides effective consultation and involvement with the community. Members affected and interested in roadside management.

**Voting Requirements:** Normal

**CGAM031/03/05 Committee/Officer Recommended Resolution:**

Council delete Work Procedure WP4 Firewood Collection on Road Reservations and WP10 Road Verge - Burning and adopt the Roadside Management Policy AP30 as attached at CGAM031/03/05.  
CARRIED 6/1

## SUPPLEMENTARY REPORT

Further clarification was required in section 9.3 *Proposals to burn or carry other fire management* in respect to responsibilities of follow up weed control.

Section d) and e) has been amended and an addition of f) to make the responsibilities transparent. ***The amended Policy is in the attachments marked [CGAM031.2.03.05.doc](#)***

Currently residents are able to apply for a verge burn using the draft procedure outlined below. The applicant, if receiving approval, is notified by written correspondence and verbally communicated the ongoing responsibility and conditions of the verge burn. The condition of this is that the applicant must control the weed growth in that area thereafter. A register of verge burns is kept so repetitive burns are not enabled.

Where shire officers have initiated the verge burn the ongoing weed control shall be incorporated into annual drain and verge maintenance programs or rehabilitation program.

Where verge burning is for the benefit of preservation and conservation of native flora and fauna follow up weed control will be undertaken by shire contractors or experienced volunteers. It is suspected that these applications will be rare as resources are best spent on areas of low weed infestation. In the instance where this type of verge burn is to take place, it is anticipated that a management plan be in existence defining a fire regime for the road reserve before the burning was to take place. Fire regime is important in the survival or destruction of the vegetation community.

A draft procedure in place is as follows

1. Shire Operations Centre issue and receive applications.
2. Upon applying , the applicant is advised that if approved the burn will be carried out by local Volunteer Bush Fire Brigade (VBFB), and a donation to the VBFB would be appreciated; and that after any burning they MUST follow up with weed control. At this time applicants are advised of the free verge plant and herbicide program.
3. Customer Service Officer undertakes a site inspection to ensure no native vegetation /trees/services/infrastructure will be affected by a burn and if necessary impose conditions on the scope of any proposed burn. In areas of Medium to High Roadside Conservation Value verge burning is not encouraged. Where necessary Customer Service Officer will seek advice from Landcare/Environmental/Reserve Officer if unsure of species identification and/or environmental values at proposed burn locations.
4. If the application is approved the original is retained / a copy is faxed to Landcare/and a copy is given to the applicant to present to the Fire Control Officer in their locality. The Fire and Emergency Services Officer and Fire and Emergency Services Support Officer are advised of the applicant's details and burn location.
5. If the application is not accepted the applicant is notified
6. Verge burn is added to a register of approved burns to ensure any one location is not repeatedly burnt.

**CGAM031/03/05 Revised Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Price**

**Council delete Work Procedure WP4 Firewood Collection on Road Reservations and WP10 Road Verge - Burning and adopt the Roadside Management Policy AP30 as attached at CGAM031.2/03/05.**

**AMENDMENT**

**Moved Cr Star seconded Cr Price that part c) be added to section 9.3 Proposals to burn or carry out other fire management “With high conservation value reserves the latter will be the only determinant and will require authorisation by the Reserves Officer and/or the Environmental Officer”**

**After debate the presiding member then put the amendment which was CARRIED 9/0**

**The presiding member then put the amended motion which was**

**COUNCIL DECISION**

**Council delete Work Procedure WP4 Firewood Collection on Road Reservations and WP10 Road Verge - Burning and adopt the Roadside Management Policy AP30 as attached at CGAM031.2/03/05 with the addition of “c) With high conservation value reserves the latter will be the only determinant and will require authorisation by the Reserves Officer and/or the Environmental Officer” to section 9.3 Proposals to burn or carry out other fire management to Policy AP30.**

**CARRIED 9/0**

Council Note: The Revised Officer Recommended Resolution was changed to include part c to section 9.3 – with high conservation value reserves the latter will be the only determinant and will require authorisation by the Reserves Officer and/or the Environmental Officer.

<b>CGAM032/03/05 TENDER RFT C02/2004-05 PAVEMENT REPAIRS CEMENT STABILISE VARIOUS ROADS (A0958/05)</b>		
<b>Proponent:</b>	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council is requested to accept the tender offer to carry out various road pavement repairs within the Shire of Serpentine-Jarrahdale.
<b>Owner:</b>		
<b>Officer:</b>	Patrick Rose	
<b>Signatures Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	15/2/05	
<b>Previously</b>		
<b>Disclosure of Interest</b>	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.	
<b>Delegation</b>	<b>Council</b>	

**Background**

Pavement repairs are required to be carried out for general road maintenance purposes on various sections of road to maintain the integrity of the existing road network within the Shire.



Tenders for Contract number C02/2004-05 Pavement Repair Cement Stabilise were called for various sections of road pavement. An allowance of \$180,000 is included in the 2004-05 budget for road pavement failure repairs (MOR796). However due to recent road failures on Abernethy Road west an allowance of \$40,000.00 has been reallocated from MOR796 to the Operations Team to carry out the necessary repair works. Therefore leaving \$140,000.00 for pavement repairs.

This tender is part of the work to be carried out under this budget provision.

### **Sustainability Statement**

Pavement rehabilitation works addressing areas of sub-grade and base course pavement failure ensure road life is maximized to allow a sustainable transport network to be maintained. This tender provides to undertake a quantity of work allowing effective site establishment and efficient work delivery of these essential roadworks, therefore achieving desirable, cost effective rates for pavement repairs. Local products are to be utilized and improvements to the road network results in more effective and safe movement of traffic within the Shire.

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

***Resource Implications:*** The method of cement stabilisation for pavement repairs minimizes the use of resources because it utilises existing materials, it would not involve the implication of removal and disposal of cut material.

***Use of Local, renewable or recycled Resources:*** This method also maximises the use of renewable resources for it does not involve the disposal of cut material. It also facilitates the reduction in transportation costs and pollution.

