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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY 22 AUGUST 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

1. ATTENDANCES & APOLOGIES (including Leave of Absence):

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
M Harris
C Buttfield
C Randall
B Brown
T Hoyer
M J Geurds
A Lowry
K Petersen
A Ellis

OFFICERS: Ms J AbbissChief Executive Officer
Mr A Hart
Mr C Wansborough Acting Director Engineering Services
Mr B Gleeson Director Development Services
Mrs S van AswegenDirector Strategic Community Planning
Mr D van der Linde.....Executive Manager Strategic Planning
Mr C PortlockManager Environmental Services
Ms P KursarMinute Secretary

APOLOGIES:

Members of the public – 12
Members of the press – 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Sandra Hawkins – Byford Scarp Residents Association

- Q1 Regarding the Austral Brickworks, will the Council recommend that the future hours of transportation of materials in and out of the quarry and factory will be limited from 6.00am to 5.00pm instead of 6.00am to 6.00pm Monday to Friday and Saturdays 6.00am to midday? The reason for requesting a change is that traffic along the highway has increased quite considerably since the last licence was granted to Austral, especially at 5.00pm to 6.00pm. Saturdays are of particular concern as traffic is heavier after midday.
- A1 As the vehicles used in the transportation of materials are as-of-right vehicles on Kiln Road and South Western Highway, the Shire is unlikely to be successful in defending an appeal against restricting hours of movement on public roads.
- Q2 With the excavation licence on the south side of Kiln Road being granted, where will the materials go to be processed? Austral quoted in their overview that the life of the factory is 3 years and the life of the excavation is proposed for 35 to 40 years.
- A2 The application for planning approval and an extractive industry licence for the proposed pit on the south side of Kiln Road has not yet been determined by Council. Once the Byford brickworks factory ceases operation, it is understood that the materials will continue to be delivered to the other Austral Bricks processing plants.
- Q3 Is the Council going to allow the quarry when it is decommissioned to be used as a tip or dumping ground to fill the 30 metre deep hole? The residents will firmly oppose that, if it is allowed to happen. This was opposed some 14 years ago as it was stated at that time, the life of the quarry was nearing its end.
- A3 The proponent has not indicated to Council any intention to use the site as a refuse facility once the quarry is decommissioned.
- Q4 Will the Council strictly monitor any conditions imposed upon Austral Brickworks when the licence to continue is granted?
- A4 Yes. The Shire is required to audit the site on an annual basis to assess compliance with the conditions of approval.
- Q5 Will the Council consult with the Community Consultancy Group to keep us informed prior to major decisions being made which affect all nearby residents?
- A5 The Shire has imposed a condition requiring a Community Stakeholder Consultation Committee to be established. This will help ensure that the community, through their representatives, are kept informed of the operational activities on site.

John Kirkpatrick – 77 Mead Street, Byford

At the recent meeting at the proposed Skate Park site in Jarrahdale with Mr C Portlock from the Shire and Ms M Matheson and myself from the JCA, the question of the concerns of the fire brigade over security of the station and the construction of a security fence was raised. Mr Portlock gave an understanding that the Shire would contact the brigade to discuss their concerns and the question of the construction of a fence.

Q1 Has the Jarrahdale fire brigade been contacted about this issue?

A1 Yes. One of their meetings was attended by Manager Environmental and Sustainability Services and the Jarrahdale Fire Brigade were fully briefed and will continue to be kept up to date.

Q2 If not, when will this happen?

A2 Refer answer one.

In the recent SJ Update, some items of the budget were highlighted. Could I have further information on the following projects?

Q3 What is the \$150,000 being spent on in George Street?

A3 George Street was identified in the budget for 2011/2012 as being funded by Royalties for Regions Country Local Government Fund for the amount of \$150,000. The Shire has received notification after the budget was adopted, from the Department of Lands that the allocations for 2011/2012 have been reduced from the 2010/2011 allocation of \$857,650 to \$753,918. Therefore the projects need to be reviewed to determine which of the projects are delayed. Officers have identified George Street as a potential project to be delayed. If George Street were to be removed there would be an amount of \$46,268 to be allocated to projects that have already been identified and it would be recommended that this be allocated to the Mundijong Pavilion roof replacement.

Q4 Which footpaths are being constructed for the \$327,855.00? Does this include any cycle ways?

A4 Footpaths are to be constructed with assistance from grant funding. An application has been submitted to use Royalties for Regions Country Local Government Funds for \$160,000 to fund the construction of a footpath for Byford by the Scarp. The footpath will be 2.5m wide and 800m long. Similarly, 50% grant funding is being sought for footpath construction on Soldiers Road (\$94,105) and George Street (\$73,750). Submissions have been made to the Perth Bike Network and we are waiting for the outcome. It is anticipated that these paths will be dual use paths.

Q5 The money being spent at Byford Central Oval and Percy Place, is it being spent on land owned or controlled by the Council or is it on land still under the control and maintenance of the developers?

A5 The works proposed for Byford Central Oval are to be funded through the Royalties for Regions Country Local Government Funds 2010/2011 allocation. Proposed works include an ablution and storage facility as well as a playground. The Byford Central Oval is currently under the control and maintenance of the developer. Handover for the Byford Central District Open Space is anticipated to occur no earlier than 16th March 2012. Works on this oval will only occur once formal transfer has occurred from the Crown to the Shire and upon a successful handover inspection with the developer.

The money being spent at Percy's Place is from Aspen (with only an in-kind contribution by the Shire to date) and the land was previously under the control and maintenance by LWP Property Group. The land is now with the Crown and we have been reporting on progress to the South West State Land Information Group. Ongoing management responsibility of the land will eventually be transferred to the Shire. Aspen have had no legal obligation to do any landscaping but the Shire has

been able to negotiate with them to undertake demolition, establishment of an interpretive site and revegetation. Community consultation has been done collaboratively and their Landscape Architect is an interpretive specialist who has done a great job. Shire Officers are considering the next stage of development which is likely to include an interpretive shelter with historical information. \$20,000 for landscaping will come from the Shire's 2010/2011 Royalties for Regions Country Local Government Fund allocation.

Q6 What does the Byford beautification consist of?

A6 Byford Beautification includes works to improve the streetscape and public open space in Byford with particular focus placed on South Western Highway, Thomas Road and surrounding developments such as St Thomas Estate, Sunrays Estate and Byford Central Estate. Works will include installation of irrigation systems, verge and central median landscaping and paving, an entry statement and street tree installation.

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.02pm

Andrew Theobald – 255 Warburton Court, Byford

Q1 I am questioning the 80 metre buffer zone from Warburton Court as this could be the same as the rest of the trotting complex.. Could the density be achieved with a reshuffle of MUC? Driveways are shown on the new plan onto Warburton Court.

A1 Executive Manager Strategic Planning advised what is trying to be achieved is a balance between having densities in the Byford Town Centre and an adequate interface to the trotting complex with a road closer to the complex and development applications to be submitted for development adjacent to the road.

The Shire President added that Council will be addressing this issue during the evening.

Q2 Section 9 states no vehicles from these properties but it clearly shows driveways coming out of Warburton Court.

A2 Director Strategic Community Planning answered that the proposal is only an indicative one.

Clayton Oud – PO Box 78, Mundijong

Q1 What was the final cost of the 1.4 km's of Lightbody Road that was re-sheeted in May 2011?

Q2 When will the next section of Lightbody Road be re-sheeted?

Q3 The agenda for the June 2011 Council Meeting included an answer to a question from Mr Kirkpatrick that George Street failed to meet the criteria for Royalties for Region Funding. This was prior to adoption of the budget yet council still adopted a budget with grant funding of \$150000 in it.

This contradicts the answer included in tonight's agenda, which is that the Shire was notified after adoption of the budget that the available funding had been reduced and that the shire has subsequently decided to defer the grant funding for George Street to a future date. Has George Street failed to meet the criteria for Royalties for Region funding or had it merely been deferred?

The Shire President advised that the questions would be taken on notice and responded to in writing.

John Kirkpatrick – 77 Mead Street, Byford

- Q1 Taking into consideration the ramifications of the Kelty report into the Kelmscott fires, when is the Council going to review the Local Emergency Policies and Procedures following the apparent abandonment of Jarrahdale town site following the storm event in March 2010?
- Q2 Considering the lack of shopping facilities in Byford and the imminent closure of the Hub Shopping Centre in Kwinana, when is the Council going to review the WAPC consideration of the proposed Village Centre in the Glades Estate and return it to the commission?

The Shire President advised that the questions would be taken on notice and responded to in writing.

OCM006/08/10 - Janine Theobold – 255 Warburton Court, Byford

- Q1 Why is the 50 metre separation zone from the dwelling, not the boundary. This is the third submission and a lot of money has been spent. Everyone is confused and no decision has been made. Someone needs to be made accountable for the costs.

Councillor Harris asked if the process could be explained to the gallery.

- A1 Director Strategic Planning Community informed the gallery that this is a set of modifications required by WAPC. The Council endorsed plan included separation, but the WAPC have made separate recommendations. What Council is doing is considering the WAPC's modifications and the submissions and making it clear to WAPC that we want the interface shown on our previous plan. This is a statutory process that has to be gone through.

The Shire President added that Council does not have the final decision. WAPC make the final decision. Council is trying to explain to the WAPC the logic and sense of this interface, and that it is in the best interests of the residents.

OCM006/08/11 - Andrew Theobold – 255 Warburton Court, Byford

- Q1 In other parts such as The Glades, a buffer of 80m plus was provided regardless of density. Why not here?
- A1 Director Strategic Community Planning confirmed that the other areas were not adjacent to town centres and different rules apply. Council are bound by the rules. Our suggestions were adhered to in other areas. The town centre is different due to the density required to justify a train station.

Public question time ended at 7.14pm

4. PUBLIC STATEMENT TIME:

John Kirkpatrick – 77 Mead Street, Byford

During the last 12 months or so, I have asked questions at the OCM as per standing orders, which I asked to be taken on notice so that I can get a considered reply rather than an off the cuff answer.

On two occasions they have not been replied to before the following OCM. My wife checked the mail box on Friday and there was no reply to last month's questions. On checking the mail box after today's delivery a reply was there, also a rather wet letter that has obviously been hand delivered over the weekend. Even so this makes it impossible to consider the reply and if a supplementary question is required. On another occasion the reply was not to answer on the advice of the Council insurance company.

Surely this is showing contempt for genuine concerns of ratepayers. We as ratepayers can only hope that there will be a change in Councillors at the election and with it a change in the administration. For it can only be seen as a dereliction of duty not to reply to the people that pay for this Council.

The Shire President informed John Kirkpatrick that each month a large amount of officer time is spent researching and responding to the questions asked at each Ordinary Council Meeting. The questions are referred to various departments and as he would be aware, our resources are limited. John Kirkpatrick objected to this and left the meeting.

SD016/08/11 - Phil Cuttone (LWP)

The LWP King Road Syndicate would like to express its appreciation to the Shire's officers for their efforts over the past month in considering comments provided by our consultant team on the Shire's draft conditions regarding the DA and license for the existing King Road Sand Quarry in Oldbury.

The Shire's officers met with members of our consultant team on 27 July 2011 and have since negotiated further by email and telephone. We are generally happy with how these discussions have progressed and note that a number of our comments have been taken on board by the Shire's officers in formulating the list of proposed conditions approved by the Sustainable Development Committee on 16 August 2011.

We do, however, have some additional comments and requested modifications for some of the proposed conditions. These represent what we consider to be some relatively minor changes that will result in an optimal approval for LWP whilst ensuring that all relevant and necessary requirements are in place to the Shire's satisfaction. We request Council consider and support these changes in approving both the DA and License tonight. We also note that the incorporation of our comments will eliminate the need for an application for review to be lodged with the State Administrative Tribunal. The proposed changes are outlined below:

Decommissioning

8. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's Mine

Closure Guidelines and once approved by the Shire, implemented in its entirety during the decommissioning of the site.

- We request that this condition be deleted as the requirements for decommissioning (and rehabilitation) are outlined in the Excavation and Rehabilitation Management Plan (ERMP) prepared by Landform Research.
- We note that the decommissioning requirements for a sand quarry are minimal and typically involve appropriate revegetation measures and slope battering requirements.
- The requirements of the ERMP are outlined in Section 5 – Rehabilitation and Decommissioning Program of the application report lodged to the Shire and this is to be complied with in accordance with Condition 1 of the proposed revised DA approval.

Traffic Management

11. Haulage vehicles going to and from the subject site and Byford are to use King Road, Orton and Gossage Road only unless otherwise approved in writing by the Shire.
- The wording of this proposed condition varies to that which was originally provided for our commentary.
 - We request that the wording for this condition be amended as follows: “Haulage routes to and from the subject site and Byford or any other locations within the Shire, are to be agreed with the Shire prior to commencement of haulage operations”. This will provide greater flexibility to discuss and agree on a route with the Shire on a case by case basis.

Emergency Management

13. A Fire and Emergency Management Plan being prepared within 90 days of the date of this approval. Once approved, the Fire and Emergency Management Plan shall be implemented in its entirety to the satisfaction of the Director Engineering.
- We note that Section 5.8 of the ERMP identifies there being little potential fire risk from sand mining operations of this type, with the quarry itself forming a natural firebreak, in addition, no flammable substances will be kept on site and no explosives will be used in the excavation operations.
 - We therefore question the need for such a condition for the type of operation proposed and request that it be deleted.

Buffers

22. The landowner is to maintain a 20 metre buffer between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20 metre buffer of all property boundaries to the satisfaction of the Shire.
- The sentence underlined has been added to the condition that has previously been provided.
 - We request that this requirement be deleted, as screening vegetation should only be required to the boundaries of the site adjacent to the public realm (i.e. road reserves). The SAT Orders required screening planting be undertaken along the northern boundary of the subject land and along King Road, with supplementary planting along Coyle Road as required. This planting has

already occurred on site (July 2010) and as such, the requirement is not considered necessary.

- We understand that the Shire's Officers are supportive of this modification.

Advice Notes

9. The decommissioning Plan is to include written commitments from the landowner specifying that all stockpiles of materials on site that are not to be used in the rehabilitation process will be removed within 60 days after the completion of the sand extraction operations.
- We request that this advice note be deleted, in accordance with request above for the deletion of Condition 8 above.

OCM006/08/11 - Geoff Lewis – Grey & Lewis

1. I represent Paul and Nino Gangemi who have owned Lot 15 Abernethy Road for 30 years. They have lived, worked, and provided employment to the Serpentine Jarrahdale community for most of their lives.
2. Whilst we have major concerns with the Local Structure Plan for the area north of Abernethy Road (including fragmented land ownership, station relocation, traffic circulation and accessibility and drainage constraints), we recognise it may be difficult to persuade Council or the WAPC to make changes to the area north of Abernethy Road.
3. The purpose of our submission is to seek modifications to the Local Structure Plan south of Abernethy Road and particularly in respect to Lot 15 to bring the plan back in line with the current Byford Structure Plan proposals.

Our concerns/arguments are as follows:

- i. Road widening: A 10m widening to Abernethy Road is proposed – all from the southern side of Abernethy Road. This is inequitable, it should at least be 50:50.
- ii. POS: 30% of Lot 15 is designated as POS. This was proposed because DEC had originally classified the western portion of Lot 15 as a Conservation Category Wetland. This was incorrectly mapped and DEC has now acknowledged this error and reclassified the land as Resource Enhancement. There is no statutory requirement to set this land aside as POS. The area of approximately 1.0 ha is too small to be ecologically sustainable and in any case, there is 70 ha of similar vegetation set aside in the bush forever site just 200m south of Lot 15.
- iii. Retail Floorspace Provision: The retail assessment undertaken by Pracys as part of the Local Structure Plan investigation suggests a maximum retail floorspace requirement of approximately 15,000 m² NLA by 2030.

We have engaged a separate independent consultant – Syme Marmion, to review the retail requirements. This assessment found the retail floorspace requirements for Byford Town Centre by 2030 will be 30,000 m² NLA. There is therefore a shortfall in the area allocated for retail in the Local Structure Plan by 15,000m² NLA. We believe the most logical location to make up this shortfall is on Lot 15. We also have a letter from Woolworths indicating they will develop a shopping centre on Lot 15 if zoned appropriately.

4. In summary, whilst we have concerns with the Local Structure Plan north of Abernethy Road, we are not seeking to change the design in that area. We are seeking to change the Plan south of Abernethy Road to include the whole of Lot 15 in the Town Centre Commercial Zone to accommodate the retail provision shortfall and to bring the Plan into line with the Byford Structure plan which has since 2004 always shown Lot 15 as Town Centre Commercial.

Clayton Oud – PO Box 78, Mundijong

John Kirkpatrick made a statement tonight, not a question and I believe it was inappropriate for the Shire President to respond.

5. PETITIONS & DEPUTATIONS:

Nil

6. PRESIDENT'S REPORT:

Again I have certificates to present to elected members for their recent work in completing the Local Government Diploma. Well done to Cr Tom Hoyer, Cr Christine Randall and Cr Merri Harris. Cr Buttfield and Cr Ellis are currently completing the course. At the recent Local Government Convention only 7 members from the entire state of WA were awarded these diplomas and 3 of those 7 came from Serpentine Jarrahdale Shire. Congratulations.

I remind members of the gallery, that local government elections are looming and I would urge you to stand for Council. You have proved by your attendance here that you are interested and concerned about our Shire. Now is the time to join us and make an even greater contribution. You would be most welcome.

The days you need are:

Nominations: Thursday 1st September to Thursday 8th September 2011

Election Day: Saturday 15th October 2011

Councillor information Session: 7.00pm, Wednesday 31st August 2011

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Petersen declared an interest of impartiality in item OCM007/08/11 and OCM008/08/11 as she submitted an application for community funding. This will not affect the way she votes on the matter.

Cr Randall declared a financial interest in item SD019/08/11 and she will leave the room when this item is discussed.

Cr Twine declared an interest of impartiality OCM007/08/11 and OCM008/08/11 as she has been involved in both of these processes. This will not affect the way she votes on the matter.

8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

8.1 Ordinary Council Meeting – 25 July 2011

Moved Cr Hoyer, seconded Cr Lowry

The *attached (E11/3992)* minutes of the Ordinary Council Meeting held on 25 July 2011 be confirmed.

CARRIED 10/0

8.2 Jarrahdale Heritage Park Management Committee Meeting – 25 July 2011

Moved Cr Harris, seconded Cr Petersen

The *attached (E11/4015)* minutes of the Jarrahdale Heritage Park Management Committee Meeting held on 25 July 2011 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

Cr Randall left the room at 7.33pm

COUNCIL DECISION

Moved Cr Geurds, seconded Cr Petersen

That Items OCM007/08/11, OCM008/08/11 and OCM006/0811 be discussed out of order following item SD016/08/11, whilst members of the gallery are present to hear the items.

CARRIED 9/0

Cr Randall was not present and did not vote.

Cr Randall returned to the room at 7.34pm

SD016/08/11 APPLICATION FOR RENEWAL OF DEVELOPMENT APPROVAL AND EXTRACTIVE INDUSTRIES LICENCE - LOTS 200 & 441 COYLE ROAD AND LOTS 713 AND 1242 KING ROAD, OLDBURY (P03577/01)		
Proponent:	Taylor Burrell Barnett	In Brief An application to renew planning consent and for an extractive industries licence for a sand quarry on King Road, Oldbury is presented to Council for determination. It is recommended the application for planning consent and the extractive industries licence be conditionally approved for a period of ten years and five years respectively.
Owner:	LWP King Road Syndicate Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 June 2011	
Previously	OCM040/05/06 SD003/07/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 15 December 2010
 Advertised: Yes
 Submissions: Yes
 Lot Area: 109 hectares approximately over 4 lots
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural

Background

June 2011

At the Ordinary Council Meeting held on the 25th July 2011, Council considered an application to renew planning consent and an application for an extractive industries licence for a sand quarry on King Road, Oldbury with the following resolution being passed:

“SD003/07/11 COUNCIL DECISION/NEW MOTION

Moved Cr Hoyer, seconded Cr Petersen

That item SD003/07/11 be deferred to the August Ordinary Council meeting to allow further discussion between the proponent and Shire officers regarding the recommended conditions and timeframes of the extraction licence.

CARRIED 7/3"

Following this resolution, further discussion has occurred between the proponent and Shire staff in respect to the conditions as included within the officer recommendation and the timeframes of the planning approval and the extractive industry licence. Through these discussions, a revised officer recommendation has been prepared, as included within this report.

May 2006

At its meeting held on 22 May 2006, Council resolved to grant development approval for the extraction of sand at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a 5 year period, expiring 30 May 2011.

Part B of the Council resolution required payment of the associated extractive industry licence fee, submission of relevant documentation and advertising being undertaken prior to an extractive industry licence being issued. A search of Council's records indicates that this information was not submitted and hence a licence was never issued. Excavation has been occurring from the site since 2010 by the landowner, without the Shire issuing an extractive industry licence.

The operations at the site were also subject to a planning approval under the Metropolitan Region Scheme (MRS) from the Western Australian Planning Commission (WAPC) which expired on the 24 May 2011. This request for renewal also requires a determination from the WAPC.

A copy of the location plan and aerial photograph is with attachments marked [SD016.1/08/11](#)

A copy of the previous Form 2 Approval is with the attachments marked [SD016.2/08/11](#).

Appeal

Following Council's determination on the application in 2006, the proponent lodged an application for review (an appeal) with the State Administrative Tribunal (SAT) against 12 of the 56 conditions imposed by Council on the Form 2 Approval. Whilst agreement was reached by the parties regarding a number of conditions, several were deleted by the SAT including conditions requiring:

- Specific stages not to commence until written confirmation by Shire provided regarding screening plantings;
- Final stage to be rehabilitated within 2 years of the completion of the preceding stage;
- Rehabilitation of the adjacent conservation category wetland as an ecological offset;
- Preparation of a conservation covenant over the conservation category wetland; and
- Restriction of commercial vehicles utilising roads during school bus operation times.

Other conditions were modified by the SAT, including:

- Hours of operation (start time changed from 7am to 6am); and
- Fencing of wetlands (removal of requirement to fence multiple use wetlands).

A copy of the SAT order is with attachments marked [SD016.3/08/11](#).

The previous SAT orders have been considered when formulating both the development approval and licence conditions.

The applicant now seeks a further planning approval and an extractive industry licence for the continued excavation of the site for a 12 year period.

Sustainability Statement

Effect on Environment:

Vegetation

Vegetation at the site is completely degraded. A vegetation study showed that the majority of the vegetation is a mono-species with an average of 1.1 species per 100m². The application proposes to undertake progressive rehabilitation back to a “parkland pasture” standard at a rate of 200 plants per hectare in clumps of trees and shrubs.

Hydrology

The application does not propose any dewatering or excavation within 2 metres of the maximum groundwater level. Any water abstraction for dust mitigation would be subject to a licence from the Department of Water (DoW). Groundwater licences administered by the DoW are issued in the context of groundwater availability and no licence would be given if sufficient groundwater was not available.

Wetlands

There are three conservation category wetlands near the excavation area. The application proposes a fenced 50 metre buffer to the wetlands.

Resource Implications and Use of Local, Renewable or Recycled Resources: The proposal will provide a local sand resource necessary for The Glades residential development in Byford. There is the potential for greenhouse emissions generated through transport to be reduced by utilising local sand resources for local developments.

Economic Benefits: Due to lower transport costs the price of sand fill needed for the Byford residential subdivisions will be reduced. This may have a direct benefit for purchasers of land in Byford as it may help to keep lot prices lower.

Social – Quality of Life: The proposal may impact upon the community by virtue of noise, dust and visual impact if the operations do not comply with statutory approvals and licence conditions. It is considered that the management practices proposed by the proponents with regard to these issues will, if consistently implemented, adequately ameliorate potential impacts on adjoining properties.

The rehabilitation plan includes various screening measures to minimise any visual impact of the operation. No complaints have been received relating to visual, dust or noise issues. However, impact of truck movements on Gossage and Orton Roads has been a key issue for residents living along the haulage route.

Statutory Environment:

Local Government Act 1995
Planning and Development Act 2005
Extractive Industries Local Law 1995
Town Planning Scheme No. 2 (TPS 2)
State Planning Policy 2 *Environmental and Natural Resources* (SPP 2)

State Planning Policy 2.1 *Peel Harvey Coastal Plain Catchment* (SPP 2.1)
State Planning Policy 2.4 *Basic Raw Materials* (SPP 2.4)

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 A person must not carry on an extractive industry -
- Unless the person is the holder of a valid and current licence; and
 - Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.

RENEWAL OF LICENCE

- 4.3(4) Upon receipt of an application for the renewal of a licence, the local government may-
- refuse the application; or
 - approve the application on such terms and conditions, if any, as it sees fit.

Policy/Work Procedure

Implications:

Council Planning Policy 14 *Extractive Industry Licences* (PP14)

Financial Implications:

The Extractive Industry Licence fee and development application fee has been paid.

Should an application for review be lodged with the SAT, against a decision of Council on this planning application, there will be costs incurred by Council.

The matter has previously been approved and subject to appeal proceedings. Since that time, neither the nature of the application or the planning framework that applies to it has changed. From a planning law point of view, it follows that the application to renew should therefore be approved. If Council refuses the application there is a risk that, if appealed, costs may be awarded against Council. If Council reverts to conditions previously modified or deleted by the SAT, there is a risk that, if appealed, costs may also be awarded against Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
	Infrastructure	39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		12	Biodiversity	Prevent the further loss of "local natural areas"
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		23		Enforce the adoption of "better urban water management".
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
OUR COUNCIL AT WORK	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		8		Elected members provide a clear and consistent strategic direction.
SUSTAINABLE ECONOMIC GROWTH	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.

Government Agency Referrals

The application was referred to twenty (20) government agencies for comment. As a result of the advertising, ten (10) submissions were received.

A copy of the schedule of government agency submissions is with attachments marked [SD016.4/08/11](#).

Community Consultation

The application was also referred to sixty-six (66) surrounding landowners for comment in accordance with clause 6.3 of the TPS 2. As a result of the advertising, two (2) letters of objection and one (1) letter of no objection were received.

Submitter	Nature & Summary Of Submission	Officer Comment
A190700	<p>Objects for the following reasons:</p> <p>We strongly disagree to sand mining on Lots 200,441,713 &1242 Coyle Road Oldbury.</p> <p>I bring to your attention that in the year of 2010 there were many truck loads of sand leaving King Rd all day every for most of the day.</p> <p>I am concerned of the effect this mining will have on the rainfall, the water table as you are aware everyone in Oldbury does not have the luxury of water on tap from the Water Corporation.</p> <p>Also it looks unsightly and when they have finished mining they never seem to care how they leave the land once they have finished mining.</p> <p>I hope you will listen to the people who live here and not money people who have come to make money.</p>	<p>Noted.</p> <p>It is considered that appropriate conditions relating to traffic management, environmental management and rehabilitation are included within the officer recommendation to address these issues. The operation, if properly managed, should have limited impacts on residents.</p>
A130204	<p>No objection provided that the sand is not carted along Gossage road.</p> <p>The bridge across the canal is inadequate and I recall an accident involving two trucks at the intersection of Kargotich and Gossage Roads last time sand was carted en masse.</p>	<p>Noted.</p> <p>The Shire has previously recommended that full trucks use Orton Road and the empty trucks to use Gossage Road when returning to the site.</p>
A153900	<p>Objects for the following reasons:</p> <p>It is situated on a hill which obstructs the view of drivers. Cars approaching the hill are unable to see the trucks that swerve onto King Road.</p> <p>Trucks coming in and out of the property are dropping sand on the road which has led to cars sliding to one side of the road.</p>	<p>Noted.</p> <p>It is considered that appropriate conditions relating to traffic management are included within the officer recommendation to address these issues.</p> <p>In 2010, engineering plans were approved by the Shire and Main Roads WA which reflect modifications to King Road to provide for increased road safety. These modifications include pavement widening on the eastern side of King Road, along a portion of the frontage of the site, to allow for southbound vehicles to overtake haulage trucks that are turning into</p>

Submitter	Nature & Summary Of Submission	Officer Comment
		to the site from King Road. This requirement is reflected in a condition of the officer recommendation.

COMMENT

Proposal

The Council planning approval that was granted for an extractive industry on the subject site expired on the 30 May 2011. As such, the applicant seeks a new planning approval and extractive industry licence to continue operations on the land.

Overview

A summary of the proposal, as provided by the applicant, is detailed in the below table:

PROJECT COMPONENT	PROPOSAL CHARACTERISTIC
EXCAVATION	
Total area of landholdings	108.7988 hectares
Total excavation area	Approx. 20.3 hectares
Life of project	12 years
Dewatering requirements	Nil
Maximum depth of excavation	22.18m AHD
PROCESSING	
Sand	N/A
Water requirements	Nil
TRANSPORT	
Truck movements	Variable, but approximately 240 per day when excavation operations are occurring
WORKFORCE	
Hours of operation	7am to 5pm Monday to Saturday (inclusive)

Use of Resource

The applicant advises that the sand extracted from the excavation site is to be used primarily as a source of fill for The Glades, Byford residential estate, located approximately 8 km to the north-east of the subject land. The excavation site has been used to supply high-grade fill for two stages of The Glades thus far, with approximately 150,000 bank cubic metres (BCM) of material having been excavated to date and 20,000m² of area opened up. It is anticipated there is a sufficient amount (approximately 1,000,000 BCM) of material remaining in the excavation site to service several future stages of the development.

Duration of Licence and Approval

The applicant is seeking an Extractive Industry Licence and a Development Approval for the subject land for a 12 year period. The applicant advises that this time period corresponds with the anticipated lifespan of The Glades, Byford residential development and will ensure

that an appropriate sand resource is available in close proximity to The Glades across the life of the project.

Stages & Timing

With respect to staging, the applicant provides the following information:

“The staging of sand extraction will largely be determined by the demand for fill associated with the development of The Glades, Byford residential estate. This, in turn, is subject to market demand for housing and will vary across the life of the excavation site. As such, it is not possible to provide a rigid definition of staging boundaries but rather an outline of the general intended staging of extraction on the site.

The general intent for the staging of future extraction from the excavation site is to continue to extract sand from the middle of the site until the minimum extraction level (above AHD/water table) is reached. Extractive operations will then proceed in a westerly direction to the edge of the extraction site. The final stage of sand extraction will occur from the middle of the site back towards King Road in an easterly direction. This general staging sequence will serve to facilitate the passive screening of the extractive operations from King Road by using the existing topography as a visual buffer”.

A copy of the proposed staging plan is with attachments marked [SD016.5/08/11](#).

Depth & Extent of Proposed Extraction

The depth of extraction will be to 22.18m AHD, being the depth to maintain a minimum clearance of 2.0m above the water table. The overburden is not proposed to be removed from the subject site, rather stockpiled on site for reuse as part of the rehabilitation process. Whilst the overburden is being stockpiled, it will be stabilised as required to control dust and subsequently removed from site once the rehabilitation process is complete.

Vehicular Access & Movement

With respect to vehicle movements, the applicant provides the following information:

“Condition 17 of the SAT Orders stipulates that King Road, Thomas Road and South Western Highway only are to be used for haulage of sand from the quarry. This decision, however, was made at the time when the quarry was intended to service the Byford by the Scarp development. From the time extractive operations commenced on the subject land, the excavated sand has been used in the development of The Glades, Byford estate. In an effort to address resident concerns regarding the Thomas Road route, the Shire amended the route to use King Road, Orton Road and the haul road to access the site and the haul road, Gossage Road and King Road to return to the quarry. The Shire has advised that this is the preferred route to maintain road safety standards and minimise the distance travelled by the trucks.

As outline above, the requirements for sand from the quarry will be largely determined by the demand for fill at The Glades, Byford. As such, truck movements will vary according to extraction requirements. However, from the operations that were undertaken early this year, the daily export target was 6,000 tonnes. This equated to approximately 240 semi-tipper dump truck movements per day by approximately 18-22 trucks. Two front end loaders were mobilised to service this export rate”.

Dust & Noise

It is considered that the conditions previously imposed by the Shire, and those modified through the subsequent SAT orders, are adequate to ensure that dust and noise

management is undertaken appropriately to minimise any off-site impacts. These conditions are proposed for this application.

Rehabilitation & Vegetative Screening

The applicant advises that the rehabilitation of the site will occur progressively in accordance with the Excavation and Rehabilitation Management Plan. This document outlines the rehabilitation and revegetation measures following the extractive operations. The King Road Sand Quarry Environmental Management Plan also outlines the ongoing monitoring that is to occur to ensure that the subject land is decommissioned in accordance with the Excavation and Rehabilitation Management Plan. The land will be rehabilitated for parkland pasture, consistent with the surrounding rural land uses and zoning of the land.

A copy of the rehabilitation plan is with attachments marked [SD016.6/08/11](#).

With respect to screening, the applicant advises that a number of measures have already been undertaken to ensure that the extractive operations are appropriately screened from the surrounding areas. Conditions on the previous approval required the planting of screening vegetation along King, Coyle and Anderson Roads. Perimeter screening along Anderson and King Roads occurred in July 2010 and was undertaken by Tranen Revegetation Systems. Since 2006, existing vegetation along Coyle Road has matured to the extent that it now provides suitable screening. Screening to required areas, as outlined by the SAT Orders, will be reassessed this year to determine whether additional infill screening is necessary.

Officer Comment

The proposed extractive industries licence and renewal of development approval is the subject of detailed environmental investigation and management strategies to ensure the amenity of the locality is not detrimentally affected. Furthermore, the rehabilitation of the subject land will deliver a superior environmental outcome for the land and enable it to be utilised more effectively for rural uses upon conclusion of extraction activities. Given that the proposal is materially identical to that which was granted approval by the SAT and is the subject of updated environmental reporting, support for the application is warranted.

