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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 8 OCTOBER 2012. THE SHIRE PRESIDENT DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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

IN ATTENDANCE:

COUNCILLORS: B Moore Presiding Member
M Harris
D Atwell
J Kirkpatrick
C Randall
M Ricketts
B Urban
G Wilson

OFFICERS: Mr R Gorbunow Acting Chief Executive Officer
Ms K Hayward Acting Director Corporate Services
Mr Uwe Striepe Acting Director Engineering
Mrs S van Aswegen Director Strategic Community Planning
Mrs D Bridson Agendas and Minutes Officer

APOLOGIES: Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
S Piipponen (Leave of Absence)

Members of the Public - 10

Members of the Press - 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Sandra Hawkins, 27 Burgess Drive, Byford, on behalf of the Byford Scarp Residents' Association

With reference to the circular that was from Tony Simpson MLA recently distributed to all households in the Byford area. It relates to the sum of money given by the State Government to the Serpentine Jarrahdale Shire in the 2010/2011 budget for the Percy's Place preservation (on Coulterhand Circle).

Q1. First of all I would like to know why this money has not been spent on the project?

A1. The money has been spent on this project and the facilities are now being installed including an interpretive shelter, table and bench, signs and retaining the foundations of the Percy's Place building foundations as part of the interpretation.

Q2. Secondly, what is it that the Shire was going to do to the site?

A2. The Shire has planted local native species, purchased a picnic table, bench and have designed and purchased a sign and interpretation shelter. There have been limited amounts of non native tree species planted which will add to those non natives which have been retained at the site to provide shade and add to the cultural heritage of the site.

Q3. Thirdly, why hasn't the Byford Scarp Residents' Association been involved with the proposed beautification?

Aspen have done all the work to date and I might add at no time was I or any of the committee asked to join with the Shire in the future discussion plans for the site. Councillor Randall will recall that every time I asked the question why we were not consulted I was told that in any future discussions we would be. Councillor Randall worked extremely hard to bring this project to fruition. I do recall that once I had a meeting with a lovely lady who was designing the area to be planted and unfortunately her plans did not even come close as to what was best suited for the area. She was going to use trees that would require copious amounts of water and her reasoning was they would look nice. So you can see why we need to be kept in the loop all the time.

A3. The Byford Scarp Residents Association was involved in the process of developing the interpretation for the site as was the Serpentine Jarrahdale RSL, Land and Sea Council, Murdoch University, the Naval Historical Society and Byford Historical Society to name a few. The Shire will contact your Association shortly to arrange a further visit to site, prior to finalisation of the landscaping works.

Q4. Where is the money for that project?

A4. The money used for the project has been spent on the project including a Royalties for Regions Grant.

Keith Whibley, 22 Cranbourne Way, Byford

In the 2009/2010 Serpentine Jarrahdale Shire budget highlights there was a \$100,000 contribution toward the construction of the Glades Community Centre.

Q1. Where are the funds now?

A1. The original proposed contribution of up to \$100,000 was intended to initiate the feasibility and design phases of the project several years prior to construction. The funds that will be needed to construct the Glades Community Centre have been updated and allocated in the current Forward Capital Works Plan.

Q2. Who is constructing the building?

A2. The Shire will engage contractors through a tender process to construct the facility.

Q3. Who is paying for it?

A3. The Forward Capital Works Plan proposes that Council's updated contribution of \$510,000 may be funded through a Royalties for Regions Grants Program, and that the balance of \$1,708,089 be funded through the Byford Community Infrastructure Developer Contributions Plan.

Q4. When will it be built?

A4. Council's current Forward Capital Works Plan proposes that the facility will be built in 2021/22.

David Houseman, 17 Clifton Street, Byford

At a previous Council meeting the Shire acknowledged that it had taken too long to name the laneways in the old quarter of Byford. Six years is too long,

Q1. Does the Shire acknowledge that this inaction is contravening its Structure Plan?

Shortly before the CEO's resignation, Joanne Abbiss acknowledged, in writing, the issue regarding the laneways and stated there was a potential for poor urban design outcomes and retention of streetscapes and that this issue needed to be resolved.

Unfortunately, poor urban design has already occurred with the Shire signing off subdivision approvals of lots abutting laneways and this continues to contravene its structure plan. Please view 20 Beenyup Road for a prime example of poor urban design. (Photograph provided).

- A1. The Shire engaged a planning consultant to undertake a review of the right of ways and adjoining subdivisions in the Byford area and to provide recommendations to Council. A component of the report evaluates how right of ways are assessed in other local authorities and more specifically how they have responded to recent Western Australian Planning Commission approvals in this regard. It also assesses how this impacts on the current statutory environment of right of ways in the Shire. This report was recently received from the consultant and is currently being reviewed by staff. An item will be presented to Council on this matter.

Q2. Is this issue too complex for the Shire to undertake?

- A2. The Shire has committed to reviewing the subdivision approvals that are occurring in this area as well as to ensure that the laneways are named. The process will be concluded as soon as possible.

Q3. If so, can the Planning Department please call up one of the property developers currently building new estates in the Shire and ask them how they manage to name all of the roads and lanes within their development?

I have been asking the Shire to do this for over six years. No more excuses please. The old quarter of Byford deserves better! It is in a state of neglect.

- A3. The assessment of laneways within new housing estates is dealt with through the statutory framework in place at that stage which currently includes the processes for naming laneways and the required standards for laneways. This is a much simpler process than redeveloping laneways in existing built up areas such as the Byford old quarter, did not have these requirements in place. The Shire is committed to reviewing the subdivision approvals that are occurring in this area as well as to ensure that the laneways are named.

Jan Star, Jarrahdale – OCM024.1/08/12

I note the review of the Rural Land Strategy is on the agenda. In the officer's report there is recognition and support for the important role of agriculture in the Shire which does not seem to be wholeheartedly embraced in the "Land Insights" document. At one point (p25) their report states that the agricultural production is declining.

Q1. Was this based on a comparison of the production figures from the Department of Agriculture and Food WA?

Q2. And for what year?

A1 & 2.

The report, in describing the reasoning behind the policy area Rural-Balance, states that "...the agricultural productivity and economic returns for some forms of agriculture are diminishing..." This is not a reference to all agricultural pursuits and there are many

examples of highly successful agricultural practices in the Shire and indeed various agricultural sectors are still very successful. The Economic Assessment and advice from and discussions with the Department of Agriculture and Food WA have however indicated (as stated in 6.3 of the report) that the sectoral importance of some agricultural activities is changing: “In the past the main agricultural commodities have been beef, dairy and some horticulture. Changes in environment, economics and regulations have seen a reduction in dairying and a predominance of beef production.” The report further emphasises that: “Poultry for meat production has become an important industry and there is a significant pig enterprise and value adding dairy processing factory...” which clearly indicates that agriculture in general still has a significant role to play especially if considered in conjunction with the equine industry. “The poultry for meat industry is successful and the equine industry is strong both as a hobby and as a profession.” The information was obtained from the Department of Food and Agriculture through discussions and was not restricted to a specific year.

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.02pm.

Alan Clarkson, 32 Alice Road, Cardup

Q1. With regards to the Austral Bricks licence application time frame, how did Council officers arrive at a decision when there is a lack of information being provided by Austral Bricks? If officers are relying on State Government agencies, I can guarantee they are no guide at all. Please make the licence time as short as possible. The idea of a licence is to have some control of what is going on.

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

Public question time concluded at 7.06pm.

4. PUBLIC STATEMENT TIME:

Public statement time commenced at 7.06pm.

Melissa Emery, 14 Pylon Street, Aveley, Environmental Manager for Austral Bricks

1. Grounds for Appeal on Timeframe of Approvals

The approval timeframe does not provide certainty with regard to access to a critical resource. The shale material to be extracted from this operation is critical to the brick manufacturing process and is used extensively at the company's WA manufacturing sites. Austral Bricks consider that a greater level of certainty is required with regard to access to this resource, to ensure continued manufacturing operations and survival of the WA business.

The approval timeframe does not provide certainty in the context of the financial investment required to comply with approval conditions. Austral Bricks would like to note that a significant investment of approximately \$1 million is required to develop the site in accordance with conditions of approval. An investment of approximately \$200,000 has already been required for environmental assessment and the development of management plans during the application process to address the shire's concerns, and in commencing the implementation of screening vegetation and a monitoring bore network required for future operations.

Austral Bricks WA is required to apply to the Board of Management of Brickworks Limited for capital expenditure requests. Austral Bricks require certainty of access to the resource for a

minimum period of 10 years to justify the investment required to develop this site. The required expenditure of approximately \$1 million cannot be justified for a one year licence and five year planning approval.

On the basis of the above, Austral Bricks require a greater amount of certainty with regard to the longevity of our operations, and request that a 10 year Planning Approval and Extractive Industries Licence is granted.

The proposal does not present a significant environmental compliance risk. The proposal and associated management plans have been reviewed by the Environmental Protection Authority (EPA), Appeals Convenor and government departments such as the Department of Water, all of which have determined that the proposal does not present a significant environmental risk, and that environmental aspects including noise, dust, water, visual amenity and rehabilitation can be appropriately managed through the management plans developed for the site.

Further to this, Austral Bricks have demonstrated compliance with the requirements for the northern extraction site, through the submission of updated management plans, site compliance audit and annual report to the Shire and the establishment of the Cardup Stakeholder Consultation Group (SCG).

The approval timeframe is inconsistent with the Western Australian Planning Commission (WAPC) approval and other approvals for extractive operations in WA. Austral Bricks have received the WAPC development approval for the site which is valid until 31 December 2022. Austral Bricks considers this to be an appropriate timeframe to provide certainty with regard to the longevity of our operations.

2. Updated Management Plans for Site as Required by Approvals

The Dust Management Plan, Compliance Assessment Plan and Visual Management Plan have been updated and were recently provided to the Shire.

3. Key Features of Environmental Management Plans for the Site

The Dust Management Plan has been developed in accordance with the Department of Environment's '*A Guide for Management in the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities document (March 2011)*'. The primary objective of this dust management plan is to identify appropriate methods for management of dust generating activities on site to prevent impacts to the environment and the local community.

The existing Water Management Plan includes the following items:

- Existing Environment;
- Treatment System Assessment;
- Monitoring; and
- Reporting.

A Noise Management Plan, as approved by the Serpentine Jarrahdale Shire, is in place to control noise on site.

The updated Visual Management and Rehabilitation Plan includes the following items:

- Description of visual character;
- Description of proposed development;
- Visual impact assessment;

- Visual management measures and monitoring;
- Rehabilitation;
- Rehabilitation objectives;
- Rehabilitation procedures; and
- Reporting.

The Compliance Assessment Plan has been developed in accordance with the EPA draft guidelines '*Preparing a Compliance Assessment Plan (2009)*' and includes the following items:

- Frequency of compliance reporting;
- Approach and timing of compliance assessments;
- Retention of compliance assessments;
- Reporting of non-compliance and corrective measures; and
- Public availability of reports.

The Cardup SCG was established in January 2012, initially for the purpose of providing a forum for discussion and consultation in relation to the northern extractive industries site. It is intended that the Cardup SCG will continue to provide a forum for discussion of matters relating to the southern site, and will ultimately become solely focused on the southern site when operations have ceased at the northern extractive industries site.

I hope this clarifies Austral Brick's position.

Peter Edmiston, 355 Kiln Road, Karrakup – OCM062/10/12

I believe the Shire should re-affirm to the State Administrative Tribunal (SAT) that strong conditions are required on this application as the applicant has shown itself to not be a good corporate citizen. Examples include:

- Poor management and rehabilitation of its existing site including lack of dust control, run off onto Kiln Road in winter and poor buffer management;
- Failure to properly manage temporary allowance for trucks to bring shale across Kiln Road causing hazards and inconvenience to Kiln Road residents;
- Failure in its application to acknowledge the approximate 11 households in Kiln Road, nor to comment on how it intends to minimise the impact this application will have on these families;
- As a resident in Kiln Road of over 30 years, it is concerning to contemplate the changes to upper Kiln Road that will have the affect of changing the approach to my property to driving through the centre of a quarry;
- I see the dust blown un-rehabilitated existing brickworks and wonder how the new development would proceed without strong controls. With Phoenix Companies, will they be able to simply walk away without any consideration to their moral obligations; and
- Without full background to the SAT requirement to reconsider the application it is difficult to comment. However, if there is the opportunity, perhaps the Council should go back with additional requirements for this application to proceed in recognition of previous experience with the applicant and the minimal resources available to the Shire. Also to acknowledge that one industry should not have an environmental impact advantage over another.