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

***Economic Benefits:*** The proposal would generate tourism by attracting drivers to use our scenic route network.

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

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

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

**Statutory Environment:** Local Government Act 1995 & Tender Regulations.

**Policy/Work Procedure Implications:** Tender Process – G16 & Council's Purchasing Policy CSWP16.

**Financial Implications:** Pavement repairs are to be carried out in accordance with current budget provisions for maintenance of streets and roads. Budget allocation – MOR796 \$180,000.00)

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

6. Ensure a safe and secure community.

**3. Economic**

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

Strategies:

1. Improved freight, private and public transport networks.

**Community Consultation:**

Required: No

**Comment:**

The table below is a list of sections of various roads within the Shire that Asset Services staff determined required reconstruction due to pavement failure prior to tenders being sought:

ROAD	SECTION FROM	TO
Bradshaw Street	Lot 17 Boundary	10 metres south
Adonis Street	Cockram Street	100 metres south
Abernethy Road	Briggs Road	150 metres west
	Water Corp Bridge	55 metres west
	Mount Eden Lane	300 metres west
Gossage Road	Boomerang Road	600 metres east

Tenders were advertised on Wednesday 16<sup>th</sup> February 2005 in the West Australian with invitations closing at 3:00pm Tuesday 8<sup>th</sup> March 2005. Contract documents were sent to three (3) contractors.

Tenders were received at the closing time as below:

TENDERER	TENDER AMOUNT GST INCLUSIVE	COMPLIANCE
Brierty Contractors	\$272,293.89	Yes
Works Pavement Technology	\$166,204.50	Yes

The tendered offer from Works Pavement Technology exceeds the budget allowance of \$140,000.00. In accordance with clause "2.2.3 Price Basis" of the tender documents, the Principal reserves the right to accept all or part thereof of the tenderers offer.

Due to the tendered offer for the works on Adonis Street being much higher than anticipated, and the rate for both Bradshaw & Adonis Streets being priced collectively resulting in excess of the budget estimate, the schedule is required to be revised in order to carry out the works in accordance with the budget allowance. It is therefore recommended that quotations for the works on Bradshaw & Adonis Streets are sought independently as these two jobs are compatible and therefore removed from the schedule. It is also recommended that the Council accept the offer for the revised following works:

ROAD	SECTION FROM	TO	COST (Incl. GST)
Abernethy Road	Briggs Road	150 metres west	\$16,240.95
	Water Corp Bridge	55 metres west	\$6,459.75
	Mount Eden Lane	300 metres west	\$31,684.95
Gossage Road	Boomerang Road	600 metres east	\$64,166.85
SUB TOTAL			\$118,552.50
O/HEADS			\$3,556.57
<b>TOTAL</b>			<b>\$122,109.07</b>

**Voting Requirements:** Normal

**CGAM032/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick seconded Cr Richards**

**That Council accept the offer submitted by Works Pavement Technology for RFT C02/2004-05 Road Pavement Repairs Cement Stabilise for Abernethy Road \$54,385.65 and Gossage Road for \$64,166.85 (GST Inclusive).**

**CARRIED 8/1**

Cr Murphy voted against the motion

CGAM033/03/05 JARRAHDALÉ HERITAGE PARK – DISPOSITION OF PROPERTY (P03416)	
Proponent:	Director Corporate Services
Owner:	Shire of Serpentine Jarrahdale
Officer:	Director Corporate Services
Signatures Author:	
Senior Officer:	
Date of Report	03/03/05
Previously	C059/03/04, SM037/04/04
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 1995.
<b>Delegation</b>	<b>Council</b>

In Brief  
To appoint Country Heritage Realty to sell 64 Staff Street by public auction as it has been vacated by the current tenant.

Sale be approved in accordance with the Jarrahdale Heritage Park Development and Disposition of Property Business Plan.

**Background**

In November 1999 Council adopted a business plan “Acquisition of Bunnings Land in the Jarrahdale Town Site and Surrounding Areas” in accordance with the provisions of the Local Government Act (1995) for a “major land transaction”.

In accordance with the September 1999 Business Plan, Council has retired the debt of \$605,000 borrowed to enable the original acquisition of land. This has successfully been achieved in 2003/2004 financial year through the subdivision and sale of 6 cottages in Millers Road (formerly part of lot 814 Jarrahdale Road), Jarrahdale and the subdivision and sale of vacant land (formerly lot 813) on the corner of Kingsbury Drive and Jarrahdale Road, Jarrahdale.

In April 2004 Council adopted the Jarrahdale Heritage Park Development and Disposition of Property Business Plan and agreed the commencement of subdivision and sale of the properties located on Staff Street. This Plan proposed to borrow \$1 million to facilitate projects identified in the Jarrahdale Heritage Park Implementation Plan. This loan is to be an interest only loan with this interest component being financed through the sale of the remaining cottages located on Staff Street. The Plan then requires the loan to be paid out, financed through the sale of the area to be residential around the old mill site.

In December 2004 the vacant block and one cottage on Staff Street were sold achieving the value of \$69,000 and \$142,000 respectively. A further cottage on Staff Street is being vacated by the current tenant.

### **Sustainability Statement**

***Effect on Environment:*** This proposal relates directly to financing the Jarrahdale Heritage Park Implementation Plan.

***Use of Local, renewable or recycled Resources:*** It is recommended to use local business to undertake the disposal of property process.

***Economic Viability:*** The sale of these properties will finance the interest cost and partly towards the repayment of the principal borrowed to undertake the projects associated with the Implementation Plan.

### **Statutory Environment:**

Section 3.58 of the Local Government Act 1995 requires a local government only dispose of property to the highest bidder at public auction or to a person who at public tender makes the most acceptable tender. A local government may dispose of property other than by this means however it can only do so after local public advertising of the relevant details about the disposition. This section of the Act applies to all disposal of land property over \$5,000 in accordance with regulation 30 of the Local Government (Functions and General) Regulations 1996.

### **Policy/Work Procedure Implications:**

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

### **Financial Implications:**

The Jarrahdale Heritage Park Development and Disposition of Property Business Plan adopted in April 2004 provides for the sale of these properties to assist in the financing of the interest only loan for the implementation of items identified in the JHP Implementation Plan. The sale of this property will assist in the interest payments and towards the repayment of the principal borrowed.

The cottage may require some work to bring up to saleable condition. Any proceeds achieved will first go towards paying for these repairs. The Building Maintenance Officer is currently estimating the value of these works. It is not anticipated that the value will exceed \$5,000.

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

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

2. Build key community partnerships.

## **2. Environment**

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

Strategies:

1. Implement known best practice sustainable natural resource management.

## **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

3. Develop tourism potential.

## **4. Governance**

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

### **Community Consultation:**

Required: No.

### **Comment:**

It is considered an opportune time to dispose of this property now that it is vacant. The Business Plan provides for the sale and it is considered inappropriate to let it for a short period of time.

The properties located on Staff Street were subdivided in 2004 in preparation for sale. The subdivision process has now been completed. Heritage covenants have been placed on the Staff Street properties that are the same as the Millars Road properties.