Statutory Context

Metropolitan Region Scheme (MRS)

The subject land is zoned 'Rural' under the MRS and is surrounded by predominantly rural zoned land in the vicinity. The edge of the 'Rural – Water Protection' zone is located approximately 400m to the north of the subject land and Bush Forever Site 353 is situated within a 'Parks and Recreation' reservation approximately 500m to the west of the subject land. The 'Rural' zone of the MRS is identified to accommodate a range of agricultural, extractive and conservation uses.

TPS 2

The subject land is zoned 'Rural' under the Shire's TPS 2 and is generally surrounded by rural zoned land. With respect to the 'Rural' zone, TPS 2 states the following:

"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 proposal is defined an 'Industry Extractive' use under TPS 2 which is identified as an 'AA' (discretionary) use within in the 'Rural' zone which means that the Council may, at its discretion, permit the use.

Rural Strategy

The strategy identifies the subject land as being located within the 'Rural' policy area'. In the immediate vicinity surrounding the subject land, there are various properties identified as 'Raw Materials Extraction'. A number of these correlate with the Extraction Areas identified in SPP 2.4, however, the strategy includes additional properties in the locality that are not identified in SPP 2.4. It is noted also that the extraction areas in question are located to the east and west of the subject land and represent former and current quarries that have, and continue to, level the ridge identified for protection in the Jandakot Structure Plan.

SPP 2 Environment and Natural Resources

SPP 2 identifies basic raw materials such as sand, clay, hard rock, limestone and gravel together with other construction and road building materials as being important natural resource assets and a vital part of the State's economy. SPP 2 indicates that a ready supply of such materials in close proximity to developing areas is required in order to keep downward pressure on the cost of land development and the resultant price of housing. SPP 2 also notes that the quarrying of basic raw materials on private land is to be legally administered by local government. SPP 2 indicates that planning strategies and decision-making should seek to identify and protect important basic raw materials and provide for their extraction to meet the objectives outlined above, in accordance with SPP 2.4.

SPP 2.1 The Peel Harvey Coastal Plain Catchment

SPP 2.1 establishes a statutory framework to control land use changes within the Peel Harvey Catchment in order to identify and prevent negative environmental effects on the downstream estuarine system. To achieve this end, a number of policy objectives are identified as follows:

- Improve the ecological, social, economic and recreational potential of the Peel-Harvey Coastal Plain Catchment;
- Minimise the occurrence of negative environmental impacts stemming from changing land uses;
- Increase the deep-rooted perennial vegetation coverage in the catchment; and
- Prevent land uses and activities that are likely to result in excessive nutrient export into the estuarine system.

It is considered that the proposal will not compromise the objectives of SPP 2.1.

SPP 2.4 Basic Raw Materials

SPP 2.4 recognises that the provision of a ready supply of basic raw materials in close proximity to developing areas is very important in minimising the cost of land development and housing, as noted also in SPP 2 above. Furthermore, SPP 2.4 indicates that basic raw materials are relatively cheap to produce and that the major costs stem from transportation to where it is needed (i.e. construction sites). It is also noted that the availability of basic raw materials, such as sand, close to Perth is declining, with many sites that would otherwise be suitable being located within areas affected by environmental and planning restrictions.

SPP 2.4 provides guidance regarding the matters to be considered by the WAPC and local governments in assessing zoning and development applications for extractive operations, and maps the location of known resources, 'Key Extraction Areas', 'Priority Extraction Areas' and 'Extraction Areas'. SPP 2.4 identifies two 'Sand Resource' sites opposite the subject land to the east along King Road and a further Sand Resource site to the west along Coyle Road. Whilst the subject land is not identified as an extraction area it is clearly within an area

which has a known resource which is being actively extracted. SPP 2.4 does not preclude the extraction of the sand resource from the subject land provided the extraction proposal complies with planning and environmental requirements.

Visual Landscape Planning In Western Australia Manual

The Visual Landscape Planning in Western Australia Manual was prepared collaboratively between the then Department for Planning and Infrastructure, the Department of Environment and Conservation, Main Roads WA and other agencies that deal with landscape considerations. The manual provides information regarding visual landscape evaluation and impact assessment to be considered in the planning process in the absence of a formal state planning policy position.

Part 3 of the manual outlines the components of mining and quarrying land uses that may have direct visual impacts and consequently need to be considered. These include the size of footprint, depth, configuration of outer boundary, angle of faces, length of time faces are exposed before being re-contoured and re-vegetated, time sequence for planting exposed surfaces, planting programs (including screen planting), location of powerlines and other services, changes to the original landscape (especially landform and vegetation) and lighting. It is considered that the proponent has considered these items in the preparation of this current application before Council.

PP14

PP14 provides guidance as to the length of licences and auditing procedures, based on a compliance system. Auditing procedures set out in the policy are not relevant as it is a new licence, however provisions regarding the length of licences are. The policy states that:

“The initial licence issued to an extractive industry upon receiving planning approval to commence will be one year. The length of licence where the licence is being renewed will be determined through a compliance system”.

As an extractive industry licence has not previously been issued for this operation, PP14 indicates that Council is only able to issue a licence for a 1 year period. However, there may be instances when an initial licence period longer than 1 year is warranted. This is discussed later in this report.

KEY ISSUES

Potential Contributions Towards Road Maintenance

Under the provisions of the Extractive Industry Local Law, there is the ability for Council to impose a requirement for a contribution toward road maintenance in the form of a 'levy'. Based on the information available, the ability for council to levy a contribution exists regardless of the fact that at least and potentially all of the vehicles may be 'as of right vehicles'.

Through initial stakeholder engagement, a number of matters have been raised has potentially requiring consideration by Council including:

- Recognising that sand extraction is a private sector activity that operates in a competitive environment;
- There are significant natural resources within the Shire, including sand resources;
- There is significant development anticipated to occur within the Shire;
- The condition of the existing road network is variable;
- Any condition of approval would need to demonstrate relevance and reasonableness;

- Costs associated with raw materials may have an impact on housing affordability/construction costs;
- There are potential financial and staff resource implications associated with establishing and administering contributions towards road maintenance;
- There are significant financial implications associated with maintaining the Shire's road network;
- A number of other local governments have previously established levying arrangements eg. Shire of Murray, Shire of Kalamunda, Town of Kwinana, and City of Subiaco; and
- Vehicles associated with extractive industries have the potential to significantly contribute to the deterioration of the road network eg. fatigue failure of bitumen, edge breaking, shoulder drop-off, verge damage, depressions, rutting and shoving.

In order to properly evaluate and establish a framework for contributions towards road maintenance, it is recommended that Council give consideration to the following:

- A review of the existing extractive industry local law;
- That stakeholder engagement be progressed with relevant industry parties; and
- That Council prepares a policy framework for the establishment and administration of financial arrangements.

Should Council consider this to be a priority action, such investigations and work would likely require a period of approximately 12 months. In light of the above, it is not recommended that Council impose a contribution towards road maintenance at this time. However, given that a 5 year licence is recommended, the option may be available to Council at the expiration of this period to impose such a condition on any future licence.

Haulage Routes

Previous discussion has occurred regarding the existing and proposed haulage routes to the site by commercial vehicles. Legal advice has been received by the Shire which states that it is open to Council to impose a condition which stipulates specific routes that are to be used to and from the quarry if it reasonably and fairly relates to the development and if there is sufficient and reasonable nexus between the proposed condition and the development.

As detailed previously and based on past operations at the site, approximately 240 semi-tipper dump truck movements per day were undertaken resulting in a daily export target of 6,000 tonnes. Based on these figures, it is considered reasonable to impose a condition that requires all haulage routes to be approved by the Shire. This is reflected within the officer recommendation.

Length of Licence & Approval

The applicant is seeking a 12 year approval for both the licence and the development application which will effectively correspond with the anticipated lifespan of The Glades, Byford residential development. The Extractive Industries Local Law allows Council to determine the term of a licence, to a maximum of 21 years. PP14, which is not a statutory policy, identifies a practice of issuing a one year licence initially, with renewal licence length dependant on performance. The length of the licence and approval to be issued is therefore a valid consideration for Council.

The applicant would likely argue for a term sufficient to allow the work to be completed, in this case 12 years. However the Local Law provides for renewal of licences if a shorter term is considered appropriate. A shorter time frame allows for another assessment of the works and excavation programme and supporting management plans with an application for renewal. However, given that the operation will be audited on an annual basis and that the

operator will be required to comply with the conditions of approval, a licence length longer than one year is supported. In addition, should a licence length of only one year be issued, the applicant is likely to be aggrieved by this decision and may lodge an application for review with the SAT. As such, a 10 year planning approval and 5 year licence period is recommended.

Options

With regard to the determination of the application for renewal of planning consent under TPS 2, Council has two options:

1. To refuse consent; or
2. To grant consent subject to such conditions as deemed fit.

Option 2, subject to conditions, is recommended.

With regard to the determination of the application for an extractive industries licence, Council has two options:

1. To refuse the application; or
2. To approve the application over the whole or part of the land, and subject to such conditions, if any, as it sees fit.

Option 2, subject to conditions, is recommended.

Conclusion

It is considered that with strict compliance with all proposed conditions the potential impacts of the proposal can be ameliorated to a satisfactory level. Further, the subject site will be audited on an annual basis to assess the level of compliance with the recommended conditions. Any issues that may arise through these inspections can be resolved between the operator and Shire staff. It is therefore recommended that planning approval and an extractive industries licence be granted for the continued operation of the site for a period of 10 years and 5 years respectively.

Voting Requirements: Simple Majority

Executive Manager Strategic Planning left the room at 7.38pm

SD016/08/11 Committee/Officer Recommended Resolution:

- A. Planning approval be granted for an extractive industry (sand extraction) at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a ten year period expiring 30 June 2021 subject to the following conditions:

PLANNING

1. All operations are to be undertaken in accordance with the approved Works and Excavation Programme, Environmental Management Plan, and Rehabilitation and Decommissioning Programme.
2. Operating hours are restricted to 6am to 5pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays. Operations include, but are not limited to, the movement of all vehicles (bulldozers, front end loaders, water trucks, gravel trucks and fuel trucks) involved in the extractive industry. This includes external contractor's vehicles and those not specifically designated as LWP King Road Syndicate Pty Ltd property.

3. The landowner shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the Shire.
4. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened where practicable to minimise impacts on local visual amenity while having regard for the security of any building or structure.
5. Planning approval for the extractive industry is limited to ten (10) years expiring on 30th June 2021.

HEALTH

Annual Report

6. The landowner shall submit an Annual Compliance Assessment Report to the Shire by 31st March each year. The Annual Compliance Assessment Report shall include an internal compliance audit of the Environmental Management Plan and all the development and license approval conditions and management plans, complaints and complaints responses. A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

Dust & Noise

7. The operations shall comply at all times with the approved Environmental Management Plan

Decommissioning

8. The landowner shall prepare and submit to the Shire at least 12 months prior to the completion of the sand extraction operation a Decommissioning Plan that details the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation. The Decommissioning Plan is to be developed in accordance with the Department of Mines and Petroleum's *Mine Closure Guidelines* and, once approved by the Shire, implemented in its entirety during the decommissioning of the site.

ENGINEERING

Traffic Management

9. The existing crossover is to be maintained to its current standard (at the date this approval issued) to the specification and satisfaction of the Shire.
10. The landowner shall construct all access ways using road base quality material and bitumen seal, a minimum of 20 metres from any road into the subject site.
11. Haulage vehicles going to and from the subject site and Byford are to use King Road, Orton Road and Gossage Road only unless otherwise approved in writing by the Shire.
12. The landowner shall ensure that all haulage vehicle movements into and out of the site are restricted to left in and left out movements only.

Emergency Management

13. A Fire and Emergency Management Plan being prepared within 90 days of the date of this approval. Once approved, the Fire and Emergency Management Plan shall be implemented in its entirety to the satisfaction of the Director Engineering.

ENVIRONMENT

Site Works

14. The landowner shall ensure at the completion of each stage of mining operations that all sand faces, non operational stock piles and bund walls are safe and stabilised to prevent dust nuisance and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.

Hazardous Chemicals & Dangerous Goods

15. The land owner shall not store any hazardous chemicals, dangerous goods or hydrocarbons on the site.
16. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.

Vegetation & Rehabilitation

17. Rehabilitation of Stage C is to have commenced within one year and completed within two years from the date of this licence.
18. Rehabilitation of stages 1 through 3 is to have commenced within one year and completed within two years from the completion of each respective stage.
19. The applicant shall comply with all the commitments as stated in the Excavation and Rehabilitation Management Plan dated 24 November 2005.
20. The landowner shall control declared weeds throughout the site to the satisfaction of the Shire.
21. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.

Buffers

22. The landowner is to maintain a 20 metre buffer between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20 metre buffer of all property boundaries to the satisfaction of the Shire.
23. A 50 metre buffer is to be maintained around the wetlands adjacent to the excavation area on Lots 713, 200, 441 and 1242 as depicted on the attached figure 5 date stamped 13 June 2006.

Impact Management

24. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
25. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
26. No screening or washing of extracted material is to take place on site.

Acid Sulphate Soils

27. On site testing and monitoring of groundwater levels is to be undertaken during winter and spring of each year of excavation to:
 - a) Ensure management actions in accordance with the Department of Environment's guidelines "Treatment and management of disturbed acid sulphate soils" and "General Guidance on Managing Acid Sulphate Soils"; and
 - b) Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.

ADVICE NOTES

1. A Building Licence is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office.
2. A Demolition Licence is required to be obtained from the Shire prior to the commencement of demolition of any existing dwellings.
3. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
4. Separate approval may need to be obtained from the Department of Water for a bore licence.
5. If screening or washing of excavated material is proposed in future then a new application for Planning Approval and a modified Licence will be required and assessment is to include referral to the Environmental Protection Authority for assessment. In addition, a Works Approval will first need to be obtained from the Department of Environment and Conservation.
6. The landowner shall ensure that truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.
7. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the site will require the separate approval of the Shire.
8. The landowner is advised to seek the necessary approvals from the Department of Environment for any clearing of native vegetation on site.

9. The Decommissioning Plan is to include written commitments from the landowner specifying that all stockpiles of material on site that are not to be used in the rehabilitation process will be removed within 60 days after the completion of the sand extraction operations.
- B. The extractive industry licence be granted for sand extraction at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a five year period expiring 30th June 2016 subject to the following conditions:
1. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law and the Shire's development approval conditions for an extractive industry at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury.
 2. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.
 3. In accordance with the *Extractive Industry Local Law, Part 3: Determination of Application – Clause 3.1 (5)(p)*, The landowner shall furnish to the local government a surveyor's certificate by 31st March each year to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

Executive Manager Strategic Planning returned to the room at 7.40pm.

SD016/08/11 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Randall

- A. **Planning approval be granted for an extractive industry (sand extraction) at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a ten year period expiring 30 June 2021 subject to the following conditions:**

PLANNING

1. **All operations are to be undertaken in accordance with the approved Works and Excavation Programme, Environmental Management Plan, and Rehabilitation and Decommissioning Programme.**
2. **Operating hours are restricted to 6am to 5pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays. Operations include, but are not limited to, the movement of all vehicles (bulldozers, front end loaders, water trucks, gravel trucks and fuel trucks) involved in the extractive industry. This includes external contractor's vehicles and those not specifically designated as LWP King Road Syndicate Pty Ltd property.**
3. **The landowner shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the Shire.**
4. **Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened where practicable to minimise impacts on local visual amenity while having regard for the security of any building or structure.**

5. Planning approval for the extractive industry is limited to ten (10) years expiring on 30th June 2021.

HEALTH

Annual Report

6. The landowner shall submit an Annual Compliance Assessment Report to the Shire by 31st March each year. The Annual Compliance Assessment Report shall include an internal compliance audit of the Environmental Management Plan and all the development and license approval conditions and management plans, complaints and complaints responses. A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

Dust & Noise

7. The operations shall comply at all times with the approved Environmental Management Plan

ENGINEERING

Traffic Management

8. The existing crossover is to be maintained to its current standard (at the date this approval issued) to the specification and satisfaction of the Shire.
9. The landowner shall construct all access ways using road base quality material and bitumen seal, a minimum of 20 metres from any road into the subject site.
10. Haulage vehicles going to and from the subject site and Byford are to use King Road, Orton Road and Gossage Road only unless otherwise approved in writing by the Shire.
11. The landowner shall ensure that all haulage vehicle movements into and out of the site are restricted to left in and left out movements only.

Emergency Management

12. A Fire and Emergency Management Plan being prepared within 90 days of the date of this approval. Once approved, the Fire and Emergency Management Plan shall be implemented in its entirety to the satisfaction of the Director Engineering.

ENVIRONMENT

Site Works

13. The landowner shall ensure at the completion of each stage of mining operations that all sand faces, non operational stock piles and bund walls are safe and stabilised to prevent dust nuisance and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.

Hazardous Chemicals & Dangerous Goods

14. The land owner shall not store any hazardous chemicals, dangerous goods or hydrocarbons on the site.
15. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.

Vegetation & Rehabilitation

16. Rehabilitation of Stage C is to have commenced within one year and completed within two years from the date of this licence.
17. Rehabilitation of stages 1 through 3 is to have commenced within one year and completed within two years from the completion of each respective stage.
18. The applicant shall comply with all the commitments as stated in the Excavation and Rehabilitation Management Plan dated 24 November 2005.
19. The landowner shall control declared weeds throughout the site to the satisfaction of the Shire.
20. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.

Buffers

21. The landowner is to maintain a 20 metre buffer between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation.
22. A 50 metre buffer is to be maintained around the wetlands adjacent to the excavation area on Lots 713, 200, 441 and 1242 as depicted on the attached figure 5 date stamped 13 June 2006.

Impact Management

23. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
24. The landowner shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
25. No screening or washing of extracted material is to take place on site.

Acid Sulphate Soils

26. On site testing and monitoring of groundwater levels is to be undertaken during winter and spring of each year of excavation to:

- a) Ensure management actions in accordance with the Department of Environment's guidelines "Treatment and management of disturbed acid sulphate soils" and "General Guidance on Managing Acid Sulphate Soils"; and
- b) Confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.

ADVICE NOTES

1. A Building Licence is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office.
2. A Demolition Licence is required to be obtained from the Shire prior to the commencement of demolition of any existing dwellings.
3. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
4. Separate approval may need to be obtained from the Department of Water for a bore licence.
5. If screening or washing of excavated material is proposed in future then a new application for Planning Approval and a modified Licence will be required and assessment is to include referral to the Environmental Protection Authority for assessment. In addition, a Works Approval will first need to be obtained from the Department of Environment and Conservation.
6. The landowner shall ensure that truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.
7. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the site will require the separate approval of the Shire.
8. The landowner is advised to seek the necessary approvals from the Department of Environment for any clearing of native vegetation on site.

B. The extractive industry licence be granted for sand extraction at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury for a five year period expiring 30th June 2016 subject to the following conditions:

1. The landowner shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law and the Shire's development approval conditions for an extractive industry at Lots 200 & 441 Coyle Road and Lots 713 & 1242 King Road, Oldbury.
2. The landowner shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.
3. In accordance with the *Extractive Industry Local Law, Part 3: Determination of Application – Clause 3.1 (5)(p)*, The landowner shall furnish to the local

government a surveyor's certificate by 31st March each year to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

CARRIED 10/0

OCM007/08/11		COMMUNITY SPORT AND RECREATION FACILITIES FUND SUBMISSION (A0141-02) (P03441)
Proponent:	Serpentine Jarrahdale Shire	In Brief
Author:	Chris Portlock, Manager Environmental & Sustainability Services; Carole McKee, Manager Community Development	To endorse a Community Sport and Recreation Facilities Fund (CSRFF) Small Grants application with the Department of Sport and Recreation (DSR).
Senior Officer:	Suzette van Aswegen, Director Strategic Community Planning	
Date of Report	15 August 2011	To endorse the Shire/community two thirds contribution towards this application by the approval of a Locality Funding Program application and transfer of funds from the Jarrahdale Locality Funding Reserve.
Previously	Not applicable as this is a new round of the CSRFF Small Grants Program and Locality Funding Program	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Department of Sport and Recreation (DSR) Community Sport and Recreation Facilities Fund (CSRFF) aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, high quality, well-designed and well-utilised facilities.

The CSRFF has recently undergone some changes which includes an increase in annual funding from \$9 million to \$20 million. There are now a series of new grant options:

- Small Grants, given out bi-annually, with the grant rounds opening in February and July, for projects costing between \$7,500 and \$150,000;
- Annual Grants for projects between \$150,001 and \$500,000 (which is an increase from \$300,000);
- Forward Planning Grants for projects worth \$500,001 or more.

There are also grants given for Sustainable Initiatives. While these grants provide only up to a third of the total project cost, it is possible to apply for the Development Bonus, which will contribute up to 50% of funds for the project. This is assessed based on the project's location, sustainability, ability to increase participation and if the facility is to be co-located. On assessing this project in liaison with DSR it is recommended that an application for one third of the costs is submitted.

The CSRFF program operates on a reimbursement system. Strict funding conditions apply and applicants need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

Officers have identified the CSRFF Small Grants round which closes on 31 August 2011, as an opportunity to seek a funding contribution towards the Technical Design Drawings stage of the Jarrahdale Skate Park Project. This funding application is based on a quote received from Convic Design.

CSRFF Guidelines require Councils to endorse and prioritise applications. Only one application has been received for submission in this funding round.

In order for this project to comply with the guidelines for CSRFF two thirds of the project must be funded from other sources. In this case it is requested that this two thirds Shire/community funding portion be allocated from the Jarrahdale Locality Funding Reserve through an application which has been received from the Jarrahdale Community Association.

Sustainability Statement

Resource Implication, Economic Viability and Economic Benefits:

The Locality Funding Program aims to enable the community to attract external funding.

Social – Quality of Life

The Locality Funding Program and the CSRFF Small Grants Program combined, aim to fund projects that will increase physical activity, visual and recreational amenities and therefore improve quality of life.

Statutory Environment:

Not applicable as this report relates to two grant applications.

Policy/Work Procedure Implications:

G914 – Locality Funding Program Policy for Townscape Projects. PCWP5 Locality Funding Program Work Procedure for Placemaking in Serpentine Jarrahdale Shire (Guidelines and Criteria)

Financial Implications:

The estimated cost of this Technical Design Drawings phase of the Jarrahdale Skatepark Project is \$14,212. This includes the proposed one third contribution request to the Department of Sport and Recreation through the Community Sport and Recreation Facilities Fund with the remaining amount of \$9,475 being sought through the Jarrahdale Community Association Locality Funding Program application.

The Jarrahdale Locality Funding Reserve balance for 2011/12 is \$48,184. Jarrahdale Community Association submitted four applications of which this one was for \$9,475. The remaining three applications requesting the balance of the funds were processed at the same time in August and will be the subject of an item to Council in September 2011.

Should the grant application be unsuccessful, CSRFF guidelines state that the applicant will need to identify an alternative source of funding to cover the balance required to enable the project.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		14	Buildings	Encourage built form that positively contributes to streetscape amenity.
		17		Preserve, enhance and recognise heritage values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
PEOPLE AND COMMUNITY				
	Wellbeing			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		10	Happy	Understand and respond to the needs of our youth.
		11		Actively engage youth in local decision making.
		12		Encourage youth participation in community activities, groups and networks.
	Relationships			
		21	Empower	Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				achieve shared visions.
		25		Enable inclusive, accessible and appropriate communications.
		27	Celebrate	Actively engage, and value the contribution of all stakeholders in better decision making.
	Places			
		31	Vibrant	Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
OUR COUNCIL AT WORK				
	Leadership			
		9	Leadership throughout the organisation	All decisions by staff and elected members are evidence based, open and transparent.
		26	Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.

Community Consultation:

All projects submitted through the CSRFF Small Grants Program are required to have undertaken relevant community consultation as is the case with this project. The Locality Funding Program also encourages localities to collaborate prior to submitting funding applications which is what Jarrahdale Community Association have done in this case.

Comment:

CSRFF guidelines require the applicant (Shire) to underwrite projects should there be any short fall, should the CSRFF grant be unsuccessful. Therefore should this occur, the Shire will need to identify an alternative source of funding to cover the balance required to enable the Technical Design Drawings Stage of the Jarrahdale Skatepark Project .

The Locality Funding Program application for \$9,475 for the Jarrahdale Skatepark Technical Design Drawings has been received and processed and approved by the Locality Funding Program Working Group. Four applications were received in total from Jarrahdale Community Association, which had strategically considered how the total (\$48,184) available in the Jarrahdale Locality Funding Reserve for 2011/12 was allocated across all four projects to enable the maximum attraction of external funds.

This Jarrahdale Skatepark Technical Design Drawings application is being presented to Council for endorsement, in advance of the other three Jarrahdale Locality Funding Program applications, to coincide with the current CSRFF funding round deadline of 31 August 2011. The remaining Jarrahdale applications will be presented along with the applications from all

other localities in a Locality Funding Program item to Council currently being prepared for September 2011.

Voting Requirements: ABSOLUTE MAJORITY

OCM007/08/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Petersen, seconded Cr Harris

That Council:

1. Acknowledges that only one submission for Community Sport and Recreation Facilities Fund for Small Grants August 2011 round was received, and endorses this application as follows:

Project	Estimated Project Cost	CSRFF Amount	Applicant (Shire)	JCA	Level of Support
Jarrahdale Skate Park Technical Design	\$14,212	\$4,737	\$9,475		High (well planned & needed by municipality)

2. Transfers \$9,475 from the Jarrahdale Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Jarrahdale Community Association

Organisation	Project Name	Total	Grant Requested	Recommended Funding through LFP 2011/12
Jarrahdale Community Association	Jarrahdale Skate Park Technical Design	\$14212	\$9,475	\$9,475

3. Recognises that, should the CSRFF grant be unsuccessful, the Shire will need to identify an alternative source of funding to cover the balance required to enable the Technical Design Drawings Stage of the Jarrahdale Skatepark Project.

CARRIED 10/0

OCM008/08/11		INVESTIGATION OF THE LAND DEVELOPMENT COSTS TO ESTABLISH A MEN'S SHED AND TRACTOR MUSEUM PRECINCT WITHIN THE JARRHADALE HERITAGE PARK (A1567)
Proponent:	Jarrahdale Heritage Park Committee	In Brief To seek Council approval to undertake an investigation as to the land development costs of a Men's Shed and an expansion of the Hugh Manning Tractor and Machinery Museum within the Jarrahdale Heritage Park.
Owner:	Not applicable	
Author:	Director Corporate Services – Alan Hart	
Senior Officer:	Chief Executive Officer	
Date of Report	17 August 2011	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Jarrahdale Heritage Park Committee considered a report at its meeting on the 25th July 2011 to commence the process of providing land within the Jarrahdale Heritage Park Precinct for the development of a Men's Shed facility and the proposed expansion of the Hugh Manning Tractor Museum, who are currently located in Serpentine.

A copy of the Officers Report with the Committee Recommendation from the Jarrahdale Heritage Park Committee is with attachments marked [OCM008.1/08/11](#) (E11/4522).

A copy of the map detailing the proposed land area is with attachments marked [OCM008.2/08/11](#) (E11/3795).

A copy of the proposal to locate the Hugh Manning Tractor and Machinery Museum with attachments marked [OCM008.3/08/11](#) (IN10/19410).

A copy of the proposal to setup the Serpentine Jarrahdale Community Workshop with attachments marked [OCM008.4/08/11](#) (IN11/318).

A copy of an updated submission from the Serpentine Jarrahdale Men's Shed and Hugh Manning Tractor Museum is with attachments marked [OCM008.5/08/11](#) (IN11/12108).

Sustainability Statement

Use of Local, Renewable or Recycled Resources: There is potential to use recycled resources within the proposed facilities sourced from the local environment.

Effect on Environment: The Hugh Manning Tractor and Machinery Museum has an extensive collection of farm machinery that was used in the local area and much of this equipment was used to develop the farming district within the Shire. The historical and heritage significance of this is high and needs to be preserved for future generations within the Serpentine Jarrahdale community.

Economic Viability: The proposals will enhance the tourist industry in Jarrahdale. Jarrahdale is a tourist attraction as it is a historic town within the metropolitan area and these activities will enhance the visitor experience by providing more activities to be undertaken by the visitor to Jarrahdale.

Economic Benefits: It is expected that as more tourist activities are made available in Jarrahdale economic activity will increase creating the need for spin off activities. It will also enable existing businesses to potentially expand through the increased number of visitors to the area.

Social – Quality of Life: The proposal to create a Men’s Shed will fill a need to provide facilities for individuals and groups to meet. The ‘Men in Sheds’ concept has been very successful Australia-wide as it provides an environment for individuals to undertake activities in a supportive atmosphere.

Social Diversity: The Men’s Shed will provide a facility for the ageing population to meet, undertake activities and hold events that encourage active and healthy living.

Social and Environmental Responsibility: Both these proposals encourage community participation.

Statutory Environment: Local Government Act (1985) - Section 3.55 Acquisition of Land and Section 3.58 Disposal of Property.

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

Financial Implications: There will be costs to Council to subdivide the land to enable the creation of the reserves to facilitate the community groups. The land that has been identified is owned in freehold title by the Shire and is zoned for commercial use. Any subdivision and creation of reserve land within this area will decrease the amount of developable land, therefore reducing an income to the shire in the future through asset sales. The costs to engage consultants have not been specifically budgeted for and will have to be found from current budgets.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Landscape		Promote and develop appropriate tourism, recreation and educational opportunities.
BUILT ENVIRONMENT			
	Infrastructure		
			Ensure asset management plans extend to whole of life costing of assets and reflect the level of service determined by Council.
			Continue to work with funding agencies to secure grants for projects.

Vision Category	Focus Area	Objective Summary	Objective
SUSTAINABLE ECONOMIC GROWTH			
	Industry Development		
		Tourism	Encourage the development of tourist attractions and accommodation. Maximize the tourism and recreation potential of our natural environment. Develop and maintain our heritage assets to encourage visitors.
PEOPLE AND COMMUNITY			
	Places		Ensure community spaces and places are accessible and inviting.

Community Consultation:

The community will need to be consulted as part of the feasibility study to ensure that the proposed developments are in accordance with their desires for future use of this land.

Comment:

The Shire has received 2 proposals from local community groups to set up community and tourism facilities within the Jarrahdale Heritage Park using part of Lot 814, Jarrahdale Road and lot 815, Staff Street, Jarrahdale.

The proposal to provide land to construct buildings for the Hugh Manning Tractor Museum and Men's Shed is still in its infancy. It must be noted that feasibility studies are yet to occur to determine if these facilities should be located within this precinct and the associated benefits that these activities will return back to the community.

The proposed area to locate these facilities is on land that is currently owned freehold by the Shire and has a commercial zoning over the land. Should this land be used for non-commercial purposes, the cost of doing so must be weighed up against the benefits of creating these facilities.

It is proposed that the Shire engage the consultants to determine the cost to Council to excise a portion of land between the Jarrahdale Mill, Foster Way and Millars Road, as well as a separate cost estimate for the subdivision of the Red Shed so that Council can understand the financial implications before any indication of support for the group's proposals can be given.

Voting Requirements: Simple Majority

OCM008/08/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Petersen, seconded Cr Buttfield

1. That Council engages consultants to undertake the cost estimate for Council to subdivide Lot 814 and 815 Jarrahdale Road, Jarrahdale to potentially facilitate the construction of a Serpentine Jarrahdale Men's Shed and the expansion of the Hugh Manning Tractor and Machinery Museum from Serpentine to Jarrahdale.
2. That the investigations include a separate cost analysis of the excision of the Red Shed from Lot 815.
3. That both cost estimates involve the transfer of the freehold title from the created lots and the creation of reserves over them.

CARRIED 10/0

OCM006/08/11		BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN (A1613)
Proponent:	The Shire of Serpentine Jarrahdale	In Brief The Western Australian Planning Commission has reviewed the Local Structure Plan for the Byford Town Centre and proposed a range of modifications to the map and text of the document. The modifications to the Local Structure Plan were considered at a formal council meeting on 3 June 2011. Council deemed the amendments substantial and required them to be advertised for public comment. Council is requested to consider the submissions received, respond to the Western Australia Planning Commission's proposed modifications to the LSP and advise the Western Australian Planning Commission of its decision.
Owner:	Various private land owners	
Author:	Deon van der Linde– Executive Manager Strategic Planning	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	14 July 2011	
Previously	SD056/12/10 SCM25/03/10 OCM26/10/09 SCM02/09/06 OCM05/08/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting of 13 February 2007, Council initiated the Byford Town Centre Local Structure Plan (LSP) process, resolving that:

'Council immediately commences the Local Structure Planning for Byford Town Centre, with the Council taking the lead role and working in collaboration and partnership with the affected landowners.'

The detailed planning process commenced in May 2007 when a vision workshop was held and attended by landholders, developers, Councillors, Shire officers and members of the community. The rationale behind the workshop was to bring together all stakeholders to revisit and review the existing vision for the Byford Town Centre and to engage in a partnership arrangement. Various principles resulted from this engagement and these principles guided the drafting of the Byford Town Centre LSP.

In April 2008, a tender was issued to appoint a consultant to assist with the preparation of a LSP, detailed area plan (DAP) and design guidelines for the Byford Town Centre. This ultimately resulted in APP being appointed as the project manager in September 2008, with Urbis as the main town planning and urban design consultants, and GHD appointed as the engineering consultants on the project.