Public statement time concluded at 7.13pm.

5. PETITIONS & DEPUTATIONS:

Nil.

6. PRESIDENT'S REPORT:

The State Government, if the promise is realised, will release its recommendations soon on amalgamation which, if rumours are to be believed, will be the death knell for the "Shire of Serpentine Jarrahdale" as we know it, even though it is opposed by our local member, Tony Simpson MLA.

The inner circle of the State Liberal party will walk all over Local Government to a more centralised "Governance" of ten megacities. It would appear the inner circle is not listening to its majority of the caucus.

This council, as does others, feels very aggrieved when the State appointed Development Assessment Panels now control major developments; local councils and communities having no right of appeal while developers do. Planning processes that are now secretive and lacking transparency and accountability to justify in the end an accumulation to force amalgamation and increased centralised state government control. If this was to happen it would mean the community spirit and volunteerism would be irreparably destroyed as would our local identity!

This council, as has others before, prided ourselves in staying out of general political debate or sides unless it directly affects our community. Well on behalf of all this vibrant community of Serpentine Jarrahdale I tell you Mr Barnett "you're in our patch, so butt out"!

Show us, which you haven't, why amalgamation is better except for your obsession and self grandeur! It hasn't work in other States and it won't work in WA.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Atwell declared a financial interest in item OCM058/10/12 as he owns land within that precinct. He will leave the room while this item is discussed.

Cr Moore declared a financial interest in item OCM055/10/12 because if the officer recommendation is approved by Council he will have to employ a locum for a period of 7 days. This will not affect the way he votes.

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

8.1 Ordinary Council Meeting – 24 September 2012

Moved Cr Harris, seconded Cr Urban

The attached minutes of the Ordinary Council Meeting held on 24 September 2012 be confirmed. ([E12/6851](#))

CARRIED 8/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

OCM054/10/12	DELEGATED AUTHORITY REVIEW 2011 / 2012 (A1047)
Author:	Lisa Fletcher - Organisational Improvement Officer
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Disclosure of Officers 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.

EXECUTIVE SUMMARY

Council is required to undertake a review of delegated authority each financial year. A review of current delegations is presented for Council endorsement.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

OCM051/04/11 - Delegated Authority Review.

COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation was required.

REPORT

The following delegations are presented for review:

Delegation Number	Delegation Title	Proposed Changes to Delegation
CG04	Prosecutions – Legal Proceedings	Change Bush Fires Act from 1956 to 1954
CG05	Direction and Infringement Notices	<p>Changes to Part 2: Added the words <i>‘or issuing of an order or direction in relation to any’</i></p> <ul style="list-style-type: none"> • Bush Fires Act has been corrected from 1956 to 1954 • Addition of Bush Fire Regulations 1954 • Addition of Planning Regulations 2009 • Removal of Health Act 1911 <p>New Parts 3 and 4.</p> <p>The two paragraphs following part 4 combined and reworded.</p>
ENG02	Prohibited Burning Times	<p>Added <i>‘and Bush Fires Act’</i> to the delegation title.</p> <p>Removed <i>‘performance of the functions of section 33’</i> in the third paragraph and replaced with <i>‘performance of all of the functions of the Bush Fires Act’</i></p> <p>Added <i>‘and Regulations (as amended)’</i> to the end of the third paragraph.</p> <p>Also added the fourth paragraph to the delegation: <i>The Chief Executive Officer delegates this</i></p>

Delegation Number	Delegation Title	Proposed Changes to Delegation
		<i>authority to the Manager Emergency Services/Chief Bush Fire Control Officer pursuant to section 5.44 of the Local Government Act 1995.</i>
ENG03	Variation to Firebreak Order	Added 'Manager Emergency Services' to the last paragraph.
DS01	Making Recommendations to the WAPC on Subdivision/Amalgamation Referrals	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'. Delegation also simplified by removing guidelines.
DS02	Detailed Area Plans	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS04	Endorsement of Planning Applications	Paragraph 2 changed to: <i>'Endorse the following applications on behalf of the Shire of Serpentine Jarrahdale for land owned or under the care, control and management of the Shire.'</i> Last dot point changed from 'Building Licence Application' to 'Building Permit Application'.
DS05	Variations to Residential Design Codes	It is recommended that the notice of delegation be revoked.
DS06	Outbuildings	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'. Removed 'Co-ordinator Planning Services' from the delegation as the position no longer exists.
DS07	Setback Variations in Industrial and Commercial Zones	It is recommended that the notice of delegation be revoked.
DS08	Determination of Applications for Planning Consent	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'. New dot point added under point 1: <i>'That any comments received during a notice period have been considered against relevant policy and scheme objectives and provisions and having due regard for the significance of any variation sought.'</i>
DS09	Applications within the Urban Development Zone	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS10	Referral of Proposals to the Environmental Protection Authority	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS11	Amendments of Extension / Additions to Planning Approvals	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'. Removed 'Co-ordinator Planning Services' from the delegation as the position no longer exists. The following sentence has also been reworded: <i>1. Determine applications for the amendment of approvals previously granted provided that all the applicable provisions of the Town Planning Scheme and/or Council's planning policies have been considered.</i>

Delegation Number	Delegation Title	Proposed Changes to Delegation
DS12	Dealing with Subdivision Clearances	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS15	Building Envelopes and Building Exclusion Zones - Local Variations	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS25	Providing Recommendations on Application for Public Works	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS26	Representation at the State Administrative Tribunal	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS27	Power to Approve or Refuse Development and Land Uses on Land Owned or Under the Care, Control and Management of Council	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS28	Structure Plans	Reference to 'Executive Manager Planning' changed to 'Manager Statutory Planning'.
DS37	Public Notice for Development Applications	This is a new delegation.

Review of Delegated Authority Related To Statutory Planning Functions of the Shire

A review of notices of delegation has been completed relating to the statutory planning functions of the Shire. A number of opportunities have been identified to improve individual notices of delegation. In addition, a number of possible new instruments of delegation have been identified, along with the potential to delete a number of existing delegations. The review focussed on identifying opportunities for improved timeliness of decision making, customer service and clarity. A number of changes are recommended below:

DS01 - Subdivision Applications

The current notice of delegation incorporates 'guidelines', over and above those ordinarily established in Policy to provide clarity that in a number of respects duplicate, and potentially conflict with, other policy/technical requirements. The Shire now has a comprehensive policy suite, incorporating, for example Local Planning Policy (LPP) 43 - Natural Hazards and Disasters, negating the need for guidelines to be incorporated in the notice of delegation. It is recommended that the notice of delegation be simplified.

DS04 - Endorsement of Planning Applications

This notice of delegation does need a minor update. It currently includes the following statement: *"subject to a preliminary assessment being undertaken to ensure that the application can be considered favourably by the relevant approval authority"*. Applications for development approval need to be considered on their merits, having regard to relevant standards, legislative requirements, policies, guidelines etc. It is not appropriate for officers to pre-empt a formal planning determination by a relevant approval authority, particularly where a full technical assessment has not been completed, public comment has not been sought and/or comment invited from any relevant government agencies. Accordingly, it is recommended that this clause be deleted from the notice of delegation.

The Shire, as a landowner or responsible management authority, may wish from time to time to withhold its support for a particular use or type of development on a parcel of land. The use of land, and/or development on land, by a third party will ordinarily be the subject of a

management arrangement and possible lease agreement. It is through these processes that the Shire may elect to withhold its support. Notwithstanding the potential provisions of any delegation notice, there is no obligation on an officer to use powers that may have been delegated. It remains open to an officer to see that a matter is presented to Council for consideration.

DS05 - Variations to Residential Design Codes

Since this notice was last updated, the Shire has progressed and finalised a new LPP 35-Residential Development. The new policy has sought to provide clearer guidance on the processing and determination of proposals, with a much stronger focus on flexibility through the use of 'performance criteria'. DS05 has effectively become redundant with the finalisation of LPP 35. DS08 provides relevant planning staff with the ability to determine applications for development approval. DS16 provides relevant building staff with the ability to determine building licence applications. It is recommended that the notice of delegation be revoked, in the interests of clarity and simplicity.

DS07 - Setback Variations in Industrial and Commercial Zones

This notice of delegation is rarely used, as DS08 allows for the determination of applications in all zones, provided that due regard has been given to relevant standards, guidelines, policies and the like. The planning for new industrial and commercial areas will generally include the preparation of design guidelines, in the form of a LPP. It is recommended that the notice of delegation be revoked, in the interests of clarity and simplicity.

DS08 - Determination of Applications for Planning Consent

DS08 is the most commonly used notice of delegation, enabling staff to determine applications following the technical assessment of proposals against relevant standards, policies, guidelines, town planning scheme provisions and the like, and the giving of public notice in accordance with the requirements set out in relevant policies and Town Planning Scheme No. 2 (TPS 2).

The Shire has progressed a comprehensive new policy framework, providing for higher standards of urban development, greater flexibility, improved customer clarity and efficiency in decision-making. In the interests of timely decision making and efficient use of resources, it has been identified that DS08 may be improved with respect to matters needing to be presented to Council. Currently DS08 incorporates the following statement:

"2. Where no valid planning objection has been received during a public notice period for an application."

This provision currently has the effect of requiring various minor proposals to be presented to Council, notwithstanding the scale, or rather lack thereof, of any policy variation proposed with a development proposal and/or the significance of any matters that may have been raised in an objection during a public notice period. Furthermore, it is often possible to address any concerns raised during a public notice period, through reaching agreement with the applicant for a revised plan and/or the imposition of relevant conditions, eg relating to building material/colours, storage of stormwater on-site etc.

It is recommended that the notice of delegation be amended to allow officers to consider public submissions and if possible negotiate an outcome with the applicant that could satisfy a person who had lodged a submission. The requirements for advertising, as set out in the provisions of the Shire's TPS 2 and relevant policies, remain unchanged.

DS37 – Public Notice for Development Applications (New Delegation)



Since the last comprehensive review of delegation notices, the Shire has finalised LPP 27-Stakeholder Engagement in Land Use Planning. Clause 6.2.1(c) of TPS 2 reads as follows:

“(c) any application for planning consent of which the Council decides public notice should be given;”

Clause 6.3.1 of TPS 2 provides flexibility with respect to the manner in which applications are advertised, as follows:

“6.3.1 To give notice of an application or resolution the Council shall cause one or more of the following to be carried out:... [Letters, sign on-site etc]”

It is important that Council now formally delegates authority to relevant officers to determine when and how public notice should be given in respect of applications, having regard to relevant local planning policies and the level of potential impact on the local community. It is recommended that Council establish a new notice of delegation in respect of this matter.

Conclusion

It is requested that Council endorse the proposed changes to the abovementioned delegations and endorse one new delegation.

ATTACHMENTS

- [OCM054.1/10/12](#) - Current delegations (E12/5842)
- [OCM054.2/10/12](#) - Revised delegations (E12/2741)
- [OCM054.3/10/12](#) - New delegation DS37 - Public Notice for Development Applications (E12/5844)

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Council's Plan for the Future states with regard to leadership throughout the organisation, that the Shire will regularly review its delegations.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.46(2)

FINANCIAL IMPLICATIONS

There are no financial implications to Council related to this delegation review.

VOTING REQUIREMENTS

ABSOLUTE MAJORITY

OCM054/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Harris, seconded Cr Wilson
That Council:

1. In accordance with section 5.46(2) of the *Local Government Act 1995*, revoke the following delegations:
 - DS05 - Variations to Residential Design Codes
 - DS07 - Setback Variations in Industrial and Commercial Zones
2. In accordance with section 5.46(2) of the *Local Government Act 1995*, accept the amendments to the following delegations:

- **CG04 - Prosecutions - Legal Proceedings**
- **CG05 - Direction and Infringement Notices**
- **ENG02 - Prohibited Burning Times and Bush Fires Act**
- **ENG03 - Variation to Firebreak Order**
- **DS01 - Making Recommendations To The Western Australian Planning Commission On Subdivision/Amalgamation Referrals**
- **DS02 - Detailed Area Plans**
- **DS04 - Endorsement of Planning Applications**
- **DS06 - Outbuildings**
- **DS08 - Determination of Applications for Planning Consent**
- **DS09 - Applications Within the Urban Development Zone**
- **DS10 - Referral of Proposals to the Environmental Protection Authority**
- **DS11 - Amendments or Extension / Additions to Planning Approvals**
- **DS12 - Dealing with Subdivision Clearances**
- **DS15 - Building Envelopes and Building Exclusion Zones - Local Variations**
- **DS25 - Providing Recommendations on Application for Public Works**
- **DS26 - Representation at the State Administrative Tribunal**
- **DS27 - Power to Approve or Refuse Development and Land Uses on Land Owned or Under the Care, Control and Management of Council**
- **DS28 - Structure Plans**

3. In accordance with section 5.46(2) of the *Local Government Act 1995*, accept the new delegation DS37 - Public Notice for Development Applications as detailed in attachment OCM054.3/10/12.