Previous properties have been sold through a public tender process as required under the Local Government Act 1995, in instances where the property has been passed in at auction the sale has been negotiated with the highest bidder. Heritage Country Realty have been appointed by Council to undertake the sale process in the past and it is recommended that this agent be appointed again as they have performed well and are the local agent to Jarrahdale.

Funds provided by the sale will be placed into a reserve account and used to finance the interest repayments and repay the loan in the future, along with the sale of the proposed residential area.

**Voting Requirements:** Normal

**CGAM033/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Price seconded Cr Kirkpatrick

1. Council authorises the disposal of 64 Staff Street Jarrahdale in accordance with the Jarrahdale Heritage Park Development and Disposal of Property Business Plan by public auction,
2. Council appoints Country Heritage Realty to seek an independent market valuation for and sell 64 Staff Street by public auction,
3. Council sets a reserve price for the auction within 10% of the independent market valuation obtained, and
4. Council delegates authority to the Chief Executive Officer to set a listing price and negotiate any sale within 10% of the independent market valuation of 64 Staff Street, if it is not sold at the completion of the public auction process.

LOST 3/6

CGAM034/03/05		APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (A1048)	
Proponent:	Director Corporate Services	In Brief  Endorse a new Council Policy in relation to the appointment of an Acting Chief Executive Officer when required to replace delegated authority A7 – Acting Chief Executive Officer.	
Officer:	G.R. Dougall - Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	04/03/05		
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 1995.		
<b>Delegation</b>	<b>Council</b>		

**Background**

Council currently has provided delegated authority for the Chief Executive Officer to appoint a relevant officer as Acting Chief Executive Officer as a result of any absence from the district by the Chief Executive Officer when time does not permit notification to Council.

On recent advice from the Department of Local Government and Regional Development it appears that this delegation is in contradiction to the Local Government Act 1995 in that only Council can appoint a Chief Executive Officer.

**Statutory Environment:** Local Government Act 1995.

**Policy/Work Procedure**

**Implications:** This item is establishing a policy where the Chief Executive Officer may appoint an Acting Chief Executive Officer under Council Policy where time is not sufficient to seek Council endorsement first.

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

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Required: No

**Comment:**

The delegated authority established, AF7, provides for the Acting position to be provided on a rotational basis between each of the designated senior employees. Generally, the Chief Executive Officer does forward an item to Council in instances of impending periods of annual leave or time at outside conferences either interstate or overseas for endorsement of the delegation. It is recommended the policy provide for the rotation of the Acting position between the senior employees, as the delegation provided, but allow the Chief Executive Officer to put the policy into place without Council endorsement in instances where seeking Council endorsement may not be possible. The recommended policy is in every way similar to the delegation previously provided. The recommended policy does not provide for the previous vacant Director Sustainable Development position, this can be modified once an appointment to this position is made.

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM034/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Star**

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

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

- **Glen Dougall – Director Corporate Services**
- **Michael Beaverstock – Director Asset Services, and**

- 2. Council revokes delegated authority item A7 – Acting Chief Executive Officer.**

**CARRIED 9/0 ABSOLUTE MAJORITY**

CGAM035/03/05		FORWARD FINANCIAL PLAN 2005-2015 (A0119/04)	
Proponent:	Local Government Act 1995	In Brief  To approve advertising of the draft Forward Financial Plan 2005-2015.	
Officer:	G.R. Dougall – Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	09/03/05		
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 1995.		
<b>Delegation</b>	<b>Council</b>		

### **Background**

The draft plan is based on a five year budget with a five year “shadow” budget as per the previous year. The intention of this is to provide a ten year forward plan that will ensure Council is able to provide the necessary/desired services and activities during the next ten years.

### **Sustainability Statement**

**Economic Viability:** The Forward Financial Plan ensures all anticipated future expenditure and revenue streams are considered and prioritised. Future grant funding needs and resource requirements are predicted to establish the viability of activities being achieved. Whilst this document is only an estimate of future needs and sources of funding it does reduce the risk associated with determining the ability for each activity to be undertaken by Council over the next ten years.

The Plan provides an indication of the priority of Council over the next five years when considering the Strategic Plan, People Plan, Information Plan, Tourism Strategy and the Service Level Agreements. The Forward Financial Plan is reviewed annually to ensure that these priorities remain current and therefore some of the activities indicated in the plan may change in the level of funding, the year of allocation or may be deleted if no longer deemed a current priority.

**Economic Benefits:** The Forward Financial Plan will provide the certainty of current priorities, subject to annual review, to ensure the continued sustainable development of the community. It will ensure the planning process undertaken by Council in consultation with the community brings the benefits expected from future growth.

### **Statutory Environment:**

**Under the recently amended provisions of section 5.56 of the Local Government Act 1995 ;**

“(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”



The previous provisions of section 5.56 were for a local government to prepare a plan of principal activities for the next four or more financial years. The Shire of Serpentine Jarrahdale has been preparing forward financial plans for five year periods and last year introduced a further five year shadow to give an indication of future financial requirements and capacity. A link has also been created between this document and our strategic plan to ensure that the key objectives of the strategic plan are backed with financial capacity. The adopted Plan has then been used as the template for the compilation of the annual budget.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

The Forward Financial Plan directly implicates financial resources for the next ten years. Cost and revenue estimates are provided at current day rates, however an inflation rate of 2% is added after year four for each of the remaining years.

The Forward Financial Plan will be used as the template for the development of the 2005/2006 statutory budget.

**Strategic Implications:**

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

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

4. Balance resource allocation to support sustainable outcomes.

*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. The Local Government Act 1995 requires Council to adopt an advertising method prior to the review of the Plan. It is recommended that the Plan be advertised for a period of 21 days.

**Comment:**

This year the additional five years “shadow” has been continued in the Plan. The inclusion of these additional years is to ensure that medium term projects are considered with the short term priorities and ensure that these projects are considered in our future financial planning. Adding these years has reduced the risk associated with their future financial viability and demonstrate Council’s ability to pay for these activities.

It is recommended that the draft Plan be advertised for public consultation for a period of 21 days.

Some items contained in last years Plan have been moved to assist in distributing the rate burden more evenly. The construction of the new Administration Centre has been moved forward to next year and additional monies have been included to allow for the new staff identified in the People Plan 2005-2008. Previously no new employees had been allowed in the Plan for next year. Where cost savings were identified in the People Plan changes have been made to the operating budget. The specified area rate to assist with the Landcare contribution has also been removed from the draft. At this time the request for the additional funds identified from the presentation at the Concept Forum on Tuesday 8<sup>th</sup> March have not been included.