The draft Byford Town Centre LSP was prepared based on the principles determined through the initial stakeholder engagement process. The objectives and vision of the LSP directly correlated with the outcomes of this initial stakeholder engagement process and have been consistently used by the Shire as a basis for considering submissions during subsequent advertising periods and in making modifications to the draft Plan throughout the process. A summary of the key objectives and vision is provided below:

- Vision – The Byford Town Centre is a mixed use destination comprising retail services, public spaces, community and educational facilities, commercial activity, residences and recreational amenities – all integrated into a compact, diverse, interesting and dynamic place reflective of the area's rural and cultural values.
- Facilitate an appropriate mix of retail, commercial, residential and mixed-use development within the Byford Town Centre through the provision of increased residential development potential, main street retail development, appropriate distribution of active and passive open space, allocation of land for public purposes and creation of a residential and mixed use well defined town centre.
- Provide for a permeable, efficient and effective movement network throughout the LSP area involving a highly interconnected street system and pathway network facilitating active modes of transportation.
- Incorporate efficient urban design to provide for appropriate lot orientation and accessibility, range of dwelling types and densities, incorporation of heritage and rural character and the creation of day and night activity all contributing towards a vibrant, liveable and diverse community encompassing a strong sense of place.
- Enhancing the quality of the natural environment by maintaining the natural waterways, facilitating effective urban water management and implementing water sensitive urban design.
- Facilitate and coordinate the progressive subdivision, development and redevelopment of land within the LSP area providing for a transition of land use over time.

Council, at its special meeting of 12 October 2009, resolved that the draft LSP was satisfactory for advertising subject to modifications. The requisite modifications were made and the draft LSP was subsequently advertised for a period of 42 days, concluding on 18 December 2009. Numerous submissions were received during the advertising period and these were presented to Council at its Ordinary Meeting of 22 February 2010. Most submissions received generally supported the LSP, with the following key issues raised:

- Interface with the trotting complex.
- Location of the railway station.
- Size of the Town Centre lots (to cater for envisaged shop floor templates).
- Nature and location of multiple-use corridors and drainage land.
- Maintaining rural character and open space.
- Equity in land use distribution.

Council considered the submissions received, as well as the outcomes of an internal review of the draft LSP, and resolved to adopt a process to bring about finalisation of the LSP. This process included undertaking additional investigations and a series of workshops with landowners, consultants and the community. Based on the submissions from the first advertising period and the additional investigations and the workshop outcomes, a series of modifications were made to the draft LSP. A modified version of the draft LSP was then advertised for comment. Council considered the submissions received and provided a recommendation to adopt the draft LSP, subject to modifications, and forwarded the draft LSP to the Western Australian Planning Commission (WAPC) for consideration on 8 June 2010.

On 4 May 2011, the Department of Planning provided correspondence to the Shire, detailing the process in which it considered the draft LSP, summarised as follows:

- The Department of Planning was approached by four major landowners to the west of the railway with concerns.
- The Department met with each landowner separately, and then with all landowners as a group.
- The Department then met with the Shire through a meeting with the Shire President, Chief Executive Officer and Executive Officers, and with the Chairman of the WAPC, the Director General of the Department and Senior Officers of the South-East Planning Team. This allowed for the Shire to present the LSP and provide an overview of the process.
- The Department held meetings with landowners and their technical consultant groups to determine if any more effective or efficient planning outcome could be established for the Town Centre.
- Various different versions of the LSP were created and debated between landowners, the Department and the Shire in a process which the Department has likened to an “Enquiry-By-Design”.
- The Department then finalised the main aspects of a list of modifications and spent time assessing the original Shire adopted plan against the suite of WAPC policies, priorities and strategies. During this time, the Department met with Shire officers and made further changes based on these discussions.
- In order to address Shire concerns regarding drainage, the Department required the major residential landowner to prepare a revised LWMS for the Town Centre.

The Department’s correspondence indicates that based on the above process, the Department has the majority of the landowner support for the LSP with the proposed modifications. In its correspondence, the Department has also stated that it was very supportive of the objectives employed for the coordination of the LSP and that they agreed that any consultation, and any modification, would be undertaken on the understanding that the community objectives and vision would be upheld at all times.

The major modifications proposed by the Department are listed below, and form the focus of this report to Council:

1. Shift the multiple use corridor (MUC) to the eastern side of San Simeon Road. The proposed modifications show the drainage corridor encroaching on the south west cell of the town centre zone.
2. Shift the MUC to the eastern side of San Simeon Road. The proposed modification shows the drainage corridor can be accommodated east of San Simeon Road, maintaining a width of 30 metres.
3. Increase the mix of lot densities on Lots 1 & 2. The proposed modification shows a mix of densities ranging from R15 adjacent the Trotting Complex to R60 closest to the town centre and a small mixed use area adjacent the town centre cells.
4. Average width of the MUC to be 30m. The proposed modifications show the drainage corridor at a 30 metre width along San Simeon and 30 metre width in residential cells on Lot 1. Some retention areas are also proposed to slow water as it moves to the north of the site. The modifications align the drainage swale north of the town centre with the drainage swale above the R60 residential and mixed use cell on Lot 1.
5. The MUC shifted to the north of Lot 5 and Lots 4 and 5 designated mixed use and highway commercial respectively to provide for consolidated development areas.

6. The road reserve at the north of Lot 5 reduced to 14 metres. The proposed modifications show the road adjacent the northern boundary of Lot 5 and reduced in width to 14 metres.
7. A 50/50 split of commercial and residential to provide for a larger format Highway Commercial/Showroom retail component. The proposed modification shows Highway Commercial uses taking 50% of Lot 15 with the other 50% being designated for R60 residential use.
8. Landholdings along South Western Highway designated as Mixed Use. The proposed modifications show the area east of the existing Town Centre as Mixed Use.
9. The access to Warburton Court within the trotting complex on the western boundary to be pedestrian only in short-medium term. The proposed modification shows the east-west link with a 90 degree intersection with San Simeon and adjacent to the drainage swale. It maintains the pedestrian link with Warburton Court at a width of 17 metres to provide for a future road link if deemed appropriate.
10. The horizontal alignment of San Simeon Road has been shown as a curved layout with intersections at a 90 degree angle in accordance with Main Road requirements. The proposed modification shows San Simeon Road as a curved horizontal section through the residential area of the site with neighbourhood streets connecting with San Simeon Road at right angles.
11. Proposed east west road is eliminated. The proposed modifications indicate no road corridor and split the cell into 30% Mixed Use and 70 % Town Centre.
12. Parking for public transport to be located on PTA land adjacent to the station. Remainder of Park and Ride facilities to be located within Town Centre Developments.
13. Notation Required – “PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street”.
14. Main Street reduced in width to 22.5 metres. The modifications propose a width of 22.5 metres for Main Street.

The Letters from the WAPC with the Proposed Modifications is with the attachments marked [OCM006.1/08/11](#)

The proposed modifications were discussed at the officer and consultant level with the Department of Planning on 18 May 2011, and then examined by Council in a briefing session held on the 31 May 2011. At the latter session, officers of the Department outlined the proposed modifications with the aim of seeking Council agreement to those changes.

Council considered those modifications at a formal council meeting on 2 June 2011 and resolved to advertise those modifications for public comment for a period of 14 days as they were deemed to be substantive modifications to the LSP agreed to in June 2010. That advertising period closed on 8 July 2011.

This report provides Council with an opportunity to consider the submissions received during the latest advertising period and consider the WAPC proposed modifications to the draft LSP.

Sustainability Statement

The following sustainability statement relates to the LSP adopted by Council on 8 June 2010 and not to the proposal put forward by the WAPC.

Effect on Environment:

The proposal enhances:

- the built environment by allowing a “mainstreet” development with active shop frontage, new infrastructure and a good urban design outcome.
- the natural environment by keeping the natural waterways and enhancing the quality of the natural areas and by using trees that will complement the vegetation in Byford.
- the community environment by providing for community areas that attempt to draw the community to the public areas to provide the active and vibrant areas that the Byford community desires.

The proposal incorporates best practice in many of the aspects of urban design and has managed to get best outcomes for a number of aspects. In terms of biodiversity, the LSP was rigorous in terms of protection of indigenous flora and fauna where at all possible and through the enhancement of existing natural features, attempts to create linkages to biodiversity/environmental corridors. The LSP has tried to minimise site disturbance through cut and fill management but accepts that the overall area may require significant changes to enable it to function as a Town centre.

The LSP attempts to minimise car use by involving as many different transportation types to access the centre as possible and setting guidelines for public transport. It incorporates good passive solar design and protection against the prevailing winds. It also encourages renewable energy technologies and energy efficiency.

Considerable focus was placed on urban water management and water quality. A Local Water Management Strategy (LWMS) was drafted as part of the LSP. The LWMS addresses issues such as stormwater and waterways management, water management in construction, water sensitive urban design, maximum infiltration of water on site, and water saving devices.

Heritage and cultural issues have been addressed.

Resource Implications:

The LSP attempts to minimise resource use, eg. energy, land, water and soil, compared to traditional development approaches by utilising best practice in terms of storm water management and solar passive design. Passive solar design is facilitated eg. facing the building north is encouraged and so reduces the impact of the prevailing winds. A water sensitive urban design approach indicates a number of possibilities for stormwater tanks, swales and increased infiltration.

Use of Local, renewable or recycled Resources:

The proposal does not specifically mention the use of locally or regionally available or produced resources but the management plans would encourage this.

Economic Viability:

The proposal will be economically viable in terms of direct costs and life cycle costs. Where there are risks associated with the overall costs, this is discussed under the comments at the end of the document. The proposal has placed great emphasis on minimising external costs such as pollution from transport or car dependence, prevention of removal of biodiversity (flora and/or fauna), land and waterway pollution and reduction in quality of life of residents (noise, pollution). The development of town centres usually necessitate an increase in resource use eg energy and water consumption but the plan addresses this through the water sensitive urban design principles and passive solar orientation. The Shire has indicated its willingness to ensure a good outcome and has indicated that although there will

be costs (both monetary and non monetary) that the community or council will incur as a result of this proposal, these costs are necessary to get the desired outcome.

The maintenance of the extensive drainage swales and public spaces will incur maintenance costs. As such the proposal will not reduce future costs for Council as it does require initial costs to make the proposal work and will also result in continued maintenance of the drainage swales. These costs are however required to ensure that the outcomes are true to the principles that were considered critical to the project.

Economic Benefits:

The LSP will provide significant economic benefits to the community which will include employment generation (through the retail and other commercial activities that will be drawn to the area), increase the local resource base (through the business activities that will result) and will help to diversify the Shire's economic base as the Byford town centre will be the district centre for the foreseeable future.

The LSP will be the catalyst for employment creation, may assist with tourism through making the area more enticing to tourism operators and should provide local possibilities by being the new active and vibrant district centre for Serpentine Jarrahdale.

Social – Quality of Life:

The proposal improves the quality of life for the community through being sensitive to the various community values and principles that are held dear to the community.

Planning/Subdivisions: The LSP provides for the use of unrestricted solar access, public open space that enhances the special qualities that the community desires, has good design for crime prevention, retains as much of the existing vegetation as possible, provides good access to services such as the local shops and public facilities through public transport.

Assets: Provision has been made for quality roads and lighting for safety. Water sensitive urban design is one of the most critical components of the design and special attention has been given to the provision of pedestrian footpaths, trails and cycle ways.

Finance: The LSP does not specifically address equitable cost structures.

Council activities: The LSP is focused on place-making and as such seeks to create a vibrant town centre that allows communities to be involved and will attempt to create mechanisms to provide for events and training.

Social and Environmental Responsibility:

The LSP seeks to have dwellings orientated to overlook the public open space and streetscape thus increasing passive surveillance and providing a built form that contributes to the urban landscape rather than working against it. Dwellings will be designed and oriented to provide for a high level of passive solar access.

There are significant portions of the property being set aside for open space retaining existing vegetation thus positively contributing to a sense of place. The proposed development seeks to incorporate principles of water sensitive urban design through the sound principles of the LWMS.

The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation.

The proposal creates opportunities for all sectors of the community to gain access to and participate in the creation of the space but also in the activities that should be created within the town centre.

The proposal will foster partnerships through management plans and engagement with the various developers to get the outcome that will make the town centre the centre of community activity.

Social Diversity: The proposal attempts to advantage all social groups by providing facilities and housing types for all the social groups in the community and provides for diversity in our community through different housing types, housing densities, public facilities and the like.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Byford Townsite Detailed Area Plan (DAP)
Byford Structure Plan (BSP)

In accordance with Clause 5.18.3.14 of TPS 2, Council determined on 3 June 2011 that the modifications proposed by WAPC were substantial and required further advertising. An advertising period was conducted over 14 days and closed on 8 July 2011.

Policy/Work Procedure Implications:

WAPC Operational Policy - Liveable Neighbourhoods
State Planning Policy 4.2 Activity Centres
Local Planning Policy (LPP) 22 – Water Sensitive Urban Design
LPP 19 – Byford Structure Plan Area Development Requirements
LPP 31: Byford Design Guidelines

Financial Implications:

The WAPC design needs to be assessed in terms of the additional or lesser costs that it will invoke for Council. The aspects that need to be considered are:

- Whole of lifecycle costs of the additional drainage culverts/pipes that the proposal will require.
- The savings of costs in terms of the maintenance of the Multi-use corridors that have been reduced in width.
- The additional costs for the bicycle and footpaths that need to be required outside the MUCs or on the steeper slopes proposed.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management	18	Quantity	Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of “better urban water management”.
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	Climate Change	29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
		33	Adaptation	Develop and implement climate change adaptation strategies.
BUILT ENVIRONMENT				
	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		17		Preserve, enhance and recognise heritage values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		24	Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
		25		Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		29		Plan and develop community gardens.
		30		Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		31		Encourage innovative solutions, technology and design.
	Infrastructure	37	Roads and bridges	Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		38		Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		45		Engage utility providers in strategic land use

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the provision of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.
		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and interest.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		6	Equine	Proactively advance the shire's equine industry including the range of associated support businesses.
	Industry Assistance	20	Strategy	Maintain an awareness of economic trends and forecasts that have the potential to impact on the sustainable economic growth of the Shire.
		21		Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters.
		22		Protect existing and future businesses from incompatible land uses and activities.
		23		Undertake strategic Shire projects to stimulate local economies.
		24		Enter into partnership and joint venture projects that are mutually beneficial.
		25	Infrastructure	Advance the development of transport, technology and utilities infrastructure.
		26		Facilitate the development of consistent appropriate and informative signage throughout the Shire.
	Wellbeing	2	Healthy	Promote a variety of recreation and leisure

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		13	Safe	Achieve a high level of community safety
		14		Develop and implement crime prevention strategies.
		18		Empower
	Relationships	20	Empower	Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and "breaking new ground".
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
		27		Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		40		Encourage the use of the arts to express our cultural identity.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		2		Our structure, processes, systems and policies are aligned with the Plan for the Future.
		9		All decisions by staff and elected members are evidence based, open and transparent.
		10		The elected members and staff operate from a common understanding of sustainability.
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success and Sustainability	40	Achieving Sustainability	The culture, decision making and work systems need to be readily adaptable to change.
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
	Knowledge and Information	49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
	Customer and Market Focus	53	Gaining and using knowledge of customers and markets	Improve the communication and sharing of information internally.
		54		Improve the communication and sharing of information externally.

Community Consultation:

The LSP was initially advertised in 2009 pursuant to Clause 5.18.3.5 of TPS 2. A secondary consultation period was conducted in 2010, and a third period was conducted by Council over 14 days closing on 8 July 2011 as indicated in the background to this item. All persons who lodged a submission during the advertising of the LSP have been notified of the decision by the WAPC requesting the Shire to consider a series of modifications to the LSP.

As regards the recent advertising period, the advertising relates to the modifications sought by the WAPC.

A total of 31 submissions were received and the main issues raised were:

- The interface to Trotting Complex: A large number of submissions related to the issue of the interface between the trotting complex and residential development within the Town Centre.

- Discount department store site (DDS): Submissions have noted that the WAPC modifications effectively render the DDS site unsuitable for those functions. Relocating the east west road and San Simeon Drive multiple use corridor has reduced the size of the site significantly.
- Drainage: Submissions indicated that the modified drainage layout would be problematic in terms of water sensitive design principles, maintenance and design.
- Lower Order Commercial Areas: Submissions have also been made regarding the proposal to convert commercial areas to mixed use areas east of the South Western Highway and south of Abernethy Road. They argue that the range of options available for commercial land uses have been reduced as a result, though areas east of the highway are limited because of lot configuration and size. Certain submitters also allude to the need for stronger statements in the text to strengthen the core Town Centre's role for higher order commercial functions.

The Schedule of Submissions on the WAPC Proposed Modifications is with the attachments marked [OCM006.2/08/11](#)

Comment:

In considering the WAPC proposed modifications to the LSP, Shire staff have taken into account:

- The submissions received during the latest advertising period.
- The detailed information received and technical analysis undertaken as a result of the two previous advertising periods.
- Technical information received from consultants appointed by the Shire and consultants engaged by landowners within the Town Centre area in considering the currently proposed WAPC modifications.

Modification Table

The main issues for consideration are summarised in the fourteen modifications listed previously. Necessarily, Council is requested to focus its attention to these key modifications as proposed by the WAPC. The attached table identifies each of these 14 major modifications, the Department of Planning's justification for each modification, the Shire staff response to the modifications and a series of recommendations.

The Response to WAPC Proposed Modifications is with the attachments marked [OCM006.3/08/11](#)

Key Issues

Two issues are identified as being vitally important in Council's consideration of the WAPC proposed modifications to the Byford Town Centre LSP; drainage and traffic. The Shire therefore appointed the consultants Urbis and GHD, who assisted in drafting the LSP, to evaluate the modifications.

Drainage

A copy of the drainage advice from GHD is with the attachment marked [OCM006.4/08/11](#)

Drainage is a fundamental issue in finalisation of the Byford Town Centre LSP. In considering the Shire's draft LSP, the WAPC has proposed numerous modifications, many

of which have direct implications for drainage. The key changes include the relocation of multiple-use corridors (MUCs) and detention swales and the reduction in width of MUCs.

Vision and Objectives

From the beginning of the planning process for Byford Town Centre, it was always intended that drainage would be based on water sensitive urban design principles, with the fundamental component of this design being multiple-use corridors; providing for combined water quantity conveyance, water quality treatment, environmental protection and recreation. These principles and design outcomes are strongly linked to and supported by the vision and objectives of the Shire's LSP, which were developed through engagement with the community and stakeholders, and consistently applied by the Shire in the consideration of submissions during advertising periods, and any modifications to the draft Plan.

In proposing a series of modifications to the draft LSP, the Department of Planning has advised as follows:

'The Department was aware of the process undertaken by the Shire for the preparation, consultation and review of the LSP. The Department was very supportive of the objectives and employed for the coordination of the LSP.'

And

'The Department agreed that consultation, and any modification would be undertaken on the understanding that the community objectives and vision would be upheld at all times.'

Specific Drainage Modifications

As identified above, the WAPC is proposing a series of modifications to the draft LSP relating to drainage. These are identified below:

1. The MUC running parallel with San Simeon Boulevard is proposed to be shifted from the west side to the east side of San Simeon Boulevard.
2. The MUC is proposed to be an average of 30m rather than setting a minimum MUC width required for the safe conveyance of floodwaters through the town centre.
3. Relocation/resizing of drainage detention areas within the MUC.

The Department of Planning has required Emerson Stewart consulting to prepare a revised Local Water Management Strategy for the LSP, proving up the drainage system proposed. Shire staff and its drainage consultants GHD (who have prepared the LWMS in support of the Shire's LSP) have reviewed the Emerson Stewart proposal and have identified numerous issues, which are discussed below. Many of these issues cannot be considered in isolation, as drainage and the manner in which it is dealt with, fundamentally affects many aspects of the LSP.

Use of Sub-Road Culverts and MUC Detention Infrastructure

The Emerson Stewart LWMS is based on a MUC width of 30m, as opposed to the Shire's LSP proposal of 50m. In narrowing the width of the MUCs, the capacity of the MUCs to cater for large flood events is reduced. In light of this, the Emerson Stewart LWMS proposed a series of large culverts which will be located below San Simon Boulevard and extend through to South Western Highway. The Emerson Stewart LWMS also identified similar box culverts for all other MUCs within the Byford Town Centre. A base flow will be maintained within the MUCs. Once this base flow is reached, excess floodwater will be conveyed through the town centre through the culverts. Approximately 85% of floodwaters will be directed into the culverts with the remaining 15% of floodwaters making up the base flow in the open MUCs.

In combination with the box culvert (piping) proposal, a series of “weir” structures are proposed within the MUCs. The weirs are designed so that a base flow can pass underneath through a short box culvert. However in larger events, water will back-up behind the weirs providing a form of water storage within the MUC. These weirs allow stormwater to build up at certain points within the MUC which acts as ‘on-line’ detention storage. This differs from ‘off-line’ detention storage which would be typically located outside of the floodway and above the 100-Year Top Water Level. Once the water reaches a peak amount, it flows over the weir and subsequently builds up at the next weir, or is diverted into the piped system.

The box-culvert (piped) system, combined with the weir structures as a form of water detention within the MUCs has allowed for numerous “off-line” drainage detention areas proposed by GHD to be removed.

The Emerson Stewart proposal is considered to present numerous issues in the context of the Town Centre. These are discussed below.

Recreational Use

Due to the proposed piping of drainage, the width of the MUC’s can be reduced to 30m. In the Emerson Stewart LWMS the width of MUC has been reduced to 20m in some sections. Reducing the width of the MUC’s does however inevitably mean that their sides will consist of a steeper gradient. This, when combined with the provision of weir structures, as described above, places significant restrictions on the ability for the MUC’s to provide a truly “multiple-use” function, with both drainage and recreational elements.

An important element of the Town Centre and the MUCs is the proposed trails network which connects the Town Centre to the surrounding Byford District. Dual use pathways provide opportunity for cycling and pedestrian movement throughout the Town Centre and connect the Town Centre to adjacent urban areas. Dual use pathways are typically 2.5m wide and would need to be designed in accordance with the Institute of Public Works Engineers Australia (IPWEA) Subdivisional Guidelines and the Shire’s Engineering Standards. Pathway infrastructure cannot be constructed on 1 in 6 batter slopes typically found within a floodway. Adequate MUC width should include suitable level space for a dual use path. The proposed 30m wide MUC does not provide adequate space for dual use path infrastructure.

The recreational function of the MUCs is an important consideration for the Byford Town Centre. MUC design should include adequate space for pockets of turf for passive and active recreation. A 30m wide MUC will limit the space available for recreation since a higher proportion of the MUC will be dedicated to drainage and minor flood events towards the centre of the MUC. On the outer edges of the MUC the 1 in 6 batter slopes will limit useability for recreation.

This outcome is not consistent with the vision and objectives of the Byford Town Centre LSP, as adopted by the Shire and given support by the Department of Planning.

Flow Rates and Safety

In discussions with the Shire, Emerson Stewart has identified a Safety Criterion from the Australian Rainfall and Runoff (AR&R) Guideline prepared by Engineers Australia which it believes should be applied to the Byford Town Centre MUCs. The Safety Criterion is called the Depth Velocity Product, where Depth is measured in meters and Velocity is measured in meters per second. These two values are multiplied together to give the Depth-Velocity Product expressed in square meters per second. For example a flood flow with a depth of 0.5m and a velocity of 1.2m/second gives a depth-velocity product of 0.5m²/sec.

Australian Rainfall and Runoff states:

“To prevent pedestrians being swept along streets and other drainage paths during major storm events, the product of velocities and depths in streets and major flow paths generally should not exceed $0.4m^2/sec.$ ”

On this basis, they have stated that the Shire's proposal for 50m wide MUCs are much too narrow and MUCs would need to be at least 100m wide. The Shire's Engineering Officers consider this to be excessive. Emerson Stewart has used this argument in support of their proposal for a combination of piped drainage and MUCs with on-line detention infrastructure in the form of weirs.

Shire officers have discussed this matter with its consultants GHD, the Department of Water and the Western Australian Urban Development Institute of Australia (UDIA) Urban Water Committee. The outcome of these discussions has indicated engineering and hydrology consultants disagree on the interpretation of this safety criterion and its application. Some consultants interpret the criterion as only applying to streets and flow paths across streets. Discussion has also highlighted this safety criterion has been inconsistently applied by consultants and local governments for projects across Western Australia.

To address this issue the Shire's Engineering Service in partnership with Department of Water has written to Engineers Australia seeking clarification on this matter.

There is obviously a decision which needs to be made at the State Government level (through the Department of Water and/or Department of Planning/WAPC) as to whether the Depth-Velocity Product Safety Criterion applies to a MUC engineered to mimic a natural waterway. In the absence of such guidance, Shire officers have taken a rational view of the matter and suggest the MUCs within the Byford Town Centre be widened to ensure at a minimum that $0.6m^2/sec$ Depth-Velocity Product is achieved. The 1 in 6 batters within the MUC are considered suitable egress points for people to enter and exit the floodway.

The application of the Depth-Velocity Product Safety Criterion is not considered justification for the provision of piped drainage in the Town Centre. Whilst safety is a key consideration in drainage design, Shire staff and its consultants GHD consider 50m wide MUC's proposed in the Shire's LSP and associated drainage detention areas acceptable to cater for modelled flows.

The Shire's Engineering Officers have undertaken some initial calculations based on the assumption that the State Government determines that the Depth-Velocity Product safety criterion applies to MUCs. These calculations indicate that if the $0.4 m^2/sec$ Depth-Velocity Product safety criterion applies, a MUC width of approximately 85m would be required. Alternatively if a $0.6m^2/sec$ Depth-Velocity Product Safety Criterion is applied a MUC width of between 40m and 50m would be suitable; consistent with the Shire's LSP.

An extensive network of box culverts for conveying floodwaters also has inherent risks. Suitable grates will be required at the upstream and downstream ends of the box culverts to prevent public access into the culverts and to prevent people from being swept into the culverts during a flood event. It is unlikely someone would survive being swept into this infrastructure due to the length of the culverts (i.e. approximately 800-meters under San Simeon Boulevard).

The use of grating on the upstream ends of the culverts can also lead to blockage due to material becoming caught on the grating. This can build up rapidly during a major flood event. Consideration must be given to flood behaviour in the event of 100% blockage of culvert infrastructure. The Shire's Engineering Officers have raised their concern about this issue with Emerson Stewart. It could be assumed that if the box culverts designed to convey 85% of floodwaters become 100% blocked, this floodwater will be re-diverted into the MUCs.

If the MUCs have been narrowed on the assumption the floodwater is being conveyed in the culverts potential safety issues can arise. In the event of 100% blockage it can be assumed that the narrowed MUC will be required to convey additional floodwater for which it has not been designed to convey. This could lead to significant overtopping of road infrastructure, higher depths and velocities within the MUC and reduced freeboard or flooding of surrounding buildings.

Environmental Considerations

The MUCs will also provide environmental outcomes. The base flow channels will need to be designed as 'living streams' with local native landscaping surrounding the central channel within each MUC. This will provide wildlife habitat, shade and a nutrient stripping function to improve water quality. Managing gross pollutants within an open corridor in landscaped areas is much easier than within an extensive network of piped infrastructure. Off-line detention within the MUC also provides better opportunity to remove nutrients before they enter a waterway.

Cost and Maintenance

In considering Emerson Stewart's proposal for piped drainage and retention weirs in MUC's, consideration does need to be given to the upfront cost of this infrastructure, as well as total life-cycle costs such as maintenance and eventual replacement.

Cost estimates undertaken by the Shire's Engineering Service suggest that box culverts for all MUCs within the Town Centre would have an up-front capital cost of approximately \$5-10 Million.

The figure does not however include the cost of on-going maintenance, which will include:

- Cleaning.
- Removal of blockages.
- General repairs.

The figure also excludes the eventual replacement of the piping when it comes to the end of its useful life, nor does it include the cost of the MUC weir detention infrastructure. This weir infrastructure will also require on-going maintenance and cleaning. GHD have advised that should the infrastructure become blocked, significant water flows may occur within recreational elements of the MUCs, adjoining roads and properties. The Shire will more than likely inherit these ongoing tasks and associated costs for the long-term.

Sustainability

Liveable Neighbourhoods is a WAPC Operational Policy used to guide the preparation of and assessment of various plans, including greenfield structure plans such as for Byford Town Centre. A key element of Liveable Neighbourhoods relates to urban water management (element 5). The principles, objectives and requirements of element 5 not only strongly support the concept of water sensitive urban design, but they also require consideration of broader sustainability issues. Objective 8 of element 5 states:

'To provide an urban water management system that is sustainable and that arrangements are in place for on-going maintenance and management.'

Beyond the consideration that the Emerson Stewart proposal does not comply with the water sensitive principle of Liveable Neighbourhoods, the drainage proposal is also not considered economically sustainable. The LWMS indicates that the cost of the drainage infrastructure will be met through the Byford Development Contribution Arrangement (DCA). This assumption is discussed in the following section.

Byford Development Contribution Arrangement

The draft Byford DCA was deemed satisfactory for advertising by Council and the WAPC in 2010. In preparing the DCA, Shire staff consulted with Department of Planning staff who provided in-principle support for the infrastructure and cost items to be included in the DCA.

At this time, a conscious decision was made to include land for drainage and recreation purposes in the DCA, but exclude drainage infrastructure such as piping, pits, mechanical treatments, water sensitive design treatments and similar. Most of these works were considered to be subdivisional works, generally required by LWMS's and subsequent urban water management plans. The ability to determine which infrastructure catered for district and regional flows, and to what extent, was considered too complex and subjective for the purposes of a DCA, and against the principles of SPP 3.6.

Furthermore, given that planning and development within Byford has progressed based on two different district-level water strategies, there is a varying nature of drainage infrastructure provided and proposed throughout Byford. Not only would it be difficult to cost existing infrastructure on this basis, it would also be very difficult to predict the cost of future infrastructure, as there are many varying methods in which urban water can be dealt with.

The draft Byford DCA has received general support from most major landholders and developers within Byford. It is considered that this support is largely due to its minimalistic approach in terms of infrastructure items included and methodology.

The Emerson Stewart assumption that the cost of the proposed culverts for Byford Town Centre will be included in the Byford DCA is incorrect. Whilst Council has yet to consider submissions received during the advertising period, Shire staff intend to recommend that drainage infrastructure continue to be excluded from the DCA.

It is not considered reasonable or equitable for developers within the broader Byford area to contribute toward a specific item of infrastructure which only serves the Byford Town Centre, especially when it can be demonstrated that the infrastructure proposed is not necessarily consistent with other State Policies. This approach would be inconsistent with the guiding principles of State Planning Policy No. 3.6 – Development Contributions for Infrastructure. Furthermore, this would set an undesirable precedent for other landowners and developers in the greater Byford area to have their drainage infrastructure included in the DCA. This would have major cost ramifications for the DCA and provide a significant delay to its much necessary finalisation.

An alternative proposal would be the preparation of a precinct-specific DCA for the Byford Town Centre, and include the cost of the said culverts within the arrangement. However, the economic sustainability of this approach is questionable, with a substantial infrastructure cost being born by a small number of landowners in a relatively small development area. In addition, given that the Town Centre LSP would likely be finalised and subdivision and development occur well prior to a precinct-level DCA being prepared and finalised, there is a significant risk involved in the provision of such infrastructure. There would be no guarantee that the infrastructure would be included in any DCA until it is finally approved by Council and the Minister for Planning.

Finally, as detailed previously, the provision of culverts will present a significant and ongoing cost in terms of maintenance and eventual replacement. Whilst a DCA can include full upfront infrastructure costs, it cannot include ongoing maintenance. This cost will need to be borne by the Shire; and this is not considered sustainable or equitable.

Impact on Town Centre Area

The WAPC proposed modifications to the LSP will see the MUC abutting San Simeon Drive and that in proximity to Abernethy Road moved further to the east and north respectively. Collectively, these modifications have seen the size of the Town Centre core area reduced in the order of approximately 20 percent. In addition, the size of the proposed discount department store (DDS) site has been reduced. Both of these concerns were raised by landowners during the advertising period and warrant attention, as the overall viability and function of the town centre is being compromised.

Various Other Issues

There are numerous other concerns regarding the proposed drainage form, function and design which have been summarised below:

- The visual and aesthetic appearance of the narrower MUC's in terms of maintaining "rural character", as required by the LSP's vision and objectives.
- The ability to achieve a well designed R60 residential development on a triangular piece of land surrounded on two sides by MUC's and one side with mixed use development is seriously questioned.
- Potential downstream water inundation effects where the culverts empty into a MUC.
- Difficulties associated with maintaining steeply sloping MUC's.
- The impact of the proposed MUC channels on water sensitive design principles and the living stream concept espoused by the LSP.
- The proposed MUC locations will result in the diversion of existing drainage lines, contrary to the vision and objectives of the LSP.

Conclusion

The WAPC proposed modifications to the Shire's LSP with regard to drainage cannot be supported by the Shire. Based on the matters discussed above, the drainage form, function, design and location is not considered economically, socially nor environmentally sustainable. The proposals do not comply with the WAPC's Liveable Neighbourhoods Policy and compromise many key aspects of the Town Centre.

Whilst the Department of Planning has provided its written support for the objectives and vision of the Shire's LSP, it is considered that the proposed modifications do not comply with the vision or objectives. This is contrary to the Department's advice that the objectives and vision would be upheld at all times, including in consulting with landowners and undertaking modifications.

On this basis, the Shire is unable to support the proposed modifications numbered 1, 2, 4 and 5.