4 Authorises and grants the delegations of authority, powers and duties as listed and detailed in attachment OCM054.2/10/12.

5. Notes that all other delegations have been reviewed and remain unchanged.

CARRIED BY ABSOLUTE MAJORITY 8/0

OCM055/10/12	THE INTERNATIONAL AWARDS FOR LIVEABLE COMMUNITIES 2012 - FINALIST (SJ1416)
Author:	Craig Wansbrough - Project Manager - Water Sensitive Urban Design
Senior Officers:	Uwe Striepe - Acting Director Engineering Services
Disclosure of Officers 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.

EXECUTIVE SUMMARY

The Serpentine Jarrahdale Shire has been selected by the judging panel as a finalist in the prestigious 2012 International Awards for Liveable Communities (LivCom). The awards recognize international best practice for management of the local environment. The Shire submitted the project entitled "Multiple Use Corridors" (MUCs) as part of the Socio Economic Section of the awards. In order to win the award, presentations must be made to the judging panel during the finals of the LivCom Awards in Al Ain, United Arab Emirates, from 22 to 26 November 2012.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

OCM016.5/09/11 – LivCom – The International Awards for Liveable Communities.

COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation is required.

REPORT

The Serpentine Jarrahdale Shire was recently advised that the judging panel of the 2012 LivCom Awards has selected the project entitled “Multiple Use Corridors” to participate in the project section of the finals of the 2012 LivCom Awards, to be held in Al Ain, United Arab Emirates from 22 to 26 November 2012.

Critical Dates

Notification of delegates to the LivCom office must be made by 30 October 2012 in order for accommodation to be arranged.

Council Delegates

It is recommended that Council’s delegates to make the presentation at the event are the:

- Shire President;
- Acting Chief Executive Officer; and
- Project Manager – Water Sensitive Urban Design

The Acting Chief Executive Officer has a detailed knowledge and direct involvement in the development of the Plan for the Future. The Shire’s Project Manager – Water Sensitive Urban Design has a detailed knowledge and experience in MUC design and construction, flood modelling and landscaping and will make the presentation to the Awards Panel.

Costs

Council will be required to meet the cost of flights, transfers, accommodation and daily allowances for the Serpentine Jarrahdale Shire delegates attending the LivCom Awards. Daily rates are extracted from the Australian Taxation Office – Taxation Determination schedule (TD 2011/17). The total cost per delegate will be approximately \$5,278.65. The total cost for three delegates to attend the conference will be \$15,835.95. Approximate costs per person are:

Item	Cost (AUD)
Airfare	\$2,584.23
Accommodation (6 nights) – classic single room	\$1,374.42
Attendance at LivCom Awards (free for first four delegates)	\$0.00
Daily Allowance (\$165 x 8 days)	\$1,320.00
Total (per person)	\$5,278.65

Visa Requirements

Australian residents do not require visa arrangements in advance when visiting the United Arab Emirates. Immigration at Dubai International Airport will issue a 30 day visit visa free of charge. This can be extended for an additional 30 days at an additional charge.

ATTACHMENTS

- [OCM055.1/10/12](#) – Abstract (E12/6473)
- [OCM055.2/10/12](#) – Letter advising of selection for the finals of the 2012 LivCom Awards (IN12/14791)
- [OCM055.3/10/12](#) – Accommodation Costs (E12/6472)
- [OCM055.4/10/12](#) – Flight Centre Quotation (IN12/14765)
- [OCM055.5/10/12](#) – Al Ain Rotana Hotel – Booking Form (IN12/14764)



ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Council's Plan for the Future has placed an emphasis of MUCs within urban villages and active and vibrant town centres that are safe and accessible and also integrate water sensitive urban design. This proposal is consistent with the Shire's Plan for the Future.

STATUTORY ENVIRONMENT

Not Applicable.

FINANCIAL IMPLICATIONS

Costs of flights, accommodation, transfers, meals and incidental items can be accommodated within the current budget.

VOTING REQUIREMENTS Simple Majority

OCM055/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Wilson, seconded Cr Urban
That Council:

1. Endorse the attendance of the Shire President, Acting Chief Executive Officer and Project Manager – Water Sensitive Urban Design at the International Awards for Liveable Communities 2012 in Al Ain, United Arab Emirates.

CARRIED 5/4

Cr Moore used his second vote.

Cr Randall and Cr Harris voted against the motion.

Cr Harris foreshadowed a new motion if the motion under debate is defeated. The new motion would state the Acting Chief Executive Officer and Project Manager – Water Sensitive Urban Design be the only attendees.

COUNCIL DECISION

Moved Cr Wilson, seconded Cr Urban
That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.22pm.
CARRIED 8/0

COUNCIL DECISION

Moved Cr Wilson, seconded Cr Ricketts
That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 7.28pm.
CARRIED 8/0

OCM056/10/12	ENDORSEMENT OF THE MUNDIJONG-WHITBY IMPLEMENTATION STRATEGY (SJ307)
Author:	Mike Wright - Senior Strategic Planner
Senior Officers:	Deon van der Linde - Executive Manager Strategic Planning Suzette van Aswegen - Director Strategic Community Planning
Disclosure of Officers 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.

Proponent:
Owners:

Serpentine Jarrahdale Shire
Various

Town Planning Scheme No. 2 Zoning: Various
Metropolitan Region Scheme Zoning: Various

EXECUTIVE SUMMARY

The Mundijong-Whitby Implementation Strategy (the Strategy) is a working document that provides overall guidance in terms of the actions required to implement the structure, vision and objectives identified for the planning and development of Mundijong-Whitby. To ensure that the vision and objectives are delivered on the ground, effective implementation of the District Structure Plan (DSP) is required to occur. An enquiry-by-design workshop was undertaken in March 2009 grouping implementation items into five main categories:

- DSP;
- Local Structure Planning (LSP);
- Other Statutory Planning processes;
- Things to be achieved through non-statutory processes; and
- On-going consultation and promotion.

The Strategy is intended to detail actions that have been undertaken in accordance with the Implementation Framework within the Enquiry by Design Process, as well as the identification of further actions required to be undertaken. The above categories have been used within the Strategy which documents the Shire's progress towards implementation.

The Strategy contains (as Annexure 1) a table of implementation projects and actions. The table provides details and presents a list of projects and/or actions that are required for the timely implementation of the plan.

The primary objective of this report is to present Council with a working document that outlines the proposed way forward with regard to the actions required to implement the Mundijong-Whitby DSP.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

- SD017/08/11 Mundijong-Whitby DSP – Final Adoption
- SDO040/10/10, OCM038/0510, SCM16/12/09, SD069/11/09

COMMUNITY/STAKEHOLDER CONSULTATION

The Strategy is a working document that will guide future actions but is not seen as a statutorily binding document at this stage. The document, therefore, does not need specific stakeholder consultation. Actions resulting from the Strategy will invariably result in projects that will need specific community consultation and in some cases formal advertising. A specific case in point is the West Mundijong Industrial Area which is currently going through a formal DSP process and Metropolitan Region Scheme (MRS) amendment that will be formally advertised as prescribed in the Serpentine Jarrahdale Town Planning Scheme and Local Planning Policy 27 – Stakeholder Engagement in Land Use Planning (LPP 27).

REPORT

The Mundijong-Whitby DSP was adopted by Council in August 2011, following approval by the Western Australian Planning Commission (WAPC) and therefore, it is appropriate that the Implementation Strategy be finalised. To ensure that the vision and objectives are delivered on the ground, effective implementation of the DSP is required.

The Strategy is a working document that provides overall guidance in terms of the actions required to implement the structure, vision and objectives identified for the planning and development of Mundijong-Whitby. The document has the following structure:

1.0 Background

This section provides the rationale for the Implementation Strategy and the processes that resulted in its creation.

2.0 District Structure Planning

The Shire set up an Implementation Working Group during the preparation of the DSP in order to enable Shire officers and key landowners to work in a collaborative manner on the delivery of the DSP. Specific protocols are required to be set up to enable this process to proceed within agreed parameters.

3.0 Local Structure Planning

LSPs will largely be landowner driven. The Shire is actively involved through the LSP process to ensure that LSPs are consistent with the vision and objectives of the DSP. The DSP has split the Mundijong-Whitby Development area into eight precincts, whose boundaries are premised on specific planning, design and development requirements and include the assumption that larger lot precincts are easier to develop as opposed to those in multiple ownership. The Shire is however, also aware that in areas of fragmented land ownership LSPs will be difficult to prepare due to a number of issues including conflicting landowner interests, identifying land to be set aside for Public Open Space (POS) and community needs and funding of the LSP.

A clear path is therefore established for the core of the historic town which is located in Precinct 'F' and, in terms of land ownership, is the most fragmented. The most viable option is for Precinct 'F' to be effectively split into a number of sub-precincts to enable LSPs to be prepared on a progressive basis. Following existing roads and subdivision layouts, a total of eight sub-precincts can be created. An important implication of this aspect of the strategy is that the Shire will have to allocate funds and resources to prepare a sub-precinct LSP for the core of Precinct 'F', which incorporates the 'activity centre'. A plan of the proposed sub-precincts for Precinct 'F' is contained with the Strategy as Annexure 2 to the report.

4.0 Other Statutory Planning Processes

A number of statutory planning processes need to be applied, including the application of relevant local planning policies such as Local Planning Policy No. 29 - Mundijong-Whitby Planning Framework (LPP 29), which provides the guide for the orderly and proper planning for the Mundijong-Whitby Urban Development Area. Other planning processes include the preparation of an Urban Growth Management Strategy, an Integrated Water Cycle Management feasibility study, and importantly, the preparation of Developer Contribution Plans (DCPs) and freight rail realignment issues.

5.0 Issues to be Achieved Through Non-Statutory Processes

The DSP provides the development framework for land within the DSP area. A Sustainability Strategy has been prepared which identifies a number of sustainability criteria to be addressed and includes a number of objectives. The Sustainability Strategy includes an Implementation Strategy in order to achieve the objectives as well as responsibility and timing. Other planning issues relevant to the DSP include the provision of public transport as a means of enhancing sustainable access. A comprehensive submission was made in connection with the draft Public Transport for Perth document, highlighting a range of concerns. Foremost of these concerns is the proposed extension of the Armadale passenger

train service to Byford and Mundijong as the population in these centres increases, in order to establish transit orientated, multi-modal development hubs.

6.0 On-going Consultation and Promotion

Updates to the public on progress with the implementation of the DSP need to be provided on an ongoing basis. A collaborative approach has been adopted with key land owners, with the view of progressing towards joint development initiatives. In addition, discussions with key government agencies are continuing, particularly with respect to the relocation of the freight rail and the extension of the Armadale passenger rail service.

7.0 Risk Assessment and Mitigation

A number of risks were identified as part of the implementation section of the Enquiry by Design Process. A table is provided that identifies the relevant risks which are generally consistent with those identified through the Enquiry by Design Process. The table details measures that have been undertaken and may need to be undertaken to reduce the risks from occurring.

8.0 Annexure 1: Implementation Projects and Actions for Mundijong-Whitby DSP

Contained within the Strategy, as Annexure 1, is a table of implementation projects and actions. The table provides details and presents a list of projects and/or actions that are required for the timely implementation of the plan. They are listed under Strategic Objectives that are numbered to accord notionally with the sections under part two explanatory report of the Mundijong-Whitby DSP. The lead agency for the action is identified, as are the internal departments within the Shire. In addition, aspirational target dates are set and where possible some estimated costs identified.