***A revised hardcopy of the Draft Principal Activities Plan has been provided and marked CGAM035.03.05.***

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

- 1) The draft Forward Financial Plan 2005-2015 be received, and
- 2) the draft Forward Financial Plan 2005-2015 be advertised in accordance with Section 5.57 of the Local Government Act 1995 for a period of 21 days.

**CGAM035/03/05 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Price seconded Cr Star**

- 1) The draft Forward Financial Plan 2005-2015 be received, and
- 2) the revised draft Forward Financial Plan 2005-2015 be advertised in accordance with Section 5.57 of the Local Government Act 1995 for a period of 21 days.

**CARRIED 9/0**

Committee Note: A workshop be held before the Ordinary Council Meeting to go through the revised Forward Financial Plan 2005 - 2015

CGAM036/03/05 SALE OF COUNCIL PROPERTY- LOT 0 KARBRO DRIVE, CARDUP WA 6122 (P06030)		
Proponent	Letter of Offer	In Brief
Officer	C. Green, Manager Corporate Services	1. Council authorise the advertising for disposal of Lot 0 Karbro Drive, Cardup for the purchase price of \$185,000, in accordance s3.58 of the Local Government Act 1995.  2. Council delegates authority to the Chief Executive Officer to accept the offer for purchase on behalf of Council if there are no submissions opposing the disposal of the land in accordance with the offer.
Signatures - Author:		
Senior Officer:		
Date of Report	04/03/05	
Previously	C045/11/04	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

Council has received an offer to purchase Lot 0 Karbro Drive, Cardup for the sum of \$185,000. The offer was received from an independent person who was looking for property in the area and became aware that this site was possibly for sale, hence the offer. Council own this property, but it is currently leased to the Cardup Christian Church, as per resolution below:

#### C045/11/04 COUNCIL DECISION/Committee Recommended Resolution

1. *For Council to allow the Cardup Church to exercise an extension of their current lease agreement for a further 3 years, from 1 January 2005. Also to communicate to the Church that this would be the final extension of this lease as the property will be sold after this term.*

The offer to purchase is on the grounds that the current lease agreement would be honoured and the Church group be allowed to stay on the site until the expiry of the lease. The church group have been advised of the offer and are comfortable with this process given that the lease which they signed back in January, indicated that this would be the final extension of this lease as the property will be sold after this term. Council's solicitors have advised that the property can be sold with the prior encumbrance of the terms and conditions of the lease. The lease does include termination clauses.

### **Comments**

The independent market valuation for Lot 0 Karbro Drive is (\$197,000), this valuation was provided on the 8<sup>th</sup> October 2003 by Glendinning and Associates providing \$110,000 for the land and \$57,000 for the improvements. These funds had been earmarked for the new administration building in 2007/08 and as such would be kept in a reserve for this purpose.

Selling the property enables Council to receive the funds mentioned above and also honour the lease agreement with the Cardup Christian Community Church. Thus, enabling Council the time required to ensure that the best possible solution for the relocation of the Church group be achieved and for the funds to be provided for the addition/relocation of the Administration building. It is considered of benefit to sell the property now and receive the cash as the need to progress the administration building changes have been brought forward. The price offered is within 10% of the valuation as per previous resolutions.

As mentioned above the Cardup Christian Community Church have been informed of the offer to purchase the site and they are aware of the implications this will have on them. Discussions have taken place with the Church group and they are happy to pursue

relocation options in the future to ensure they find a suitable site prior to the expiry of the lease. We have already made some progress down this path and future dealings will be in accordance with the below resolution.

As per Council's Resolution C036/10/04

*Council enter into further consultation with the Cardup Christian Community Church & Uniting Church to pursue the option of relocating to the Mundijong site.*

*Council has agreed to assist the Cardup Christian Community Church to relocate including allocating surplus funds from the sale of Lot 802 Soldiers Road.*

**Sustainability Statement**

*Economic* – Using council assets and resources according to the Forward Financial Plan and Strategic Plan

**Statutory Environment:**

In order to dispose of the property Council are required under s3.58 "Disposing of Property" to give local wide public notice of the proposed disposition, and inviting submissions within 2 weeks of the notice being advertised.

**Policy Implications:**

Not applicable

**Financial Implications:**

The \$185,000 be put into a reserve account , as stated in the Forward Financial Plan for the new administration building.

**Strategic Implications**

Key Sustainability Result Areas

**1 People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

**4 Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

As per the requirements of s5.43 “Limits on Delegations to the Chief Executive Officer and s3.58 “Disposition of property” of the Local government Act 1995.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**Officer Recommended Resolution**

1. Council authorise the advertising for disposal of Lot 0 Karbro Drive, Cardup for the purchase price of \$185,000, in accordance s3.58 of the Local Government Act 1995.
2. Council delegates authority to the Chief Executive Officer to accept the offer for purchase of Lot 0 Karbro Drive, Cardup by private treaty for the sum of \$185,000 with encumbrances, on behalf of Council if there are no submissions opposing the disposal of the land in accordance with the offer.
3. If submissions opposing the disposal in accordance with this offer are received, these submissions are to be considered in April prior to any decision in relation to the offer being finalised by council.

0/7 LOST

**CGAM036/03/05 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Star seconded Cr Wigg**

**This item be deferred pending further investigation.**

**CARRIED 9/0**

Committee Note: The officers recommendation was changed to seek clarification on the valuation of the property.

Council Note: Absolute Majority was not required for the Committee Recommended Resolution of deferment of the item.

Council Note: The further investigation to include the potential of lease protection for the current church group, available lands held by the shire in the locality, the financial effect of not selling the land, the financial implications of deferring the sale of the land, the

uniqueness of that parcel of land in the middle of the two larger communities of Byford and Mundijong on what is perceived to be a major link road with respect to available public land used by the communities.

CGAM039/03/05		LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2004 (A0087-03)
Proponent:	Department of Local Government and Regional Development	In Brief  To adopt the information to be provided in the 2004 Annual Compliance return to be forwarded to the Department of Local Government and Regional Development.
Officer:	C. Green – Manager Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	08/03/05	
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 1995	
<b>Delegation</b>	<b>Council</b>	

### Background

Each year the Department of Local Government and Regional Development forward a Return document outlining the issues they wish Council to review and return for their consideration. Last year a consultant was appointed to assist in its completion ensuring an independent confirmation of the audit. This year the audit has been complete by the relevant staff in each directorate.