Recommendation: WAPC proposed modifications 1, 2, 4 and 5 to the Shire's LSP relating to the form, function and location of drainage are not supported. It is recommended that the approach to drainage detailed in the Shire's LSP and LWMS be pursued in parallel with further clarity being sought regarding the application of the Depth-Velocity Product safety criterion to MUCs.

Traffic

The Shire engaged consultants GHD to investigate the traffic implications of the WAPC's proposed modifications to the LSP.

A copy of the traffic advice from GHD is with attachment marked [OCM006.5/08/11](#)

The modifications proposed by the WAPC show a different reverse curve north-south alignment for the central San Simeon Drive and consequently adjusted intersection treatments. Furthermore, traffic predictions have been revamped in light of new data. The Council traffic consultants were requested to evaluate the proposed modifications and if possible make suggestions that would enable the modifications to be adopted. They were also requested to re-evaluate the adopted plan using the information currently available (as with the plan with the modifications) and make proposals that could be included in any adopted LSP for the town centre. A summary of the main proposals are given in Section 7 of the traffic report. Aspects specifically related to the WAPC modifications are included in Section 7.1.

Reserve width of Abernethy road: Submissions from MainRoadsWA through continued traffic modelling in conjunction with the Shire has indicated that the traffic volumes on Abernethy are higher than those expected when the original LSP was adopted. The traffic volumes do not specifically relate to any one of the proposals but the resultant impact on both plans is that Abernethy road needs to be widened to beyond 30 metres. This will result in a 10 metre road widening on the southern side of Abernethy road and a 5 metre uptake for road purposes on the northern side.

Cul-de-sac of Abernethy road: MainroadsWA have indicated in their submission that consideration should be given to the possibility of a cul-de-sac to Abernethy road west of the railway line. Although the proposal does have some engineering merit and was seriously considered by the consultant team the proposal would necessitate a number of major changes to the LSP and the decision was therefore made that the current proposals (in both plans) be continued.

The rail crossing at Pitman way: The proposals from MainroadsWA show a two lane dual boulevard for the main street and a direct crossing to the Main street north of the current Main street. This proposal will necessitate a re-design of the town centre. It is still the opinion of officers that the crossing of Pitman way should be a dog-leg off South Western highway.

Bus routes and Australind station: Although probably more related to the implementation there is a need to establish a bus route through the town centre. A temporary bus-route has been flagged by PTA for implementation in 2012 and there is a need to establish the bus station in George street in the Town centre. There is also discussion currently taking place to move the current Australind platform to the Byford Station site as part of implementation. Thought also needs to be given to the promotion of buses in the area through a 3-6 month project to establish the public transport as a viable mode of transport in the area.

East-west connectivity: There is a need for connectivity between the western and eastern sections of the town centre - cycle, pedestrian and vehicular - through the use of on-road cycle lanes and the MUCs to improve the safety of cyclists and pedestrians and activate the spaces in the MUCs.

Access to existing businesses in George street and the Tavern: Concern was expressed about the future access to the existing businesses. These aspects are addressed in the report and will have to be considered irrespective of which version is decided upon.

Recommendation: That the WAPC considers the recommendations in section 7, Summary and Recommendations proposed in the GHD Traffic and Transportation report in the adopted Byford Town Centre Local Structure Plan.

Other WAPC Proposed Changes

In addition to the 14 major changes identified above, the WAPC has proposed numerous modifications to the LSP Operative Part and Justification Report; these are detailed in the Department of Planning's correspondence referred to above. Shire staff consider that the large majority of these modifications are minor in nature, seek to update the LSP text and are consistent with the vision and objectives of the LSP.

A handful of these modifications do however raise the concern of Shire staff and have been addressed in the following sections.

Recommendation: The WAPC proposed changes to the LSP Operative Part and Justification Report be supported, but excluding the matters detailed in the following section of this Council report.

Retail Net Lettable Area

The draft LSP was prepared at a time of change in State Policy regarding centres. The previous Metropolitan Centres Policy Statement had a focus on retail net lettable area (NLA) caps based on a hierarchy of centres. Based on this Policy, the original draft of the LSP proposed a 15,000m² NLA cap.

During the statutory advertising and approvals process for the LSP, the WAPC finalised the new State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2). The new SPP entails less of a focus on retail NLA caps, but instead provides guidance on the relationship between retail, commercial and residential uses.

After the first advertising period of the LSP, and in light of the new Policy, the Shire engaged consultants Pracsys to prepare a retail demand analysis. This analysis was seen as vital to informing an appropriate amount and distribution of retail NLA within the Town Centre, and is considered to provide vital guidance to the Shire in considering future development applications. The analysis concluded that the Town Centre will support between 8,962m² and 15,538m² of retail NLA to 2031.

The WAPC has proposed several modifications to remove all reference to the previous Metropolitan Centres Policy Statement and the 15,000m² NLA cap. This modification is supported by Shire staff. However, Shire staff believe that reference to the findings of the retail demand analysis should remain to provide a level of guidance to the Shire, landowners and developers. It does however need to be explicitly stated in the LSP text that the NLA range identified by the retail demand analysis should be used for guidance purposes and not be viewed as any form of cap.

Recommendation: That the WAPC proposed modifications to remove all reference to the Metropolitan Centres Policy State and the 15,000m² NLA cap be supported.

Recommendation: That references to the retail demand analysis and its key findings in relation to a range of floor space be retained, along with a statement(s) that the NLA range should be used for guidance purposes and not be viewed as any form of cap.

Byford District Structure Plan

The WAPC have proposed a modification to the LSP Justification Report which refers to a specific provision from the Byford District Structure Plan (DSP), relating to the provision of Detailed Area Plans. This modification is not supported as the LSP is merely quoting from the DSP, which has been approved by the WAPC.

Recommendation: That the WAPC proposed modification to section 4.2.2 of the LSP Justification Report with regard to a specific provision of the Byford DSP, relating to the provisions of Detailed Area Plans not be supported.

Urban Stormwater

The WAPC has requested modifications to the Urban Stormwater section of the LSP Justification Report as well as a general update of the public open space calculation schedule and appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS.

As previously detailed at length in this report, Shire staff do not support the WAPC's proposed modifications with regard to drainage nor do they support the Emerson Stewart LWMS. In light of this, Shire staff do not support these specific modifications to the LSP text.

Recommendation: That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.

High School Site

There is one key item which has been modified in the WAPC Plan for the Byford Town Centre, but has not been explicitly identified in the WAPC adopted schedule of proposed modifications, this being the removal of the high school site.

The Shire's draft LSP for Byford Town Centre included the high school site to the South of Abernethy Road. The LSP Map identifies a community facility location on the high school site and that the built form of this facility will act as a gateway to the Town Centre. The intent of this notation was to provide an avenue to facilitate discussion with the Department of Education regarding the potential co-location of facilities, and to ensure an appropriate design outcome for this key site. Additional discussion on this matter is provided in section 6.3.8 of the Shire's LSP. The WAPC's Plan removes the high school site from the LSP entirely.

Whilst it is understood that the Department of Education is exempt from Shire planning approval in constructing a high school (public works on public land are exempt), it is considered that the site should still be included for the purposes of facilitating discussion and potential facility co-location and a landmark built form element, as identified above.

Recommendation: That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP.

Statutory Process

Pursuant to Clause 5.18.3.13 of Town Planning Scheme No. 2 (TPS 2), the WAPC has proposed modifications to the draft Byford Town Centre LSP. In accordance with this Clause, the WAPC consulted with the Shire regarding the proposed modifications.

Pursuant to Clause 5.18.3.14, Council, in consultation with the WAPC, determined that many of the WAPC proposed modifications to the LSP were substantial and resolved to readvertise the Plan.

Pursuant to the same Clause, Council was then required to follow the procedures set out in Clause 5.18.3.5 and onward. Accordingly, Shire staff readvertised the draft LSP, seeking comment on the WAPC proposed modifications.

Pursuant to Clause 5.18.3.7, Council is now required to consider the submissions received and either:

- Adopt the Shire's draft LSP (August 2010) with or without modification; or
- Refuse to adopt the Shire's draft LSP (August 2010) and provide reasons.

Regardless of Council's decision, it is required to then advise the WAPC of its resolution, who will consider the draft LSP.

Conclusion:

Shire staff have undertaken a comprehensive review of the proposed WAPC modifications, as detailed within this Council report and attachments. Shire staff recommend that Council adopt the Shire's draft LSP (August 2010) with some modifications, and advise the WAPC of its decision.

Voting Requirements: Simple Majority

OCM006/08/11 Officers Recommended Resolution:

That Council:

- A. Notes the submissions received regarding the advertising of the Western Australian Planning Commission proposed modifications to the Shire's draft Byford Town Centre Local Structure Plan (August 2010) pursuant to Clause 5.18.3.4 and 5.18.3.5 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, and endorses the Shire staff responses to those submissions.
- B. Provide the following advice to the Western Australian Planning Commission regarding its proposed modifications to the Shire's draft Byford Town Centre Local Structure Plan dated August 2010:
 - 1) WAPC proposed modifications 1, 2, 4 and 5 – WAPC proposed modifications 1, 2, 4 and 5 to the Shire's LSP relating to the form, function and location of drainage are not supported. It is recommended that the approach to drainage detailed in the Shire's LSP and LWMS be pursued in parallel with further clarity being sought by WAPC regarding the application of the Depth-Velocity Product safety criterion to MUCs.
 - 2) WAPC proposed modification 3 – That the Plan be modified to include a road interface between all residential land within the LSP area and lots within the Byford Trotting Complex. Detailed area plans should be required through the LSP for all land within the LSP adjacent to the Trotting Complex addressing interfaces, rural character, privacy, setbacks, vegetation, dwelling design and placement and architectural form.
 - 3) WAPC proposed modification 5 - The Highway Commercial zoning proposed by the WAPC Plan is not supported and should be replaced with the Commercial zoning, as proposed by the Shire's LSP.
 - 4) WAPC proposed modification 5 – The provision of a Mixed Use zoning to provide surveillance of the MUC is supported.

- 5) WAPC proposed modification 6 – The WAPC proposed modification to reduce the road reserve width abutting the MUC on Lots 4 and 5 Abernethy Road from 17m to 14m is not supported.
- 6) WAPC proposed modification 7 – The Highway Commercial zoning proposed by the WAPC Plan is not supported and should be replaced with the Commercial zoning, as proposed by the Shire's LSP.
- 7) WAPC proposed modification 7 – The provision of a Residential R60 zoning to the southern portion of Lot 15 is supported.
- 8) WAPC proposed modification 8 – The proposed modification that shows the area east South Western Highway as Mixed Use is supported.
- 9) WAPC proposed modification 9 – The WAPC modification limiting access to Warburton Court to pedestrian only is supported in-principle. The LSP should not make any reference to future vehicle access to Warburton Court. A detailed area plan(s) should be required for the land abutting the proposed pedestrian access way, ensuring an appropriate interface and visual surveillance is achieved.
- 10) WAPC proposed modification 9 – The WAPC proposal to shift the east-west connector (west of the Town Centre) further south is not supported. It is recommended that the east-west connector be retained on the alignment proposed in the Shire's LSP.
- 11) WAPC proposed modification 10 – The WAPC proposed curving of San Simeon Boulevard is not objected to in-principle, however, in the context of the Byford Town Centre as a whole, it is seen to compromise the Town Centre core portion of the LSP and is not supported.
- 12) WAPC proposed modification 10 – The requirement for 90 degree intersections is not objected to in-principle, however, in this context of San Simeon Boulevard being curved, it compromises the ability to achieve a straight east-west connection into the Town Centre and is not supported.
- 13) WAPC proposed modification 11 – The WAPC proposed modification that indicates no road corridor through the northern lot in the Town Centre and splits the cell into 30% Mixed Use and 70% Town Centre is supported.
- 14) WAPC proposed modification 12 – That additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.
- 15) WAPC proposed modification 13 – The WAPC proposed modification that requires a notation that states "PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street" is supported.
- 16) WAPC proposed modification 14 – The WAPC proposed modification to reduce the width of the Main Street from 25m to 22.5m is not supported.
- 17) That the WAPC considers the recommendations in section 7, Summary and Recommendations proposed in the GHD Traffic and Transportation report, as per attachment OCM006.5/08/11 in the adopted Byford Town Centre Local Structure Plan.

- 18) The WAPC proposed changes to the LSP Operative Part and Justification Report be supported, but excluding the following matters:
- i) That the WAPC proposed modifications to remove all reference to the Metropolitan Centres Policy State and the 15,000m² NLA cap be supported.
 - ii) That references to the retail demand analysis and its key findings in relation to a range of floor space be retained, along with a statement(s) that the NLA range should be used for guidance purposes and not be viewed as any form of cap.
 - iii) That the WAPC proposed modification to section 4.2.2 of the LSP Justification Report with regard to a specific provision of the Byford DSP, relating to the provision of Detailed Area Plans not be supported.
 - iv) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.
 - v) That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP.

C Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the Shire's draft Byford Town Centre Local Structure Plan dated August 2010, subject to the following modifications:

- 1) Detailed area plans are to be required through the LSP for all land within the LSP adjacent to the Trotting Complex addressing interfaces, rural character, privacy, setbacks, vegetation, dwelling design and placement and architectural form.
- 2) The provision of a Mixed Use zoning on Lots 4 and 5 Abernethy Road to provide surveillance of the MUC to the north.
- 3) The area east of South Western Highway identified as Town Centre (Retail Core) to be reclassified as Town Centre (Mixed Use).
- 4) A detailed area plan(s) is required for the land abutting the proposed pedestrian access way into Warburton Court, ensuring an appropriate interface and visual surveillance is achieved.
- 5) The east-west road corridor on the northern most Town Centre land on Lot 2 being removed, splitting this cell into 30 percent Mixed Use and 70 percent Town Centre.
- 6) Additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.
- 7) A notation being inserted on the LSP Map stating that 'PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street'.
- 8) The WAPC proposed changes to the LSP Operative Part and Justification Report be supported, but excluding the following matters:
 - i) That the WAPC proposed modifications to remove all reference to the Metropolitan Centres Policy State and the 15,000m² NLA cap be supported.

- ii) That references to the retail demand analysis and its key findings in relation to a range of floor space be retained, along with a statement(s) that the NLA range should be used for guidance purposes and not be viewed as any form of cap.
 - iii) That the WAPC proposed modification to section 4.2.2 of the LSP Justification Report with regard to a specific provision of the Byford DSP, relating to the provision of Detailed Area Plans, not be supported.
 - iv) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.
 - v) That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP.
- 9) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.
- D Pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward the following to the Western Australian Planning Commission for consideration:
- 1) A summary of submissions and the Shire's decisions or comments in relation to these.
 - 2) Council's recommendation to approve the draft Byford Town Centre Local Structure Plan with the modifications detailed in Part B of the Council resolution.
 - 3) The following information which is considered relevant to the Western Australian Planning Commission's consideration of the draft Byford Town Centre Local Structure Plan:
 - i) All submissions received in full.
 - ii) Advice provided from the Shire's consultants Urbis and GHD.
 - iii) Advice provided by Emerson Stewart to the Shire.
 - iv) Any other information which Shire staff deem necessary.
- E Advise all submitters of Council's decision.

Cr Harris left the room at 8.24pm and returned at 8.26pm.

NEW MOTION:

**Moved Cr Geurds, seconded Cr Buttfield pro-forma
That Council:**

- A. Notes the submissions received regarding the advertising of the Western Australian Planning Commission proposed modifications to the Shire's draft Byford Town Centre Local Structure Plan (August 2010) pursuant to Clause 5.18.3.4 and 5.18.3.5 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, and endorses the Shire staff responses to those submissions.**

B. Provide the following advice to the Western Australian Planning Commission regarding its proposed modifications to the Shire's draft Byford Town Centre Local Structure Plan dated August 2010:

- 1) WAPC proposed modifications 1, 2, 4 and 5 – WAPC proposed modifications 1, 2, 4 and 5 to the Shire's LSP relating to the form, function and location of drainage are not supported. It is recommended that the approach to drainage detailed in the Shire's LSP and LWMS be pursued in parallel with further clarity being sought by WAPC regarding the application of the Depth-Velocity Product safety criterion to MUCs.
- 2) WAPC proposed modification 3 – That the Plan be modified to include a road interface between all residential land within the LSP area and lots within the Byford Trotting Complex. Detailed area plans should be required through the LSP for all land within the LSP adjacent to the Trotting Complex addressing interfaces, rural character, privacy, setbacks, vegetation, dwelling design and placement and architectural form.
- 3) WAPC proposed modification 5 - The Highway Commercial zoning proposed by the WAPC Plan is not supported and should be replaced with the Commercial zoning, as proposed by the Shire's LSP.
- 4) WAPC proposed modification 5 – The provision of a Mixed Use zoning to provide surveillance of the MUC is supported.
- 5) WAPC proposed modification 6 – The WAPC proposed modification to reduce the road reserve width abutting the MUC on Lots 4 and 5 Abernethy Road from 17m to 14m is not supported.
- 6) WAPC proposed modification 7 – The Highway Commercial zoning proposed by the WAPC Plan is not supported and should be replaced with the Commercial zoning, as proposed by the Shire's LSP.
- 7) WAPC proposed modification 7 – The provision of a Residential R60 zoning to the southern portion of Lot 15 is supported.
- 8) WAPC proposed modification 8 – The proposed modification that shows the area east South Western Highway as Mixed Use is supported.
- 9) WAPC proposed modification 9 – The WAPC modification permitting access to Warburton Court to pedestrians is not supported. The LSP should not make any reference to future vehicle access to Warburton Court. . A detailed area plan(s) should be required for the land abutting the proposed pedestrian access way, ensuring an appropriate interface and visual surveillance is achieved.
- 10) WAPC proposed modification 9 – The WAPC proposal to shift the east-west connector (west of the Town Centre) further south is not supported. It is recommended that the east-west connector be retained on the alignment proposed in the Shire's LSP.
- 11) WAPC proposed modification 10 – The WAPC proposed curving of San Simeon Boulevard is not objected to in-principle, however, in the context of the Byford Town Centre as a whole, it is seen to compromise the Town Centre core portion of the LSP and is not supported.

- 12) WAPC proposed modification 10 – The requirement for 90 degree intersections is not objected to in-principle, however, in this context of San Simeon Boulevard being curved, it compromises the ability to achieve a straight east-west connection into the Town Centre and is not supported.
- 13) WAPC proposed modification 11 – The WAPC proposed modification that indicates no road corridor through the northern lot in the Town Centre and splits the cell into 30% Mixed Use and 70% Town Centre is supported.
- 14) WAPC proposed modification 12 – That additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.
- 15) WAPC proposed modification 13 – The WAPC proposed modification that requires a notation that states “PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street” is supported.
- 16) WAPC proposed modification 14 – The WAPC proposed modification to reduce the width of the Main Street from 25m to 22.5m is not supported.
- 17) That the WAPC considers the recommendations in section 7, Summary and Recommendations proposed in the GHD Traffic and Transportation report, as per attachment OCM006.5/08/11 in the adopted Byford Town Centre Local Structure Plan.
- 18) The WAPC proposed changes to the LSP Operative Part and Justification Report be supported, but excluding the following matters:
 - i) That the WAPC proposed modifications to remove all reference to the Metropolitan Centres Policy State and the 15,000m² NLA cap be supported.
 - ii) That references to the retail demand analysis and its key findings in relation to a range of floor space be retained, along with a statement(s) that the NLA range should be used for guidance purposes and not be viewed as any form of cap.
 - iii) That the WAPC proposed modification to section 4.2.2 of the LSP Justification Report with regard to a specific provision of the Byford DSP, relating to the provision of Detailed Area Plans not be supported.
 - iv) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.
 - v) That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP.

C Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the Shire’s draft Byford Town Centre Local Structure Plan dated August 2010, subject to the following modifications:

- 1) Detailed area plans are to be required through the LSP for all land within the LSP adjacent to the Trotting Complex addressing interfaces, rural

character, privacy, setbacks, vegetation, dwelling design and placement and architectural form.

- 2) The provision of a Mixed Use zoning on Lots 4 and 5 Abernethy Road to provide surveillance of the MUC to the north.
- 3) The area east of South Western Highway identified as Town Centre (Retail Core) to be reclassified as Town Centre (Mixed Use).
- 4) The east-west road corridor on the northern most Town Centre land on Lot 2 being removed, splitting this cell into 30 percent Mixed Use and 70 percent Town Centre.
- 5) Additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.
- 6) A notation being inserted on the LSP Map stating that 'PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street'.
- 7) The WAPC proposed changes to the LSP Operative Part and Justification Report be supported, but excluding the following matters:
 - i) That the WAPC proposed modifications to remove all reference to the Metropolitan Centres Policy State and the 15,000m² NLA cap be supported.
 - ii) That references to the retail demand analysis and its key findings in relation to a range of floor space be retained, along with a statement(s) that the NLA range should be used for guidance purposes and not be viewed as any form of cap.
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 - iv) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.
 - v) That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP.
- 8) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.

D Pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward the following to the Western Australian Planning Commission for consideration:

- 1) A summary of submissions and the Shire's decisions or comments in relation to these.
- 2) Council's recommendation to approve the draft Byford Town Centre Local Structure Plan with the modifications detailed in Part B of the Council resolution.
- 3) The following information which is considered relevant to the Western Australian Planning Commission's consideration of the draft Byford Town Centre Local Structure Plan:
 - i) All submissions received in full.
 - ii) Advice provided from the Shire's consultants Urbis and GHD.
 - iii) Advice provided by Emerson Stewart to the Shire.
 - iv) Any other information which Shire staff deem necessary.

E Advise all submitters of Council's decision.

Cr Harris foreshadowed the officer recommendation resolution if the motion under debate is defeated.

AMENDMENT TO MOTION:

Moved Cr Hoyer, seconded Cr Brown

Remove the last sentence of paragraph B point 9.

CARRIED 9/1

The amended motion then became the substantive motion.

OCM006/08/11 COUNCIL DECISION/New Motion:

Moved Cr Geurds, seconded Cr Buttfeld pro-forma

That Council:

- A. Notes the submissions received regarding the advertising of the Western Australian Planning Commission proposed modifications to the Shire's draft Byford Town Centre Local Structure Plan (August 2010) pursuant to Clause 5.18.3.4 and 5.18.3.5 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, and endorses the Shire staff responses to those submissions.
- B. Provide the following advice to the Western Australian Planning Commission regarding its proposed modifications to the Shire's draft Byford Town Centre Local Structure Plan dated August 2010:
 - 1) WAPC proposed modifications 1, 2, 4 and 5 – WAPC proposed modifications 1, 2, 4 and 5 to the Shire's LSP relating to the form, function and location of drainage are not supported. It is recommended that the approach to drainage detailed in the Shire's LSP and LWMS be pursued in parallel with further clarity being sought by WAPC regarding the application of the Depth-Velocity Product safety criterion to MUCs.
 - 2) WAPC proposed modification 3 – That the Plan be modified to include a road interface between all residential land within the LSP area and lots within the Byford Trotting Complex. Detailed area plans should be required through the LSP for all land within the LSP adjacent to the Trotting Complex addressing interfaces, rural character, privacy, setbacks, vegetation, dwelling design and placement and architectural form.

- 3) WAPC proposed modification 5 - The Highway Commercial zoning proposed by the WAPC Plan is not supported and should be replaced with the Commercial zoning, as proposed by the Shire's LSP.
- 4) WAPC proposed modification 5 – The provision of a Mixed Use zoning to provide surveillance of the MUC is supported.
- 5) WAPC proposed modification 6 – The WAPC proposed modification to reduce the road reserve width abutting the MUC on Lots 4 and 5 Abernethy Road from 17m to 14m is not supported.
- 6) WAPC proposed modification 7 – The Highway Commercial zoning proposed by the WAPC Plan is not supported and should be replaced with the Commercial zoning, as proposed by the Shire's LSP.
- 7) WAPC proposed modification 7 – The provision of a Residential R60 zoning to the southern portion of Lot 15 is supported.
- 8) WAPC proposed modification 8 – The proposed modification that shows the area east South Western Highway as Mixed Use is supported.
- 9) WAPC proposed modification 9 – The WAPC modification permitting access to Warburton Court to pedestrians is not supported. The LSP should not make any reference to future vehicle access to Warburton Court.
- 10) WAPC proposed modification 9 – The WAPC proposal to shift the east-west connector (west of the Town Centre) further south is not supported. It is recommended that the east-west connector be retained on the alignment proposed in the Shire's LSP.
- 11) WAPC proposed modification 10 – The WAPC proposed curving of San Simeon Boulevard is not objected to in-principle, however, in the context of the Byford Town Centre as a whole, it is seen to compromise the Town Centre core portion of the LSP and is not supported.
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- 13) WAPC proposed modification 11 – The WAPC proposed modification that indicates no road corridor through the northern lot in the Town Centre and splits the cell into 30% Mixed Use and 70% Town Centre is supported.
- 14) WAPC proposed modification 12 – That additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.
- 15) WAPC proposed modification 13 – The WAPC proposed modification that requires a notation that states "PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street" is supported.

- 16) WAPC proposed modification 14 – The WAPC proposed modification to reduce the width of the Main Street from 25m to 22.5m is not supported.
- 17) That the WAPC considers the recommendations in section 7, Summary and Recommendations proposed in the GHD Traffic and Transportation report, as per attachment OCM006.5/08/11 in the adopted Byford Town Centre Local Structure Plan.
- 18) The WAPC proposed changes to the LSP Operative Part and Justification Report be supported, but excluding the following matters:
 - i) That the WAPC proposed modifications to remove all reference to the Metropolitan Centres Policy State and the 15,000m² NLA cap be supported.
 - ii) That references to the retail demand analysis and its key findings in relation to a range of floor space be retained, along with a statement(s) that the NLA range should be used for guidance purposes and not be viewed as any form of cap.
 - iii) That the WAPC proposed modification to section 4.2.2 of the LSP Justification Report with regard to a specific provision of the Byford DSP, relating to the provision of Detailed Area Plans not be supported.
 - iv) That the WAPC proposed modifications to the Urban Stormwater section of the LSP Justification Report, and the update to the public open space calculation schedule and the appended LWMS prepared by GHD, to be consistent with the WAPC proposed approach to drainage, as supported by the Emerson Stewart LWMS is not supported.
 - v) That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP.

C Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the Shire's draft Byford Town Centre Local Structure Plan dated August 2010, subject to the following modifications:

- 1) Detailed area plans are to be required through the LSP for all land within the LSP adjacent to the Trotting Complex addressing interfaces, rural character, privacy, setbacks, vegetation, dwelling design and placement and architectural form.
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- 5) Additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.

- 6) A notation being inserted on the LSP Map stating that 'PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street'.
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- 3) The following information which is considered relevant to the Western Australian Planning Commission's consideration of the draft Byford Town Centre Local Structure Plan:
 - i) All submissions received in full.
 - ii) Advice provided from the Shire's consultants Urbis and GHD.
 - iii) Advice provided by Emerson Stewart to the Shire.
 - iv) Any other information which Shire staff deem necessary.

E Advise all submitters of Council's decision.
CARRIED 7/3

SD017/08/11		MUNDIJONG WHITBY DISTRICT STRUCTURE PLAN – FINAL ADOPTION (A0858)
Proponent:	Serpentine Jarrahdale Shire	In Brief The Western Australian Planning Commission considered Council's adopted District Structure Plan for Mundijong Whitby and proposed a range of modifications to the map and text of the document. The modifications to the District Structure Plan were presented to Council at the Ordinary Council Meeting on 3 March 2011. Council resolved to accept the proposed modifications and change the plan accordingly. The amendments to the text and map have been completed. Council can now adopt the District Structure Plan
Owner:	Various Landowners	
Author:	Deon van der Linde– Executive Manager	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	8 July 2011	
Previously	SDO040/10/10 OCM038/0510 SCM16/12/09 SD069/11/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Mundijong Whitby District Structure Plan (DSP) has been prepared to provide overall guidance to the structure, vision and objectives identified for the future planning and development of Mundijong Whitby. It is designed to establish the overall development theme and address major district-wide issues. It seeks to achieve efficient and coordinated development in a manner that delivers the objectives and vision identified. As a broader brush planning tool, the DSP by its nature does not address detailed planning and design matters but will provide the wider context for the detailed planning and design.

The draft DSP was considered at a Council Meeting on 24 May 2010, where Council resolved the draft DSP was satisfactory for advertising. The draft DSP was advertised for public comment for 42 days, concluding on 12 July 2010. Forty five submissions were received and as a result of some matters raised in the submissions, officers recommended a number of modifications to the DSP.

On 25 October 2010 Council adopted the DSP subject to modifications and resolved to refer the amended DSP to the Western Australian Planning Commission (WAPC) for determination. Pursuant to Clause 5.18.3.13 of Town Planning Scheme No. 2 (TPS 2), the WAPC consulted with the Shire and advised that prior to approving the DSP that it requires further modifications to the DSP.

A copy of the WAPC's correspondence is with attachments marked [SD017.1/08/11 \(IN11/01928, IN11/01929, IN11/01930 and IN11/01931\)](#).

The formal response from the WAPC, including the recommended modifications to the DSP map and the text was referred to Council on 3 March 2011 where Council resolved that:

"1. Note the Western Australian Planning Commission's advice on and proposed modifications to the Mundijong Whitby District Structure Plan.

2. Agree with the Western Australian Planning Commission's advice and make the changes to the Mundijong Whitby Structure Plan as tabulated within the Comment section of this report.

CARRIED 9/0"

Sustainability Statement

A Sustainability Strategy has been prepared as part of the DSP which identifies a number of sustainability criteria to be addressed. The Sustainability Strategy includes the following objectives:

1. Protect and enhance significant natural areas and their buffers, including those ecological linkage values along railroads, roads and scenic highways.
2. Preserve the "leafy green" character of the structure plan area including its scenic values, viewsapes and landscapes.
3. Protect and enhance wetlands, waterways and catchments through appropriate management of water quality and maintenance of hydrology as part of land use change and development.
4. Create a distinctive and responsive built form that enhances the sense of place, community identity and character of Mundijong-Whitby.
5. Reduce reliance on vehicles by creating a pedestrian-oriented community and providing for alternative modes of transport.
6. Reduce consumption of non-renewable resources via climate responsive design, efficient use of energy and water and increased use of renewable energy.
7. Create a strong employment base which provides for locally available infrastructure and services.
8. Create a vibrant and attractive place that offers a range of lifestyle choices and a liveable environment, supporting a safe, healthy and active community.

Effect on Environment: The DSP incorporates the following planning principles to guide decision making:

1. The natural environment will be protected, repaired, enhanced and respected within the urban context.
2. Urban development will promote green power initiatives.
3. The total water cycle will be sustainably repaired, maintained and enhanced.
4. Feasible water cycle management approaches will be promoted.
5. Existing landform must be respected and maintained and be utilized to enhance the built environment.

Resource Implications: There will be a cost associated with the Shire's need to maintain public open space, multiple use corridors and other infrastructure.

Use of Local, renewable or recycled Resources: The DSP attempts to minimise resources within the Shire through the requirement of various strategies relating to water resources and climate responsive design at future stages of planning and development.

Economic Viability: The DSP seeks to retain the land in private ownership, providing opportunities for services and infrastructure to be delivered and maintained by the private sector and therefore minimising demands on the Shire.

Economic Benefits: The DSP provides for economic benefits to the community which will include employment generation (through the retail and other commercial activities that will be drawn to the area).

Social – Quality of Life: The DSP improves the quality of life through being sensitive to the various values and principles that the community hold dear.

Social and Environmental Responsibility: The DSP requires that significant vegetation is maintained and indicates the possible realignment of the freight rail removing the barrier between either side of the DSP area which may have a significant social impact.

Social Diversity: The DSP seeks to provide a high level of diversity of housing types and lot sizes.

Statutory Environment:

The following documents are pertinent to this decision and provide a context for Council decision making.--

- Planning and Development Act 2005
- TPS 2
- Local Planning Policy (LPP) 29 - Mundijong Whitby Planning Framework

Policy/Work Procedure

Implications:

The following are pertinent in this regard:

- WAPC Operational Policy - Liveable Neighbourhoods.
- State Planning Policy (SPP) 2.1 – Peel-Harvey Coastal Plain Catchment.
- SPP 2.9 - Better Urban Water Management Framework (2008).
- SPP 3.0 – Urban Growth and Settlement.
- SPP 3.1 – Residential Design Codes.
- SPP 4.2 - Activity Centres for Perth and Peel.
- SPP 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning.
- LPP. 6 – Water Sensitive Design.
- LPP 8 - Landscape Protection.
- LPP 9 - Multiple Use Trails.
- LPP 16 – Paterson Street Design Guidelines.
- LPP 22 – Water Sensitive Urban Design.
- LPP 26 – Biodiversity Planning.
- LPP 29 – Mundijong-Whitby Planning Framework.
- LPP 30 – Mineral Sands Extraction.

Financial Implications:

There are major infrastructure considerations associated with the adoption of the DSP. Some of the infrastructure costs will be borne completely by the developers and state government agencies but others will have to be either fully or partially funded by the Shire. These include:

1. Re-alignment of the freight railway west of Mundijong incorporating an intermodal hub;
2. Extension of the Tonkin Highway southwards to the west of Mundijong and developing the regional road network;
3. Provision of high standard community facilities in the district; and
4. Installation and operation of a third pipe system.