ATTACHMENTS

- [OCM056.1/10/12](#) - Draft Mundijong -Whitby Implementation Strategy (E12/6468)

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

An assessment against the Council's Plan for the Future identifies that the Mundijong-Whitby Implementation Strategy best aligns with the 'Places' objective of the Plan for the Future. The Strategy proposes to align with the following key actions:

- Create vibrant urban and rural villages;
- Develop well connected neighbourhood hubs and activity centres; and
- Build the community's capacity to create vibrant places through activities and events.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*
- Town Planning Scheme No. 2
- Mundijong-Whitby DSP
- LPP 29 - Mundijong Planning Framework
- LPP 47 - Mundijong-Whitby Interim Development

FINANCIAL IMPLICATIONS

Annexure 1, contained within the Strategy, presents a list of projects and/or actions that are required for the timely implementation of the DSP. Aspirational target dates for projects are set and estimated costs identified. It should be noted that these dates and costs are

indicative and may change depending on availability of resources and the economic situation.

VOTING REQUIREMENTS Simple Majority

OCM056/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Wilson, seconded Cr Urban

That Council endorse the draft Mundijong - Whitby Implementation Strategy as detailed in attachment OCM056.1/10/12 as a working document to facilitate the actions and projects that will be required to implement the Mundijong - Whitby District Structure Plan.

CARRIED 8/0

OCM057/10/12	MUNDIJONG - WHITBY DEVELOPMENT CONTRIBUTION ARRANGEMENT - PROJECT PLAN (A1913)
Author:	Brad Gleeson - Director Development Services
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Disclosure of Officers 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.

EXECUTIVE SUMMARY

To prepare a path forward for the establishment of a Development Contribution Arrangement (DCA) for the provision of traditional and community infrastructure in the Mundijong - Whitby urban cell, Council and the Western Australian Planning Commission (WAPC) have adopted the Mundijong - Whitby District Structure Plan (DSP). This will facilitate the further detailed planning of land and ultimately provide for an estimated population of around 40,000 over the next 30 years. Local Structure Plans (LSPs) have been prepared for land in the DSP, with urban development projected to commence within two years.

In order to meet the infrastructure and community needs of this new urban area, financial and statutory planning decisions need to be made in the short term to ensure the orderly roll out of these facilities in the early stages of development. Past experience from the rapid development of Byford, resulted in inadequate facilities and infrastructure to meet the needs of the community including substandard roads and drainage, as well as the lack of active open space (ovals), change rooms and community facilities.

The Shire has worked closely with the major landowners in the Mundijong - Whitby urban cell to progress and finalise the DSP and also to discuss options for the establishment of a DCA. The major landowners' group has offered to assist the Shire in the provision of funding towards the development of the DCA, subject to acceptance of a legal agreement by all parties. Council endorsed the draft agreement with the major landowners subject to modifications relating to reimbursement of Shire officer time and agreement of invoicing. The deed has been updated and is recommended for endorsement.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

- 22 August 2011 – Adoption of the Mundijong – Whitby DSP.
- 25 June 2012 – Endorsement of draft Deed subject to modifications.

COMMUNITY / STAKEHOLDER CONSULTATION

The Shire has been working closely with the major landowners in Mundijong - Whitby to consider funding options to facilitate the establishment of a DCA. An amendment will be required to Council's Town Planning Scheme No. 2 (TPS 2), which will then require

extensive consultation with landowners, residents, community groups and state government agencies.

Council has also recently established the Mundijong Industry Reference Group (MIRG) to facilitate detailed discussion between the Shire, Department of Planning (DoP) and major landowners in the DSP area. The first meeting was held on 8 June where the major landowners reiterated their strong desire for Council to consider the pre-funding agreement that they have submitted to the Shire.

REPORT

DCAs in the Shire

In recent years, Council has invested significant time and resources on progressing DCAs in the Byford area, including:

1. Traditional Infrastructure DCA. Adoption and advertising of an amendment to TPS 2 and adoption of a Development Contribution Plan (DCP).
2. Community Infrastructure DCA. Adoption of an amendment to TPS 2 for community infrastructure. The adoption of the supporting DCP report and commence the statutory planning process, including community consultation phase is currently before Council; and
3. Progressing Amendment 167 to incorporate model provisions into TPS 2. The Scheme Amendment will adopt the model provisions outlined in State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6). The WAPC has recently granted consent to advertise the amendment.

Need for a DCA

The WAPC has adopted SPP 3.6 relating to Developer Contributions for Infrastructure. There is increasing community expectations for the early delivery of infrastructure and facilities, especially in new urban areas. Infrastructure is essential to the health, wellbeing and long term sustainability of community facilities and services.

While there is an expectation for local government to respond to this growth, there are significant resource implications for Council. Development contributions are being used by local government to assist in the delivery of infrastructure such as roads, open space, drainage, community facilities and sporting facilities.

The Shire has adopted a Community Facilities and Service Plan which identified the range of community infrastructure that is required in each locality, as well as to serve the needs of the whole Shire.

A DCA for the Mundijong - Whitby urban cell is considered essential to assist in funding and an orderly roll out of facilities and infrastructure. All efforts will be made to negotiate and work with major landowners to fund major works as part of the development of their land.

Mundijong Whitby DCA

Work undertaken to date during the planning phase of the Mundijong – Whitby DCA, included a review of project risks, options to fund the project, consideration of human resource implications and establishing a project plan. Reports that have been prepared by Council and the major landowners group include:

- Mundijong - Whitby DCA Project Scoping Paper;
- Project initiation documents for community and traditional infrastructure; and
- Draft Deed of Agreement – Mundijong - Whitby DSP/ DCA Seed Funding Agreement.

Draft Deed of Agreement

The major landowners of Mundijong - Whitby have sought to provide funds to assist in the preparation of the DCA, through the provision of seed funding to the value of \$230,000. The preparation of the draft Deed of Agreement was initiated during the preparation of the Mundijong - Whitby DSP in 2010 and with a final draft of the document reviewed by the major landowners group in June 2011. The major landowners are seeking to provide funding to enable the timely delivery of the DCAs and ultimately seek to recover these costs when the respective DCAs become operational.

The draft Deed of Agreement highlights that the DSP outlines an implementation strategy, where the principal component of which is the introduction of equitable cost sharing arrangements for the funding and provision of Common Infrastructure by the preparation of a DCP. If the Deed is signed by all parties, Council will be legally bound to deliver on the project milestones. Timeframes that were identified as follows:

- a) *The Shire Council will engage a consultant or consultants to prepare the draft Development Contribution Plan on the Shire's behalf by no later than sixty (60) days from the date of this Deed;*
- b) *Preparation of a preliminary list of items of Common Infrastructure including the indicative cost of such items, within six (6) months of the date the Shire engaged the consultant or consultants referred to in clause 5.2(a);*
- c) *Preparation of draft Development Contribution Plan, within twelve (12) months of the date the Shire engaged the consultant or consultants referred to in clause 5.2(a);*
- d) *Arranging for the draft Development Contribution Plan to be endorsed by the Shire Council within fifteen (15) months of the date the Shire engaged the consultant or consultants referred to in clause 5.2(a);*
- e) *Arranging for the draft Development Contribution Plan to be advertised within eighteen (18) months of the date the Shire engaged the consultant or consultants referred to in clause 5.2(a);*
- f) *Arranging for the draft Development Contribution Plan to be referred to the Planning Commission within twenty four (24) months of the date the Shire engaged the consultant or consultants referred to in clause 5.2(a); and*
- g) *Ensuring that the draft Development Contribution Plan is approved by the Planning Commission within twenty seven (27) months of the date the Shire engaged the consultant or consultants referred to in clause 5.2(a).*

The draft Deed details that the Shire will not be provided with funding should it fail to meet the prescribed timeframes.

Resourcing Implications

There are cost and resource implications associated with establishing and then managing any DCA on an on-going basis. Due to the multi-disciplinary nature of DCAs, various professional staff in the organisation are required to collaborate together to produce and administrate DCAs. External consultants are also engaged as required to assist staff in the project including engineers, land valuers and town planners. Current resources have focused on the two Byford DCA's, but some preliminary work has occurred on the draft DCA for Mundijong – Whitby.

The offer by the major landowners group to assist in pre-funding the costs of the DCA and DCP would assist Council to be able to commence the work earlier than is currently planned. The current timeline was that a DCA for this area would not commence until early 2013 and would be subject to Council providing funds in the 2012/13 budget.

Risk Assessment

At present, a Scoping Paper has been prepared to detail the requirements associated with the preparation of a DCA for Mundijong - Whitby. A risk assessment is required for this project based on the following headings and to assist in consideration of various options:

- Legal Risks
 - Legality
 - Equity
- Political Risks
 - External credibility (against Community, Government and Development Industry)
 - Timeframes
- Financial Risks
 - Resources for developing the option
 - Resources for implementing the option

Project Plan

A detailed project plan will be prepared, based upon the agreed timelines in the Deed of Agreement. The major tasks include preparation of the DCA and DCP, initiating an amendment to TPS 2, stakeholder consultation, finalisation of the amendment by the WAPC, final approvals and gazettal. The timeline for the project is estimated to take around 27 months, upon the engagement of the consultants by the Shire, however, the aim will be to reduce this timeline wherever possible.

Options and Implications

The options available to Council are:

- Option 1: Accept the principles and timelines of the Deed of Agreement for finalisation and signing; or
Option 2: Not accept the principles and timelines of the Deed of Agreement for finalisation.

Option 1 is recommended.

Conclusion

The draft deed has been updated and it is recommended that Council agree to the prefunding offer from the major landowners group in the Mundijong - Whitby DSP area, to facilitate the commencement of a DCA. The draft legal agreement will need to be finalised and signed by all parties.

ATTACHMENTS

- ***Confidential*** – OCM057.1/10/12 - Draft Deed of Agreement

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The project aligns with the objectives of asset management, long term financial planning, partnerships and strategic direction.

STATUTORY ENVIRONMENT

- SPP 3.6 - Developer Contributions for Infrastructure
- TPS 2

FINANCIAL IMPLICATIONS



Funds are included in the 2012/13 budget for DCA's in the Shire. Acceptance of the terms of the Deed of Agreement will reduce Council's up front contribution to undertake this work in 2012/13.

VOTING REQUIREMENTS Simple Majority

Officer Recommendation

That Council:

1. Approve the final Deed of Agreement: Mundijong - Whitby District Structure Plan Development Contribution Plan Seed Funding Agreement as prepared by the major landowners group as per confidential attachment OCM057.1/10/12.
2. Authorise the Shire President and the Acting Chief Executive Officer to finalise the Deed of Agreement with the major landowners in the Mundijong - Whitby District Structure Plan area.

OCM057/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Kirkpatrick, seconded Cr Wilson

That Council:

1. **Approve the final Deed of Agreement: Mundijong - Whitby District Structure Plan Development Contribution Plan Seed Funding Agreement as prepared by the major landowners group as per confidential attachment OCM057.1/10/12.**
2. **Authorise the Shire President and the Acting Chief Executive Officer to finalise and sign the Deed of Agreement with the major landowners in the Mundijong - Whitby District Structure Plan area.**

CARRIED 8/0

COUNCIL NOTE: Amended point 2 above to say finalise and sign the Deed of Agreement. Councillors have raised a concern with the time frames.

Cr Atwell left the room at 7.36pm as he declared a financial interest in item OCM058/10/12.

OCM058/10/12	FINALISATION OF PROPOSED MODIFICATION TO PRECINCT BOUNDARIES - MUNDIJONG - WHITBY DISTRICT STRUCTURE PLAN (A0858)
Author:	Louise Hughes - Manager Statutory Planning
Senior Officer:	Brad Gleeson - Director Development Services
Disclosure of Officers 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.

Proponent: Taylor Burrell Barnett
 Owner: Various
 Date of Receipt: 3 January 2012
 Town Planning Scheme No. 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

EXECUTIVE SUMMARY

A proposal has been received for a proposed modification to the precinct boundaries within the Mundijong - Whitby District Structure Plan (DSP) Area, for the purposes of allowing more detailed planning through the preparation of Local Structure Plans (LSP) to occur on a

progressive basis. Currently there are seven precincts within the DSP area. Precincts E and G are relevant to the current proposal before Council. It is proposed that Precinct E be split into three sub-precincts and Precinct G into two sub-precincts. The proposed boundaries generally reflect existing land ownership.

There are many different elements that need to be addressed as part of detailed planning for future urban development, not limited to traffic, community facilities, environmental impacts and servicing. A key requirement for any LSP is to adequately demonstrate context and integration with its surroundings. Having considered the various potential technical matters associated with the proposal, there are no key issues that have not or are not capable of being addressed through more detailed planning on a sub-precinct basis.

In April 2012, Council resolved to support a modification to Local Planning Policy (LPP) 29 for the purposes of creating a number of sub-precincts. The policy modification was subsequently advertised for comment from stakeholders, including landowners, members of the public and relevant government agencies. In parallel, Council resolved to deem a LSP for a portion of Precinct E satisfactory for advertising.