### Comment:

The Return this year focuses on;

- a) Local Laws
- b) Thoroughfares,
- c) Tendering,
- d) Commercial Enterprises by Local Governments,
- e) Meeting Processes,
- f) Delegation of Power/Duty
- g) Disclosure of Interest
- h) Finance
- i) LG Grants Commission, Misc Provisions, and Disposal of Property,
- j) Swimming Pools, Cemeteries and caravan parks, camping grounds.

*A copy of the Return provided by the Department with the response provided by officer's were provided prior to the committee meeting. Review of some issues was still taking place at the close of the committee agenda. **The completed Compliance Return is provided to Council in the attachment marked "CGAM039.2/03/05"**. The Chief Executive Officer and Shire President are required to sign off on this document being completed to the best of the Local Government's knowledge and that the Return was considered by Council prior to completion. In some areas more than one officer has been deemed responsible and as a consequence multiple initials have been provided.*

Research for the completion of this Return included reviewing the minutes of all Ordinary meetings for 2004, reviewing the tender register, reviewing the annual report and annual

financial statements, reviewing the adoption of the annual budget and related correspondence, reviewing the disclosure of interest register, reviewing senior employee personal files, a review of the delegated authority register and a review of Council's general records.

The following is the areas of non compliance identified throughout the review process.:

Section G, question 5, All annual returns lodged on time - A note of non compliance has been made in relation to this area where one annual return was not submitted by the due date (31 August 2004). The employee was overseas at the time and unable to put the return in.

Section E, Question 15, The minutes of all Council meetings were signed to certify their confirmation – A note of non-compliance was made in relation to this area due to the bound minutes not being signed by the person presiding at the meeting.

Section H, question 1, Preparation of Annual Report - A note of non-compliance was made in relation to this area due to the Annual Report that was bound did not include the full audited copy of the Annual Financials Statements. The copy presented was the abridged version.

Section C, Function and General Reg (11-24) – Tenders for providing Goods and Services - A note of non-compliance was made in relation to this area due to the tender register not being kept updated. The documents are kept electronically in TRIM, however the hard copy requirements were not kept updated.

**Sustainability Statement**

Not applicable.

**Statutory Environment:**

In accordance with section 7.13 (i) of the Local Government Act 1995 and Regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996 a Local Government is to carry out a compliance audit for the period ended 1 January to 31 December in each year. After carrying out the compliance audit the Local Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be;

1. Presented to the Council at a meeting of the Council,
2. Adopted by the Council, and
3. Recorded in the minutes of the meeting which it is adopted.

After the compliance return has been presented to Council it is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

**Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this application/issue, however the policies and procedures do assist in ensuring compliance with the requirements of the Act and Regulations.

**Financial Implications:**

Nil

**Strategic Implications:**

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

#### 4. Governance

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:** Community consultation not required.

**Voting Requirements:** Normal

#### **CGAM039/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Murphy**

1. Adopt the completed Local Government Compliance Audit Return for the period 1 January 2004 to 31 December 2004 as provided by the Department of Local Government and Regional Development and attached with this agenda and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required; and
2. Endorses the actions taken to rectify the listed non compliance issues.

**CARRIED 9/0**

The Acting Director Sustainable Development left the room at 8.10pm

CGAM045/03/05 RECRUITMENT – DIRECTOR SUSTAINABLE DEVELOPMENT (A1269)		
Proponent	J Abbiss – Chief Executive Officer	In Brief  The Chief Executive Officer would like to invite members of the Staff Matters Group to be part of the Director Sustainable Development Recruitment Working Group.
Officer	J Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	9 <sup>th</sup> March, 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **Background**

Following the recruitment of Joanne Abbiss, formerly Director Sustainable Development, to the position of Chief Executive Officer, the vacant position of Director Sustainable Development was advertised in the West Australian newspaper on Saturday 19<sup>th</sup> February 2005. The position was also advertised nationally through the Local Government Directory and on the Shire’s website with a salary of between \$80,000 to \$90,000 and a total package of \$100,000 to \$112,000. Applications closed at 5pm on Tuesday 8<sup>th</sup> March 2005.

In June 2004 (SM051/06/04) Council resolved that “*the following Committees be disbanded and all associated memberships to no longer continue after 31 December 2004:*”



*Planning Development and Environment  
Asset Services  
Corporate Service  
Community and Recreational Development  
Strategic Management  
Staff Management”*

As part of that same resolution Council also agreed to “*nominate four (4) delegates for the period 1 January 2005 until the May 2005 elections (this should occur at the same time the new committee members are elected for the trial period) and following the May 2005 elections the nomination of four (4) delegates for a period of two (2) years thereafter be undertaken to deal with matters and functions associated with the recruitment and performance reviews of the Chief Executive Officer, and other matters as invited to assist by the Chief Executive Officer. These Councillors are required to provide reports to Council via the relevant committee for consideration and Council decision and not act in isolation of Council.*”

In October 2004 (C035/10/04) Council nominated Cr Needham, Cr Price, Cr Hoyer and Cr Kirkpatrick as the four delegates for the period 1 January 2005 until the May 2005 elections.

### **Comments**

Under the Local Government Act 1995 the CEO is required to make a recommendation to Council of the preferred candidate for the position of Director Sustainable Development.

#### **5.37. Senior employees**

*(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.*

*(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*

*(3) Where a local government advertises the position of a senior employee, the local government is to state in the advertisement the salary and the total value of all remuneration and benefits payable to the senior employee*

*A hardcopy of the position description and draft contract for the role of Director Sustainable Development will be supplied before the meeting.*

It is proposed that the members of the Staff Matters Group be invited to join the CEO, Director Corporate Services and Director Asset Services in the recruitment of the position of Director Sustainable Development. It is envisaged that the Working Group would:

- (i) Undertake interviews with the short listed candidates as put forward by the Executive team
- (ii) Recommend to Council at least two (2) preferred candidates for consideration, prior to Council making a final decision on the new appointment to the position of Director Sustainable Development.

Upon the appointment of a new Director Sustainable Development the Recruitment Working Group is to be disbanded.

### **Sustainability Statement**

Not applicable

### **Statutory Environment:**

Local Government Act 1995. - Part 5  
Administration, Division 4 “Local Government

**Policy Implications:** Employees” of the Local Government Act 1995  
Council Policy CSP34 “COUNCIL CONTROL OVER EMPLOYEES DEALING IN LAND AND OTHER BUSINESS ACTIVITIES WITHIN THE SERPENTINE JARRAHDAL SHIRE.”