There are also costs pertaining to the implementation of the DSP. Financial implications will include:

1. The preparation and finalisation of the Mundijong Development Contribution Arrangement (DCA) and its ongoing management;
2. Any potential land acquisitions associated with district open space;
3. The whole of life cycle cost related to the future maintenance and management of public open space and the public realm;
4. The whole of life cycle cost related to the future maintenance and management of the community infrastructure; and
5. Administration support and professional services to facilitate subdivision and development.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
NATURAL ENVIRONMENT					
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
		2		Defend our scarp and forest from inappropriate uses.	
		3		Maximise the preservation of existing trees and vegetation.	
		4		Incorporate environmental protection in land use planning.	
		5	Restore	Establish and enhance waterways and bush corridors.	
		6		Establish increased levels of natural vegetation in urban and rural environments.	
		10	Manage	Promote and develop appropriate tourism, recreation and educational opportunities.	
		11		Develop active partnerships with stakeholders.	
		12	Protect	Prevent the further loss of "local natural areas".	
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.	
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.	
		Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
			18		Identify and implement opportunities for detention and storage of storm water.
	19			Protect and develop natural and man-made water sources.	
	20		Quality	Improve and maintain surface and ground water quality.	
	21		Education	Facilitate a range of educational initiatives to improve integrated water cycle management.	
	22		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.	
	23			Enforce the adoption of "better urban water management".	
	24		Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.	
	25		Facilitate and encourage the preservation, management and restoration of natural water systems.		
	Climate Change	26	Research	Identify where knowledge gaps are and where further investigation is needed.	

		27		Ensure climate change research is understandable and accessible to a range of stakeholders.
		28		Ensure that accurate data and risk assessments of the impacts of climate change inform plans and decisions.
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
	Energy	34	Production	Keep abreast of advances in renewable technology.
		35		Demonstrate, facilitate and promote the use of renewable energy technologies within the Shire.
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
BUILT ENVIRONMENT				
	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		17		Preserve, enhance and recognise heritage values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		24	Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
		25		Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.

		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		29		Plan and develop community gardens.
		30		Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		31		Encourage innovative solutions, technology and design.
	Infrastructure	35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		36		Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the provision of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.
		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and interest.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		55		Partner with educational institutions to undertake appropriate and related research.
		59		Interact with professional and industry bodies to keep abreast of best practice.
		60		Establish, implement and maintain effective developer contribution schemes.

		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		9		Develop and maintain our heritage assets to encourage visitors.
		15	Education	Facilitate shire based life long learning and training opportunities, particularly those aligned to our local industries.
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries
	Industry Assistance	20	Strategy	Maintain an awareness of economic trends and forecasts that have the potential to impact on the sustainable economic growth of the Shire.
		21		Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters.
		22		Protect existing and future businesses from incompatible land uses and activities.
		23		Undertake strategic Shire projects to stimulate local economies.
		24		Enter into partnership and joint venture projects that are mutually beneficial.
		25	Infrastructure	Advance the development of transport, technology and utilities infrastructure.
		28	Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
		29		Foster the creation of a range of business start-up and traineeship opportunities.
PEOPLE AND COMMUNITY				
	Wellbeing	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		13	Safe	Achieve a high level of community safety
	Relationships	16	Encourage	Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.

	Places	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		38		Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
OUR COUNCIL AT WORK				
	Leadership	3		Our structure, processes, systems and policies are based on the "keep it simple" principle.
		15		The Shire will set policy direction in the best interests of the community.
		26	Society, community and environmental responsibility	The Shire is focused on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success and Sustainability	34	Measuring and Communicating Organisational Performance	Identify and measure key performance indicators and project milestones.
		35		Evaluate performance against recognised standards and best practice and make improvements.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		37		Create a culture where communication of achievement and performance is actively promoted.
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
		39		Projects and goals are realistic and resourced.
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.

		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		46		Understand current and future costs of service delivery.
		47		Understand the needs of stakeholders.
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery
		59	Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
		65		Strive to continually improve customer satisfaction and stakeholder relationships.
	Process Management, Improvement and Innovation	92	Process Improvement and Innovation	Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.

Community Consultation:

The Mundijong Whitby DSP has previously been advertised pursuant to Clause 5.18.3.5 of TPS 2. The proposed modifications to the DSP were not considered to be so substantial that they materially affect the operation, layout, or function of the DSP. Therefore, re-advertising under Clause 5.18.3.14 was not initiated.

A copy of the final Mundijong Whitby DSP is with the attachments marked [SD017.2/08/11](#).

Conclusion

At the 3 March 2011 meeting, Council considered that the WAPC proposed modifications were not substantive changes and for the most part refer to formatting or clarification of the information provided. It is now reasonable and relevant for the DSP for Mundijong Whitby to be formally adopted in accordance with clause 5.18.3.15 of TPS 2.

Voting Requirements: Simple Majority

Cr Geurds left the room at 8.54pm.

Manager Environment Services left the meeting at 8.55pm.

COUNCIL DECISION

**Moved Cr Brown, seconded Cr Hoyer
That the meeting be adjourned at 8.55pm
CARRIED 9/0
Cr Geurds was not present and did not vote**

COUNCIL DECISION

**Moved Cr Brown, seconded Cr Buttfield
That the meeting be re-opened at 9.04pm
CARRIED 9/0
Cr Ellis was not present and did not vote**

Cr Ellis returned to the meeting at 9.06pm

SD017/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Geurds
That Council:**

- A. Pursuant to clause 5.18.3.15 of Town Planning Scheme No 2 adopts the final Mundijong Whitby District Structure Plan as per attachment [SD017.2/08/11](#).**
- B. Advise the Western Australian Planning Commission of Council’s decision pursuant to clause 5.18.3.15 of Town Planning Scheme No 2, and provide all necessary documentation to the Western Australian Planning Commission.**

CARRIED 9/1

SD018/08/11 PROPOSED SCHEME AMENDMENT 173 – LOT 9014 CLONDYKE DRIVE, BYFORD (A1969)		
Proponent:	Taylor Burrell Barnett Town Planning and Design	<p>In Brief</p> <p>The Scheme Amendment application proposes to rezone the subject site from Commercial to Residential R40 with a smaller area of Commercial zoned land. It is also proposed to apply an Additional Use of Residential R40 to the smaller Commercial site.</p> <p>It is recommended that Council initiate a modified version of the Scheme Amendment by retaining the existing Commercial zoning over the entire site and applying an Additional Use of Residential with appropriate conditions.</p>
Owner:	Aspen Group	
Author:	Chris Donnelly - Consultant Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	13 July 2011	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 11 February 2011
 Lot Area: Approximately 6500m²
 L.A Zoning: Commercial
 MRS Zoning: Urban
 Date of Inspection: February 2011

Background

The Subject Site

The subject land is located on Clondyke Drive and has frontage to South Western Highway and Diamantina Boulevard, Byford. The Byford Townsite lies approximately 2 kilometres to

the north of the subject land via South Western Highway. In a regional context, the land is located approximately 10 kilometres south of the Armadale Regional Centre.

The land is primarily vacant with the exception of the “Byford on the Scarp” sales office, which is presently located on the corner of Clondyke Drive and Diamantina Boulevard. The site is generally flat with a gentle slope down to South Western Highway. There is some existing vegetation towards the east of the site in proximity to the sales office.

Surrounding Land

Lot 9014 is bounded to the north and east by residential development to a density of R20, to the south by land reserved for public open space (POS) and to the west by the South Western Highway Primary Regional Road reservation. A small strip of POS is found between the current Commercial zoned land and the Highway.

Proposed Scheme Amendment

The Scheme Amendment proposes to reduce the size of the Commercial zoning on the site to a smaller portion in the south-eastern corner of the lot at the intersection of Clondyke Drive and Diamantina Boulevard. The remainder of the site is proposed to be rezoned to Residential R40 (medium density). It is also proposed to apply an additional use of Residential to the smaller Commercial zoned site.

Current Town Planning Scheme No. 2 (TPS 2) provisions do not allow for residential land uses within the Commercial zone. The applicant has indicated that part of the smaller Commercial zoned land may include a residential component, or that the entire Commercial zoned portion may be developed for residential purposes. Under the proposal, a mixed use development incorporating both residential and commercial components may be considered.

This Additional Use designation would allow the Shire to consider residential development in the Commercial zone, which would not normally be allowed for under the TPS 2.

A copy of the applicant’s proposed Scheme Amendment Map is with attachments marked [SD018.1/08/11](#).

Concept Plan

In support of the proposed Amendment a concept plan for the development of the site and associated street elevations for the residential component have been prepared.

A copy of the Concept Plan and Elevations are with attachments marked [SD018.2/08/11](#).

The concept plan provides for four lots and an 8.0m wide mews with on-street car parking. Two of the lots are proposed to accommodate residential development and the other two lots will accommodate commercial and/or residential development. The developers of “Byford on the Scarp”, Apsen, have advised that community consultation on the concept plan has been undertaken. The following comments are provided by the applicant in this regard:

‘It is generally considered the outcome of community consultation indicates a level of acceptance to the proposition of residential development on the subject land, at a density greater to that of the surrounding estate, subject to good design outcome as viewed from the street. There is also clear support from the respondents for the retention of a commercial site.’

It should be noted that this proposal seeks to rezone the subject site. The concept plan should be treated as an indicative proposal.

Sustainability Statement

Effect on Environment: Medium density residential density is supported in proximity to commercial development to improve its catchment population and viability. Existing vegetation on the site will need to be evaluated at the development stage.

Resource Implications: The provision of appropriate local commercial facilities in proximity to a residential catchment facilitates options for non-motorised transport to access such facilities.

Economic Viability: The applicant has proposed a reduced commercial zoning for the site. It is stated that the reduced site is more appropriate to serve the needs of the local community. The economic viability of the current commercial zoned site needs to be considered given its proximity to the Byford Town Centre.

Economic Benefits: Commercial development will facilitate the opportunity for local employment and economic development.

Social – Quality of Life: The provision of local commercial facilities improves opportunities for access via non-motorised transport; resulting in numerous health benefits. Locating medium density residential development in proximity to noise sources such as road and rail can however have a negative impact on quality of life and amenity and needs to be considered and addressed.

Social and Environmental Responsibility: The developer has advised that preliminary consultation with the community has been undertaken.

Social Diversity: The provision of medium residential densities will facilitate the opportunity to achieve additional housing diversity within the Shire. Alternative housing types and styles can in-turn attract different socio-economic groups.

Statutory Environment:

If Council decides to initiate a Scheme Amendment, it will be necessary for the Amendment to be referred to the Environmental Protection Authority and Western Australian Planning Commission prior to advertising for public and agency comment.

The Scheme Amendment, if initiated, will need to be progressed pursuant to the Planning and Development Act (2005) and the Town Planning Regulations (1967).

Policy/Work Procedure Implications:

There are no policy/work procedures relating to this application.

Financial Implications:

There are no financial implications to Council related to this application/issue. An application fee has been paid by the applicant.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT				

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
ENVIRONMENT				
	Land Use Planning			
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
NATURAL ENVIRONMENT	Landscape			
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
PEOPLE AND COMMUNITY				
	Places			
		29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development			
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries

Comment:

There are a number of key issues relating to the Scheme Amendment proposal. The following sections identify each issue, provide a brief explanation, discuss different options to address each issue and provide a recommended path forward.

Achievement of Commercial Development

The Scheme Amendment proposes removing a substantial area of land from the Scheme currently zoned for commercial purposes and replacing this with a zoning to facilitate medium density residential development. In addition, the applicants have requested an Additional Use of Residential R40 on the remaining Commercial zoned land, also allowing for the development of medium density residential development.

In making its determination on the Scheme Amendment, Council needs to be cognisant that under the proposed zoning, the entire site may be developed for medium density residential purposes without a commercial element. The applicant, in their Scheme Amendment request report has mentioned on several occasions their intention to establish a commercial land use on the proposed Commercial zone, but have also indicated in several parts of the report that pure residential development may be proposed, should commercial land uses not be viable or desired.

Additional comments have been sought from the applicant in this regard, with the following received:

‘Aspen is committed to providing land for the development of a small commercial activity which will be a focal point for the community, with the opportunity for live/work arrangements through the incorporation of residential uses as part of a mixed use development.’

The proposed zoning will facilitate mixed use in the form of commercial and residential combinations and provide for flexibility of land use over time - potentially transforming from one land use to another and intensifying as the demand and need arises. In this regard, if the land is to be developed for residential in the short term the building design and position can be set in such a way to allow for adaptation to commercial in the future. This can be dealt with through the requirement of a Detailed Area Plan (DAP) at subdivision clearance stage.

Whilst the Amendment will result in the transfer of land from the ‘Commercial’ to the ‘Residential’ zone, a corner site will be retained for commercial land uses. The nature of commercial activity in this location is such that it principally services the needs of the local community which requires a much smaller site than presently exists. The rezoning will only result in a rationalisation of the extent of land zoned ‘Commercial’ in order to reflect the anticipated size of the centre proposed for this locality will not undermine the overall supply of ‘Commercial’ land within the Byford Area.’

And:

‘The establishment of a ‘Residential’ zone with an R40 density code will provide for housing diversity within the estate. The proposed boundary between the two zones has been carefully considered in the context of the likely development form for both residential and commercial land, as articulated in the Concept Plan. It is considered the proposed ‘Residential’ zoning is important as it will give certainty to the intended residential use of the land. It also serves to preserve, or guarantee the extent of the commercial component. Alternatively, an ‘additional use – Residential’ would not provide any certainty to the extent to which the site could be developed for residential purposes.’

It should be noted that the applicant’s comment that the proposed Scheme Amendment layout will “preserve or guarantee the extent of the commercial component” is incorrect. The proposal does not guarantee that commercial development will be achieved. The applicant

would be able to seek approval of a purely residential development and Council will have minimal recourse to refuse such an application.

Although the subject site is located in reasonable proximity to the Byford Town Centre, it is considered appropriate for the provision of local centre style commercial/retail facilities in “Byford on the Scarp”. These facilities will provide a service for the local community and work toward reducing the use of motorised transport to access commercial facilities further afield. Commercial development on the site will function in a similar way to the neighbourhood nodes and local centres do in the Byford District Structure Plan area. Liveable Neighbourhoods supports such localised commercial land uses within residential areas.

Should Council wish to provide certainty that a Commercial development outcome will be achieved on the site, several options are available, as detailed below:

- Do not allow for an Additional Use of Residential on the proposed Commercial zone. Under the Shire’s TPS 2, Residential land uses are not permitted in the Commercial zone.
- Require, through a modification to the proposed Scheme Amendment, that the additional use be conditional based on the achievement of commercial land uses on the site.
- Require a modification to the Scheme Amendment, retaining the Commercial zoning over the entire site, and also applying an Additional Use of Residential to the entire site. A condition could also be applied to the Additional Use to ensure achievement of commercial land uses.

The last of these options is supported by Shire staff. It will provide a more flexible statutory framework in which a specific location and size of land for commercial development is not “locked-in” at this stage, but would rather be determined at the subdivision and development stages. This approach would provide the opportunity to consider alternative land use and development scenarios in the future, and avoid the need for subsequent Scheme Amendments should the developers’ intentions change. This approach would appear to meet the desires of the applicant who are uncertain of the final development outcome at this stage and are therefore seeking to achieve flexibility and the potential for adaptable development outcomes. The application of conditions on the Additional Use of Residential under the Scheme will ensure that a commercial land use is achieved, as opposed to pure residential development.

Density

Generally speaking, throughout Perth, the base residential density code is R20. Any increases in residential density beyond R20 usually need to be justified on the basis of criteria such as proximity to public transport, services, facilities and public open space. The subject site, due to its proposed co-location with commercial development is considered ideal for medium density residential development. Should commercial development not be achieved however, the justification for medium density development is significantly diminished, especially given noise issues from the abutting South Western Highway. In this regard, Shire staff support a modified version of the Scheme Amendment which would ensure a commercial land use is achieved on the site, as previously detailed.

Noise

The subject site is located adjacent to South Western Highway and is in proximity to the Perth to Bunbury railway, both sources of noise. In response to a request for additional information relating to noise, the applicant has engaged an acoustics consultant to undertake a preliminary investigation. With regard to this investigation, the applicant has advised as follows:

'The assessment acknowledges the WAPC's SPP 5.4 - 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and predicts noise levels which may slightly exceed the outdoor noise limits specified in SPP 5.4. Accordingly, the preliminary assessment recommends that an acoustic study be undertaken prior to any subdivision or development and, if the noise limits are exceeded, 'quiet house' design principles shall be incorporated into all developments in order to achieve internal acoustic criteria. This is consistent with the mitigation measures employed for existing residential development along SW Hwy, within the estate. Furthermore, the reduction in speed along this road to 70km per hr, which is planned for this locality, will serve to further reduce noise impacts by approximately 1.5bD(A). Accordingly, it is recommended that the Shire support the applicant's request for a speed limit reduction along this stretch of SW Hwy.'

There are various methods available to treat noise including the use of noise walls, earth bunds, "quiet house" design principles (ie. double glazing, high quality sealing etc.) and also through infrastructure design (ie. road surface treatments, the sinking of roads into cuttings etc). Generally speaking however, State Policy does not encourage the establishment of sensitive land uses, such as residential, in proximity to noise sources. Furthermore, the Scheme Amendment is proposing medium density residential development, meaning that a greater number of people may be located in proximity to the Highway. This could present future issues to the Shire in terms of dealing with noise complaints.

Council should however be aware that approved and constructed residential land uses and development are already located in proximity to South Western Highway in "Byford on the Scarp". In this context and given that the applicant has provided intention to prepare a detailed noise assessment and implement noise amelioration, it is considered appropriate in the instance to support an Additional Use of Residential on the site. Final details of noise amelioration measures will be informed by the noise assessment which will be required in support of more detailed planning, including future subdivision and development applications.

Commercial land uses are often more appropriate in proximity to noise sources, as they are considered less sensitive. Commercial development, if appropriately designed and located can also provide for noise amelioration to surrounding residential areas. The Scheme Amendment proposed by the applicant however seeks to locate residential development closer to the Highway and commercial development to the south-east of the site, away from the Highway. A modified version of the Scheme Amendment, as proposed by Shire staff, would retain the ability for commercial land uses to front South Western Highway, hence providing additional noise amelioration. Such commercial land uses would also benefit from additional exposure to the Highway.

Shire staff recommend a modified version of the Scheme Amendment be initiated with a condition requiring noise to be addressed pursuant to State Policy.

Interface

The Byford by the Scarp estate has been carefully planned to ensure the retention of rural character in proximity to the Darling Scarp and other rural lands. Shire staff support this approach and believe that an appropriate interface will need to be established between development on the subject site and South Western Highway. This matter will need to be carefully considered at the detailed planning and subdivision and development stages.

Vegetation

The Shire's Environmental section has reviewed the proposed Scheme Amendment and has noted that vegetation of significance is located on the subject site. Retention of the vegetation has been recommended. The Scheme Amendment application addresses

zoning/land use distribution as opposed to an actual development application. In this regard, vegetation retention will need to be considered at more detailed planning and design stages including the subdivision and development stages.

The applicant has provided the following advice regarding vegetation retention:

'The proposed Amendment does not constitute development and does not propose the removal of trees. The concept plan provided in support of the Amendment articulates one potential development scenario for the land, which will be refined at the subdivision/development stage. The mature tree referred to has already been removed due to structural weakening from insect attack, although the younger trees will be protected and incorporated into the future design of the commercial centre.'

Shire staff recommend a modified version of the Scheme Amendment be initiated with a condition addressing vegetation retention being included.

Options

In accordance with the Planning and Development Act (2005) and the Town Planning Regulations (1967), Council can either initiate or refuse to initiate a Scheme Amendment. Should Council seek to progress a Scheme Amendment for the site, it could:

- Initiate the Scheme Amendment as requested by the applicant;
- Initiate a modified version of the Scheme Amendment as recommended by Shire staff; or
- Initiate a different version of the Scheme Amendment as it sees fit.

Conclusion

Shire staff support the establishment of commercial facilities and services on the subject site to serve the "Byford on the Scarp" community. Whilst it is acknowledged that the entire site may not be developed for commercial land uses, it is considered that their provision is necessary. It is also considered that the key issue of noise can be appropriately addressed through the inclusion of additional provisions in the Scheme Amendment.

Shire staff recommend a modified version of the Scheme Amendment be initiated as follows:

- The Commercial zoning of the site be retained;
- An Additional Use of Residential be applied to the entire site;
- Conditions being applied on the Additional use requiring the achievement of commercial land uses on the site, development to be in accordance with the R40 density code, and issues of noise and vegetation being addressed.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

1. Under Section 75 and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:
 - (a) adding an Additional Use of Residential to Lot 9014 Clondyke Drive, Byford, as indicated on the Scheme Amendment map.

(b) adding the following text to Appendix 6 – Additional Uses of the Scheme Text:

- ‘4. (a) Lot 9014 Clondyke Drive, Byford
(b) Residential
(c) (i) Development of the subject site must incorporate a commercial land use in accordance with the Commercial zone of the Scheme;
(ii) Residential development shall be in accordance with the R40 residential density code;
(iii) Noise issues are to be addressed in accordance with State Planning Policy No. 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning, or its equivalent successor Policy; and
(iv) Development on the site is to facilitate the protection of significant remnant native vegetation.’
2. Forward Amendment No. 173 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.

SD018/08/11 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Hoyer, seconded Cr Brown

That item SD018/08/11 be deferred for a period of up to 3 months to enable further discussion with officers ahead of formal consideration by Council.

CARRIED 9/1

Committee Note: The Officers Recommended Resolution was changed as a result of the applicant requesting additional time to discuss issues relating to the application with Shire Officers.

Executive Manager Strategic Planning left the meeting at 9.07pm

Cr Randall left the room at 9.07pm

SD019/08/11 PROPOSED SUBDIVISION – LOT 502 STEVENSON PLACE, BYFORD (S144402)		
Proponent:	Louise Howells	In Brief The application has been referred to the Shire for comment in relation to the proposed subdivision of the above property into 4 residential lots. The application is recommended for refusal due to the absence of sufficient information to undertake a full assessment.
Owner:	Nicholas and Christine Randall	
Author:	Louise Hughes - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 July 2011	
Previously	16 August 2011	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:

27 June 2011

Lot Area:	6.42Ha
L.A Zoning:	Urban Development
MRS Zoning:	Rural, Urban
Byford Structure Plan:	Area of landscape sensitivity
Date of Inspection:	12 July 2011

Background

An application has been lodged with the Western Australian Planning Commission (WAPC) for the subdivision of the above property into four lots comprising the parent lot and three new lots. The application has been referred to Council for consideration as the owner of the site is an elected member.

The subject site is on the eastern side of Byford, situated between residential suburbs on the west and the state forest located to the east of the site. There are residential properties to the north and bushland to the south.

The subject site currently comprises 6.4 hectares of land which has a dwelling and associated outbuildings to the southern most part and rises from west to east. There is a dam on the western boundary which measures approximately 100m (north / south) by 27m (east / west).

The site is largely covered in native vegetation and as such there is a general presumption against the clearing of vegetation, in accordance with the requirements set out in Town Planning Scheme No. 2 (TPS 2) and Local Planning Policy (LPP) 26 – Biodiversity Planning.

This report provides Council with the opportunity to provide a recommendation to the WAPC on the application.

The Proposal

The proposed application is for subdivision of the lot into four lots, comprising the parent lot and three new lots of the following sizes:

- 3131m²
- 4560m²
- 4675m².

Access to the existing property is from Stevenson Place. The proposed access to the new lots is from Ray Close.

A copy of the application for subdivision is with attachments marked [SD019.1/08/11](#).

Sustainability Statement

Resource Implications: The proposal relates only to the creation of four lots and does not relate to the construction of any buildings. The impact on resources largely relates to the loss of vegetation and the subsequent impact on biodiversity which will result from clearing land to create the building envelopes for the future development, whilst providing appropriate fire breaks.

Effect on Environment: The proposed development has the capacity to have a negative impact on the environment in visual terms and in the loss of vegetation and biodiversity. In order to provide three new lots capable of being developed it will be necessary to provide building envelopes within each lot. The clearing of the lot to provide the envelope could potentially result in the loss of valuable vegetation which may detract from the site in visual terms as its elevated nature means there are distant views of the site. The loss of

vegetation may also give rise to concern in terms of the impact it will have on flora and fauna within the site.

Statutory Environment:

The application has been referred to the Shire for comment by the WAPC who are the determining authority.

Planning and Development Act 2005

DC 1.1 Subdivision of Land-General Principles (2004)

Policy/Work Procedure Implications:

LPP4 Revegetation Policy

LPP8 Landscape Policy

LPP19 Byford Development Requirements

LPP26 Biodiversity Planning

LPP43 Natural Hazards and Disasters (draft)

LPP61 Structure Plans (draft)

LPP62 Urban Water Management (draft)

LPP 67 Landscape and vegetation (draft)

Financial Implications:

None for the Shire as the WAPC is the determining Authority and any appeal by the proponent would be against the WAPC decision.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
BUILT ENVIRONMENT	Land Use Planning	5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.	
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.	
	13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.		
		Infrastructure			
	39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.		
	44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.		
	45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.		
	46		Encourage innovative solutions for the provision of utilities.		
	NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
			3		Maximise the preservation of existing trees and vegetation.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		12	Biodiversity	Prevent the further loss of "local natural areas"
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Integrated Water Cycle Management			
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of "better urban water management".

Community Consultation:

Not Required.

Comment:

TPS 2

The land is zoned "Urban Development" under TPS 2. The objective of this zone is to achieve the orderly and proper planning through the preparation and adoption of structure plans. There is a general presumption against the subdivision and / or development ahead of a structure plan being prepared and becoming operational.

Byford Townsite Detailed Area Plan (BTDAP)

The subject land is contained within Character Area D of the BTDAP. The BTDAP provides guidance for future built form including dwelling orientation, scale, proportion, building materials, colours and fencing. The subdivision of land is generally required to achieve an R5 density coding with minimum lot sizes of 2000m². Should the WAPC be of a view to support the application for subdivision it is recommended that purchasers be advised of the requirements set out in the Byford DAP.

The proposal has been assessed against the Shire's TPS 2 and relevant LPPs. A number of issues have been identified during the technical assessment process. The applicant was invited to submit additional information in support of their application in respect of each of these three key technical matters - further discussion in relation to these matters can be found below.

LPP 26 – Biodiversity Planning Policy

In accordance with Clause 3.4.4. of LPP 26, applications for subdivision are to be assessed against the local biodiversity targets set out in the Shire's adopted local biodiversity strategy. The subdivision of the land, and subsequent development, would almost certainly result in the loss of some existing vegetation. The applicant was invited to submit additional information in support of their application. The following information was provided:

"Please find attached subdivision plan overlaid over aerial providing an indication of the extent of clearing that would be required. Further clearing will be required to meet Bush Fire Protection requirements and this will be sent through shortly. "

A copy of the overlaid plan is provided with the attachments marked [SD019.2/08/11](#).

At the time of writing this report further information had not been provided. The Shire is required to consider applications based on the information provided by the applicant and provide a response back to the WAPC within a 42 day period. At this time there is insufficient information available to support the application.

WAPC SPP3.4 – Natural Hazards and Disasters and Draft LPP 43 – Natural Hazards and Disasters (draft) /

Clause 7.5 of draft LPP43 reads as follows:

"7.5 Development will not be supported in areas where there is a significant risk to life and property from bushfires, as determined through application of the Planning for Bush Fire Protection Guidelines Ed 2(WAPC & FESA, 2010)."

In accordance with these guidelines, the subject land is located in an 'extreme fire risk' area. The guidelines state that applications for the intensification of land uses in areas medium and extreme risk should include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications. The applicant was invited to submit additional information in support of their application. At the time of writing no additional information had been provided. As noted above the Shire is required to consider the application within a 42 day period.

Without further information it is not possible to assess whether the objectives of draft LPP43 will be achieved. In accordance with the WAPC guidelines for bush fire protection, development in an area that has an extreme bush fire hazard level will normally not be approved

Road Access

The application proposes the creation of a future road reserve to service the proposed lots in conjunction with the existing Water Corporation access road to the north. According to the Shire's records, the land that contains the access road is owned freehold by the Water Corporation. The application provides no evidence of Water Corporation support for this arrangement.

Options:

There are essentially three (3) options available to Council:

- (a) To recommend support for the plan of subdivision, and provide recommended conditions;
- (b) To recommend the application be refused, and provided reasons accordingly; or
- (c) To recommend that the application be deferred, pending the submission of additional information from the applicant.

It is important to note that under the provisions of the Planning and Development Act, the Local Government has 42 days from the date of referral to provide a recommendation to the WAPC.

Conclusion

A number of key matters have been identified through the technical assessment of the application. Based on the information currently available it is recommended that Council advise the WAPC that it is not in a position to support the application at this time. In the absence of further information it is recommended that the application be refused. It should be noted however that the Shire is one of a number of referral authorities that provides advice to the WAPC. Furthermore there is the opportunity for an applicant to submit further information to the WAPC in support of their application.

Voting Requirements: Simple Majority

SD019/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Petersen

That Council recommends to the Western Australian Planning Commission that the application for subdivision (reference 144402) be refused for the following reasons:

- 1. The application fails to demonstrate that the requirements of SPP3.4 Natural Hazards and Disasters and LPP 43 (draft) Natural Hazards and Disasters have been satisfied, in the context of an extreme fire risk.**
- 2. The application fails to demonstrate that the requirements of LPP2 6 Biodiversity Planning have been satisfied in terms of achieving the targets set out in the Shire’s adopted biodiversity strategy.**
- 3. A structure plan has not been prepared nor adopted to provide a framework for future subdivision and development that would normally address such matters as road layout, lot orientation and risk management.**

CARRIED 9/0

Cr Randall was not present and did not vote.

Cr Randall returned to the room at 9.08pm

SD020/08/11 DEVELOPMENT APPLICATION – PROPOSED PLACE OF PUBLIC WORSHIP, MANSE (SINGLE DWELLING) AND CARETAKER’S DWELLING, LOT 2 WRIGHT ROAD, MARDELLA (P00029/01)		
Proponent:	Dykstra Planning	In Brief The application proposes the development of a Place of Worship (with associated car parking and access infrastructure), a manse (single dwelling) and the land use conversion of an existing dwelling on the site to a caretaker’s dwelling. It is recommended that the application be approved subject to conditions.
Owner:	Free Reformed Church of Mundijong Inc.	
Author:	Chris Donnelly - Consultant Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	14 July 2011	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	10 February 2011
Advertised:	Yes
Submissions:	Three
Lot Area:	4.0ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Rural Strategy Policy Area:	Rural
Date of Inspection:	April 2011

Background

The Subject Site

Lot 2 Wright Road, Mardella is located on the eastern side of Wright Road approximately two kilometres south of the Mundijong Town Centre. The property has as an area of just over 4.0ha, and has approximately 160 metres of frontage to Wright Road. The site is generally flat, and the applicant has advised that strategic replanting of trees has occurred to some of the boundaries, along the central driveway and in other incidental areas. Existing development on the site includes a centrally located driveway, a hardstand vehicle area, a dwelling and several outbuildings including a shed and other structures.

Surrounding Land

Lot 2 is generally surrounded by rural farmland that has been largely cleared for pasture. Another 4 hectare lot adjoins the subject site to the north, however other lots in the vicinity are much larger rural properties. A small lot rural residential subdivision is located approximately 700m to the north.

Proposed Development

The development application proposes a single storey place of worship (church) at the south-western corner of the Lot. The church will accommodate up to a maximum of 350 people at any one time. An entry foyer of 130m² will provide access to the main church hall (approximately 630m² in size) and separate access to the part of the building accommodating meeting rooms and amenity areas (approximately 560m²) in size.

The applicant has not provided a full schedule of colours and materials for the Church, but has indicated on the development applications plans that:

- Cladding and stonework will be utilised as highlight materials.
- Roofing will consist of colour bond sheeting.
- Weatherboard cladding with a paint finish will be used between some walls sections and roof areas.

In addition to the church, the application proposes a manse, which in the context of Town Planning Scheme No. 2 (TPS 2) land uses would be classified as a single dwelling. The manse is proposed to the rear of the church. The applicant has advised that the manse will be permanently occupied by the church Minister and their family. The manse is proposed to consist of five bedrooms, several living rooms, an alfresco dining area and a double garage.

Materials and finishes proposed for the dwelling include:

- Timber frame elevations with selected weatherboard areas.
- Rendered brickwork for the garage.
- Colourbond roof sheeting.

The applicant has advised that the building architecture is intended to reflect the rural architectural themes found in the surrounding rural areas, which will include “barn shaped” roofing, wide verandahs and natural (earthy) material tones and types for feature work.

It is proposed that the existing dwelling on site be retained, with the applicant proposing to reclassify the use from a single dwelling (current use) to a caretaker’s dwelling. The application does not propose any upgrades to the existing dwelling in its proposed conversion to a caretaker’s dwelling.

Other key elements of the proposal are listed below:

- Car parking – a sealed car parking area comprising 91 bays located predominately to the east of the church and mostly screened from view from Wright Road by the church.
- Access – A 50m slip lane within the Wright Road reserve is proposed to allow for south bound vehicle deceleration and a 6m drive way providing access to the church car park and manse. The application does not propose sealing or widening of the driveway where it accesses the caretaker’s dwelling.
- Clearing, revegetation and landscaping – Building construction and car parking and access works will likely require the removal of vegetation on the site. It is understood that most of this vegetation is not locally significant. Revegetation areas are proposed to the south-eastern corner of the block, facilitating screening of the church from adjoining land and Wright Road. An additional revegetation area is proposed between the proposed single dwelling and church car parking, to provide for screening of the dwelling. The applicant has advised that a landscaped and lawn area will be provided between the church and street boundary to compliment the appearance of the building when viewed from Wright Road.
- Infrastructure – An ATU effluent disposal system is proposed to the south of the church as well as rainwater tanks. Shallow landscaped drainage detention swales are proposed between Wright Road and the church and between the car park and the manse.

