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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 8 September 2014. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: K Ellis Presiding Member
S Piipponen
J Erren
S Hawkins
B Moore
B Urban
J Rossiter
G Wilson

Officers: Mr R Gorbunow Chief Executive Officer
Mr A Hart Director Corporate and Community
Mr B Gleeson..... Director Planning
Mr G Allan Director Engineering
Ms K Peddie Executive Assistant to the CEO

Apologies: Nil

Observers: Nil

Members of the Public – 17
Members of the Press – 0

Leave of Absence:

Councillor Kirkpatrick (Approved Leave of Absence 1 September 2014 - 21 September 2014)

Chief Executive Office left meeting at 7.01pm
Chief Executive Office returned to meeting at 7.02pm

2. Response to previous public questions taken on notice:

Mr Harry McLean, 234 Soldiers Road, Cardup, WA, 6122

Question 1

Why have I not had a reply to the questions from the last meeting?

Question 2

When will I get a reply?

Response:

Director Planning advised that the letter was dated 21 August and was sent on or about the same day. A copy of the letter will be provided at the conclusion of the meeting.

Mr Karl H Titelius, 360 Hedges Road, Hovea, WA, 6071

Questions 1

When will the Shire of Serpentine Jarrahdale ask LWP to explicitly remove the development proposal for the area between the creek lines and incorporate it intact

instead in to the multi-use corridor that joins the rest of the Glades to the Brickwood Reserve/Park?

Response:

The Shire and Western Australian Planning Commission have approved a Local Structure Plan (LSP) for the Glades development in Byford. The approved LSP shows residential development and a multiple use corridor on land on the east side of Warrington Road. As the LSP has already been approved, the Shire will not be asking LWP to remove the residential development in this area. The developer can apply to Council if it wishes to modify the LSP to include more public open space in this area.

Questions 2

When will the Shire of Serpentine Jarrahdale take action to seek a commitment and action timeline from LWP to control vehicular access to the site to reduce its use as a dumping site for local residents and contractors refuse? It is disrespectful to members of the local community who walk through that area to see that's its owners do not care that it is used as an informal and uncontrolled tip site.

Answer: The concerns of the community about illegal rubbish dumping are shared by Council. As the land is privately owned, LWP is responsible for managing the land to prevent the dumping of rubbish and to clean up the land.

Ms Lee Bond, PO Box 44, Armadale, WA, 6112

Question 1

Did the CEO and any Councillors seek leave of absence for the past week before taking that leave?

Response:

The Chief Executive Office is not required to seek leave of absence. Councillors are required to seek leave of absence only if not able to attend Council Meeting.

Question 2

Is it a requirement that anyone putting questions to Council or making statements to Council use their legal name? If yes, what action would you be required to take should this behaviour have been permitted to occur?

Response:

Yes. Council is not aware of any statements given to Council falsifying names and if you are aware of any of these incidents please forward this information to the Chief Executive Office.

Question 3

When an email is sent to a Councillor the sender is able to see when that email is opened, who is responsible for stopping Councillor from receiving emails directed to particular Councillors?

Response:

Councillors are responsible for managing their own emails.

Ms Michelle Rich, Firns Road, Serpentine, WA, 6125

Question 1

Am I right in my belief that the sporting precinct is still one of the Shires five priority projects?

Response:

Yes

Questions 2

Can the Serpentine Jarrahdale Community Recreation and Sports Group please have a copy of the information supplied to Gary Middle as part of the study and writing of the report – Active Open Space in a Growing Perth-Peel Area?

Response:

There is no record of any information provided to Mr Gary Middle.

Question 3

Is there a reason that elected members would name, call and refuse to communicate with residents of the Shire?

Response:

It is up to the individual elected member how they respond or communicate with residents.

Question 4

Have any members of the Council heard Tony Simpson MLA state that the sporting precinct is dead ion the water and for the Shire to not bother proceeding with pursuing the sporting precinct?