**Financial Implications:** The advertising and salary costs are accommodated within current budget allocations.

**Community Consultation:** The position was advertised nationally.

**Voting Requirements:** ABSOLUTE MAJORITY

**CGAM045/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Wigg seconded Cr Scott

1. Council agrees to establish a working group (the Director Sustainable Development Recruitment Working Group) to assist the Chief Executive Officer with the recruitment of a Director Sustainable Development.
2. Council appoints the Staff Matters Group members to work with the Chief Executive Officer, Director Corporate Services and Director Asset Services on the Director Sustainable Development Recruitment Working Group.
3. Council request the Director Sustainable Development Recruitment Working Group
  - a) Undertake interviews with the short listed candidates recommended by the Executive team.
  - b) Recommend to Council at least two (2) preferred candidates for consideration, prior to Council making a final decision on whether to accept the Chief Executive Officer’s recommendation for the appointment to the position of Director Sustainable Development.
4. Council endorse the draft contract for the position as provided in hardcopy in accordance with Part 5 Administration, Division 4 “Local Government Employees” of the Local Government Act 1995.
5. Council agrees that upon part 3 of this decision being completed and Council agreeing on a preferred candidate by way of a Council resolution to that effect;
  - a) The Chief Executive Officer is authorised to negotiate with the preferred candidate a contract of employment for up to five (5) years in accordance with i) Part 5 Administration, Division 4 “Local Government Employees” of the Local Government Act 1995 and ii) the employment contract agreed to by Council under part 4 of this decision.
  - b) The Chief Executive Officer is authorised to sign and place the common seal on the contract of employment agreed between Council and the person appointed to the position of Director Sustainable Development by resolution of the Council of the Serpentine Jarrahdale Shire.

**CARRIED 9/0 ABSOLUTE MAJORITY**

The Acting Director Sustainable Development returned to the meeting at 8.13pm.

## 8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

SD048/03/05 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	2.03.05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

SD048.1/03/05 DELEGATED AUTHORITY – FEBRUARY 2005 (A0039-02)

### CS2 – Effluent Disposal Applications

Lot 6 Bullich Retreat, Jarrahdale  
 Lot 305 Botica Close, Cardup  
 Lot 123 McNeil Grove, Jarrahdale  
 Lot 507 Bruns Drive, Darling Downs  
 Lot 5 Parsons Road, Mardella  
 Lot 632 Nettleton Road, Byford  
 Lot 200 Shale Road, Cardup  
 Lot 503 Barip Place, Oakford  
 Lot 818 Mount Eden Lane, Oakford  
 Lot 600 Bruns Drive, Darling Downs  
 Lot 137 Jarrahdale Road, Jarrahdale  
 Lot 687 Nettleton Road, Karrakup  
 Lot 214 Wright Road, Mardella  
 Lot 61 Cavanagh Close, Cardup

### CS2 – Permit to use apparatus

Lot 113 Bran Court, Serpentine  
 Lot 512 Bruns Drive, Darling Downs  
 Lot 111 Foxtan Drive, Oakford  
 Lot 235 Silich Street, Mundijong  
 Lot 103 Yarri Mews, Jarrahdale  
 Lot 2 Jarrahdale Road, Jarrahdale  
 Lot 200 Shale Road, Cardup  
 Lot 522 Bruns Drive, Darling Downs  
 Lot 504 Bruns Drive, Darling Downs  
 Lot 61 King Jarrah Circle, Jarrahdale  
 Lot 51 Kargotich Road, Mardella

### CS11 – Temporary Accommodation

Lot 201 Bangap Place, Oakford  
 Lot 809 Northerly Lane, Oakford

### **SD048/03/05 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Price seconded Cr Star  
 That Council accepts the Health Information Report for February 2005.  
 CARRIED 9/0**

## 9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM05/03/05 INFORMATION REPORT		
Proponent	Chief Executive Officer	<b>In Brief</b>  Information Report.
Officer	J Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	March, 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

OCM05.1/03/05 COMMON SEAL REGISTER REPORT – FEBRUARY, 2005 (A1128)

*The Common Seal Register Report for the month of February 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [OCOM05.1.03.05.doc](#)(E02/5614)*

OCM05.2/03/05 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT – FEBRUARY 2005 (A0436-05)

*The Economic & Tourism Development Officer report of priorities to 18<sup>th</sup> March, 2005 is with the attachments marked [OCOM05.2.03.05.doc](#)E05/1879)*

OCM05.3/03/05 USE OF DELEGATION REPORT (A0039-02)

The Acting Chief Executive Officer exercised the following delegations during the month of February, 2005:

AF-7 Memo to appoint Director Sustainable Development as Acting Chief Executive Officer for the period 7.2.05-15.02.05 (E05/753)

OCM05.4/03/05 REVIEW OF PORTFOLIO GROUP, COMMITTEE AND COUNCIL MEETINGS (A0039)

In accordance with Council Decision SM051/06/04, Councillors held a review workshop following the March Committee meeting on 15<sup>th</sup> March 2005 to assess the effectiveness and efficiencies that have been gained from the changes to the Portfolio Group, Committee and Council Meetings and it was agreed that the new system remain in place.

### **CROCM05/03/05 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Star seconded Cr Price  
The Information Report to 23<sup>rd</sup> March, 2005 is received.  
CARRIED 9/0**

**10. URGENT BUSINESS:**

Cr Richards requested Council to consider a matter of urgent business relating to two accidents apparently involving speeding vehicles and horses around the Byford Trotting Complex.

**COUNCIL DECISION**

**Moved Cr Price seconded Cr Kirkpatrick**

**That Council considers the matter raised by Cr Richards in relation to traffic around the Byford Trotting Complex as an item of new business of an urgent nature.**

**CARRIED 9/0**

OCM06/03/05 TRAFFIC CALMING TREATMENTS AROUND BYFORD TROTTING COMPLEX (P01748)		
Proponent	Cr Ian Richards	<b>In Brief</b>  Investigate traffic calming treatments around the Byford Trotting Complex.
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report	29 <sup>th</sup> March, 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**COUNCIL DECISION**

**Moved Cr Richards seconded Cr Star**

**The Director Asset Services investigate traffic calming treatments around the Byford Trotting Complex**

**CARRIED 9/0**

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

**12. CLOSURE:**

There being no further business the Presiding Member closed the meeting at 8.22pm.