A copy of the location plan, aerial photograph, site, floor and elevation plans are with attachments marked [SD020.1/08/11](#).

Sustainability Statement

Effect on Environment: The application proposes to utilise native vegetation in new landscaping areas. The access design for the site has been carefully considered to ensure the retention of native Wandoo trees within the Wright Road reserve.

Resource Implications: Matters of water management will be dealt with through further detailed design, however rain water tanks and drainage detention swales are proposed.

Economic Viability: Wright Road has recently been upgraded and is expected to cater for the level of envisaged traffic.

Economic Benefits: Users of the church from further afield may pass through the Mundijong townsite and access local facilities and services.

Social – Quality of Life: Churches are commonly viewed as providing socio-cultural benefits to the wider community.

Statutory Environment: TPS 2
Local Planning Policies

Policy/Work Procedure

Implications: Nil.

Financial Implications: The applicant has paid the required development application fee.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning			
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		27	General	Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
			Infrastructure	
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
NATURAL ENVIRONMENT	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
		12	Biodiversit	Prevent the further loss of "local natural

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			y	areas”
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
PEOPLE AND COMMUNITY				
	Wellbeing			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		12		Encourage youth participation in community activities, groups and networks.
	Relationships			
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
	Places			
		31		Build the community's capacity to create vibrant places through activities and events.

Community and Agency Consultation:

A place of worship is an “SA” use within the Rural zone under TPS 2 and hence requires advertising for public comment. Accordingly, letters were sent to immediately abutting and adjacent landowners. Letters were also sent to the Public Transport Authority (PTA) due to the adjacent railway reserve, Department of Planning – State Strategic Policy due to the adjacent Bush Forever land and the Department of Environment and Conservation due to the site being within the buffer of a Threatened Ecological Community (TEC). A response was not received from the Department of Environment and Conservation.

Support/Object: Three submissions were made providing comment.

Affected Property Assessment #	Summary of Submission	Support/Object	Officer’s Comment	Action (Condition/ Support/ Dismiss)
196800	The proposed church is on the boundary of our working farm and we hope this will not be a	Comment.	It is considered that users of the proposed church will not be adversely affected	Noted.

Affected Property Assessment #	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
	concern to future worshippers.		by the adjoining rural land use. The application proposes perimeter vegetation plantings between the church and the southern boundary of the property.	
Public Transport Authority	No objection subject to the developer being notified a "Whistle Board" is erected in the adjacent railway reserve which indicates that train drivers must sound their horn due to an approaching level crossing.	No objection and comment.	The applicant has been forwarded a copy of the submission. Sounding of the train horn is a standard operational requirement for the railway in proximity to the level crossing.	Noted.
Department of Planning – State Strategic Policy (Bush Forever)	<p>The actual building is located outside of Bush Forever area 365; however it is unclear from the plans provided if the proposed 50m slip road is within the Bush Forever area. As long as there is no clearing of native vegetation for the proposed slip road, there is no objections to the proposal.</p> <p>It is recommended that to protect the adjacent Bush Forever area, the following conditions are part of development approval:</p> <p>The development, including construction, access, drainage and ongoing maintenance, shall not result in the clearing and/or disturbance of existing vegetation within Bush Forever area 365.</p> <p>The proposed perimeter screening should be planted with locally endemic native species.</p>	Comment.	<p>The proposed slip lane is not located within Bush Forever area 365.</p> <p>The slip lane has been specifically sited to avoid clearing of native vegetation within the Wright Road reserve.</p> <p>The application does not propose clearing of Bush Forever land.</p> <p>The applicant has advised that the proposed perimeter screening vegetation will be locally native species. Should Council consider approval of application, it is recommended that a condition be imposed requiring the preparation of a landscaping plan, with all planting and revegetation to consist of locally native species.</p>	Condition for landscaping plan with all planting and revegetation to consist of locally native species.

Comment:

There are a number of key issues relating to the development application. The following sections identify each issue, provide a brief explanation, discuss different options to address each issue and provide a recommended path forward.

Rural Character, Scale and Nature of Development and Settlement Planning

The proposal involves the development of a church, manse, retention of an existing dwelling as a caretaker's dwelling and the construction of hard stand access-ways and a car parking area on a 4.0ha Rural zoned lot approximately 2km from the Mundijong Town Centre. Approximately one third of the site will be developed. According to the applicant, the church will cater for a maximum of 350 persons. This form of development is relatively intense in comparison to surrounding Rural zoned land which is largely used for agricultural purposes.

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. It could be considered that such a large church is not consistent with the purpose and intent of the Rural zone as it is not a rural pursuit as such, and due to its scale, would not represent an associated activity to a rural pursuit.

From a strategic perspective, the subject site is located within the Rural Policy Area of the Shire's Rural Strategy. The following is an extract from the Strategy providing an overview of the Rural Policy Area:

'The large Rural Policy Area maintains the integrity of the Shires rural and agricultural character. It provides for a mosaic of agricultural uses but does not offer the protection for agriculture embodied in the Agriculture Protected Policy Area. The Rural Policy Area essentially maintains the current standards and practice of agricultural use and development.'

'The protection of rural lifestyles, of agricultural production, and rural character are very significant, but not necessarily over-riding, objectives in the use and development of land.'

The Strategy is therefore indicating that the rural nature of these areas, whilst important, is not necessarily the primary consideration in considering land use and development.

Another key matter of importance to the subject site is its location context. The site is approximately 1km to the south of the Mundijong-Whitby development area, which is proposed for significant residential and commercial expansion on a scale similar to that of Byford. The site is also within 1km of the proposed Mundijong light industrial area. It is clear that the proposed church, whilst on land zoned Rural, is not in a remote or isolated rural location, but rather is on the immediate outskirts of a future urban centre. From a settlement planning perspective, this location for a large church is considered appropriate, and there are many other examples of churches and other places of worship located in rural areas close to the urban development front.

However, the need to protect rural lifestyle and character remain. To this extent, the development application plans for the church indicate that:

- Cladding and stonework will be utilised as highlight materials.
- Roofing will consist of colour bond sheeting.
- Weatherboard cladding with a paint finish will be used between some wall sections and roof areas.

Materials and finishes proposed for the manse include:

- Timber frame elevations with selected weatherboard areas.
- Rendered brickwork for the garage.
- Colourbond roof sheeting.

The applicant has advised that the building architecture is intended to reflect rural themes found in the surrounding areas, which will include "barn shaped" roofing, wide verandahs and natural (earthy) material tones and types for feature work. Furthermore, it should be noted that there is a significant amount of remnant vegetation on site and that additional perimeter plantings are proposed. These plantings will assist in screening of the site from the public realm as well as assisting in the preservation of rural character.

Given the specific location context of the site in proximity to the Mundijong-Whitby development area and that the details of the application seek to maintain rural character, it is considered that the scale and nature of development proposed on the site is acceptable.

Vegetation

The application will involve the removal of vegetation on-site to facilitate development of the church, manse, access way and car parking areas. The Shire's Environmental section has reviewed the site and proposal and has identified that removal of vegetation on site is acceptable as it is not locally native.

The application proposes the use of perimeter vegetation planting to screen the church and associated development from surrounding Rural zoned land and also Wright Road. The Department of Planning has recommended that these plantings consist of locally native vegetation. In this regard, should Council resolve to approve the application, a condition for a landscaping plan including the use of local vegetation is recommended.

Initial development plans for the subject site involved a central access way and slip lane further to the north. This proposal would have seen the removal of several native Wandoo trees within the Wright Road reserve. The Shire has recently upgraded Wright Road and specific design was undertaken to ensure retention of these trees. In response, the applicant has prepared revised plans which propose a more southern access point and slip lane. This proposal does not result in the removal of any Wandoo trees and is supported by the Shire's Environmental section as well as the Department of Planning.

Caretaker's Dwelling

An existing dwelling, and associated garage and shed, are located on the subject site towards its eastern boundary. For the purposes of the Scheme, this dwelling would currently be classified as a Single Dwelling.

The development application proposes a new Single Dwelling on the subject site; the manse. As two Single Dwellings are not permitted on a single lot in the Rural zone, the application proposes to re-classify the existing dwelling as a Caretaker's Dwelling. The development application report states that the existing dwelling will be used as a Caretaker's Dwelling only.

A Caretaker's Dwelling is defined under TPS 2 as a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site. A Caretaker's Dwelling is an "IP" use in the Rural zone under TPS 2, meaning that it is not permitted unless it is incidental to the predominant use as decided and approved by Council.

Shire staff believe that the Caretaker's Dwelling is appropriate as an incidental use to the predominant use of the site as a Place of Worship. It is however recommended that Council, should it approve the application, impose a condition of approval requiring the Caretaker's Dwelling to be used and occupied in accordance with the provisions of the Scheme.

Statutory Controls

Car Parking

In accordance with TPS 2 requirements, a Place of Worship requires 1 car parking space per 4 persons accommodated. The application report identified that the church will accommodate a maximum of 350 persons, and hence 88 car parking bays will be required. This Scheme requirement is met as 91 car parking bays are proposed.

Setbacks

The Shire's Scheme and Policies do not specify a minimum setback for Place of Worship land uses in Rural zones. However, there are setback requirements for residential and incidental development as set out in Local Planning Policy (LPP) No. 17. LPP 17 requires that all residential and incidental development be setback at least 20m from front and rear boundaries, and 10m from side boundaries. The Single Dwelling (manse) and Caretaker's Dwelling as proposed comply with these setback requirements.

Options

Council has the following options in considering the development application:

1. Approve the application with or without conditions;
2. Refuse to approve the application, and provide reasons for the refusal.

Conclusion

Shire staff consider the Place of Worship, whilst large in scale and operation for a Rural zone are appropriate given the location of the site only 1km from the Mundijong-Whitby development area. It is considered that rural character and amenity will be preserved through appropriate building siting and design and through the use of native vegetation plantings. It is recommended that the development application be approved subject to conditions.

Voting Requirements: Simple Majority

SD020/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

The proposed Place of Public Worship, Single Dwelling and Caretaker's Dwelling at Lot 2 Wright Road, Mardella be approved subject to the following conditions:

AMENITY

1. **A detailed schedule of colours and finishes for the Public Place of Worship and Single Dwelling to be submitted and approved to the satisfaction of the Director Development Services prior to the commencement of building works.**

PARKING AND ACCESS

2. **Ninety-one (91) car parking bays to be provided in accordance with the plans attached to and forming part of this approval.**
3. **Of the 91 parking bays required by condition number 2, two (2) of these are to be disabled parking bays provided along with the required statutory signage and markings to the satisfaction of the Shire.**
4. **The left turn slip lane from Wright Road shall be designed and constructed to the satisfaction of the Director of Engineering and shall be a minimum length of 50 metres.**
5. **The carriageway on Wright Road is to be widened to allow for vehicles to pass safely if stacking occurs to the satisfaction of the Director of Engineering.**
6. **The vehicle parking area, accessway(s), right of way, crossover, turning lane and road widening shall be designed, constructed, sealed, kerbed, drained, linemarked, prior to the occupation of the development for the use hereby**

permitted and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering

SIGNAGE AND LIGHTING

7. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast.
8. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
9. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.
10. No signs are to be displayed in the road reserve adjacent to the site at any time.

DRAINAGE AND FILL

11. A geotechnical report certifying that the land is physically capable of development shall be submitted for approval by the Shire prior to the commencement of site works.
12. An Urban Water Management Plan is to be submitted generally in accordance with the Better Urban Water Management framework and approved by the Director Engineering prior to the commencement of site works and thereafter implemented.
13. Storm water is to be contained on-site, or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.

CARETAKER'S DWELLING

14. The proposed Caretaker's Dwelling is to be occupied and shall only be used in accordance with the provisions of Town Planning Scheme No. 2. A Section 70A Notification is to be placed on the Certificate of Title notifying prospective purchasers of this condition, at the cost of the landowner.

LANDSCAPING AND VEGETATION

15. A Landscape and Vegetation Management Plan, for the entire development site, must be submitted to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.
16. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
17. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.

FIRE MANAGEMENT

18. A Fire and Emergency Management Plan must be submitted to the Shire and approved by the Director Development Services prior to the commencement of site works and thereafter implemented.

HEALTH

19. A hydrology report is to be prepared by an appropriately qualified person nominating winter highwater table levels relative to AHD so that minimum separation can be achieved for onsite effluent disposal systems to the satisfaction of the Shire.
20. No food preparation is to occur without prior approval from the Shire's Health Services. Any application will require a detailed plan of all food preparation, storage and refuse areas together with an application for approval to establish a food premises. Plans are to be in accordance with the Food Regulations 2009 to the satisfaction of the Shire's Health Services.
21. The development is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.
22. The proponent is to connect to the Water Corporation WA Scheme water supply.

Advice Notes:

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. Approval to construct or install an effluent disposal system will be required from the Department of Health WA.
3. Application form 1 as specified by Health (Public Buildings) Regulations, 1992, Schedule 2, shall be submitted in conjunction with the building licence application to the Shire's Health Services.
4. The Landscape and Vegetation Management Plan should describe the revegetation proposal; listing species (to include local natives Eucalyptus Wandoo and Eucalyptus Lanepoolei) to be used and numbers of plants and their positioning in the landscape – it should include vegetation types suitable for swale/water detention areas.
5. The effluent disposal system is to be of the type and size suitable for use on land with heavy soils and high water table and be installed with the base of the disposal area being the required distance above the highest known water table.
6. The Urban Water Management Plan is to provide cross sectional drawing of the swale and drainage lines, the capacities of the proposed swales and watertanks and the catchment areas of parking areas and accessways to meet water sensitive design.
7. The building is not to be occupied until the Shire has issued a Certificate of Classification. 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.

8. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the National Construction Code Series (Building Code of Australia) and all relevant Australian Standards.
 9. Any air conditioning unit(s) must be installed and maintained in accordance with AS3666 - 1989 Air-handling and Water Systems of Buildings Microbial Control and AS1668.2 Mechanical Ventilation for Acceptable Indoor Air Quality.
 10. Staff and public toilets are to be ventilated in accordance with the provisions of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
 11. The facility is required to comply with the Health (Public Buildings) Regulations 1992.
 12. Construction noise is not to be emitted from the building site prior to 7.00am or after 7:00pm on Monday to Saturday and not at all on Sundays or Public Holidays.
- CARRIED 10/0**

SD021/08/11 PROPOSED HOARDING ADVERTISING SIGNAGE FOR KARNUP ROAD AND HENDERSON ROAD, HOPELANDS (P00800/04 and (P00800/05)		
Proponent:	Greenacres Turf Farm	In Brief Applicant seeks planning approval for two hoarding advertising signage on Shire road reserves. It is recommended to conditionally approve the signage.
Owner:	Crown	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	19 July 2011	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 10 August 2010
 MRS Zoning: Rural
 L.A Zoning: Rural
 Rural Strategy: Rural Policy Area
 Date of Inspection: 21 July 2011

Background

The applicant seeks planning approval to locate two hoarding advertising signs on Shire road reserve. The signs have been named sign A and sign B for the purposes of this report only. Sign A is proposed to be located on a road reserve adjacent to Lot 352 Karnup Road (corner of Karnup Road and Hopelands Road) and sign B is to be located on the road reserve adjacent to Lot 368 Henderson Road (corner of Henderson and Hopelands Roads). The signs are intended to advertise and provide directional assistance to existing and potential retail and trade customers for the Greenacres Farm.

The proposed signs will be 2.4 metres wide and 1.19 metres high being supported by pylons of 1.2 metres. The total area of each sign face will be approximately 2.9m². The applicant provided information that the signs were intended for advertising and directional purposes particularly at the intersection of Karnup Road and Hopelands Road, where customers connecting from Kwinana Freeway generally found it difficult to locate the Turf Farm.

The proposal is presented to Council for determination.

An aerial photograph is with the attachments marked [SD021.1/08/11](#).

Sustainability Statement

Effect on Environment: The signs are proposed to be located in areas already cleared of any vegetation on the road reserves. Generally, signs have the potential to detract from the built environment in relation to the visual amenity and character of the area. Officers will assess each application based on its merits and having regard to the policy objectives to minimise the total area and impact of outdoor advertising commensurate with the realistic needs for such advertising.

Economic Benefits: This is considered the most appropriate mechanism for advertising their business and directing of potential and existing customers to the farm.

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

Policy/Work Procedure Implications: Local Planning Policy (LPP) No. 5 – Control of Advertisements

Financial Implications: If the application is refused or the landowner is aggrieved by any of the conditions imposed on an approval, an application for review may be lodged with the State Administration Tribunal (SAT); there may be financial implications for Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		7	Manage	Facilitate sustainable agricultural practices.
BUILT ENVIRONMENT	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		16		Enable built form that accommodates a range of business and family circumstances

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				and needs.

In support of the proposal the applicant provided the following information regarding justification for the need of both Sign A and sign B.

The signs are for advertising and directional purposes especially the Karnup Road and Hopelands Road intersection. This sign would need to read 6km.

Greenacres has been a long established business in the Serpentine Jarrahdale Shire. The expansion of the freeway with a Karnup Road exit has resulted in both trade and retail customers requiring to visit our display area and see it for themselves as well as a taking their shoes off and walking over the various grass types.

We find most people use a GPS locator and always end up at the wrong end of Henderson Road as it directs them off River Road end. It will also aid people coming down from Byford housing developments. The sign at the corner of Hopelands and Henderson would need to read 2km.

Planning Assessment

The current application proposes the erection of two hoarding signs at the corner of Karnup Road and Hopelands Roads being (sign A) and corner of Henderson Road and Hopelands Road (sign B).

Statutory Environment

TPS 2

Under the scheme, clause 7.15 *Control of Advertising* provides guidance in relation to the following issues:

- The types of signs that require formal approval from Council;
- The types of signs that are exempt from approval;
- Maintenance responsibilities for existing signs; and
- Dealing with existing signs that do not conform to the Shire's requirements.

Appendix 18 of the TPS 2 provides for various types of advertisements to be exempt from requiring planning approval; the proposed two signs are not exempt.

LPP 5

LPP 5 provides a broad framework for the lodgement and assessment of signage applications. Under LPP5 the proposed development would be classified under Off Building Signs – Hoarding, defined as advertisement sign fixed to a structure, and which has one or more supports. With respect to the proposed development, there are two particularly relevant sections in LPP 5, being Table 1, which outlines the information to be submitted with an application and a dedicated section for this type of signage. In accordance with the policy the required standards for this type of sign are outlined in the table below extracted from LPP 5 Control of Advertisements:

Hoarding Signs

Type of sign	Standards	Comments
Hoarding Signs	<ul style="list-style-type: none"> • shall have a maximum area of 	The proposed signage

Type of sign	Standards	Comments
Permitted Zones	<p>20m²;</p> <ul style="list-style-type: none"> • <i>be limited to a maximum of one such sign per street frontage of the lot;</i> • <i>not less than 1.2metres or greater than 6.0metres from ground level and</i> • <i>Not to be erected in the area between any building and the front boundary of a lot except with the approval of the Council</i> <p><i>Hoarding signs may only be permitted/considered in reserves following the lodgement of a planning application.</i></p>	complies with the provisions contained within the LPP5.

Sign A

Sign A is proposed to be located at the corner of Karnup Road and Hopelands Roads, being located approximately six kilometres from the Greenacres turf farm. The sign is proposed to assist in advertising and providing direction to customers mostly from the western portion of the Shire particularly those trade and retail customers entering the Shire off Kwinana Freeway. A site visit confirmed that this location intersection has two existing signs directing customers to a paintball facility in Karnup and a real estate sign advertising blocks of land for sale - Amarillo Fields. These signs have not been approved.

The proposed signage and proposed location are with the attachments marked [SD021.2/08/11](#). (Sign A)

Sign B

Sign B is proposed to be located at the corner of Henderson Road and Hopelands Road. The sign is proposed to be located approximately two kilometres from the Greenacres Turf Farm. The signage is intended to direct customers from Henderson Road to the Turf Farm. This intersection is clear of any advertising signage apart from a directional sign guiding customers up to the Turf Farm.

The proposed signage and proposed location are with the attachments marked [SD021.3/08/11](#). (Sign B)

Officers Comment

In accordance with the provisions of LPP 5 the proposed sign A and sign B complies with the requirements of the local laws in terms of the size, height, supporting structures, prominence and most visual impact issues.

However, in terms of location, both sign A and Sign B are proposed to be located on a road reserve that is not directly related to the advertisement (generally prohibited under the provisions prescribed under LPP 5), hence the requirement for planning approval. Nevertheless, outlined below is an extract of provisions from LPP 5 that can be taken into account when considering applications in such circumstances:

The placement of any form of advertising or signage on properties, buildings or

reserves that are not directly related to that sign is prohibited. **Council may consider a planning application for signage or advertising on properties, buildings or reserves that are not directly related to that sign in the following circumstances:**

- *where the proponent can prove to Council that there is a need from an economic view to have such a sign or advertising;*
- *where the sign falls within the definition of ‘Special Events Sign’, and will be only placed on the property, buildings or reserves for the period that the special event is being run;*
- *in any other situations that Council sees fit.*

With respect to the above considerations Officers are of the opinion that the proposed signage is generally considered reasonable to be supported, due to the fact that the applicant has provided sufficient information to support an economic view (among other issues) to have such signage. Greenacres Turf Farm has been a long established business in the Shire, providing employment to over thirty employees most of them residing within the Shire. The Shire’s existing and newly established residential estates provide most of the business to this long established business, thus providing a local resource otherwise not available. Officers are also of the view that the proposal is considered to be relevant to the objectives of the Shire’s Plan For The Future – attract and facilitate appropriate industrial, commercial and retail developments. On the basis of the above economic benefits, the proposed signage is considered reasonable.

In determining the merits of the proposed signage, further consideration should also be given to the potential impacts on the amenity of the area, the size of other similar signage within the locality and particularly the objectives of LPP 5 listed below:

- *To ensure that the visual quality and character of particular localities and transport corridors are not eroded;*
- *To achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;*
- *To minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;*
- *To prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;*
- *To reduce and minimise clutter; and promote a high standard of design and presentation in outdoor advertising;*

In accordance with the provisions of LPP5 the proposed design of signs A and B in terms of area, size, height, and supporting structures are considered to comply with the requirements of the local law. Officers are of the view that the built form of the signage is not likely to cause any adverse visual impact on the visual quality and character of the intersections. It is therefore, envisaged that the signage does not negatively affect the general amenity of the area by virtue of their colours, height, prominence, visual impact and size.

With regards to the placement of signs on premises that are not directly related to the development, it is not considered unreasonable to support such a variation in the rural area given the fact that there is an economic benefit for the proponent to have such a sign to advertise and market a product. It is open to Council to consider a variation to the requirements of LPP 5; this report provides Council with such an opportunity.

Options

There are primarily two options available to Council in considering the proposal, as follows:

- (1) Approve the application, with or without conditions; or

(2) Refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the SAT.

Conclusion

Based on the matters that have been outlined in this report, it is recommended that the proposed location for Sign A and Sign B be approved subject to appropriate conditions.

Voting Requirements: Simple Majority

SD021/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris

That Council, pursuant to the provisions of Town Planning Scheme No. 2, grant planning approval for a hoarding sign (corner Hopeland Road and Karnup Road) and a hoarding sign (corner Henderson and Hopeland Road) subject to the following conditions:

- 1. This approval only encompasses the sign detailed on the approved drawings and erected in the location identified on the approved site plan attached to and forming part of this approval to the satisfaction of the Shire.**
- 2. The main sign face shall not be altered without the prior written approval of the Director Development Services.**
- 3. The sign shall be securely fixed to the structure by which they are supported, to the satisfaction of the Shire's Principal Building Surveyor, and shall be maintained in a safe condition at all times.**
- 4. Paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to the sign or sign structures.**
- 5. The sign shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times.**
- 6. Any unsightly matter or graffiti shall be removed at the cost of the applicant within 24 hours of it occurring.**
- 7. The sign is to be maintained to a high standard of appearance and structural soundness at all times.**
- 8. The applicant shall enter into a legal agreement with the Shire prior to the commencement of the development, to ensure sufficient public liability insurance exists for all risks associated with the two signs. The cost for the preparation of this legal agreement will be borne by the applicant.**

CARRIED 9/1

Council Note: The location of Sign A was corrected to be the corner of Hopeland and Karnup Road. This was deemed a minor change by the Presiding Officer and did not change the intent of the Officers Recommendation.

COUNCIL DECISION

Moved Cr Harris, seconded Cr Lowry

That items SD022/08/11, SD023/08/11, SD024/08/11 and SD025/08/11 be carried en bloc.

CARRIED 10/0

SD022/08/11 PROPOSED OVERHEIGHT SHED - LOT 212 (10) HENRY GEORGE CLOSE, BYFORD (P07130/05)		
Proponent:	Murray Plug	In Brief Application for the construction of an overheight outbuilding. Approval subject to conditions is recommended.
Owner:	As Above	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	21 July 2011	
Previously	None	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 15 June 2011
 Advertised: Yes
 Submissions: None
 Lot Area: 4020m²
 MRS Zoning: Rural
 L.A Zoning: Rural Living A, Public Open Space
 Use classification: Single House - Incidental development (P use)
 Date of Inspection: 25 July 2011

Proposal

An application was lodged for the construction of an overheight shed. The proposed shed has a floor area of 96m² being 12m by 8m with a wall height of 3.58m and roof height of 7.0m. The shed will be located entirely inside the prescribed building envelope and is to be constructed out of colour bond Dune materials.

The roof height of the proposed shed being 7.0m is 2.0m greater than the as of right 5.0m acceptable outbuilding roof height for the Rural Living A Zone, and outside the 20% variation (6.0m) prescribed in the Local Planning Policy (LPP17). The applicant provided information that the intent of the height is ensure that the architecture of the shed including its pitch and materials matches the architecture and design of the house to achieve a coherent site architecturally.

The proposal is presented to Council for consideration as officers have no delegation to determine the variation.

The aerial photograph, location, site and floor plans and Schedule of Materials and Finishes are with attachments marked [SD022.1/08/11](#).

Variations requested

Construction of an overheight outbuilding with a roof height of 7.0m exceeding the 5.0m roof height limit acceptable for outbuilding roof height for the Rural Living A Zone, prescribed in Council's LPP 17.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The subject lot contains remnant native vegetation on the northern and western boundary of the block.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No vegetation is to be removed.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Existing mature vegetation on the adjoining western and northern property boundaries provides adequate screening.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will not be highly visible from the street. Existing vegetation along the boundaries provides adequate screening from the secondary street.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	It is anticipated that the height of the shed will not result in any adverse effect as it is in keeping with the design of the house. Trees along the boundaries have the effect of reducing the visual impacts from the neighbours.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The proposed shed extension can provide an opportunity for water capture and reuse onto the outdoor lawn and garden areas.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications:

LPP 17 - Residential and Incidental Development
LPP 8 Landscape Protection
Draft LPP 36 - Non-Urban Outbuildings

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Key

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		18		Identify and implement opportunities for detention and storage of stormwater.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Community Consultation:

The proposal was referred to adjacent neighbours for comment and no submissions were received.

Planning Assessment:

Given the variations sought the proposal needs to be considered against:

1. The Policy provisions stipulated under LPP17 Residential and Incidental Development;
2. The development of buildings within the Landscape Protection Area (LPP8); and
3. Draft LPP 36 – Non Urban Outbuildings.

LPP17 Residential and Incidental Development

Table 3.1 Setbacks Dwellings, outbuildings, swimming pools, carports patios gazebos verandahs etc.

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks			
Primary Street	15m	25.0m	Complies
Rear	7.5m	15.5m	Complies
Side	7.5m	11.0m	Complies
Floor Area (combined total floor area of all outbuildings)	Max. 150m ²	96m ²	Complies
Wall Height	Max. 3.5m	3.5	Complies
Roof Height	Max. 5.0	7.0	Variation – is supported as it matches the existing house, this is due to the 40° pitched roof and is not likely to result in an adverse effect on visual amenity of neighbouring properties due to bulk and scale. It is envisaged that if the current proposal were

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
			approved, it would not create any precedence because of the factors peculiar to the proposal.

LPP8 Landscape Protection Policy

Extract from LPP8 – Building appearance

The following key extracts from LPP8 pertaining to the proposal are discussed below:

Provisions under LPP8	Officers Comments
<i>The use of zincalume or reflective glazing within this policy area will not be permitted in the “seen area” as defined in Figure 2 unless measures are taken to prevent reflection. Such measures may include landscaping, and colour schemes that blend with the surrounding environment, roof pitch and tilt on glazing.</i>	Complies as the proposal will be constructed entirely of colourbond materials.
<i>Outbuildings and tanks should form a unified group with the main building and should be of similar form, colour and materials;</i>	Complies as the shed will be contained within the prescribed building envelope.
<i>Reflective building material – means any material that has a high solar radiation or reflective value and includes, but is not limited to zincalume and colourbond colours/tones of ‘Gull Grey’, ‘Smooth Cream’, ‘Surf Mist’ and ‘Off White’.</i>	Complies - Colourbond Dune is acceptable material.
<i>Any building shall not exceed 9 metres in height. This height is to be measured from natural ground level to the roof apex;</i>	The shed is proposed to have a ridge height of 7 metres. Officers have considered that whilst this height exceeds the maximum height of 5.0m as of right in a Rural Living A zone under the LPP 17, the height is still within the acceptable limit under LPP8. It is anticipated that the proposal will not cause any detrimental effects on the general locality

Draft LPP 36

LPP 36 provides guidance for the construction of outbuildings within the Rural, Special Rural, Rural Living A Rural Living B and Farmlet Zones. It outlines the acceptable and unacceptable criteria as well as a performance based criteria that apply to these zones.

The proposal is generally consistent with provisions outlined in Table 1 of LPP 36 (Floor Area/setback/Height– Outbuilding Assessment and Approval Requirements) with the exception of roof height. However, clause 6.6 of LPP36 states that, applications that do not comply with either the Acceptable or Performance based criteria in this policy of this nature will only be supported by Council where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a written justification and payment of relevant fees.

In response to the above, the applicant provided the following justification:

- *We acknowledge that the acceptable maximum height for any shed in your municipality is 6m from ground level to apex, whilst the shed we propose has an overall height of 7m.*
- *The proposed shed has purposely been designed to reflect the architectural design of the house, with similar materials, proportioning and roof pitch. This has been done to ensure that all proposed pavilions on the site speak a coherent language, enhancing the site's ambience and street appeal.*
- *We understand that the height of the shed is greater than what would normally be acceptable to the Shire, however we point out that both the height as well as the scale of the house form a suitable counterbalance.*

Having regard to the justification provided by the applicant (among other issues discussed in the report) Officers have considered that the variation does not constitute an undesirable outcome. The application has been carefully assessed and it is anticipated that it is not likely to cause any undesirable precedence due to factors peculiar to it.

Options

There are two primary options available to Council, as follows:

- (1) approve the application, with or without conditions
- (2) refuse the application and provide reasons for refusal.

In the instance that an applicant is aggrieved by a determination of Council, an application for review could be lodged with the State Administrative Tribunal.

Conclusion

It is considered reasonable to support the variation. The proposed overheight shed will not adversely affect the amenity of neighbouring lots and the general amenity of the locality given the gradient of the land from Henry George Close. The subject property is at the lower end of the street and its pitched height is not likely to either protrude or detract from the streetscape.

The information provided by the applicant includes use of suitable materials and colours complimentary to the house and compatible with the landscape character of the site and locality and is considered to have an aesthetically desirable outcome. The merits of this proposal are based on the matching architectural design and pitched roof of the house and the shed.

Voting Requirements: Simple Majority

SD022/08/11 Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Lowry

That the proposed overheight outbuilding at Lot 212 (10) Henry George Close, Byford be approved subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

3. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.

Advice Notes:

1. A building licence is required to be issued prior to the commencement of development including earthworks.
2. 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.

CARRIED 10/0 EN BLOC

SD023/08/11 PROPOSED OUTBUILDING - LOT 13 DALLEY STREET BYFORD (P00371/03)		
Proponent:	Coastline Sheds	In Brief Application for the construction of an oversize outbuilding. Approval subject to conditions is recommended.
Owner:	W Prosser	
Officer:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	20 July 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date Of Received	9 June 2011
Lot Area	3218m ²
TPS. Zoning	Urban Development
MRS Zoning	Urban
Density Code	Residential R20
Use Class & Permissibility	Single Residence – Incidental Development (AA)
Structure Plan	Byford Structure Plan
Detailed Area Plan	Byford Townsite Detailed Area

Background

An application was received for an additional outbuilding measuring 69m². As an existing 54m² shed already exists on the property, the additional floor area contributes to an overall 123m² of combined outbuildings.

This property is within an older, well established character area of Byford and is identified as Residential under the Byford District Structure Plan and subsequently outbuilding requirements have been assessed against the Residential Design Codes of WA which generally limits incidental development to 60m².

The location, site, floor and elevation plans are contained in the attachments to the agenda marked [SD023.1/08/11](#).

Proposal

The applicant seeks an additional outbuilding for the storage of a boat and caravan.

Sustainability Statement – Urban Development

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	Some non native vegetation exists
Is remnant native vegetation to be retained or removed as a result of this proposal?	Proposal does not result in removal of any native vegetation however an existing dying non native tree will likely need removal.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	No. The proposed shed would be suitably located at the rear of a developed property
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal would not be highly visible from the street due to the sloping nature of the property and the existing dwelling is large in appearance with well established gardens.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. Established larger residential properties all have similar sized outbuildings due to the previous rural character of the area.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	No. Stormwater management would be conditioned accordingly.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Residential Design Codes 2010
Byford Townsite Detailed Area Plan

Policy/Work Procedure

Implications:

Local Planning Policy 17 (LPP17) Residential and Incidental Development
Draft LPP 35 – Residential Development

Financial Implications:

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for the Council related to possible legal costs and officer time.