This report provides the opportunity to consider the submissions received during the advertising of the proposed modification to LPP 29 for the proposed creation of sub-precincts. It is recommended that Council reconsider its decision of 27 August 2012, note the submissions received during the advertising period and resolve to adopt LPP 29, incorporating the new sub-precincts.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

Council, at its 27 April 2010 Ordinary Council Meeting, agenda item SD133/04/10, adopted LPP 29 - Planning Framework for the Mundijong - Whitby DSP Area.

Council, at its 28 March 2011 Ordinary Council meeting, agenda item SD089/03/11, adopted LPP 47 - Implementation Framework for the Mundijong - Whitby DSP Area.

Council, at its 10 April 2012 Ordinary Council meeting, agenda item 116/04/12, adopted a modification to LPP 29 for the purposes of inviting stakeholder comment.

Council, at its 27 August 2012 Ordinary Council meeting, agenda item OCM025/08/12, resolved:

Moved Cr Urban, seconded Cr Wilson

That Council:

- 1. Note the proposal received from Taylor Burrell Barnett for the creation of sub-precincts within the Mundijong-Whitby District Structure Plan Area, as depicted in attachment OCM025.2/08/12.*
- 2. Note the submissions received during the advertising period for the proposed modification to Local Planning Policy 29 – Mundijong-Whitby Planning Framework, as set out in attachment OCM025.6/08/12.*
- 3. Adopt the updated Local Planning Policy 29, as advertised and provided as attachment OCM025.7/08/12 incorporating the new sub-precincts and advise those persons who lodged a submission and relevant state government agencies accordingly.*
- 4. Reiterate its specific requirement of the Council meeting of April 2012, pursuant to clause 5.18 of Town Planning Scheme No. 2 that any Local Structure Plan prepared for a portion of Precinct E or Precinct G shall be required to demonstrate integration with the surrounding area, including the balance of the full District Structure Plan precinct.*

5. *Reiterate its specific requirement, pursuant to clause 7.5.3.6 and 7.7.3.7 of the Mundijong-Whitby District Structure Plan that the preparation of design guidelines, to deliver the established character statements, shall be required to address the relevant full District Structure Plan precinct.*
6. *Note that a further report will be required to be presented to Council in respect of the submissions received during the advertising of the Local Structure Plan for a portion of Precinct E.*
7. *Note that matters relating to the future detailed for Precinct F shall need to be considered by Council as part of the progression of the Implementation Strategy for the Mundijong-Whitby District Structure Plan, which is currently in preparation.*

LOST 3/5”

COMMUNITY / STAKEHOLDER CONSULTATION

Stakeholders were actively engaged through the progression of LPP 29 and the Mundijong-Whitby DSP. With respect to the proposed modification to LPP 29, for the creation of sub-precincts, stakeholder comment was invited by way of the following methods:

- a) A notice being placed in a local newspaper circulating within the district;
- b) A notice being placed in the Shire's Administration Centre;
- c) A notice being placed on the Shire's internet website;
- d) A letter being sent to all landowners within the relevant precincts; and
- e) A letter being sent to all relevant state government agencies.

A total of 17 submissions were received.

REPORT

Proposal

A proposal has been received by Taylor Burrell Barnett, planning consultants acting on behalf of Peet Limited, to create sub-precincts within Precinct E and G of the DSP area. Precinct E is proposed to be split into three sub-precincts. Precinct G is proposed to be split into two sub-precincts.

The precinct boundaries have previously been established to enable more detailed planning to move forward on a progressive basis, with either Council or the landowners allocating the necessary resources and engaging suitably qualified consultants. There are a number of different matters that Council needs to consider with the current proposal, as follows:

1. Original Proponent justification;
2. Issues raised during the advertising period;
3. Response from the proponent;
4. LPP 29;
5. Mundijong-Whitby DSP;
6. Town Planning Scheme No. 2 (TPS 2) provisions;
7. Technical considerations;
8. Development Contribution Plans;
9. Character statements;
10. Fragmented landownership;
11. Resource implications; and
12. Future detailed planning for Precinct F.

(1) Original Proponent Justification

The proponent has provided the following information in support of their proposal:

- *“The Peet and Wellstrand land has discrete boundaries bordered by the major roads; Tonkin Highway reservation, Mundijong Road, Adam/Taylor Road, Bishop Road and Soldiers Road;*
- *Manjedal Brook is encompassed within Peet’s land;*
- *Setting aside land for schools and environmental features will not be compromised as the DSP shows Peet and Wellstrand land as having three primary school sites, a service corridor, multiple use corridors and other wetlands;*
- *Neighbourhood connector roads to the Investa and Qube land will be accommodated; and*
- *The land holding is still substantial and will permit the majority of the western and northern ‘Urban’ zoned land to be the subject of an LSP. In this regard, the Peet Mundijong Syndicate and Wellstrand land encompasses 234 ha and the Peet Pty Ltd encompasses 54ha. They comprise contiguous land holders only separated by Taylor Road, in respect to the Peet and Wellstrand land.”*

It is recommended that Council formally note the justification provided by the proponent.

(2) Issues Identified During the Advertising Period

17 submissions were received during the advertising period. Two submissions were received from members of the public, the first raising concern in respect to the creation of sub-precincts in Precinct G and the second requesting guidance on the future planning for Precinct F. Matters relating to the future planning for Precinct F are provided later in this report, whereas further comments in respect of Precinct G are provided below.

The concerns from the landowner submission include:

- The dividing of Precinct G would create a situation whereby G2 remains a significant area in fragmented ownership;
- The preparation of a LSP would be more difficult to progress in the future;
- The planning for G2 would likely be delayed;
- A ‘rural hole’ in a developing urban area may remain;
- The progression of a LSP would enable the area to be developed at one time;
- The progression of the planning area as one area would avoid dislocation or planning outcomes;
- The creation of a sub-precinct is seen as necessary, potential resulting in segmentation and further delays; and
- The creation of sub-precincts would be contrary to the principles of orderly and properly planning.

(3) Response From Proponent

The proponent, for the proposed creation of sub-precincts, was advised of the issues identified during the advertising period and provided with the opportunity to submit additional information for consideration by Council and offered the following response:

“It is considered that the separation of Precinct ‘G’ into two separate areas represents a pragmatic and reasonable approach to undertaking structure planning and timely development of the area. The following comments are made. Manjedal Brook forms a logical boundary between Precinct G1 and G2. There are no significant services or

infrastructure which are proposed under the Development Contribution Plans (DCP) to require coordination between the two precincts. G1 represents a distinct group of landholders which have a commonality in structure planning.

Detailed structure planning for the entire Precinct G would be difficult to coordinate and may affect the current developer intentions. It is requested that Council support the separation of Precinct 'G' into two sub-precincts, as per the advertised LPP."

In respect to the Water Corporation suggestion that Sub-Precincts G1 and E1 form a single structure plan to address the location of a wastewater pump station, the following response is provided:

"The existing LPP and DCP already identifies these areas as two distinct precincts. In liaison with the Water Corporation and Greg Rowe & Associates, the intended approach is to identify an area for investigation, and restrict subdivision/development until the final location of the waste water pump station is determined. It is noted that this approach has been adopted for the draft Local Structure Planning for Precinct E1 (prepared by Greg Rowe & Associates) through inclusion of an 'Investigation Area' on the plan."

The applicant for the Precinct E1 LSP, Greg Rowe & Associates, provided similar advice as follows:

"The Water Corporation suggest that Precinct G1 and E1 be combined. We note these two precincts are already separate under the existing approved Policy, and are therefore not considered to be subject to the current amendment. The amendment is purely for the purpose of creating sub-precincts within the existing precinct boundaries.

Further, the Water Corporation note they are prepared to support an alternative solution whereby a 4.5 ha area is demarcated for no further subdivision until the final waste water pump station location is resolved. We confirm an 'Investigation Area' has already been shown on the Local Structure Plan for Precinct E1. This Investigation Area has also been shown to extend beyond the Precinct E1 Local Structure Plan boundary into Precinct G1, as requested by the Water Corporation. It is therefore expected that any Local Structure Plan for Precinct G1 will also show this Investigation Area.

We therefore consider the Water Corporation's concerns to already have been addressed through the current Local Structure Planning for Precinct E1."

With respect to the general progression of the proposed modification to LPP 29 for the creation of sub-precincts, the proponent offered the following advice:

"The additional precincts being created within the existing Mundijong Whitby Planning Framework area enables more detailed planning through Local Structure Plans to be carried out on a progressive basis, taking into consideration the development intentions of the respective landowners.

The establishment of new precincts G1 and E2 will enable clearer definition of boundaries, allowing the progression of Local Structure Planning over these precincts without delay, avoiding overlap with other Local Structure Plans currently being prepared for other areas within the district."

Evaluation of Options

Based on the information available, there does not seem to be any significant reason why sub-precincts should not be finalised for Precinct E. Accordingly, it is recommended that the creation of sub-precincts E1, E2 and E3 should be progressed through to finalisation.

With respect to Precinct G, further consideration is required of a number of matters. There is no definitive/single approach to progressing the planning for such areas; it is critical, however, to give due consideration to the principles of orderly and proper planning, in addition to ensuring that decision making is open and transparent.

With respect to each matter raised in the submission, further comments are offered by officers below.

1. The dividing of Precinct G would create a situation whereby G2 remains a significant area in fragmented ownership:

- Irrespective of a potential planning boundary, the area would remain in fragmented ownership. Precinct G currently has 23 properties;
- A smaller development area would encompass a lesser number of landowners that planning would need to be coordinated with; and
- Land ownership is recognised under TPS 2 as a relevant opportunity and constraint.

This concern is not considered to be a sufficient reason not to progress with the creation of sub-precincts.

2. The preparation of a LSP would be more difficult to progress in the future and the planning for G2 would likely be delayed:

- Any LSPs would need to be progressed through the same statutory processes and be assessed against the same planning framework;
- The creation of two sub-precincts would result in the need for two LSPs to be prepared;
- The creation of sub-precincts would result in smaller areas, with an associated reduction in the number of landowners need to co-ordinate with;
- It is understood that the preparation of a draft LSP for the Peet land-holding, with associated technical investigations, has been substantially progressed. Additional costs and/or delays would likely be incurred by Peet should a LSP need to be progressed for a larger development area;
- There are significant financial costs associated with the preparation of a LSP, which arguably make the preparation of LSPs difficult to progress; and
- It may be argued that it would be unreasonable to expect a single landowner to progress a LSP for an area beyond their land-holding especially in an area where there is many landowners, over and above a common requirement for any proponent to demonstrate how a plan effectively integrates with a surrounding environment.

This concern is not considered to be a sufficient reason not to progress with the creation of sub-precincts.

3. A 'rural hole' in a developing urban area may remain, the progression of a LSP would enable the area to be developed at one time:

- The preparation of a LSP establishes no obligation on a landowner to sell, develop or subdivide their land; accordingly, the definition of a LSP boundary does not alter the level of fragmented ownership;
- The opportunity is there for any landowner or group of landowners to progress a LSP, through the engagement of suitably qualified consultants; and
- Any LSP that is progressed needs to adequately demonstrate the proposed urban structure integrates with the surrounding context.

This concern is not considered to be a sufficient reason not to progress with the creation of sub-precincts.

4. The progression of the planning area as one area would avoid dislocation or poor planning outcomes:

- Notwithstanding landownership, any LSP needs to provide an appropriate framework for future subdivision and development and the ultimate achievement of ‘good’ planning outcomes including integration with adjacent properties; and
- G2, as a sub-precinct, remains as significant in scale with considerable opportunities that will need to be carefully planned for an integrated manner.

This concern is not considered to be a sufficient reason not to progress with the creation of sub-precincts.

5. The creation of sub-precincts would be contrary to the principles of orderly and properly planning:

- Planning through the use of sub-precincts is common practice in Western Australia and is generally considered to be consistent with the principles of orderly and proper planning provided that there is a suitable framework in place, eg relevant planning policies, and LSPs are required to demonstrate effective integration of future urban form.

This concern is not considered to be a sufficient reason not to progress with the creation of sub-precincts.