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD034/03/05 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	01.03.05	
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	<b>Committee – in accordance with resolution SM051/06/04</b>	

**SD034/03/05 COMMITTEE DECISION/Officer Recommended Resolution**

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

SD035/03/05 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	2.03.05	
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	<b>Committee – in accordance with resolution SM051/06/04</b>	

**SD035/03/05 COMMITTEE DECISION/Officer Recommended Resolution**

**Council accepts the February 2005 Health Information Report.  
CARRIED 7/0**

SD036/03/05 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	2.03.05	
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	
<b>Delegation</b>	<b>Committee – in accordance with resolution SM051/06/04</b>	

**SD036/03/05 COMMITTEE DECISION/Officer Recommended Resolution**

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

SD038/03/05 PRIVATE RECREATION – TWO DAY MOTORCYCLE TRACK EVENT – LOT 2 (NO. 1475) SOUTH WESTERN HIGHWAY, WHITBY (P00435/06)		
Proponent:	Winton Lawton	In Brief  The applicant seeks planning approval for a Motorcycle Event on Lot 2 South Western Highway, Whitby. The event will be held over two days on 30 April and 1 May 2005. It is recommended that the application be conditionally approved.
Owner:	Mike Keam	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1 March 2005	
Previously	P003/07/04	
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	
<b>Delegation</b>	<b>Committee – in accordance with resolution SM046/05/04</b>	

**SD038/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**The application for Private Recreation – Two Day Motorcycle Track Event at Lot 2 (no. 1475) South Western Highway, Whitby be granted temporary approval subject to the following conditions:**

- 1. Approval for the event is valid from 9am Friday, 29 April 2005 to 5pm Monday, 2 May 2005 only.**
- 2. Motorcycle races are to be limited to 10am to 3pm on Saturday 30 April, and 9am to 4pm Sunday 1 May 2005 only.**
- 3. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.**
- 4. No signs for the event are permitted to be displayed on any road reserves.**

5. No temporary structures with a floor area greater than 25 square metres are permitted without Engineers Certification and approved under the Public Building Regulations.
6. A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.
7. No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Public Building Regulations 1992.
8. All food offered for sale to be prepared in an approved food preparation area under the Health (Food Hygiene) Regulations 1993.
9. Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 appendix 7A – Recommended Toilet Facilities for Temporary Events.
10. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste material does not cause a litter and health problem.
11. All structures and facilities erected for the purpose of the event must be removed at the applicants expense by 5pm Monday, 2 May 2005.
12. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm Monday, 2 May 2005.
13. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
14. The land is to be returned to the state as it were prior to the event by the operator/landowner by 31 May 2005 to the satisfaction of the Shire.
15. The disposal of petrol, grease, oil and other chemicals shall occur at a suitably approved facility to the satisfaction of the Shire. Petrol, grease, oil or other chemicals shall not be disposed of on the subject land.
16. Entry and exit to the parking area for competitors and spectators is to be via the existing sealed driveway used for access to Tumbulgum Farm only. Entry and exit signs shall be installed to the satisfaction of the Shire.
17. No closure or partial closure is to be carried out on South Western Highway without prior approval from Main Roads WA.
18. Access to other properties shall be maintained at all times.
19. No camping on the property shall be permitted unless it occurs in accordance with the Caravan Parks and Camping Grounds Regulations 1997.

**Advice Note:**

1. It is recommended that the applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.

**CARRIED 7/0**

Committee Note: The Officer Recommended Resolution was amended by adding Advice Note 1. The Presiding Officer did not feel that this changed the intent of the resolution given it was an advice note only.



<b>SD039/03/05 PROPOSED CHILD MINDING CENTRE - PT LOT 2 LARSEN ROAD, BYFORD (P01001/01)</b>		
<b>Proponent:</b>	Land Alliance Pty Ltd	<b>In Brief</b>  Proposed child minding centre within the Byford Central subdivision on Larsen Road opposite the Marri Grove Primary School. Approval is recommended subject to conditions.
<b>Owner:</b>	Byford Central Pty Ltd	
<b>Officer:</b>	Meredith Kenny - Senior Planner	
<b>Signatures Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	25 February 2005	
<b>Previously</b>	Nil	
<b>Disclosure of Interest</b>	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	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD039/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

The application for development of a Child Minding Centre on Pt Lot 2 Larsen Road, Byford be approved subject to the following conditions:

1. The building shall be modified such that the majority of indoor play areas are oriented to the north and sleeping and utility areas are located on the southern side of the building. Outdoor play areas should be predominantly located on the northern and eastern sides of the building.
2. The maximum number of children on the premises at any one time shall not exceed 72.
3. The hours of operation shall not exceed 6.30am to 7.00pm Monday to Friday unless with the prior written approval of the Shire.
4. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
5. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
6. Primary and other bright colours shall only be used as a feature on the external walls, windows, roof and ancillary structures with the predominant colour of the building to be an earthy tone or neutral colour to the satisfaction of the Shire.
7. Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of the building materials shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.
8. Satisfactory arrangements are to be made with the Water Corporation for the provision of water and sewer services to the development.
9. Vehicle parking areas, accessways and crossovers shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained to

- the satisfaction of the Director Asset Services prior to the occupation of the development for the use hereby permitted.
10. The provision of 12 on site car parking bays for the exclusive use of centre staff.
  11. The provision of 6 on-site car parking bays for the drop-off or pick-up of children, marked as such and located as close as possible to the main entrance to the building.
  12. A minimum of one (1) car parking bay to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
  13. Car parking bays for the drop off or pick up of children shall be provided as 45 degree angle parking or a parallel (forward in/forward out) slip lane format.
  14. Traffic flow within the car parking area shall be restricted to one-way only with the entry being provided from the road along the northern boundary and the crossover to Larsen Road being exit-only. The crossovers shall be sign posted to show entry and exit signs to the satisfaction of the Shire.
  15. Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Shire.
  16. Any outdoor security lighting be so located or shielded that no additional light is cast on adjoining residential land or so as to cause a distraction to traffic.
  17. 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. Drainage design shall comply with the Byford Urban Stormwater Management Strategy.
  18. The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.
  19. The location of external fans, air conditioners and the like shall be to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
  20. A landscape plan must be submitted (in duplicate) 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 proposed trees and shrubs;
    - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
    - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
  21. Plants used to landscape the site shall comprise species indigenous to the Byford area or the south-west of Western Australia.
  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 Shire.
  23. Fencing along street frontages shall be recessed a minimum of 1 metre deep and 3 metres wide for a minimum of 33% of the frontage to allow for the planting of shrubs and trees on the external side of the fences.
  24. Fencing between outdoor play areas and any adjoining residential property shall be a minimum standard of masonry constructed with a minimum height of 2 metres measured from the finished ground level within the outdoor play area.
  25. Fencing between car parking areas and any adjoining residential property shall be a minimum standard of powder-coated coloured metal sheeting with a minimum height of 1.8 metres except as otherwise required by condition 27 below.
  26. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of

- a vehicular accessway unless such wall or fence is constructed with a 3 metre truncation.
27. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
  28. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site.
  29. No signs to be displayed in the road reserve at any time.