Strategic Implications:

This proposal relates to the following Key

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Community Consultation:

No submissions received.

Planning Assessment:**Policy Requirements**

Current Policy - LPP17 Residential and incidental development in the Shire

Policy Requirement	Required	Proposed	Comments
Setbacks Primary Street Rear Side	6m 1.5m 1.5m	70+m 10m 3m	Complies Complies complies
Floor Area (combined total floor area of all outbuildings)	Max.60m ²	123m ² (54m ² existing & 69m ² proposed)	Does not comply. Variation supported and condition required.
Wall Height	Max.2.4m	3.05m	Does not comply
Roof Height	Max.4.2m	3.6m	Complies

LPP 17 is currently under review. Draft LPP 35 has been prepared and is relevant in assessing this application.

Policy Requirements

Draft Interim Policy – LPP 35 Residential Development

Part 6.10 – Incidental Development Requirements

Objective: To ensure that (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and (b) adequate provision is made for incidental facilities serving residents' needs.

Policy Requirement	Comments
i) Compliance with Clause 6.10.1 A1 i) to iv) of the R-Codes regarding outbuildings;	<p>Acceptable Development provisions including:</p> <p><i>(iii) Collectively do not exceed 60m² or 10% of site area whichever is lesser. Whilst the site area is over 3000m² many large residential lots will not achieve this provision due to the criteria of 60m² / 10% whichever the lesser.</i></p> <p>The proposed shed is larger than the 60m² however the location of this Byford property is similar to a semi rural property and many surrounding properties all contain similar sized outbuildings.</p>
ii) Compliance with Clause 6.8.1 A1 of the R Codes relating to privacy (i.e. no detrimental privacy impacts to abutting properties);	This provision of the R Codes relates to dwellings and will not be affected by the placement of the proposed outbuilding
iii) Compliance with Clause 6.9.1 A1 of the R Codes relating to solar access (i.e. no detrimental overshadowing impacts to abutting properties);	This provision of the R Codes relates to dwellings and will not be affected by the placement of the proposed outbuilding.
iv) Compliance with Clause 6.9.2 A2 of the R Codes relating to stormwater disposal (i.e. accommodating stormwater disposal onsite)	This provision of the R Codes relates to stormwater disposal. A storm water disposal method such as directing to garden areas, sumps or rainwater tank would require an appropriate condition.

Byford Town Site Detailed Area Plan

Residential Character	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Access to the property	Primary street frontage determined by Council.	Primary Street frontage	Complies
Siting of Development	Construction in front of building setback not permitted.	Shed proposed behind building line	Complies
Construction materials	Same/similar to main dwelling	Manor red Colorbond™	Complies. Proposed colour of shed matches existing dwelling and existing outbuilding.

Comments

Nearby adjoining properties all of which are identified as future R20 may be some time away from being developed into smaller lots and it is therefore reasonable to allow the additional outbuilding. A shed size of 120m² (total floor area) is supported on this lot.

Voting Requirements: Simple Majority

SD023/08/11 Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Lowry

Application for approval to commence development for a shed on Lot 13 (#25) Dalley Street, Byford be approved subject to the following conditions:

- 1 The floor area of the shed to be reduced to 66m² to achieve a total floor area of 120m².**
- 2. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 3. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

Advice Note:

- 1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
- 2. 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 for other types of effluent disposal systems. Please contact Council’s Health Services for setbacks and requirements to other systems.**

CARRIED 10/0 EN BLOC

SD024/08/11 PROPOSED OVERSIZE SHED – LOT 2 (3) DALLEY STREET, BYFORD (P01299/01)		
Proponent:	Eric Bartholomew	In Brief Application for the construction of an oversize outbuilding. Approval subject to conditions is recommended.
Owner:	As Above	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	18 July 2011	
Previously	None	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 20 May 2011
 Advertised: Yes
 Submissions: Yes
 Lot Area: 3013m²
 MRS Zoning: Urban
 L.A Zoning: Urban Development
 Use classification: Single House - Incidental development (P use)
 Byford Structure Plan: Residential (R20)

Byford Townsite Detailed Area Plan: Character B Stanley Road Precinct
Date of Inspection 19 July 2011

Proposal

An application was lodged for the construction of an oversize shed on Lot 2 Dalley Street in Byford. The proposed shed has a floor area of approximately 128m² with a wall height of 2.4m and roof height of 3.3m. The shed is proposed to be constructed entirely out of colourbond materials.

As the lot is within the Urban Development zone outbuildings are assessed against the Residential Design Codes of Western Australia (R-Codes) thus restricting the total floor area to 60m². Construction of an oversize shed of 128m² will exceed the 60m² floor area limit by 68m², being 56m² greater than the 20% variation (72m²) to the 60m² acceptable outbuilding size for the Urban Development zone, prescribed in Local Planning Policy 17 (LPP 17).

The proposal is presented to Council for consideration as officers have no delegation to determine the variation.

A location plan, aerial photograph, site and elevation plan and Schedule of Materials and Finishes are with attachments marked [SD024.1/08/11](#).

Variations requested

Construction of an oversize shed of 128m² exceeding the 60m² floor area limit acceptable for outbuilding size for the Urban Development Zone, prescribed in Council's LPP17.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	Yes the subject lot contains remnant native vegetation.
Is remnant native vegetation to be retained or removed as a result of this proposal?	The proposal will not result in the removal of any vegetation. No vegetation is proposed to be removed as the shed will be located in an area already cleared of any vegetation.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Existing mature vegetation on the property is considered adequate screening. Some additional landscaping will be required on the northern boundary.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will not be visible from the street as it is located at the rear of the property. As such, the shed is not likely not to be visibly intrusive from the street and neighbouring properties. It is the Officers opinion that the shed will not have any adverse effect on the character and general visual amenity of the locality.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. The shed is to be located at the back of the property which is common with similar sheds in this locality. Trees on the subject property located at the rear of the block provide adequate screening reducing the visual impacts from the neighbours.
Does the proposal include the capture and re-use of stormwater from the roof of the	No proposals were submitted at this stage but the size of the shed will require

proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	stormwater retention/re-use methods such as rainwater tanks to capture stormwater runoff.
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Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications:

LPP17 - Residential and Incidental Development
Draft LPP 35 – Residential Development

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
		3		Maximise the preservation of existing trees and vegetation.	
		4		Incorporate environmental protection in land use planning.	
		6		Establish increased levels of natural vegetation in urban and rural environments.	
		Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
			18		Identify and implement opportunities for detention and storage of stormwater.
	15			Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.	
	16			Enable built form that accommodates a range of business and family circumstances and needs.	
	BUILT ENVIRONMENT	Land Use Planning	13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
			14		Encourage built form that positively contributes to streetscape amenity.
15				Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.	
16				Enable built form that accommodates a range of business and family circumstances and needs.	

Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period three letters of support were received from adjacent neighbours.

Planning Assessment:

LPP17 Residential and Incidental Development

Table 3.1 Setbacks Dwellings, outbuildings, swimming pools, carports patios gazebos verandahs etc.

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	6m 1.5m 1m	80m 4.5m 5.0m	Complies Complies Complies
Floor Area (combined total floor area of all outbuildings)	Maximum 60m ² or 10% of the lot size whichever is the lesser.	128m ²	Variation - Supported. The proposal is considered to have sufficient merit, having had regard to the size of the lot being 3013m ² . It is reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties. It is envisaged that if the current proposal were approved, it would not create any precedence because of the factors peculiar to the proposal. A maximum size of 120m ² is therefore recommended based on the size of the lot and previous planning approvals on the same street.
Wall Height	Max. 2.4m	2.4m	Complies
Roof Height	Max. 4.2m	3.3m	Complies

LPP 17 is currently under review. Draft LPP 35 has been prepared and is relevant in assessing this application.

Draft Policy – LPP 35 Residential Development

Part 6.10 – Incidental Development Requirements

Objective: To ensure that (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and (b) adequate provision is made for incidental facilities serving residents' needs.

Policy Requirement	Comments
i) Compliance with Clause 6.10.1 A1 i) to iv) of the R-Codes regarding outbuildings;	Acceptable Development provisions including: <i>(iii) Collectively do not exceed 60m² or 10% of site area whichever is lesser. Whilst the site area is over 3000m² many large residential lots will not achieve this provision due to the criteria of 60m² / 10% whichever the lesser.</i> The proposed shed is larger than the 60m ² however the location of this Byford property is similar to a semi rural

	property and many surrounding properties all contain similar sized outbuildings.
ii) Compliance with Clause 6.8.1 A1 of the RCodes relating to privacy (i.e. no detrimental privacy impacts to abutting properties);	This provision of the RCodes relates to dwellings and will not be affected by the placement of the proposed outbuilding
iii) Compliance with Clause 6.9.1 A1 of the RCodes relating to solar access (i.e. no detrimental overshadowing impacts to abutting properties);	This provision of the RCodes relates to dwellings and will not be affected by the placement of the proposed outbuilding.
iv) Compliance with Clause 6.9.2 A2 of the RCodes relating to stormwater disposal (i.e. accommodating stormwater disposal onsite)	This provision of the RCodes relates to stormwater disposal. A storm water disposal method such as directing to garden areas, sumps or rainwater tank would require an appropriate condition as such.

Byford Town Site Detailed Area Plan

Residential Character	Required	Proposed	Comments
Access to the property	Primary street frontage determined by council.	Primary Street frontage	Complies
Siting of Development	Construction in front of building setback not permitted.	Shed proposed behind building line	Complies
Construction materials	Same/similar to main dwelling	Colourbond. Colour of walls is Caulfield green and colour of roof is surfmist.	Colour of the walls is acceptable.

In support of the proposal the applicant provided the following information regarding justification for the oversize:

- *I am 64 years old, I have recently retired and plan to follow my hobby which is the restoration and display of vehicles. As part of this plan my wife and I have moved to Byford and purchased a 3013m² property at 3 Dalley Street with the intention of erecting a suitable shed.*
- *This is best achieved by housing them under permanent cover. As well as providing weather protection and security for my cars, the proposed shed would also house my private vehicles, thus improving the visual appearance and tidiness of my property.*
- *The floor area 128m² of the proposed shed is less than 4% of the total property area. The shed would be located at the rear of the property, 4.5 metres from the western property boundary and 5.0 metres from the southern property boundary. The front of the shed would be approximately 70 metres from Dalley Street and would therefore be barely visible to Dalley Street users. My wife and I have no plans to ever subdivide the property. The shed would be coloured Heritage Green to blend with the semi-rural surroundings.*

- *I do not do restoration work that requires heavy engineering, arc welding or body panel reconstruction. The proposed shed would:*
 - *be built to Australian Standards,*
 - *be coloured to blend with the surrounding environment,*
 - *be barely visible from the road,*
 - *be no larger than several of the near-by neighbour's sheds,*
 - *not obstruct anyone's view,*
 - *not be a source of noise pollution,*
 - *improve the tidiness of my property,*
 - *enable me to better enjoy my hobby*
 - *and would therefore not adversely impact the amenity or character of the area.*

The size of the proposed development is not considered to be out of character with the size of the property and the general locality. Should the property be subdivided or further developed in the future, there is likely to be sufficient flexibility available including the possible removal of the outbuildings which are clustered.

Officers Comment

The Shire has previously found it reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties, among other factors. The proposed construction of a shed with a floor area of 128m² is considered to have sufficient merit, having had regard to the size of the property, the particular need and justification provided by the applicant and the existing and proposed vegetation screening. However, Council has consistently recommended approval of outbuildings with a maximum floor area of 120m² in this locality.

It is envisaged that if the current proposal were approved, it would not create any precedence because of the factors peculiar to the proposal.

Options

There are two primary options available to Council, as follows:

- (1) approve the application, with or without conditions
- (2) refuse the application and provide reasons for refusal.

In the instance that an applicant is aggrieved by a determination of Council, an application for review could be lodged with the State Administrative Tribunal.

Conclusion

It is anticipated that construction of an additional shed will not cause an adverse visual effect to the amenity of the locality. The proposed shed is similar development to other existing properties within the locality and will not detrimentally affect the amenity of the area. It is recommended the proposal be conditionally approved.

Voting Requirements: Simple Majority

SD024/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Lowry
That the proposed oversize (outbuilding) shed at Lot 2 (3) Dalley Street, Byford be approved subject to the following conditions:**

- 1. The shed is to be constructed of new materials.**

2. The total floor area of the shed to be reduced to 120m²
3. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
5. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.

Advice Notes:

1. 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 for other types of effluent disposal systems. Please contact Council’s Health Services for setbacks and requirements to other systems.
2. A building license is required to be issued prior to the commencement of development including earthworks.

CARRIED 10/0 EN BLOC

SD025/08/11 PROPOSED OVERSIZE AND OVERHEIGHT SHED - LOT 30 (#18) COULTERHAND CIRCLE, BYFORD (P06285/04)		
Proponent:	Ralf Dresen – Alternative Renovations	In Brief Application for the construction of an oversize and over height shed. Approval subject to conditions is recommended.
Owner:	Peter Watkins	
Officer:	Gillian Leopold - Planning Support Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	18 July 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date Received 7 June 2011
 Lot Area 1653m²
 TPS Zoning Residential
 MRS Zoning Urban
 Density Code Residential R20
 Use Class & Permissibility Single Residence – Incidental Development (P)

Background

An application was received for the construction of an oversize and over height shed with a reduced side setback. The proposed use of the outbuilding is to store large garden and household items.

The location plan, aerial photograph and site plan are contained in the attachments marked [SD025.1/08/11](#).

Sustainability Statement – Urban Development

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The property does not contain any protected or native species.
Is remnant native vegetation to be retained or removed as a result of this proposal?	Proposal does not result in removal of any native vegetation.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	No the shed would be sited to the rear of the property and would not have an adverse impact on the streetscape. Screening to adjoining property boundaries could result in a fire hazard or cause structural damage through root systems.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No the outbuilding would be suitably placed in the rear corner of the residential property.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The outbuilding is consistent with residential and incidental development and would not require unique water retention.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Residential Design Codes 2010

Policy/Work Procedure Implications:

Local Planning Policy (LPP) 17 Residential and Incidental Development
LPP 8 Landscape Protection
Draft LPP 35 – Residential Development

Financial Implications:

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for the Council related to possible legal costs and officer time.

Strategic Implications:

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Community Consultation:

No submissions received.

Planning Assessment:**Policy Requirements****LPP17**

Policy Requirement	Required	20% Discretion as per LPP17	Proposed	Comments
Setbacks Primary Street Rear Side	6m 1.0m 1.5m	N/A N/A N/A	N/A 1.0m 1.0m	Complies – shed is to rear of property. Complies. Does not comply.
Floor Area (combined total floor area of all outbuildings)	Max.60m ²	72 m ²	85.7m ²	Does not comply. Variation supported and condition required.
Wall Height	Max.2.4m	2.88m	3.0m	Does not comply.
Roof Height	Max.4.2m	N/A	3.934m	Complies.

LPP 35**Part 6.10 – Incidental Development Requirements**

Objective: To ensure that (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and (b) adequate provision is made for incidental facilities serving residents' needs.

Policy Requirement	Comments
i) Compliance with Clause 6.10.1 A1 i) to iv) of the R-Codes regarding outbuildings;	<p>Acceptable Development provisions including:</p> <p><i>(iii) Collectively do not exceed 60m² or 10% of site area, whichever is lesser.</i></p> <p>The proposed shed at 85.7m² is larger than the 60m² considered acceptable, however the area of land is 1653m² and officers have considered it reasonable to support this size of shed as it occupies approximately 5% of the block.</p> <p>The Shire has consistently approved bigger sheds on larger blocks of land and do not anticipate that this will create an undesirable precedent.</p>
ii) Compliance with Clause 6.8.1 A1 of the RCodes relating to privacy (i.e. no detrimental privacy impacts to abutting properties);	This provision of the R Codes relates to dwellings and will not be affected by the placement of the proposed outbuilding
iii) Compliance with Clause 6.9.1 A1 of the RCodes relating to solar access (i.e. no detrimental overshadowing impacts to abutting properties);	This provision of the R Codes relates to dwellings and will not be affected by the placement of the proposed outbuilding.
iv) Compliance with Clause 6.9.2 A2 of the RCodes relating to stormwater disposal (i.e. accommodating stormwater disposal onsite)	This provision of the R Codes relates to stormwater disposal. A storm water disposal method such as directing to garden areas, sumps or rainwater tank would require an appropriate condition.

Options:

There are primarily two options available to Council in considering the proposal:

- (1) to approve the application, with or without conditions; and
- (2) to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Conclusion

The subject lot is identified at Residential R20. This would stipulate a maximum floor area of 60m² under Council's LPP17. The floor area of the proposed shed is 85.7m². The combined floor area will therefore exceed the 60m² floor area limit by 25.7m².

Taking into account the fact that the size of the property is 1653m², it is reasonable to allow larger blocks to have a larger floor area for outbuildings. The size of the proposed development is not considered to be out of character with the size of the property.

Voting Requirements: Simple Majority

SD025/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Lowry

Application for approval to commence development for a shed on Lot 30 (#18) Coulterhand Circle, Byford be approved subject to the following conditions:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.

Advice Note:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
3. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.
4. 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 for other types of effluent disposal systems.

CARRIED 10/0 EN BLOC

COUNCIL DECISION

Moved Cr Randall, seconded Cr Lowry

That items SD026/08/11, SD027/08/11 and SD028/08/11 be carried en bloc.

CARRIED 10/0

SD026/08/11		FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 27 STAKEHOLDER ENGAGEMENT IN LAND USE PLANNING (A1594)
Author:	Lawrence Man – Senior Planner	In Brief Following advertising, Local Planning Policy No. 27 – Stakeholder Engagement in Land Use Planning is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	2 August 2011	
Previously	SD123/06/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council Meeting held on the 27 June 2011 draft Local Planning Policy (LPP) 27 Stakeholder Engagement in Land Use Planning was deemed suitable for advertising and community consultation.

Land use planning in Western Australia, and more specifically within the Shire, sits within a legislative framework consisting of documents such as the Planning and Development Act 2005, the Town Planning Regulations 1967 and the Shire of Serpentine-Jarrahdale TPS 2.

Stakeholder engagement is a required component in many of the planning processes undertaken by the Shire. The LPP seeks to guide stakeholder engagement so that it is open, transparent, responsible and respectful while being balanced with the resources of the Shire and supportive of timely decision making.

Stakeholder engagement is an important and respected component of the land use planning process. The engagement of stakeholders ensures that ideas, opportunities and concerns can be considered to improve our natural and built environment and ensures that stakeholder engagement with the Shire is progressed in an open, transparent, consistent, respectful, effective and efficient manner.

Key matters that the policy seeks to address include:

- Respect the important role that stakeholder engagement has in land use planning within the Shire, in helping shape the future, provide ideas, opportunities and concerns for careful consideration by decision-making authorities;
- Ensure that stakeholder engagement within the Shire for land use planning matters is progressed in an open, transparent, consistent, respectful, effective and efficient manner; and
- Openly acknowledge that in addition to stakeholder engagement, there are other, generally parallel, considerations in land use planning, including but not limited to technical investigations/assessments and legislative requirements, that have to be carefully considered by decision-making authorities.

A copy of the advertised LPP 27 Stakeholder Engagement in Land Use Planning is with attachments marked [SD026.1/08/11](#) (E11/3503).

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 27 Stakeholder Engagement in Land Use Planning for operation and implementation.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

Draft LPP 27 was advertised for public comment from the 1st July to the 29th July 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Five (5) submission was received and the policy has been revised based on these comments.

A copy of the summary of submissions is with attachments marked [SD026.2/08/11 \(E11/3543\)](#).

Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 27 Stakeholder Engagement in Land Use Planning is presented to Council for consideration and potential operation and implementation.

A copy of the revised LPP 27 Stakeholder Engagement in Land Use Planning is with attachments marked [SD026.3/08/11 \(E11/2565\)](#).

Voting Requirements: Simple Majority

SD026/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield
That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 27 – Stakeholder Engagement in Land Use Planning.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 27 – Stakeholder Engagement in Land Use Planning as provided in attachment [SD026.3/08/11](#).
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

CARRIED 10/0 EN BLOC

SD027/08/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 40 DETAILED AREA PLANS (A1770)		
Author:	Lawrence Man – Senior Planner	In Brief Following advertising, Local Planning Policy No. 40 - Detailed Area Plans is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	2 August 2011	
Previously	SD125/06/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council Meeting held on the 27 June 2011 draft Local Planning Policy (LPP) 40 Detailed Area Plans was deemed suitable for advertising and community consultation.

The new Detailed Area Plans (DAPs) policy will improve the quality of DAPs received and to ensure better built form outcomes that are site responsive to their local context.

DAPs were originally prepared as an instrument to provide more prescriptive design control measures than that afforded by the R-Codes in relation to streetscape, solar oriented design and passive surveillance for small residential lots. In more recent times, the role and function of DAPs has evolved and expanded to ensure built form and site planning for a variety of scenarios in urban settings, responds to other matters such as noise attenuation, access to primary roads, mixed-use development, drainage landscape, the pedestrian network, building height and topography.

Key matters that the policy seeks to address include:

- Promote the orderly and proper development of land in urban areas;
- Ensure Detailed Area Plans (DAPs) are site responsive and give sufficient guidance to achieve the desired built form outcome;
- Provide proponents with clarity in relation to the content and key design elements/matters to be addressed in Detailed Area Plans; and
- Provide direction in relation to those matters Council is likely to consider in determining a Detailed Area Plan.

A copy of the advertised LPP 40 – Detailed Area Plans is with attachments marked [SD027.1/08/11 \(E11/3505\)](#).

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 40 Detailed Area Plans for operation and implementation.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

Draft LPP 40 was advertised for public comment from the 1st July to the 29th July 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Seven (7) submissions were received and the policy has been revised based on these comments.

A copy of the summary of submissions is with attachments marked [SD027.2/08/11 \(E11/3544\)](#).

Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 40 Detailed Area Plans is presented to Council for consideration and potential operation and implementation.

A copy of the revised LPP 40 Detailed Area Plans is with attachments marked [SD027.3/08/11 \(E11/630\)](#).

Voting Requirements: Simple Majority

SD027/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Butfield
That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 40 – Detailed Area Plans.
 - 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 40 – Detailed Area Plans as provided in attachment [SD027.3/08/11](#).
 - 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
 - 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
 - 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.
- CARRIED 10/0 EN BLOC**

SD028/08/11		FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 56 FAST FOOD PREMISES (A1927)	
Author:	Lawrence Man – Senior Planner	In Brief Following advertising, Local Planning Policy No. 56 – Fast Food Premises is presented to Council for final adoption.	
Senior Officer:	Brad Gleeson – Director Development Services		
Date of Report	2 August 2011		
Previously	SD108/05/11		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

At the Ordinary Council Meeting held on the 23 May 2011 draft Local Planning Policy (LPP) 56 Fast Food Premises was deemed suitable for advertising and community consultation.

The Shire recognises that fast food premises are commonly part of a broader commercial enterprise with associated standardised design expectations. The Shire recognises that fast food premises are common place in urban environments. However, as a general principle the Shire does not believe that community expectations for built form should be compromised to allow for fast food premises.

For fast food premises to be permitted, its urban design contribution needs to be significantly elevated to be acceptable within the Shire. A number of considerations for fast food premises are required when proposed. Fast food premises will need to be integrated into the built environment in which they are located in. Proposed fast food premises will need to demonstrate site responsive architecture and design, materials which are sympathetic to its surrounding environment and appearance that is harmonious to its surrounding setting.

Key matters that the policy seeks to address include:

- Promote the orderly and proper development of land by making suitable provisions relating to the design of buildings and integration of Fast Food Premises into vibrant urban environments;
- Protect and enhance the existing rural character of the Shire through quality built form outcomes; and
- Detail the level of information required from Applicants.

A copy of the advertised LPP 56 Fast Food Premises is with attachments marked [SD028.1/08/11 \(E11/2826\)](#).

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 56 Fast Food Premises for operation and implementation.

Sustainability Statement

Effect on Environment: Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

Economic Benefits: The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

Social – Quality of Life: The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

Social and Environmental Responsibility: Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

Social Diversity: A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

Policy/Work Procedure Implications:

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

Financial Implications:

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

Draft LPP 56 was advertised for public comment from the 1st July to the 29th July 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Four (4) submissions were received and the policy has been revised based on these comments.

A copy of the summary of submissions is with attachments marked [SD028.2/08/11 \(E11/3536\)](#).

Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 56 Fast Food Premises is presented to Council for consideration and potential operation and implementation.

A copy of the revised LPP 56 Fast Food Premises is with attachments marked [SD028.3/08/11](#) (E10/5820).

Voting Requirements: Simple Majority

SD028/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Buttfield
That Council:**

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 56 – Fast Food Premises.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 56 – Fast Food Premises as provided in attachment SD028.3/08/11.
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

CARRIED 10/0 EN BLOC

SD029/08/11 DRAFT SERPENTINE SPORTS RESERVE MANAGEMENT PLAN (RS0180)	
Proponent:	Serpentine Jarrahdale Shire
Author:	Chris Portlock - Manager Environment and Sustainability Services
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning
Date of Report	August 2011
Previously	Nil
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief

Council is requested to adopt the Draft Serpentine Sports Reserve Management Plan for an advertising period of three months inviting public and agency comment.

Following the advertising period, submissions will be considered in drafting the final management plan and the revised document will be presented to Council for consideration.

Background

The Serpentine Sports Reserve covers a total area of 68 hectares. It is located about 60 km south of Perth on the eastern edge of the Swan Coastal Plain, near the Serpentine River, the Perth to Bunbury rail line and the townsite of Serpentine. The reserve includes recreational facilities, consisting of a golf club, pony club and polocrosse club, and regionally significant areas of remnant vegetation.

The Serpentine Sports Reserve consists of two land parcels, one on each side of Karnup Road. Unless otherwise specified, the terms *Serpentine Sports Reserve*, *SSR* or just *reserve*, all refer to the combined areas of both the northern and southern land parcels.

A copy of the Draft Serpentine Sports Reserve Management Plan is attached marked [SD029.1/08/11](#) (E11/3927).

Sustainability Statement

Effect on Environment: The Draft Serpentine Sports Reserve Management Plan will facilitate advancement towards protecting biodiversity within the Shire while still providing for important club purposes. This will be achieved through both a high level of maintenance and awareness raising of the biodiversity values of the reserve.

Resource Implications: The Plan seeks to protect biodiversity assets within the Serpentine Sports Reserve while still continuing sustainable recreational uses of the reserve.

Use of Local, renewable or recycled Resources: Local renewable resources will be protected and enhanced, and seed will potentially be collected from Serpentine Sports Reserve for further resource enhancement in neighbouring areas.

Economic Viability: The proposal is designed to identify and protect vegetation within the Shire. The Shire has already experienced significant loss of biodiversity. Environmental management has an ongoing cost which should include a user pay contribution. There is also a significant cost if environmental assets are not responsibly managed.

Economic Benefits: The proposal will work towards protecting that image of “beauty” that attracts people to the Shire.

Social – Quality of Life: Biodiversity is an essential component of our heritage and identity and provides essential ecosystem services. In addition to providing social values such as equestrian and golf club opportunities. There is also spiritual renewal as part of nature exposure and communion with the areas of bush within the reserve.

Social and Environmental Responsibility: The Plan preparation process includes community and other stakeholder participation toward the best possible environmental, social and economic management of the reserve area.

Social Diversity: The proposal does not impact or disadvantage any social group.

Statutory Environment

The preparation and implementation of the Plan will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

- Biodiversity Planning Local Planning Policy
- Wildlife Conservation Act 1950
- Environmental Protection Act 1986
- Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection Act 1986: (Clearing of Native Vegetation) Regulations 2004 with a Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)
- Planning and Development Act 2005

State Government environmental policies addressed in a management plan include:

- Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- State Weed Plan (State Weed Plan Steering Group 2001);
- EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)
- EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)

Policy/Work Procedure Implications:

It is not envisaged that any new work procedures will be required, nor existing procedures reviewed, as a result of the ultimate adoption of this Management Plan, however actions or strategies proposed and costed are expected to be funded.

Financial Implications:

There are individual cost codes for reserves and budgets for individual management teams which may be created or funds placed into them to facilitate the implementation of this management plan. There is a current annual budget for Serpentine Sports Reserve which includes costs for the maintenance of the turf area. The maintenance of the entire reserve is approximately \$100,000 per year with approximately three quarters of this being costs associated with maintenance of the turf areas.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Obj No	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		5	Restore	Establish and enhance waterways and bush corridors.
		9		Control and manage weeds and plant diseases.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
	Biodiversity	11		Develop active partnerships with stakeholders.
		12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.

Community Consultation

The approach to participate in the management of local government reserves by relevant stakeholders recognises the need for broad consultation. Formal community consultation is proposed with the release of the Management Plan. This includes a public consultation period of three months. The community's existing involvement in management of local bushland and other turf areas is hoped to be strengthened by the preparation of reserve management plans with full public consultation.

Comment

The Serpentine Jarrahdale Shire relies on community expertise and interest to maintain the high conservation or recreation values of many reserves. Currently a new lease for the Golf Club, and two new licences for the Pony Club and the Polo Cross are in preparation. Continued community input to planning and management is carried out in collaboration with the Reserves Advisory Group which is considered essential for a high standard of protection and management of these values into the future. The role of the Reserves Advisory Group is to:

- Provide advice to Council in relation to reserve values, threats to those values, management targets and management strategies that will protect the ecological and social values and take account of community aspirations for the future management of each reserve;
- Provide advice to Council and the Reserves Working Group in relation to on-ground management programs and issues; and
- Undertake audits of reserve management plans and report the results to Council.

The Reserves Advisory Group meets when a draft management plan is being prepared and consultation will always include all relevant stakeholders. The Reserves Advisory Group has endorsed this management plan for being released to the public in collaboration with the clubs using the reserve.

Public consultation includes a three month period inviting public submissions on the management plan. This is particularly important for the incorporation of State Government agency aspirations.

The Plan seeks to engage relevant stakeholders in the process of preparation and implementation of the management plan.

Camping on Reserve

Camping on the reserve has been restricted to two Polo Cross events each year. Camping occurs along the edge of the turf area and is no longer occurring within the environmentally sensitive bush area. Applications for events are recommended to be reviewed as an action of this draft management plan.

Information to be used for decision-making processes

Management plans for Serpentine Jarrahdale reserves are prepared, advertised and adopted in an open, transparent and accountable manner. All management plans advertised for comment are available to members of the public through a number of different avenues, including the Shire's website.

Should any third party, such as a member of the public, wish to provide any additional information for Council to consider in its decision making processes on the particular management of the Serpentine Sports Reserve, this is invited as part of the planning process and will be considered by Council during the formal advertising of the proposal in accordance with statutory processes.

Over time, additional information may become available to Council in respect of biodiversity values within the Shire. This may include survey work, information provided by agencies and/or members of the public.

Voting Requirements: Simple Majority

SD029/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Randall, seconded Cr Harris
That Council:**

- A. Adopt the Draft Serpentine Sports Reserve Management Plan for advertising for a three month public comment period by way of:**
- 1. Advertise in two local newspapers;**
 - 2. Notify relevant government agencies and local community/user groups; and**
 - 3. Advertise on the Shire's website.**
- B. Following the end of the public comment period, collate all comments received and prepare a final Serpentine Sports Reserve Management Plan to be presented for Council's consideration.**

CARRIED 10/0

SD030/08/11 KING ROAD PONY CLUB RESERVE MANAGEMENT PLAN (RS0028)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to adopt the Final King Road Pony Club Reserve Management Plan. The advertising period submissions have been considered in drafting the final management plan and the revised document is being presented to Council for consideration.
Author:	Chris Portlock - Manager Environment and Sustainability Services	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	August 2011	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The King Road Pony Club Reserve is located north-west of the Mundijong town site and is approximately 2 km from the boundary of the adjacent Local Government, the Town of Kwinana. It is a popular recreation hub for horse and pony enthusiasts and the Mundijong Poultry Club who are also applying for a licence to use the reserve. The Shire recognises this reserve as an important ecological linkage of the Peel Region and a valuable example of remnant bushland within the Shire. It is recognised as a significant local natural area under the Shire's Biodiversity Strategy because of the condition of the vegetation complex being classified as good or better and because the Reserve falls within a Regional Ecological Linkage.

It is predicted that with increased recreational pressures associated with use expansion, additional stress will be placed on the environmental values of the reserve. Therefore, the Shire acknowledges the need to prepare and implement a management plan, which will guide Shire officers and potential lessees in managing the land both for the short and long term.

A copy of the final King Road Pony Club Reserve Management Plan is attached marked [SD030.1/08/11](#) (E11/3928).

Sustainability Statement

Effect on Environment: The King Road Pony Club Reserve Management Plan will facilitate advancement towards protecting biodiversity within the Shire while still providing for important club purposes. This will be achieved through both a high level of maintenance and awareness raising of the biodiversity values of the reserve.

Resource Implications: The Plan seeks to protect biodiversity assets within the King Road Pony Club Reserve while still continuing a recreational use of the reserve.

Use of Local, renewable or recycled Resources: Local renewable resources will be protected and enhanced, and seed will potentially be collected from King Road Pony Club Reserve for further resource enhancement in neighbouring areas.