In addition to the concerns raised by a landowner during the advertising period, there are a number of other matters that are considered relevant:

- Based on the information available, there do not appear to be any ‘district-level’ issues for which the planning would be compromised through the preparation of sub-precincts;
- Ownership is recognised as a key opportunity and constraint, under the provisions of TPS 2;
- Clause 5.18.2.5 of TPS 2 states that “in considering a Proposed Structure Plan for part of a Development Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.”. A specific resolution has been passed in this respect by Council in April. It is recommended that the requirement for effective integration be reiterated by way of a further Council resolution should Council proceed with the creation of sub-precincts;
- Natural and constructed features, such as a rivers and existing roads are generally recognised as logical boundaries for LSPs; and
- There is no definitive minimum size for the preparation of a LSP, with documents such as the Western Australian Planning Commission (WAPC) Draft Structure Plan Guidelines only suggesting a typical area of less than 300ha, with larger areas instead often requiring the preparation of a district structure plan first.

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

- Option 1: Resolve to finalise the proposed modification to LPP 29, including the proposed creation of sub-precincts, without further modification;
- Option 2: Resolve to finalise the proposed modification to LPP 29, including the proposed creation of sub-precincts, with further modification(s); or
- Option 3: Resolve to not finalise the proposed modification to LPP 29 and provide reasons accordingly. In this instance, no sub-precincts would be created.

On balance and having had regard to the information outlined above, it is recommended that Council proceed with the finalisation of the sub-precincts, as advertised with the most significant reasons being the following:

- There are measures that can be, and have been, put in place, to ensure that the long-term development and subdivision opportunities will be effectively integrated;
- The delineation of a structure plan does not alter the level of fragmentation of landownership, that is instead a function of the actions of current and any prospective purchaser;
- There is the opportunity for landowners within proposed sub-precinct G2 to engage suitably qualified consultants at any time to progress with the preparation of a LSP;
- Small development areas result in a lesser number of landowners that potentially need to work together to see the progression of a LSP: and
- There do not appear to be any outstanding district-level issues that would be compromised through the creation of sub-precincts.

(4) LPP 29

Council, in April 2010, adopted LPP 29 - Mundijong - Whitby Planning Framework. The objective of this policy is *“to guide the orderly and proper planning for the Mundijong-Whitby Urban Development Area, by providing guidance for the sequencing of planning and outlining the matters that are to be addressed at each stage in the process.”* The LPP identifies what matters need to be investigated, addressed and documented at each of the different stages of planning - being the progression of a district structure plan and subsequent LSPs.

Since the finalisation of LPP 29, a number of additional policies have been progressed including:

- LPP 61 – Structure Plans;
- LPP 43 – Hazards and Natural Disasters;
- LPP 62 – Urban Water Management;
- LPP 63 – Integrated Transport and Land Use (draft); and
- LPP 67 – Landscape and Vegetation (draft).

LPP 29 needs to be read in conjunction with each of the above mentioned LPPs, with the more recent policies providing even greater guidance on the relevant technical matters that will need to be addressed at the time of preparing a LSP.

With respect to the potential for modifying precinct boundaries, LPP 29 includes the following relevant text:

“3.6 Precincts

The Mundijong District Structure Plan area has been divided into 7 precincts, as illustrated in Figure 2. Council will not support a local structure plan for any area geographically smaller than those sub-precincts depicted on Figure 2, unless specifically resolved otherwise by Council.”

In accordance with the above provision, it is open to Council to consider the merits of any potential modification to the existing boundaries. In considering any request, however, Council needs to have regard to the overall objective set out in the policy, which is to facilitate the progression of orderly and proper planning.

(5) District Structure Plan

The adopted DSP incorporated a series of precincts. Section 15 of the DSP report includes the following relevant text:

“15.2.1 Precinct Approach

The District Structure Plan area comprises seven individual precincts. The precinct approach has been adopted to simplify implementation of the planning objectives, vision, principles and policies inherent in this report and to enable coordination with other policy initiatives such as Local Planning Policy No. 29. The seven precincts have been identified to reflect both a comparable context and also enable the most efficient implementation of Local Structure Planning.”

With respect to Precinct E, the following general description is provided.

“15.2.6 Precinct E

Precinct E is bounded by Taylor Road, Adonis Street and Wright Road in the east, the southern and western boundary of the DSP area to the south and west with Scott Road forming the northern boundary. Precinct E comprises historically cleared land in limited large landholding which should enable progression of local structure planning and ultimately development to be efficient.

Part of Precinct E south of Mundijong Road is traversed by a creek line which will be included as part of the MUC network. It will accommodate two primary school sites and part of a local neighbourhood centre.”

With respect to Precinct G, the following general description is provided.

“15.2.8 Precinct G

Bounded by Soldiers Road in the east, Bishop Road to the north, the western boundary of the DSP area to the west and Kiernan Street and Scott Road to the south, Precinct G is the remaining precinct. This comprises, in the main, historically cleared and farmed land although is traversed by Manjedal Brook which will form part of the MUC network. A primary school is to be provided within this precinct and peripheral activity associated with the town centre located in the adjacent Precinct A to the east.”

There are specific objectives and requirements that have been established in the ‘operative part’ for both Precinct E and G.

(6) TPS 2 Provisions

Section 5.18 of TPS 2 set out the matters that a LSP may need to address, including for example proposed major uses, movement networks and the like. Of particular relevance to the proposal currently before Council is the following requirement:

“5.18.2.5 In considering a Proposed Structure Plan for part of a Development Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.”

In the instance that Council resolves to support the proposed creation of sub-precincts, it is recommended that Council passes a specific resolution outlining that the requirements set out in Clause 5.18.2.5 ‘shall’ be required, rather than ‘may’ be required for LSPs.

(7) Technical Considerations

Traffic

A key requirement of any traffic impact statement prepared for a LSP is to demonstrate effective integration with the surrounding environment, including movement networks. LPP 63 confirms this requirement. The level of analysis relating to traffic impact remains the same, irrespective of the potential creation of sub-precincts.

Urban Water Management

A key requirement of any Local Water Management Strategy prepared for a LSP is to demonstrate effective integration with the surrounding environment, including the balance of drainage catchment areas and consistency with the design criteria established at the DSP stage. LPP 62 - Urban Water Management clearly this requirement. The level of analysis relating to water management remains the same, irrespective of the potential creation of sub-precincts.

Landscape and Vegetation

A key requirement of any Landscape and Vegetation Management Strategy prepared for a LSP is to demonstrate effective integration with the surrounding environment, including the protection and enhancement of key assets identified at the DSP stage. LPP 67 - Landscape and Vegetation confirms this requirement. The level of analysis relating to landscape and vegetation remains the same, irrespective of the potential creation of sub-precincts.

Access to community facilities

A key requirement of any LSP is to demonstrate effective integration with the surrounding environment, including access to community facilities and provision of schools in accordance with the requirements established at the DSP stage. The Shire's Community Facilities and Services Plan confirms this requirement. The level of analysis relating to provision and access to community facilities remains the same, irrespective of the potential creation of sub-precincts.

(8) Future Preparation of Development Contribution Plans (DCP)

It is envisaged that a DCP will be established for the Mundijong - Whitby DSP area, focusing on the provision of facilities at a district level. The DCP is expected to relate to 'traditional infrastructure' and 'community infrastructure', as defined in State Planning Policy 3.6. Infrastructure that may be required at a local level is envisaged to be provided through subdivision and/or development processes. The creation of sub-precincts within the DSP area is not anticipated to create any additional difficulties with the ultimate preparation and implementation of a DCP for the DSP area.

(9) Character Statement

Character statements were established at a precinct-level, as part of the formulation of the DSP. The character statements have been intended to inform future design considerations for both the public realm, eg streetscapes, and private realm, eg built form. Design guidelines, in the form of LPPs, are intended to be progressed to establish a suitable framework for future subdivision and development. To ensure consistency in approach, it is recommended that Council specifically resolve/express that character statements for each existing precinct shall be embraced through the detailed planning for each sub-precinct. Design guidelines, for example, shall be required to be established for the entire precinct, clearly depicting an elaboration of the character statement.

(10) Fragmented Landownership

Although the land parcels within the Precincts E and G are relatively large in scale, they do remain in fragmented landownership. Should a landowner or group of landowners wish to

progress with the preparation of a LSP, arrangements would need to be made for the funding and engagement of suitably qualified consultants.

There are commercial/financial risks that need to be accepted by such landowners. There are other inherent risks, including the possible rejection of a LSP by the Shire and/or the WAPC. To that end, it is strongly recommended that where a landowner(s) commences the process, that a project plan be developed and ultimately distributed to all landowners within the precinct that addresses:

- Objectives, aspirations, ideas and potential concerns of landowners within the sub-precinct;
- Proposed arrangements for stakeholder engagement, at each stage in the planning process, including plan formulation, lodgement, assessment and finalisation;
- Anticipated timing, including key milestones, deliverables and target dates;
- Preliminary arrangements for the financing of due diligence investigations, including the engagement of suitably qualified consultants such as planning, environmental, civil engineering, landscape and transport;
- Preliminary scope of works for the relevant consultant team to be engaged to progress investigations and document preparation;
- Initial identification and mapping of opportunities and constraints; and
- A nominated person/project manager is to be contacted as the representative and proponent as the point of contact for all communications.

It is further recommended that any project plan be provided to all landowners within the sub-precinct. Irrespective of Council's decision on the proposed modifications to the precinct boundaries, the land within the precinct boundaries will remain in fragmented ownership and there will be no obligation on a landowner to sell, subdivide or develop their land.

(11) Progression of LSPs

Council in April 2012 has resolved to deem the LSP portion of Precinct E satisfactory for advertising. In accordance with the Council resolution, the proposal was subsequently advertised for stakeholder comment. At the time of this report being prepared, the applicant for the LSP was continuing to consider the submissions during the advertising period and work with relevant government agencies to resolve some matters of a technical nature.

(12) Resource Implications

The progression of LSPs requires the investment of staff technical resources, through the assessment process, reporting and stakeholder engagement. An increased number of sub-precincts will ultimately result in an increased number of LSPs lodged with the Shire on a progressive basis. Developers must pay a LSP planning application fee to Council. The Shire currently seeks to recover costs associated with the progression of a LSP on an hourly/cost basis, with an application fee payable by the proponent. This approach is consistent with the Shire's adopted fees and charges and also the *Local Government (Planning Fees) Regulations 2009*.

(13) Future Detailed Planning for Precinct F

One of the submissions received during the advertising period raised the matter of detailed planning for Precinct F, being the area of multiple landowners bounded by Paterson Street, Mundijong Road, Adams Street and Kiernan Street. This section seeks to provide some background information for preliminary consideration by Council, as Precinct F is not part of considerations for this report.

There are a number of reasons why a clear path forward needs to be established for the planning of Precinct F within the Mundijong-Whitby DSP Area. The reasons include, but are not limited to the following:

- For existing landowners to be able to make informed decisions about their landholdings, including whether to sell, renovate, subdivide, further develop or sit tight;
- For prospective purchasers to be able to make informed decisions about potential property acquisitions, including whether to buy properties with the potential for future subdivision and development within certain time horizons;
- For state government infrastructure agencies to have an indication for their future planning purposes;
- For the Shire to be able to explore potential resource demands and allocations into the future, including forward 10 year financial plans – particularly if Council needs or desires to allocate resources for the preparation of local structure plans; and
- For the Shire to be able to progress with a review of LPP 47, in conjunction with the WAPC, to establish an effective framework for interim/limited subdivision and development ahead of the preparation of LSPs.

Precinct F is in fragmented ownership, with a large number of individual properties. Planning for this Precinct is addressed in the Mundijong – Whitby Implementation Strategy currently being considered by Council.

Options and Implications

There are three options available to Council, as follows:

- Option 1: Resolve to finalise the proposed modification to LPP 29, including the proposed creation of sub-precincts, without further modification;
- Option 2: Resolve to finalise the proposed modification to LPP 29, including the proposed creation of sub-precincts, with further modification(s); or
- Option 3: Resolve to not finalise the proposed modification to LPP 29 and provide reasons accordingly. In this instance, no sub-precincts would be created.

Option 1 is recommended in this instance.

Conclusion

The creation of sub-precincts is recommended as it is understood to be consistent with the aspirations of landowners and facilitate timely decisions on planning proposals. It recognises that land is in fragmented ownership and that there are clear requirements for each LSP to demonstrate effective integration with the surrounding areas.