**Advice Notes:**

1. Plans showing the interior layout of the premises, location and method of installing all fitting etc, wall, floor and ceiling finishes, equipment, lighting and ventilation details being submitted for approval by Council's Environmental Health Service prior to the occupation of the development for the use hereby permitted.
2. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations 1993 (copy attached) to the satisfaction of the Director Sustainable Development.

**CARRIED 7/0**

SD045/03/05 PLANNING INFORMATION REPORT		
Proponent	Acting Director Sustainable Development	<b>In Brief</b>  Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 March 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD045/03/05 COMMITTEE DECISION/Officer Recommended Resolution**

The Planning Information Report to 4 March 2005 be received.  
**CARRIED 7/0**

SD046/03/05 PROPOSED EXTENSION TO POULTRY FARM – LOT 21 (NO. 374) HOPELAND ROAD, HOPELAND (P00286/02)		
Proponent:	Justin Byatt	In Brief  To endorse the commencement of public consultation of an application for extension to an existing poultry farm.
Owner:	L & M Byatt	
Officer:	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	10 March 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	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD046/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**The commencement of public consultation for the extension of an existing poultry farm at Lot 21 Hopeland Road, Hopeland be endorsed.  
CARRIED 7/0**

SD047/03/05 PROPOSED OVERHEIGHT AND OVERSIZE SHED – LOT 1351 (NO. 332) GOBBY ROAD, KEYSBROOK (P00350/01)		
Proponent:	S Rowley	In Brief  The applicant is seeking planning approval for an overheight and oversize shed. It is recommended that the application be conditionally approved.
Owner:	D Rowley	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	11 March 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	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD047/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**The application for an overheight and oversize shed on Lot 1351 (no. 332) Gobby Road, Keysbrook 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 is to be constructed of new materials.**
- 3. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.**
- 4. No direct discharge of stormwater into watercourses or drainage lines.**
- 5. All stormwater runoff from roofs and hardstand areas to be disposed of on site.**

**CARRIED 7/0**

<b>CGAM028/03/05 INCLUSION OF KILN ROAD, CARDUP ON RESTRICTED ACCESS VEHICLES NOTICE NETWORK (A0512-03)</b>		
Proponent:	Austral Bricks Pty Ltd	In Brief  Council is requested to support an application by Austral Bricks to use extra mass vehicles to supply materials to its Kiln Road brickworks. It is also recommended that Main Roads Western Australia are requested to include Kiln Road on its Notice Network.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	23 February 2005	
Previously	AS010/09/04 13 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	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM028/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council:**

1. Advise Main Roads Western Australia that it supports the Austral Bricks Pty Ltd Operations Logistics Strategy recommendation to utilize both pocket road train and eight wheel rigid trucks pulling either five or six axle dog trailers with either Certified Weighbridge Mass Management Scheme Gross Mass Combination weights or Concessional loading weights to access its Kiln Road, Cardup operations.
2. Requests Main Roads Western Australia to include Kiln Road, Cardup (South Western Highway to Lot 4) as a Class 2 and 3 Notice Road conditional on vehicle lengths being restricted to 27.5 metres.

**CARRIED 7/0**

<b>CGAM029/03/05 COMMUNICATIONS PLAN 2005 - 2007 (A0993)</b>		
Proponent:	Serpentine Jarrahdale Shire	In Brief  The 2001-2004 Marketing and Communications Guide has been completed and it is recommended that the Communications Plan 2005 - 2007 be implemented to enhance the tools and strategies that are currently in place.
Officer:	S Rowse Communications Officer	
Signatures Author:		
Senior Officer:		
Date of Report	11 <sup>th</sup> January 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	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM029/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**The Communications Plan 2005 – 2007 as attached at CGAM029/03/05 be adopted.  
CARRIED 7/0**

CGAM037/03/05 TELECENTRE GATE AND DOOR CONTRIBUTION REQUEST (RS0118/01)		
Proponent:	Serpentine Jarrahdale Telecentre	In Brief  The requests for 50% reimbursement of the cost of installation of a door between the library and Telecentre and for a metal gate to be installed at the entrance of the Telecentre be considered in the 2005/06 draft budget.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	G.R. Dougall – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	08/03/05	
Previously		
Disclosure of Interest	The Director Corporate Services is a member of the Telecentre Committee as part of his employment with Council.	
Delegation	Committee in accordance with resolution SM051/06/04	

**CGAM037/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

The request from the Serpentine Jarrahdale Telecentre Committee for 50% reimbursement of costs associated with the installation of the door between the library and Telecentre and the request for installation of metal gates at the entrance to the portico on the Telecentre be considered with the 2005/06 draft budget.  
**CARRIED 7/0**

CGAM038/03/05 AUDIT MANAGEMENT REPORT 2003/2004 (A0001)		
Proponent	Grant Thornton	In Brief  To receive and note the Audit Management Report provided by Grant Thornton and include the report in the 2003/2004 Annual Report.
Officer	C Green - Manager Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	04/03/05	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM051/06/04	

**CGAM038/03/05 COMMITTEE DECISION/Officer Recommended Resolution**

That the Audit Management Report for the period ending 30 June 2004, provided by Grant Thornton be received and noted.  
**CARRIED 7/0**

<b>CGAM040/03/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To confirm the creditor payments made during February 2005
Owner:	N/A	
Officer:	Ray Pryce – Senior 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	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM040/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of February, 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**

<b>CGAM041/03/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To receive the statement of debtors over \$1,000 as at 28 February 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	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM041/03/05 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 28 February 2005.  
**CARRIED 7/0**

CGAM042/03/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the sundry debtor balances as at 28 February 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	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM042/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 28 February 2005.  
CARRIED 7/0**

CGAM043/03/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the rates report as at 28 February 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	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM043/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report the Rate Debtors accounts as at 28 February 2005.  
CARRIED 7/0**



CGAM044/03/05		INFORMATION REPORT
Proponent:	Director Corporate Services	In Brief  To receive the information report to 4 March 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	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM044/03/05 COMMITTEE DECISION/Officer Recommended Resolution:**

The information report to 31 March 2005 be received.  
**CARRIED 7/0**