Economic Viability: The proposal is designed to identify and protect vegetation within the Shire. The Shire has already experienced significant loss of biodiversity assets. This proposal seeks to identify what biodiversity assets should be zoned for protective purposes,

managed or reinstated and how that should be achieved. Environmental management has an ongoing cost which should include a user pay contribution. There is also a significant cost if environmental assets are not responsibly managed.

Economic Benefits: The proposal will work towards protecting that image of “beauty” that attracts people to the Shire.

Social – Quality of Life: Biodiversity is an essential component of our heritage and identity and provides essential ecosystem services. In addition to providing social values such as horse and poultry associated recreational club opportunities, there is also spiritual renewal as part of nature exposure and communion.

Social and Environmental Responsibility: The Plan preparation process included community and other stakeholder participation toward the best possible environmental management of the reserve area.

Social Diversity: The proposal does not impact or disadvantage any social group.

Statutory Environment

The preparation and implementation of the Plan will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

- Biodiversity Planning Local Planning Policy
- Wildlife Conservation Act 1950
- Environmental Protection Act 1986
- Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection Act 1986: (Clearing of Native Vegetation) Regulations 2004 with a Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)
- Planning and Development Act 2005

State Government environmental policies addressed in a management plan include:

- Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- State Weed Plan (State Weed Plan Steering Group 2001);
- EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental

impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)

- EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)

Policy/Work Procedure

Implications:

It is not envisaged that any new work procedures will be required, nor existing procedures reviewed, as a result of the ultimate adoption of this Management Plan, however actions or strategies proposed and costed are expected to be funded.

Financial Implications:

There are individual cost codes for reserves and budgets for individual management teams which may be created or funds placed into them to facilitate the implementation of this management plan.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Obj No	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		5	Restore	Establish and enhance waterways and bush corridors.
		9		Control and manage weeds and plant diseases.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
	Biodiversity	11		Develop active partnerships with stakeholders.
		12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.

Community Consultation

Formal community consultation has been undertaken. This included a public consultation period of three months and a community workshop. The community's existing involvement in management of local bushland will be strengthened by the preparation of this reserve management plan.

Comment

The Serpentine Jarrahdale Shire relies on community expertise and interest to maintain the high conservation or recreation values of many reserves. Continued community input to planning and management is carried out in collaboration with the Reserves Advisory Group which is considered essential for a high standard of protection and management of these values into the future.

The role of the Reserves Advisory Group is to:

- Provide advice to Council in relation to reserve values, threats to those values, management targets and management strategies that will protect the ecological and social values and take account of community aspirations for the future management of each reserve;
- Provide advice to Council and the Reserves Working Group in relation to on-ground management programs and issues; and
- Undertake audits of reserve management plans and report the results to Council.

The Reserves Advisory Group meets when a draft management plan is being prepared and management plan preparation consultation will always include all relevant stakeholders. The Reserves Advisory Group has endorsed this final management plan as have the clubs using this reserve.

Public consultation included a three month period inviting public submissions on the draft management plan. Although formal submissions on this management plan were minimal, informal submissions were received during the draft plan's preparation from various club members, with the draft management plan going out for public comment after much of the input had been received and incorporated.

Summary of Public Submissions

One formal Submission was received from the Department of Planning stating:

"No objections or concerns exist relating to this plan"

Information to be used for decision-making processes

Management plans for Serpentine Jarrahdale reserves are prepared, advertised and adopted in an open, transparent and accountable manner. A copy of management plans for comment are available to members of the public through a number of different avenues, including the Shire's website.

Where any third party, such as a member of the public, wish to provide any additional information for Council to consider in its decision making processes on management of the King Road Pony Club Reserve, this has been invited and provided as part of the planning process.

Over time, additional information may become available to Council in respect of biodiversity values within the Shire. This may include survey work, information provided by agencies and/or members of the public.

Voting Requirements: Simple Majority

SD030/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris
That Council:

1. Notes the submission made to the draft King Road Pony Club Reserve Management Plan.
2. Adopts the King Road Pony Club Reserve Management plan as per attachment SD030.1/08/11.

CARRIED 10/0

SD031/08/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report for July 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	26 July 2011	
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	Committee – in accordance with resolution CGAM064/02/08	

STRATEGIC COMMUNITY PLANNING ACTIVITY REPORT

A copy of the Strategic Community Planning Department's Activity Report for July 2011 is with attachments marked [SD031.1/08/11](#).

Voting Requirements: Simple Majority

SD031/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Butfield
That Council accept the Strategic Community Planning Information Report.
CARRIED 10/0

SD032/08/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report for July 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 July 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

BUILDING

In accordance with the Delegated Authority vested in the Manager Building Services, the following report is provided:

DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of June 2011 were numbers 10/1118, 11/058, 11/067, 11/102, 11/127, 11/144, 11/177, 11/180, 11/192, 11/197, 11/214, 11/223, 11/228, 11/232, 11/236, 11/237, 11/239, 11/246, 11/249, 11/250, 11/252, 11/253, 11/257, 11/266, 11/268, 11/270, 11/272, 11/275, 11/276, 11/278, 11/281 – 11/284, 11/286 – 11/289, 11/292 – 11/297, 11/300, 11/302, 11/303, 11/305, 11/307 – 11/310, 11/312, 11/314 – 11/316, 11/319 – 11/321, 11/323, 11/325 – 11/327, 11/329 – 11/333, 11/339 – 11/343, 11/346, 11/347, 11/350 – 11/355, 11/357, 11/363, 11/371 – 11/373, 11/375, 11/379, 11/415 (89 approvals).

Month of June	2010/2011	2009/2010
Value of permits issued	\$11,681,249	\$10,317,626
Cumulative total for period	\$126,069,521	\$100,755,949
Number of permits issued	89	95
Number of dwellings approved	42	43
Number of applications received	88	115

Financial year	2010/2011	2009/2010
Value of permits issued	\$126,069,521	\$100,755,949
Number of permits issued	1,050	1,003
Number of dwellings approved	518	404
Number of applications received	1,024	1,129

On 14 July 2011, 73 applications were pending

Note:

For last financial year compared to 2009/10, there was:

- Increased value of permits – approximately \$25 million.
- Approximately 100 additional dwellings approved.

HEALTH

In accordance with the Delegated Authority vested in the Manager Health, Rangers & Compliance the following report is provided:

DS21 – Effluent Disposal Applications

L115 Powderbark Close, Jarrahdale
L20 Wattle Road, Serpentine
L212 Henry George Close, Byford
L214 Learmouth Turn, Byford

DS21 – Permit to Use Apparatus

L202 Learmouth Turn, Byford
L64 Billabong Court, Serpentine
L7 Cockram Street, Mundijong

RANGERS & DEVELOPMENT COMPLIANCE**Prosecutions**

Date Used	Delegated Authority Reference No.	Address	Matter	Officers Signature
July 2011	CG04	A398283	Dog attack	Shire Ranger

Enforcement

Notices issued CG05	16 x Dog, 3 x Livestock, 2 Off road vehicles, 19 x Compliance, 2 x Parking, 8 x Litter	
Fines issued CG05	1 x litter, 6 x Dog, 1 x livestock	\$1000
Other (LG Act activities) CG02	Registration & impound fees (dog, livestock and off road vehicle), Recovery of costs.	\$249
In reported, legal or investigative process CG02	Dog Act Off Road Vehicle Act Litter Act Parking Local Government Act Development Compliance	35 4 9 2 18 32 (in process/action pending)
Matters completed and /or resolved by compliance, in consultation or mediation	Dog Act Local Government Act Development Compliance Other	24 11 22 37

PLANNING

In accordance with the Delegated Authority vested in the Executive Manager Planning and Senior Planners the following report is provided:

A copy of the Statutory Planning Report tabling Scheme Amendments, Local Planning Policies and Local Structure Plans is with attachments marked [SD032.1/08/11](#).

DELEGATED AUTHORITY DETERMINATIONS – DEVELOPMENT APPLICATIONS AND SUBDIVISIONS

Date Issued	Authority Ref.	Property & Development	Decision
08/06/11	DS-08	L210 Butter Gum Close, Serpentine – Single	Approved

Date Issued	Authority Ref.	Property & Development	Decision
		Dwelling	
09/06/11	DS-15	L16 Lakeman Place, Oakford – Extensions to Existing Dwelling	Approved
13/06/11	DS-15	L129 Ghost Gum Heights, Jarrahdale – Shed	Approved
13/06/11	DS-08	L23 Coulterhand Circle, Byford – Shed	Approved
15/06/11	DS-05	L41 Marsh Court, Jarrahdale – Alfresco x 2 / Carport	Approved
15/06/11	DS-08	L33 George Street, Jarrahdale – Retrospective Enclosing of Verandah / Retaining Wall / Carport Extension	Approved
17/06/11	DS-05	L36 Tigereye Avenue, Byford – Single Dwelling	Approved
17/06/11	DS-08	L21 Echoveld Close, Byford – Ancillary Accommodation / Swimming Pool	Approved
23/06/11	DS-08	L53 Marsh Court, Jarrahdale – Retrospective Decking and Spa	Approved
24/06/11	DS-08	L428 Howitzer Turn, Byford – Single Dwelling	Approved
27/06/11	DS-15	L74 Limousin Place, Oakford – Shed	Approved
27/06/11	DS-08	L9 Berwick Street, Jarrahdale – Single Dwelling	Refused
27/06/11	DS-08	L8 Rowley Road, Darling Downs – Shed	Approved
27/06/11	DS-08	L71 Alice Road, Cardup – Shed	Approved
27/06/11	DS-15	L87 Lefroy Street, Serpentine – Shed	Approved
28/06/11	DS-01	L9504 Hardey Road, Serpentine – Clearance of Conditions	Approved
29/06/11	DS-08	L10 Gossage Road, Oldbury – Horse Shelters	Approved
30/06/11	DS-08	L6 Hopkinson Road, Darling Downs – Home Business	Approved
30/06/11	DS-05	L200 Blytheswood Road, Byford – Patio	Approved
04/07/11	DS-08	L25 Hibbertia Close, Jarrahdale – Swimming Pool	Approved
04/07/11	DS-08	L345 Pira Loop, Byford – Single Dwelling	Approved
04/07/11	DS-08	L659 Plaistowe Boulevard, Byford – Patio	Approved
04/07/11	DS-08	L671 Kandimak Boulevard, Byford – Single Dwelling	Approved
04/07/11	DS-08	L162 Shell Vista, Byford – Patio / Garage	Approved
04/07/11	DS-06	L91 Lefroy Street, Serpentine – Swimming Pool (Amended Plans)	Approved
05/07/11	DS-08	L164 Evening Peal Court, Darling Downs – Advertising Sign	Approved
06/07/11	DS-05	L400 Stevenson Place, Byford – Shed	Approved
07/07/11	DS-05	L222 Aquanita Rise, Darling Downs – Shed	Approved
08/07/11	DS-08	L2 Malarkey Road, Byford – Shed / Stables / Keeping of Horses	Approved
11/07/11	DS-15	L237 Cardup Siding Road, Byford – Shed	Approved
12/07/11	DS-27	L164 Yangedi Road, Hopeland – Aircraft Hangar	Approved
12/07/11	DS-05	L8 Evans Way, Byford – Patio	Approved
12/07/11	DS-08	L5 Allum Way, Serpentine – Shed	Approved
12/07/11	DS-15	L214 Learmouth Turn, Byford – Single Dwelling	Approved
12/07/11	DS-08	L128 Bullock Drive, Oakford – Extension to Existing Shed	Approved
12/07/11	DS-08	L572 Harwood Pass, Byford – Patio	Approved
12/07/11	DS-05	L215 Ethereal Road, Byford – Single Dwelling	Approved
13/07/11	DS-08	L212 Henry George Close, Byford – Alfresco	Approved
15/07/11	DS-15	L805 Northerly Lane, Oakford – Shed	Approved

APPLICATION TYPE	AUTHORITY	NUMBER
Development Applications Received	N/A	27
Development Applications Approved	Delegated Authority Committee/Council Total	37 4 41
Development Applications Refused	Delegated Authority Committee/Council Total	1 0 1
Subdivision Referrals Received	N/A	3
Subdivision Approval Recommendation to WAPC	Delegated Authority	1
Subdivision Refusal Recommendation to WAPC	Delegated Authority	1
Subdivision Deferral Recommendation to WAPC	Delegated Authority	0
Subdivision Condition Clearances issued	Delegated Authority	1

On 20 July 2011, 82 applications were pending

SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
S143971	L8 Masters Road, Darling Downs	2	Rural	Refusal Lot sizes were below the 40 hectare minimum requirement for the Rural zone.	Approval
S143946	L14 Masters Road, Darling Downs	2	Single Residential	Refusal Lot sizes were below the 40 hectare minimum requirement for the Rural zone.	Approval

DEVELOPMENT APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	Type	Council Recommendation	WAPC Decision
Nil				

SUBDIVISION CLEARANCES ISSUED

WAPC Ref	Property	Type
S139341	L9504 Hardey Road, Serpentine	23 x Rural A Lots

Voting Requirements: Simple Majority

SD032/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Brown
That Council accept the Information Report.
CARRIED 10/0**

CGAM006/08/11		MONTHLY FINANCIAL REPORT – JUNE 2011 (A0924/07)
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the June 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 July 2011	
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	Committee – in accordance with resolution CGAM064/02/08	

Background

The Local Government (Financial Management) Regulations 1996 requires monthly financial statements to be presented to Council for their consideration. The Council has resolved to receive these statements according to business unit classification.

Sustainability Statement

This review provides an indication of the current allocation of resources to provide services as adopted in the 2010/2011 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

Statutory Environment:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Policy/Work Procedure Implications:

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

Financial Implications:

There are no financial implications relating to the preparation of the report. Any material variances that may have an impact on the outcome of the annual budget are detailed in this report.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK	Strategy and Planning	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.

	Success and Sustainability	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.
			Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		Achieving Sustainability	Projects and goals are realistic and resourced.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.

Community Consultation:

Not required.

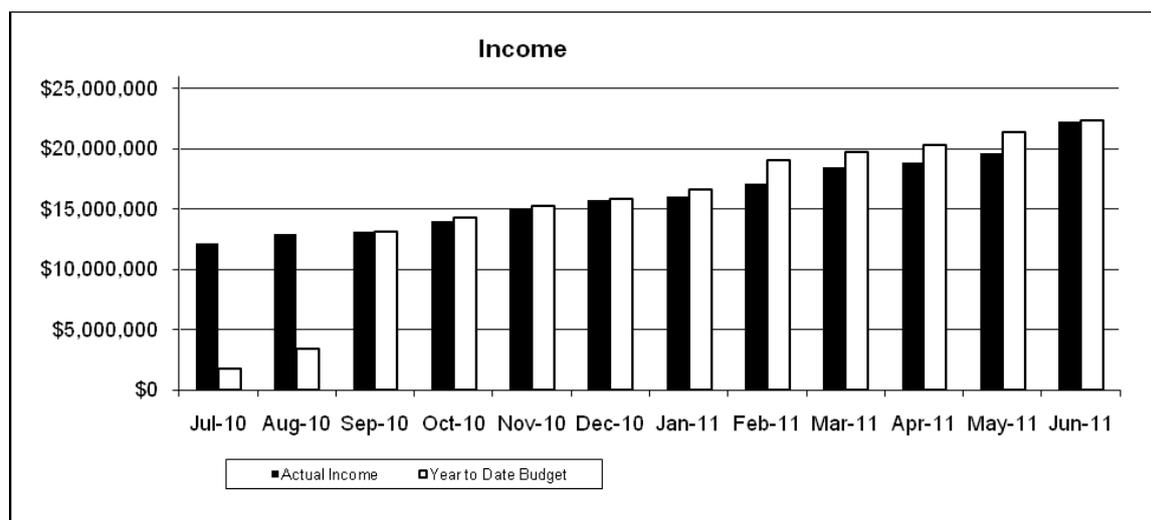
Comment:

Council adopted the 2010/11 Budget at a Special Council Meeting held on 9 August 2010. The figures provided in this report are compared to the year-to-date budget.

The period of review is June 2011. The municipal surplus for this period is \$1,898,494 compared to a revised budget position of \$45,410. This is considered a satisfactory result for the Shire, however end of year adjustments have not been performed and this surplus is an estimate only, at 30 June 2011. The Shire also received its first instalment for 2011/2012 from the State Government for the untied financial assistance grant in June 2011 of \$607,179.

Income for the June 2011 period, year-to-date is \$22,213,395. The budget estimated \$22,345,492 would be received for the same period. The variance to budget is (\$132,097) details of all significant variances are provided in the detailed business unit reports.

The following graph illustrates actual income to-date compared to the year-to-date budget.



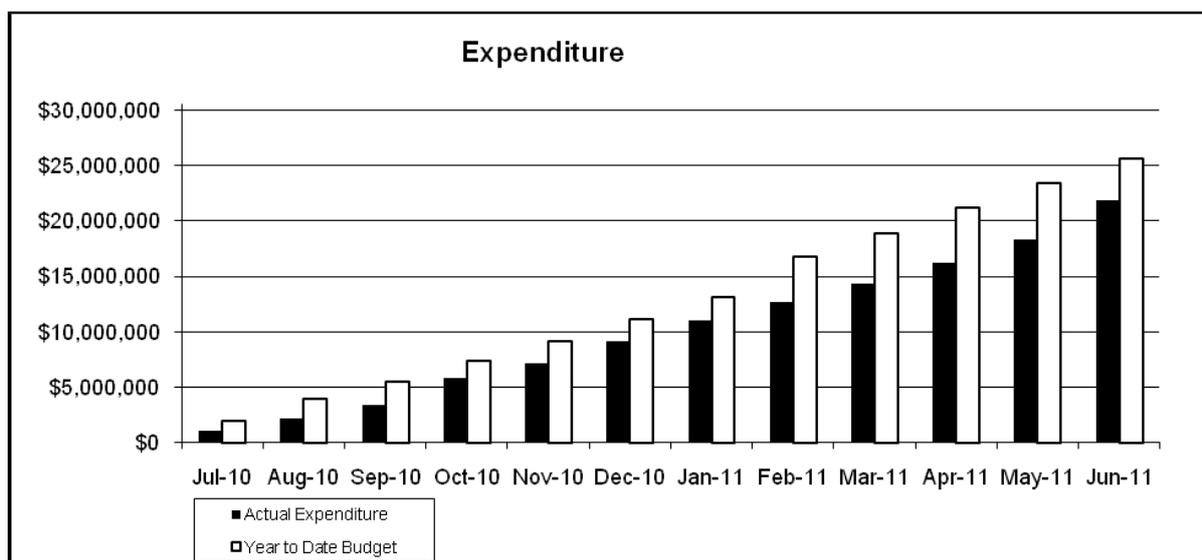
Expenditure for the June 2011 period, year-to-date is \$21,876,887. The budget estimated \$25,686,897 would be spent for the same period. The variance to budget is (\$3,810,010), details of all significant variances are provided in the detailed business unit reports.

Of this amount \$1,982,396 relates to capital expenditure not yet incurred. The Fire and Emergency Services Authority (FESA) were expecting to replace the fleet of tankers in 2010/2011, one tanker has been replaced and the remaining tankers valued in the budget at \$950,000 will be rolled into 2011/2012 and replaced next financial year. This is out of the

Shire’s control as the program timing and funding is controlled by FESA. Another substantial part of the capital expenditure variance (\$584,812) is due to Road Construction programs. The Shire has received the first 40% of the 2011/2012 funding for Regional Road Group and Black Spot programs in 2010/2011 to enable the preliminary works to occur. These works are yet to commence, and expenditure is not expected to be incurred until 2011/2012.

The remaining variance to budget relates to operating expenditure. Across all departments, approximately \$700,000 has been saved in employee salaries for 2010/2011. This is largely due to various positions being vacant throughout the year. Other significant variances to the operating expenditure budget relate to Statutory and Strategic planning projects (\$518,449) finishing the 2010/2011 year under budget. These programs are currently underway with the allocated monies being carried forward to 2011/2012, as the Byford Developer Contribution Arrangement and Byford Town Centre LSP are finalised. The Executive Services department is underspent as works on the implementation of the style guide are still underway with any unspent monies being carried forward into 2011/2012.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.



A copy of the Financial Report is included with the attachments and marked [CGAM006.1.08.11](#).

Voting Requirements: Simple Majority

CGAM006/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Buttfeld, seconded Cr Harris
That Council receives the Monthly Financial Report for June 2011, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 10/0**

CGAM007/08/11		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Serpentine Jarrahdale Shire	In Brief To confirm the creditor payments made during the period 22 June to 19 July 2011.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 July 2011	
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	Committee in accordance with resolution CGAM064/02/08	

Background

The Local Government (Financial Management) Regulations 1996 requires the local government to prepare a list of accounts paid by the Chief Executive Officer each month.

Sustainability Statement

This report provides a summary of payments that have been made in the specified period, to provide services as adopted in the 2010/2011 budget.

Statutory Environment:

Section 5.42 and 5.45(2) of the Local Government Act 1995 states that the local government may delegate some of its powers to the CEO. Council have granted the CEO Delegated Authority CG07 – Payments from Municipal and Trust Fund.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare a list of accounts paid by the CEO each month, showing.

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

Policy/Work Procedure Implications:

Council Policy G904 – Purchasing

Financial Implications:

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that has been adopted by Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK	Strategy and Planning	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.
			Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		Achieving Sustainability	Projects and goals are realistic and resourced.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.

Community Consultation:

Not required.

Comment:

In accordance with the Local Government (Financial Management) Regulations 1996 13(1) Schedules of all payments made through the Council's Bank Accounts are presented to the Committee and to Council for their inspection. The list includes details for each account paid incorporating:

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

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

A copy of the vouchers numbered Chq 41394 – Chq 41481 and EFT 23729 - 24000 totalling \$1,970,917.27 for the period of 22 June to 19 July 2011 is included with the attachments and marked [CGAM007.1.08.11](#).

Voting Requirements: Simple Majority

CGAM07/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Hoyer

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 22 June to 19 July 2011, presented as per the summaries set out above include Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 10/0

CGAM008/08/11		ADOPTION OF COUNCIL POLICY G915 – STAFF TRAINING AND DEVELOPMENT (A1048)
Proponent:	Serpentine Jarrahdale Shire	
Owner:	Not Applicable	
Author:	Lisa Fletcher – Organisational Improvement Officer	In Brief
Senior Officer:	Joanne Abbiss – Chief Executive Officer	Council is requested to adopt Policy G915 – Staff Training and Development.
Date of Report	18 July 2011	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

It is important to establish a formal policy position in regards to staff training and development. People are the major asset of the Serpentine Jarrahdale Shire and this training and development policy aims to invest in staff development by determining specific training and development needs and ensures that a comprehensive training system operates within the Shire.

A copy of Policy G915 – Staff Training and Development is with attachments marked [CGAM008.1/08/11](#).

Sustainability Statement

Council Policies are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

Statutory Environment: Local Government Act 1995

Policy/Work Procedure

Implications: Council Policies are an integral part of the Shire's governance framework.

A work procedure has been developed in relation to Staff Training and Development.

Financial Implications: Each department is allocated a Training budget for individual and corporate training.

Strategic Implications:

This proposal relates to the following:-

Vision Category	Focus Area	Objective	Action
OUR COUNCIL AT WORK			
	Leadership		Our structure, processes, systems and policies are based on the “keep it simple” principle.
			Elected members are actively encouraged and provided with the capacity to drive policy development.
			The Council will maintain and continually update its policy

Vision Category	Focus Area	Objective	Action
			portfolio to reflect its direction and respond to emerging issues.
	Process Management, Improvement and Innovation	Identification and Management of Processes	Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs

Community Consultation:

Not applicable.

Comment:

The Serpentine Jarrahdale Shire is committed to creating a “learning culture” and recognises that the business environment is constantly changing and our people are our most important asset. It is therefore recommended that this Policy be adopted.

Voting Requirements:**ABSOLUTE MAJORITY****CGAM008/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Petersen
That Council adopt Policy G915 – Staff Training and Development as per Attachment CGAM008.1.08.11.
CARRIED 10/0**

CGAM009/08/11	REVIEW OF COUNCIL POLICY G801 – COUNCILLOR ENTITLEMENTS AND G809 – PRESENTATION TO PAST COUNCILLORS (A1048)	
Proponent:	Serpentine Jarrahdale Shire	
Owner:	Not Applicable	
Author:	Lisa Fletcher – Organisational Improvement Officer	In Brief
Senior Officer:	Joanne Abbiss – Chief Executive Officer	Council is requested to adopt revised Policy G801 – Councillor Entitlements and G809 – Presentation to Past Councillors.
Date of Report	18 July 2011	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background**G801 – Councillor Entitlements**

Recently gazetted changes to the Local Government Amendment Act 2009 and Local Government (Administration) Regulations 2011 has resulted in a review of this Policy relating to the payment of meeting fees to elected members attending external meetings.

A copy of the current policy G801 is with attachments marked [CGAM009.1/08/11](#).

A copy of the proposed policy G801 is with attachments marked [CGAM009.2/08/11](#).

G809 – Presentation to Past Councillors

Recently gazetted changes to the Local Government Amendment Act 2009 and Local Government (Administration) Regulations 2011 has resulted in a review of this Policy relating to recognition of Councillors for the service they have provided.

It is proposed that the policy be renamed to ‘Gifts to Past Councillors’ in line with the title given to the gazetted changes.

A copy of the current policy G809 is with attachments marked [CGAM009.3/08/11](#).

A copy of the proposed policy G809 is with attachments marked [CGAM009.4/08/11](#).

Sustainability Statement

Council Policies are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

Statutory Environment:

Local Government Act 1995 (Sections 5.98 and 5.99)
Local Government (Administration) Regulations 2011
(Clause 6 Regulation 30)

Policy/Work Procedure Implications:

Council Policies are an integral part of the Shire's governance framework.

Financial Implications:

Councillor entitlements and gifts have been budgeted for in the 2011/12 budget.

Strategic Implications:

This proposal relates to the following:-

Vision Category	Focus Area	Objective	Action
OUR COUNCIL AT WORK			
	Leadership		The Council will maintain and continually update its policy portfolio to reflect its direction and respond to emerging issues.
	Success and Sustainability		Create a culture where communication of achievement and performance is actively promoted.
			Develop internal and external celebrations of the community, individual staff and service team achievements that are spontaneous & innovative.

Community Consultation:

Not applicable.

Comment:

In accordance with amendments to the Local Government Amendment Act 2009 and Local Government (Administration) Regulations 2011 it is recommended that Council adopt the revised policies.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM009/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**Moved Cr Petersen, seconded Cr Brown****That Council adopts the revised:**

1. Policy G801 – Councillor Entitlements as per attachment CGAM009.2/08/11.
2. Policy G809 – Gifts to Past Councillors as per attachment CGAM009.4/08/11.

CARRIED 10/0

CGAM010/08/11		CORPORATE SERVICES INFORMATION REPORT	
Proponent:	Not Applicable	In Brief To receive the information report for 21 July 2011.	
Owner:	Not Applicable		
Author:	Various		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	21 July 2011		
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	Committee in accordance with resolution CGAM064/02/08		

CGAM012.1.08.11 DELEGATED AUTHORITY (A0039-02)

Date used	Delegated Authority Ref No.	Details	Amount	Officers Signature
23/06/2011	AF-8	Payment of Cheque 41394 to 41433	54976.88	CM & AH
23/06/2011	AF-8	Payroll	217560.90	CM & AH
23/06/2011	AF-8	Payment of EFT 23729 to 23802	319204.05	CM & RG
24/06/2011	AF-8	Payment of EFT 23803	836962.04	RG & CM
28/06/2011	AF-8	Payment of EFT 23804 to 23805	23965.97	CM & BG
28/06/2011	AF-8	Payment of EFT 23806	4320.34	CM & BG
29/06/2011	AF-8	Payment of Cheque 41434 to 41454	15217.69	CM & BG
29/06/2011	AF-8	Payment of Cheque 41455 to 41458	20100.00	CM & BG
29/06/2011	AF-8	Payment of EFT 23807 to 23850	102144.88	CM & BG
01/07/2011	AF-8	Payment of Cheque 41459	14.85	BG & AH
07/07/2011	AF-8	Payment of Cheque 41460 to 41469	50753.59	AH & CM
07/07/2011	AF-8	Payment of EFT 23851 to 23924	183048.67	BG & AH
07/07/2011	AF-8	Payroll	214520.05	AH & SV
14/07/2011	AF-8	Payment of Cheque 41470 to 41481	18003.24	CM & SV
14/07/2011	AF-8	Payment of EFT 23925 to 23997	341945.85	CM & BG
19/07/2011	AF-8	Payment of EFT 23998	50.00	CM
19/07/2011	AF-8	Payment of EFT 23999	50.00	CM
19/07/2011	AF-8	Payment of EFT 24000	159.22	CM

CGAM010/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**Moved Cr Brown, seconded Cr Petersen****That the Information Report for July 2011 be received.****CARRIED 10/0**

CGAM011/08/11		ENGINEERING SERVICES INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report for 21 July 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	21 July 2011	
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	Committee in accordance with resolution CGAM064/02/08	

CGAM011.1/08/11 ENGINEERING DEPARTMENT ACTIVITY REPORTS (A1917)
A copy of the Engineering Department's Activity Reports for July 2011 is included as attachment marked [CGAM011.1/08/11](#).

CGAM011.2/08/11 SUMMARY OF SOUTH WEST HIGHWAY THROUGH BYFORD TOWNSITE WORKSHOP #3
A Summary of the South West Highway through Byford Townsite Workshop #3, conducted by Main Roads WA on 12 July 2011, is included with attachments marked [CGAM011.2/08/11](#).

CGAM011/08/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Ellis
That the Information Report for July 2011 be received.
CARRIED 10/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Ellis

That the meeting be closed to members of the public at 9.27pm to allow Council to discuss confidential item OCM009/08/11 as per the Local Government Act 1995 section 5.23(2)(c).

CARRIED 10/0

OCM009/08/11	CONFIDENTIAL ITEM - LAND EXCHANGE AND RATIONALISATION (A1971)	
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to consider the Hester Property Solutions recommendations in relation to exchanging titles on various properties owned by the Shire in Freehold title with properties that are held in Reserve title to ensure that these properties are retained in community ownership in perpetuity.
Owner:	N/A	
Author:	Director Corporate Services – Alan Hart	
Senior Officer:	Chief Executive Officer- Joanne Abbiss	
Date of Report	21 July 2011	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

OCM009/08/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Ellis, seconded Cr Harris

That Council:

1. Seek the Minister for Lands approval to the land exchange of Crown Reserves 17372 Larsen Rd, Byford and Reserves 45529, 16099, 23328 and 34318 Elliott Rd, Keysbrook with Council freehold properties – 25 (lot 14) Byford Dr Byford, Lots 2 & 631 Jarrahdale Rd and 33 Wanliss St, Jarrahdale.
2. Providing the Minister agrees, Council Officers then prepare a Major Land Transaction Business Plan to be approved by Council and advertised to the community for a period of 42 days.

CARRIED 10/0

COUNCIL DECISION

Moved Cr Brown, seconded Cr Buttfield

That the meeting was re-opened to the public at 9.37pm

CARRIED 10/0

10. CHIEF EXECUTIVE OFFICERS REPORT:

OCM010/08/11		INFORMATION REPORT
Proponent	Not applicable	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	19 August 2011	
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	

OCM010.1/08/11 COMMON SEAL REGISTER REPORT – JUNE & JULY 2011

The Common Seal Register Reports for the month of June and July 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM010.1/08/11](#)**.

OCM010.2/08/11 POLICY FORUM – AUGUST 2011

The following items were discussed at the 2ND August 2011 Policy Forum:

Update on Local Structure Plans
Update on SAT Appeals
Local Planning Policies (Post advertising/ahead of finalisation)
R-Code Review
Update on Development Assessment Panels
Brief Update on Peel Advisory Committee – (Billboards on Highway)
Byford District Centre submissions and proposals
Presentation by Aspen Group

OCM010.3/08/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 27 JULY 2011 (A1164-02)

In the attachments marked [OCM010.3/08/11 \(IN11/10730\)](#) is the minutes of the WALGA South East Metropolitan Zone Meeting held on 27 July 2011.

OCM010.4/08/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 28 JULY 2011 (A1164-02)

In the attachments marked [OCM010.4/08/11](#) (IN11/11537) is the minutes of the WALGA Peel Zone Meeting held on 28 July 2011.

OCM010.5/08/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL MINUTES– 7 AUGUST 2011 (A1164-02)

In the attachments marked [OCM010.5/08/11](#) (IN11/11559) is the minutes of the WALGA State Council meeting held on 7 August 2011.

OCM010.6/08/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) 2011 ANNUAL GENERAL MEETING MINUTES – 6 AUGUST 2011 (A1164-02)

In the attachments marked [OCM010.6/08/11](#) (IN11/11713) is the minutes of the WALGA 2011 Annual General Meeting held on 6 August 2011.

OCM010/08/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Buttfeld
That Council receive the Information Report to 19 August 2011.
CARRIED 10/0

11. URGENT BUSINESS:

OCM011/08/11		REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR ASHLEY ELLIS (A0024)
Proponent	Councillor Ashley Ellis	In Brief Councillor Ashley Ellis has requested a Leave of Absence from 24 th September 2011 until 1 st October 2011.
Officer		
Signatures - Author:		
Senior Officer:	Not applicable	
Date of Report	22 August 2011	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

OCM011/08/11 COUNCIL DECISION:

Moved Cr Buttfeld, seconded Cr Harris
Council approves Leave of Absence for Councillor Ashley Ellis from 24th September 2011 until 1st October 2011.
CARRIED 10/0

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

There being no further business, the meeting closed at 9.38pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 September 2011.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

- 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.