Response:

No

3. Public question time:

Public Question and Statement time commenced at 7.01pm

Ms Anne Hanson, 230 Soldiers Road, Cardup, WA, 6122

Question 1

If the Shire is following all legislation, policy and procedure in relation to the development of the Cardup Business Park, then who is not following proper procedure, the land owner or the developer?

Response:

The Director Planning advised that the Shire is the local planning authority and has the statutory role in the planning and development of this area under Town Planning Scheme No. 2 (TPS). Private landowners have a right to lodge planning applications and a local structure plan for this land under TPS 2. Some landowners have undertaken development on their land without the correct approvals from Council under TPS 2.

Mr Harry McLean, 234 Soldiers Road, Cardup, WA, 6122

Question 1

Byford on the scarp has four known bores. What is their purpose?

Question 2

What is the loss per day from the lake in evaporation?

Question 3

When did the developer get permission to put the bore water piper under the Bush Forever Land, WesRail Land and Main Roads Land?

Note: The Department of Water gave permission to transfer water to the lake only on March 2005 from the Cardup bore.

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Questions of behalf of the Cardup Business Park:

Question 1

Have demolition orders been used to the owners of homes on the Cardup Business Park?

Question 2

Why have Wormalls been allowed to bring a dump truck back on site?

Question 3

Why hasn't the owners of the homes on the Cardup Business Park had demolition orders issued?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Mr Grant Richardson, Soliders Road, Cardup

With regards to the Metropolitan Region Scheme Amendment 1215/41 – Cardup Industrial Precinct, Report on Submissions:

Question 1

Developers are encouraged to liaise with the Water Corporation as the implementation of Water Corporation planning of the provision of infrastructure is dependent on the timing of developments and may require funding of major works by the developer. The Water Corporation also advises that the developer is expected to provide all water and sewerage reticulation and contribution for water and sewerage headworks may also be required. Will this occur before any other development is carried out in the Cardup Business Park?

Response:

The Shire President advised the question will be taken on notice and a formal response will be provided in writing.

Question 2

Access to the South Western Highway will primarily be obtained via Cardup Siding Road. As Cardup Siding Road has only been constructed to a rural standard, an upgrade of Cardup Siding Road, including the intersection of Cardup Siding Road and South Western Highway, will be required. Main Roads WA advises that it may be some time before upgrading of the South Western Highway to a four lane dual carriageway occurs. Therefore a significant upgrade at the intersection of the South Western Highway and Cardup Siding Road may be required earlier due to the traffic impacts from the amendment. All costs associated with the upgrade are to be funded by the developer. Will this upgrade occur before development of the Cardup Business Park?

Response:

No, the normal requirement is that road upgrades occur as they are needed. The industrial area will be built in stages and over a number of years. The timing for road and intersection upgrades will be determined by the timing and staging of development.

Question 3

At Ordinary Council Meeting 11 August the question - has Wormald been ordered to remove the training building from Lot 41 was asked. The response was that the CEO advised that orders for the removal are about to be issued and that the notice will be served shortly. Has Wormald been ordered to remove the training building from Lot 41?

Response:

No, however, the Shire has commenced legal action against the unauthorised land use.

Mr Antonio Ierino, 21 Butter Gum Close, Serpentine, WA, 6125

Questions 1

In relation to the dog attack why was the matter not investigated correctly? If it was, the second and third attack wouldn't have happened.

Question 2

In relation to the first attack, two dogs were involved and removed, the facts are incorrect as the wrong dog was removed and another dog was purchased, and on the third attack the new dog was removed, why is the original dog still there?

Response:

The Shire President advised the question will be taken on notice and a formal response will be provided in writing.

Ms Lee Bond, PO Box 44, Armadale, WA, 6112

Question 1

Why aren't the questions and statements being recorded in the minutes for all ratepayers to see before the following Ordinary Council Meeting?

Question 2

Why hasn't the question asked by a ratepayer regarding all the details of the unsuitable mulch removed by Total Eden and the testing of that mulch in connection with the Byford Beautification Project for the amount of \$8236.31 been answered?