ATTACHMENTS

- [OCM058.1/10/12](#) - DSP Map (E12/5207)
- [OCM058.2/10/12](#) - Proposed precinct boundaries (E12/5208)
- [OCM058.3/10/12](#) - Precinct E requirements established in DSP (E12/5209)
- [OCM058.4/10/12](#) - Precinct G requirements established in DSP (E12/5210)
- [OCM058.5/10/12](#) - Mundijong-Whitby DSP 'operative part' (E12/5211)
- [OCM058.6/10/12](#) - Schedule of submissions from advertising period (E12/2991)
- [OCM058.7/10/12](#) - Updated LPP 29 (E10/4078)

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The progression of LSPs, on a precinct-basis is considered to be consistent with the principles of orderly and proper planning, including the establishment of urban villages.



STATUTORY ENVIRONMENT

- TPS 2
- LPP 29 – Planning Framework for the Mundijong - Whitby
- LPP 47 – Implementation Framework for Mundijong - Whitby
- Mundijong - Whitby DSP

FINANCIAL IMPLICATIONS

There are no direct financial implications envisaged with the proposal before Council. There are financial implications associated with the progression of LSPs, which are outlined further in this report.

VOTING REQUIREMENTS Simple Majority

OCM058/10/12 COUNCIL DECISION

**Moved Cr Wilson, seconded Cr Urban, seconded Cr Kirkpatrick
That Council seeks to rescind Council Decision OCM025/08/12 from the Ordinary Council Meeting held on 27 August 2012.
CARRIED 7/0
Cr Atwell was not present and did not vote.**

VOTING REQUIREMENTS ABSOLUTE MAJORITY

OCM058/10/12 COUNCIL DECISION

**Moved Cr Wilson, seconded Cr Ricketts, seconded Cr Urban
That Council Decision OCM025/08/12 from the Ordinary Council Meeting held on 27 August 2012 be rescinded.
CARRIED BY ABSOLUTE MAJORITY 6/1
Cr Atwell was not present and did not vote.**

VOTING REQUIREMENTS Simple Majority

Modified Recommendation

That Council:

1. Note the proposal received from Taylor Burrell Barnett for the creation of sub-precincts within the Mundijong-Whitby District Structure Plan Area, as depicted in attachment OCM058.2/10/12.
2. Note the submissions received during the advertising period for the proposed modification to Local Planning Policy 29 - Mundijong-Whitby Planning Framework, as set out in attachment OCM058.6/10/12.
3. Adopt the updated Local Planning Policy 29, as advertised and provided as attachment OCM058.7/10/12 incorporating the new sub-precincts and advise those persons who lodged a submission and relevant state government agencies accordingly.
4. Reiterate its specific requirement of the Council meeting of April 2012, pursuant to clause 5.18 of Town Planning Scheme No. 2 that any Local Structure Plan prepared for a portion of Precinct E or Precinct G shall be required to demonstrate integration with the surrounding area, including the balance of the full District Structure Plan precinct.



5. Reiterate its specific requirement, pursuant to clause 7.5.3.6 and 7.7.3.7 of the Mundijong-Whitby District Structure Plan that the preparation of design guidelines, to deliver the established character statements, shall be required to address the relevant full District Structure Plan precinct.
6. Note that a further report will be required to be presented to Council in respect of the submissions received during the advertising of the Local Structure Plan for a portion of Precinct E.
7. Note that matters relating to the future detailed for Precinct F shall need to be considered by Council as part of the progression of the Implementation Strategy for the Mundijong-Whitby District Structure Plan, which is currently in preparation.

COUNCIL DECISION

Moved Cr Wilson, seconded Cr Urban

That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.40pm.

CARRIED 7/0

Cr Atwell was not present and did not vote.

COUNCIL DECISION

Moved Cr Kirkpatrick, seconded Cr Wilson

That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 7.51pm.

CARRIED 7/0

Cr Atwell was not present and did not vote.

OCM058/10/12 COUNCIL DECISION / Council Recommendation

Moved Cr Wilson, seconded Cr Urban

That Council:

1. Note the proposal received from Taylor Burrell Barnett for the creation of sub-precincts within the Mundijong - Whitby District Structure Plan Area, as depicted in attachment OCM058.2/10/12.
2. Note the submissions received during the advertising period for the proposed modification to Local Planning Policy 29 – Mundijong - Whitby Planning Framework, as set out in attachment OCM058.6/10/12.
3. Adopt the updated Local Planning Policy 29, as advertised and provided as attachment OCM058.7/10/12 incorporating the new sub-precincts subject to the following modification:

 (a) Figure 2 – Mundijong Whitby Precincts being modified to remove sub precincts G1 and G2 and retain as a single precinct (Precinct G);

 and advise those persons who lodged a submission and relevant state government agencies accordingly.
4. Reiterate its specific requirement of the Council meeting of April 2012, pursuant to clause 5.18 of Town Planning Scheme No. 2 that any Local Structure Plan prepared for a portion of Precinct E shall be required to demonstrate integration with the surrounding area, including the balance of the full District Structure Plan precinct.
5. Reiterate its specific requirement, pursuant to clause 7.5.3.6 and 7.7.3.7 of the Mundijong - Whitby District Structure Plan that the preparation of design

guidelines, to deliver the established character statements, shall be required to address the relevant full District Structure Plan precinct.

6. Note that a further report will be required to be presented to Council in respect of the submissions received during the advertising of the Local Structure Plan for a portion of Precinct E.
7. Note that matters relating to the future detailed for Precinct F shall need to be considered by Council as part of the progression of the Implementation Strategy for the Mundijong - Whitby District Structure Plan, which is currently in preparation.

CARRIED 6/1

Cr Harris voted against the motion.

Cr Atwell was not present and did not vote.

COUNCIL NOTE: Council resolved to retain Precinct G as a single Precinct to ensure that the future detailed planning of the area takes into account both sides of Manjedal Brook.

Cr Atwell returned to the room at 7.54pm.

OCM059/10/12	REQUEST FOR SERPENTINE JARRAHDAL SHIRE TO CHANGE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ZONES FROM SOUTH EAST METROPOLITAN ZONE TO PEEL ZONE (SJ1226)
Author:	Trish Kursar - Personal Assistant to the Acting Chief Executive Officer
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	11 September 2012
Disclosure of Officers 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.

EXECUTIVE SUMMARY

Elected members have expressed a desire for the Serpentine Jarrahdale Shire to withdraw from the Western Australian Local Government Association (WALGA) South East Metropolitan Zone and to formally join the WALGA Peel Zone as voting members.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

There is no previous Council decision relating to this issue.

COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation is required.

REPORT

Currently Council are voting members of WALGA South East Metropolitan Zone; delegates are currently Cr Moore and Cr Harris. Council also attends the WALGA Peel Zone meeting as non voting members; delegates are currently Cr Moore and Cr Ricketts. Therefore two zone meetings are attended each month.

The Shire is more directly aligned with the Peel Region in regard to tourism and environmental issues such as the Peel Harvey catchment. The Shire attends meetings and has a strong relationship with the following groups;

- Peel Development Commission;
- Peel Regional Leaders Forum; and
- Peel Harvey Catchment Council.

WALGA have considered the request from Serpentine Jarrahdale Shire at the Peel Zone meeting of 30 August 2012 and advised the following;

'In summary it is up to the Shire of Serpentine Jarrahdale to write to WALGA requesting State Council consideration of changing Zones'.

WALGA's association constitution on a Member Councils membership of a zone is as below;

1. *An Ordinary Member shall belong to either the metropolitan constituency or the country constituency, but not both.*
2. *Subject to subclause (5), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or*
3. *State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (4) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.*

It is therefore recommended that the Serpentine Jarrahdale Shire write to WALGA requesting State Council consideration of changing zones to the Peel zone.

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Council's Plan for the Future has placed an emphasis on strong and visionary leadership throughout Our Council at Work for society, community and environmental responsibility.

STATUTORY ENVIRONMENT

- Serpentine Jarrahdale Shire is within the boundaries of the Peel Development Commission and is within the boundaries of the Peel Harvey catchment area.
- WALGA constitution.

FINANCIAL IMPLICATIONS

There are no financial implications.

VOTING REQUIREMENTS Simple Majority

Officer Recommendation

That Council:

1. Write to the Western Australian Local Government Association requesting State Council support the Serpentine Jarrahdale Shire to change zones from the Western Australian Local Government Association South East Metropolitan Zone to the Western Australian Local Government Association Peel Zone as voting members.

2. Nominate Cr Moore and Cr to be voting delegates if the Western Australian Local Government Association agree to the Serpentine Jarrahdale Shire joining the Western Australian Local Government Association Peel Zone.

OCM059/10/12 COUNCIL RECOMMENDATION

Moved Cr Moore, seconded Cr Urban
That Council:

1. Write to the Western Australian Local Government Association requesting State Council support the Serpentine Jarrahdale Shire to change zones from the Western Australian Local Government Association South East Metropolitan Zone to the Western Australian Local Government Association Peel Zone as voting members.
2. Nominate Cr Moore and Cr Ricketts to be voting delegates if the Western Australian Local Government Association agree to the Serpentine Jarrahdale Shire joining the Western Australian Local Government Association Peel Zone.
3. Ask the Acting Chief Executive Officer to write to the Peel Zone and request confirmation in writing.

CARRIED 8/0

COUNCIL NOTE:

The Serpentine Jarrahdale Shire is considered to be part of the Peel Region in multiple ways:

1. Serpentine Jarrahdale Shire is part of the Peel Development Commission under the *Regional Development Commissions Act 1993* and is therefore eligible for consideration for funding under such programs as Royalties for Regions.
2. Serpentine Jarrahdale Shire is part of the Peel Region under Regional Development Australia Programs.
3. The Western Australian Departments of Local Government, Regional Development and Lands, Sport and Recreation and Landcorp all treat the Serpentine Jarrahdale Shire as being part of the Peel Region.
4. Serpentine Jarrahdale Shire falls under the Peel Police District and is not serviced out of Armadale.
5. The Department of Housing includes the Serpentine Jarrahdale Shire within the area of South Metropolitan which includes Mandurah and Murray.
6. The Department of Health also operates within the South Metropolitan area which includes Mandurah and Murray.
7. The only departments which do not include Serpentine Jarrahdale within the Peel region are the Department of Planning and the Department of Education.
8. The Serpentine Jarrahdale Shire is incorporated into Peel Tourism.
9. The Serpentine Jarrahdale Shire is part of the Peel Region signage Strategy.
10. The Serpentine Jarrahdale Shire has far greater linkages to communities of similar interests particularly relating to historical development of the timber industry, mining industries and settlement histories.
11. The Serpentine Jarrahdale Shire has twice the value of agricultural production as the Shire of Murray which may be considered to be primarily agricultural thereby linking it much more closely to the rural/agricultural Shires of the Peel region.
12. The Serpentine Jarrahdale Shire has many more characteristics in common with the Peel region in terms of emergency management and has close working relationships with all other local governments in the Peel region.
13. The Serpentine Jarrahdale Shire is one of the five local governments that comprise the Peel Regional Leaders Forum Inc. which has formed a company

entitled Peel Infrastructure Holdings which will be embarking on a complex and much needed regional water re-use scheme that will support both mining and agricultural development in the region.

14. The Serpentine Jarrahdale Shire planning and management protocols are heavily directed by the conditions of water and land management of the Peel Harvey Water Catchment Area.

- **Added point 3 to the recommendation to include that the Acting Chief Executive Officer write to the Peel Zone and request confirmation in writing.**
- **Councillors acknowledged Cr Harris' input for this item.**
- **Cr Harris acknowledged the previous Chief Executive Officer's input also as she got her information from a report written by the previous Chief Executive Officer.**

OCM060/10/12	REQUEST TO WAIVE PAYROLL SERVICES FEES - PEEL HARVEY CATCHMENT COUNCIL (SJ119)
Author:	Kelli Hayward - Acting Executive Manager Finance
Senior Officers:	Alan Hart - Director Corporate Services
Disclosure of Officers 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.

RELEVANT PREVIOUS DECISIONS OF COUNCIL

There is no previous Council decision relating to this issue.

COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation is required.

REPORT

In February, the Peel-Harvey Catchment Council Inc. (PHCC) wrote to the Shire requesting for waiver of Fee for Payroll Services. PHCC stated that the request is due to PHCC going through a detailed process to look at an alternative funding framework to enable them to operate in the longer term, with less vulnerability to the current grant by grant process. They are requesting that the Shire consider providing payroll services as an in-kind contribution to the operation of the PHCC, perhaps for a fixed period of time, eg three years, with a review after this time.

Currently under the fees and charges adopted as part of the Annual Budget for 2012-2013 the Shire charges \$776.36 (excl gst) per employee per year to conduct payroll services on their behalf. However, as employees come in and out during the year we feel that it is more equitable that the fee is broken down to a per payroll fee per employee of \$29.86 (excl gst).