Question 3

Where did the unsuitable mulch from this particular Byford Beautification Project come from, what was it tested for, what were the results of that testing, who gave permission for the mulch to be used, who gave the order to remove the mulch, where was the mulch disposed of, provide an explanation of why it cost \$8236.31, has this Shire been offered any product from Custom Compost or C-Wise, has this Shire accepted any product from Custom Compost or C-Wise?

Response:

The Shire President advised the question will be taken on notice and a formal response will be provided in writing.

4. Public statement time:

Mr Ronald Webb, 2 Foreshore Cover, South Yunderup, WA, 6208

Mr President, Councillors, Ladies and Gentlemen, I am here at your invitation to reinforce correspondence relating to our application for the Race Course 2166 to naming of Webb Reserve.

My brother, Eric, and I are very thankful indeed for your consideration in the naming of the reserve due to our parents who started farming in 1928. My brother and I dairy farmed from 1958 until 1974. We also thank the Land Department for the granting of the lease for us to clear the land, seeded for hay supply, also to run cattle fenced and

sunk a bore for fresh water. Mr President, once again I thank your Planning Department for all the correspondence relating to the application for this area to be named Webb Reserve, many thanks.

Public Question and Statement time concluded at 7.23pm

5. Petitions and deputations:

Nil

6. President's report:

Mundijong Police Sub-District

As of 1 September your station has been realigned from the Peel Police District to the South East Metropolitan District and adopted the new 2020 Frontline Metropolitan Policing Model. The new model is based on improving our community engagement and focussing on reducing demand for Policing Services through engagement, early intervention and problem solving. There is a detailed explanation about the new policing model on the WA police website.

The alignment to the South East Metropolitan District won't affect the delivery of our services but will bring some new opportunities for us to keep you and the wider community abreast of what we are focusing on and achieving. I want to advise you of additional ways you can contact the police and more importantly better ways to provide information, so that they can spend more time on the road, where we need them.

Skate Park Celebrated

Completed in July this year, the Jarrahdale Skate Park was officially opened at an event hosted by the Shire of Serpentine Jarrahdale on the afternoon of Sunday 31 August, with local skaters captivated with demonstrations from Skateboarding Australia and skate clinics held on the day. A free sausage sizzle was hosted by the Shire President and Councillors on the day, with a ribbon cutting ceremony in the afternoon.

It was such a fantastic day, celebrating the commitment of so many who have made the Skate Park a reality from the Jarrahdale Community Association, in particular Melissa Matheson, and our funding partners Lotterywest at the construction stage and the Department of Sport and Recreation who provided assistance during the planning stages of the project. We were fortunate to have experts from Skateboarding Australia on site during the day to provide demonstrations and host a clinic teaching local skaters new skills and tricks to enjoy Jarrahdale Skate Park into the future.

A skate clinic was held with local skaters in the week leading up to the event attracting 25 skaters, with the clinic held during the event attracting 47 skate enthusiasts. YMCA's Y Time hosted a range of activities including bubble art and card making. Convic have done a stellar job of constructing our Skate Park and it was great to have their Project Manager John Torney there on the day to celebrate the end product.

Jarrahdale Skate Park was funded by the Shire of Serpentine Jarrahdale and Lotterywest, with the Department of Sport and Recreation assisting during the planning stages. The Park is located at the corner of Munro Street and Jarrahdale Road.

7. Declaration of Councillors and officers interest:

Nil

8. Receipt of minutes or reports and consideration for recommendations:

8.1 Ordinary Council Meeting – 25 August 2014

Corrections

Minutes changed to include question 4 from Ms Michelle Rich in the Public Question section on page 5:

Question 4

Have any members of the Council heard Tony Simpson MLA state that the sporting precinct is dead in the water and for the Shire to not bother proceeding with pursuing the sporting precinct?

COUNCIL DECISION:

Moved Cr Piipponen, seconded Cr Wilson

That the minutes of the Ordinary Council Meeting held on 25 August 2014, with the above corrections, be confirmed (E14/4075).

CARRIED 7/1

9. Motions of which notice has been given:

OCM043/09/14	Reserve 2166 – Naming of Reserve – Webb Reserve (SJ1669)
Author:	Kylie Shailer – Planning Support Officer
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	5 August 2014
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 <i>Local Government Act</i>

Proponent: Mr Ron Webb
 Owner: State of WA (Reserve vested to Shire of Serpentine Jarrahdale)
 Date of Receipt: 23 July 2014

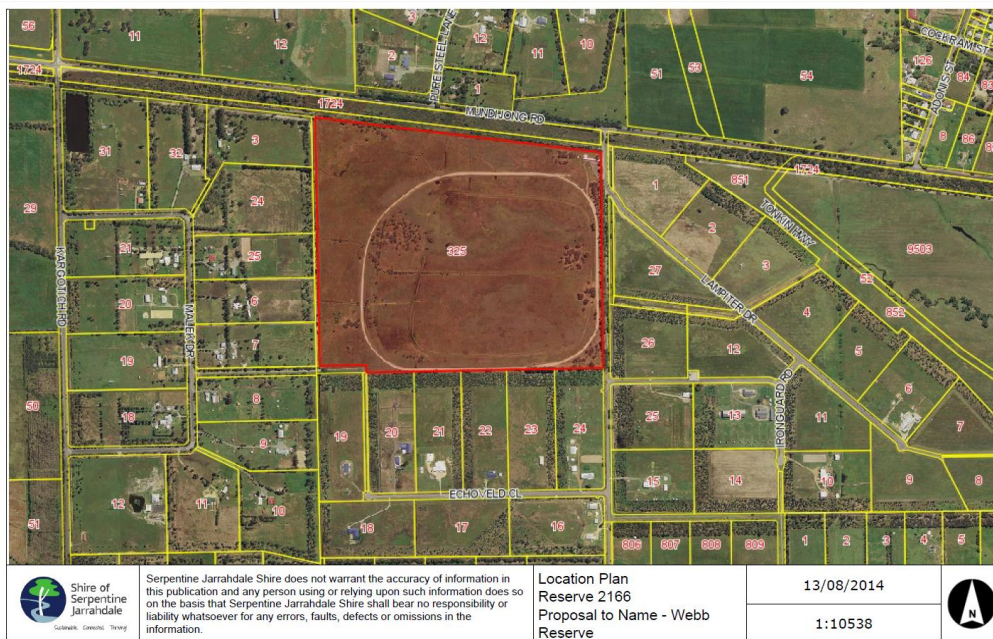
Introduction:

To consider a request to officially name Reserve 2166 as Webb Reserve.

Background:

The reserve is approximately 50 hectares in size and is located off Lampiter Drive in Mardella.

Ron Webb wrote to the Shire in 2011 requesting information why the road name of Webb Road had been replaced by Lampiter Drive. The renaming of this road was a result of road redesign associated with the subdivision in the adjacent area. Officers have investigated the opportunity to recognise the Webb family name in the area.



Location Plan

Relevant Previous Decisions of Council:

There are no previous decisions of Council.

Comment:

The Geographic Names Committee (GNC), advises that a local government can identify a portion of land, in this case a reserve, with an official name or a Toponym. Toponyms are used as a reference for a location and provide history relating to where a place is.

Benefits of recording and preserving toponyms are associated with the past, present and future of a community. They form an integral part in personal identity by defining where

people were born, live, have lived and from where their ancestors have come from (Source: GNC Policies and Standards for Geographical Naming in Western Australia).

The Webb family has a long association with Mundijong and the land known as Reserve 2166. William and Ethel Webb were poultry farmers in Mundijong in 1928 and their sons Ron and Eric went on to dairy farm until 1974. This reserve, locally known as Webb Road Reserve, was leased by the Webb family from the State in 1958, which was ploughed, seeded and harvested for cattle feed (Source: *Farm and Family* by Ron Webb).

Prior to 2010, the road accessing the reserve was Webb Road and signposted as such from Mundijong Road. To apply the name Webb Road to another road within the Shire is not an alternative that the GNC will consider as the name has been officially archived. This option was discussed with Mr Webb and deemed not a suitable outcome as the family had a firm association with Reserve 2166. The reserve in an unofficial capacity is known as Webb Road Reserve.