Some of the services that the payroll function provides for this fee are, but not limited to:

- Answer all payroll queries from all staff on their own matters or authorised staff on all staff matters;
- Enact any changes to staff employee records, new and existing, including implementing pay increases when requested, create new employee records, set up new superannuation accounts in most cases for new employees;
- Pay all Superannuation liabilities each pay fortnight to respective superannuation funds;
- Complete payroll and provide payslips each fortnight;

- Supply all leave entitlements when required;
- Pay As You Go Reporting and Reconciliation for BAS Monthly; and
- End Of Year Payment summaries to all staff and Australian Tax Office.

In our payroll system, as of pay period ending 14 September 2012, PHCC have 18 employees. (5 permanent full/part time employees, 5 casual employees that are currently employed, and 8 casuals which are currently inactive) In the past 12 months there has been a frequent turnover of casual staff which requires in all cases setting up new payroll details for each staff member and finalizing payroll for any leaving staff member.

Currently a significant amount of the Payroll Officers time is spent providing services to other organisations such as PHCC and it is recommended that Council does not support the decision to waive the payroll service fees for PHCC. The Shire also provides payroll services to another community based organisation and should Council agree to waiving these fees, a precedence may be set in any request to waive those fees.

ATTACHMENTS

- [OCM060.1/010/12](#) - Letter from Peel Harvey Catchment Council - Request for Waiver of Payroll Services (IN12/2240)

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Charging of fees for service ensure that the Shire exercises responsible financial and asset management cognizant of being a hyper-growth council in line with the Plan for the Future.

STATUTORY ENVIRONMENT

Section 6.16 of the *Local Government Act* states that a local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

Section 6.12(1)(b) of the *Local Government Act* states that a local government may waive or grant concessions in relation to any amount of money which is owed to the local government.

FINANCIAL IMPLICATIONS

By waiving the payroll service fees for Peel Harvey Catchment Council the Shire will be providing services free of charge to the value of approximately \$5,000 for the 2012-2013 financial years.

VOTING REQUIREMENTS

Simple Majority

OCM060/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Wilson, seconded Cr Harris

That Council does not waive the Payroll Services fees for Peel Harvey Catchment Council.

CARRIED 8/0



OCM061/10/12	PROPOSED MODIFICATION TO KALIMNA ESTATE LOCAL STRUCTURE PLAN (SJ1401)
Author:	Michael Daymond - Senior Planner
Senior Officers:	Louise Hughes - Manager Statutory Planning Brad Gleeson - Director Development Services
Date of Report:	14 September 2012
Disclosure of Officers 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.

Proponent: Roberts Day
 Owner: Australand
 Date of Receipt: 27 July 2012
 Town Planning Scheme No. 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

EXECUTIVE SUMMARY

A modification to the Kalimna Estate Local Structure Plan (LSP) has been proposed, which seeks to increase the Residential Density Code of the grouped housing site from R30 to R40. In the opinion of officers, the proposed modification is considered to not alter the material intent of the LSP and is consistent with the Shire's adopted Local Planning Policy 57 - Housing Diversity (LPP 57). Accordingly, it is recommended that Council adopt the proposed modification and advise both the applicant and the Western Australian Planning Commission (WAPC).

RELEVANT PREVIOUS DECISIONS OF COUNCIL

October 2009 Ordinary Council Meeting – Item SD051/10/09 – Council resolved to finally adopt the Kalimna Estate LSP.

COMMUNITY / STAKEHOLDER CONSULTATION

The Kalimna Estate LSP was advertised extensively during its original progression, prior to adoption by Council and approval by the WAPC. No community consultation has been progressed for the current proposal. It is open to Council to determine that the proposed modification 'alters the material intent' of the LSP and therefore requires the modification to be progressed as a 'major modification', including a requirement for public advertising, adoption by Council and approval by the WAPC. Advertising is not recommended for this proposal.

REPORT

This report provides Council with the opportunity to consider a modification to the adopted Kalimna Estate LSP. The proposed modification seeks to increase the Residential Density Code of the grouped housing site from R30 to R40. The proponent has provided specific justification for the proposed modification as follows:

"The proposal does not materially alter the intent of the Kalimna Estate LSP. The LSP provides for a range of density codes across the site, including R20, R25 and R30 throughout a majority of the estate, R5 and R10 coded lots adjacent to the Tonkin Highway reserve to the west and R5 lots as a transition to the Byford Trotting Complex to the east.

The proposed modification is consistent with the WAPC's Directions 2031 document and the Shire's objectives of increasing residential densities. The proposal will increase the potential lot yield of the grouped housing site from 11 to 15 dwellings.



The grouped housing site is ideally located in an area of high amenity, being immediately adjacent to the Multiple Use Corridor public open space. Additional dwellings on the subject site will result in increased opportunities for passive surveillance of the public open space”.

Town Planning Scheme No.2 (TPS 2)

The power for Council to adopt a minor modification to a LSP is conferred in clause 5.18.4.1 of TPS 2 as follows:

“The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan”.

A key consideration for Council is whether the modification proposed to the LSP is deemed to be minor or major in nature. The WAPC’s ‘Structure Plan Preparation Guidelines’ (the guidelines) provides guidance in this matter.

Structure Plan Guidelines

In terms of what constitutes a minor or major modification, the guidelines state:

“A ‘minor’ modification to a structure plan is a change or departure that does not materially alter the intent of the structure plan.

A major modification to a structure plan is any change or departure not defined as a minor modification. A modification designated ‘major’ or ‘minor’ depends on:

- 1. Whether there is an existing community and/or adjoining residential area(s) or development; and*
- 2. Whether the proposed modification impacts upon the existing community and/or adjoining residential area(s) or development”.*

The guidelines provide examples as to what may be considered to be a minor modification. One of the examples provided is as follows:

“An increase in residential density that retains residential banding, ie ‘low’, ‘medium’ or ‘high’ density.”

In the opinion of officers, the proposed modification does not alter the material intent of the original LSP. Accordingly, adoption of the proposed modification is recommended. The WAPC may subsequently determine that the modification does materially alter the intent of the LSP and require the modification to be advertised.

LPP 57 – Housing Diversity

The Shire adopted LPP 57 – Housing Diversity in late 2011, as part of its policy development program. Of particular relevance to the current proposed modification, are the following objectives:

- Promote and facilitate increased housing diversity and choice to meet the changing housing needs of the Shire community; and
- Provide a diverse range of housing types to meet the needs of residents which vary based on income, family types and stages of life, to support the growth of sustainable communities.

The proposed lot sizes will provide for a greater diversity of lot types across the Kalimna Estate and consequently, provide for a broader range of housing products generating more choice for future residents of the Byford community. Accordingly, it is considered the proposed modification is consistent with the objectives set out in LPP 57.

Detailed Area Plan (DAP)

The grouped housing site is included within a previously endorsed DAP to guide the development outcomes for the site. Should the modification to the LSP be supported by Council, a revised DAP will need to be prepared which reflects the increase in coding from R30 to R40. The revised DAP has been submitted by the applicant and is awaiting approval pending determination of the LSP modification.

Options and Implications

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

- Option 1: Resolve to adopt the proposed modification as a 'minor modification'; or
- Option 2: Resolve that the proposed modification alters the material intent of the LSP and require the proposed modification to be progressed as a 'major modification' including formal advertising, adoption by Council and approval by the WAPC.

Option 1 is recommended.

Conclusion

The proposed modification is considered to not alter the material intent of the LSP and be consistent with the Shire's adopted LPP 57 - Housing Diversity. It is recommended that Council adopt the proposed modification and advise both the applicant and the WAPC accordingly.

ATTACHMENTS

- [OCM061.1/10/12](#) - Proposed modification to LSP (IN12/14971)

ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The achievement of a vibrant urban environment, incorporating a diversity of housing opportunities, is considered critical for the community not only today but also in planning well into the future.

STATUTORY ENVIRONMENT

- TPS 2
- LPP 4 – Detailed Area Plans
- LPP 57 – Housing Diversity
- *Planning and Development Act 2005*
- WAPC's Directions 2031

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the progression of the proposed modification to the LSP.

VOTING REQUIREMENTS

Simple Majority

OCM061/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Harris, seconded Cr Randall
That Council:

1. Adopt the proposed modification to the Kalimna Estate Local Structure Plan as shown on attachment OCM061.1/10/12, pursuant to Clause 5.18.4.1 of the Serpentine Jarrahdale Shire Town Planning Scheme No. 2.
2. Forward the proposed modification to the Western Australian Planning Commission for consideration in accordance with clause 5.18.4.2 of the Serpentine Jarrahdale Shire Town Planning Scheme No. 2.

CARRIED 7/1**COUNCIL DECISION**

Moved Cr Moore, seconded Cr Wilson, that the meeting be closed to members of the public at 8.07pm to allow Council to discuss item OCM062/10/12 as the matter concerns information of a confidential nature.

CARRIED 8/0**COUNCIL DECISION**

Moved Cr Wilson, seconded Cr Ricketts

That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.08pm.

CARRIED 8/0**COUNCIL DECISION**

Moved Cr Kirkpatrick, seconded Cr Urban

That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 8.37pm.

CARRIED 8/0

OCM062/10/12	CONFIDENTIAL ITEM – RECONSIDERATION OF EXTRACTIVE INDUSTRY LICENCE & PLANNING APPROVAL CONDITIONS - LOT 6 SHALE ROAD AND LOTS 3 & 50 KILN ROAD, CARDUP (P05917/06)
Author:	Michael Daymond - Senior Planner
Senior Officers:	Louise Hughes - Manager Statutory Planning Brad Gleeson - Director Development Services
Date of Report:	14 September 2012
Disclosure of Officers 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.

VOTING REQUIREMENTS

Simple Majority

OCM062/10/12 COUNCIL DECISION / Officer Recommendation

Moved Cr Wilson, seconded Cr Kirkpatrick Proforma
That Council:

- A. Note that the State Administrative Tribunal has invited the Serpentine Jarrahdale Shire under Section 31 of the *State Administrative Tribunal Act 2004* to reconsider its previous approval decisions, being the planning approval under Town Planning Scheme No. 2 and the Extractive Industry Licence, in respect of the



proposed shale and clay extraction on Lot 6 Shale Road and Lots 3 & 50 Kiln Road, Cardup.

B. Advise the State Administrative Tribunal that for the purposes of mediation Council agrees to:

1. Modify condition 1 of the Planning Approval, dated 11 June 2012, to extend the term of the Planning Approval to 31 December 2022.
2. Modify condition 1 of the Extractive Industries Licence, dated 20 June 2012, to extend the term of the Extractive Industries Licence to 31 December 2022.

LOST 1/7

Cr Ricketts foreshadowed a new motion that the outstanding and/or modified management plans are to be presented to Council by 31 December 2012 and change the date of point B. 2 above so that the Extractive Industry Licence expires on 31 December 2013 if the motion under debate is defeated.

OCM062/10/12 COUNCIL DECISION / New Motion

Moved Cr Ricketts, seconded Cr Harris
That Council:

- A. Note that the State Administrative Tribunal has invited the Serpentine Jarrahdale Shire under Section 31 of the *State Administrative Tribunal Act 2004* to reconsider its previous approval decisions, being the planning approval under Town Planning Scheme No. 2 and the Extractive Industry Licence, in respect of the proposed shale and clay extraction on Lot 6 Shale Road and Lots 3 & 50 Kiln Road, Cardup.
- B. Advise the State Administrative Tribunal that for the purposes of mediation Council agrees to:
1. Modify condition 1 of the Planning Approval, dated 11 June 2012, to extend the term of the Planning Approval to 31 December 2022.
 2. Modify condition 1 of the Extractive Industries Licence, dated 20 June 2012, to extend the term of the Extractive Industries Licence to 31 December 2013.
 3. Outstanding and/or modified management plans are to be presented to Council by December 31 2012.

CARRIED 7/1

COUNCIL NOTE: Outstanding and/or modified management plans are to be presented to Council by 31 December 2012 and the date in point B. 2 above was altered so that the Extractive Industries Licence now expires on 31 December 2013.

COUNCIL DECISION

Moved Cr Urban, seconded Cr Harris, that the meeting be re-opened to members of the public at 8.50.pm.

CARRIED 8/0

10. URGENT BUSINESS:

Nil.



11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil.

12. CLOSURE:

There being no further business the meeting closed at 8.52pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 October 2012.

.....
Presiding Member

.....
Date