There is sufficient historical proof that the reserve was associated with the name Webb. GNC do not support names for reserves that include the suffix, for example, the reserve cannot be named Webb Road Reserve.

Options and Implications

Option 1 – Endorse the name Webb Reserve and apply to GNC for naming approval.

Option 2 – Not endorse the name Webb Reserve and consider another name.

Option 1 is recommended.

Conclusion

The reserve has strong historical ties to the Webb family which was previously recognized by the naming of the road accessing the reserve. The Webb family support the family name being recognised within the Shire in particular relation to Reserve 2166. It is recommended that the Council endorse the name Webb Reserve for Reserve 2166.

Attachments:

Nil

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Statutory Environment:

GNC - Policies and Standards for Geographical Naming in Western Australia

Financial Implications:

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

Voting Requirements: Simple Majority

OCM043/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Erren

That Council endorse the name Webb Reserve for Reserve 2166 and recommend approval of the name to the Geographical Names Committee.

CARRIED 8/0

OCM044/09/14 Proposed Removal of Caveat (Ancillary Accommodation restrictions) Lot 18 (#88) Malek Drive, Mardella (P00164/03)	
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Brad Gleeson – Director Development Services
Date of Report:	19 August 2014
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 <i>Local Government Act</i>

Owner: Kevin and Helena Hedges
 Date of Receipt: 22 April 2014
 Lot Area: 5.077ha
 Town Planning Scheme No 2 Zoning: Farmlet
 Metropolitan Region Scheme Zoning: Rural

Introduction

To consider removing a legal covenant restricting the use of the Ancillary Accommodation on this property.

Background:

A Planning Application was lodged on 20 March 2002 seeking Approval for a 72m² Ancillary Accommodation adjacent to main dwelling. This was approved on the 19 April 2002 subject to standard Planning Conditions, including Condition No.3 which stated:-

“Council requires the owner to enter into a legal agreement which shall bind the owner, his heirs and successors in title, requiring that the occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling”

The Ancillary Accommodation was built and Condition No.3 has been satisfied with the preparation of a Caveat. The Ancillary Accommodation is no longer used by the parents of the landowner and the building has been vacant for nearly five years.



Location Plan



Site Plan

Relevant Previous Decisions of Council:

P128/04/02 - 2002

Community / Stakeholder Consultation:

The proposal to remove the restriction of occupants of the existing Ancillary Accommodation was advertised to nearby landowners for a period of 21 days, in accordance with Town Planning Scheme No.2 (TPS 2). No submissions were received.

Comment:

The assessment of the Planning Application is based on the requirements of the Western Australian Planning Commission State Planning Policy 3.1 - Residential Design Codes and the Shire's Draft Local Planning Policy No.39 (LPP39) – Ancillary Accommodation.

Part 5.5 of the Residential Design Codes discuss the design principles for the development of Ancillary Dwellings. The deemed-to-comply provisions now do not restrict occupation to family members of the occupiers of the main dwelling, however this has not always been the case in the past.

Until Planning Bulletin No.109 was released in May 2013, the Residential Design Codes required that Ancillary Accommodation was occupied by family members of the main dwelling. A review of the Residential Design Codes in early 2013 was triggered by the City of Fremantle removing the abovementioned requirement through their Ancillary Accommodation Policy, allowing anyone to occupy an Ancillary Accommodation. Planning Bulletin No.109 resulted in the restriction for only family members to occupy Ancillary Accommodation to be removed from the Residential Design Codes. The Planning Bulletin does note that:- *“Any existing provisions in a local planning scheme regarding ancillary accommodation will prevail over the R-Codes, until amended”*

Clause 7.13 of the Shires Draft Local Planning Policy No.39 (LPP39) – Ancillary Accommodation was consistent with the previous adopted Residential Design Codes which restricting the occupation of Ancillary Accommodation to family members of the occupiers of the main dwelling.

There is merit in allowing any member of the community to occupy an Ancillary Accommodation dwelling such as providing affordable housing options and rental income for landowners. From a planning perspective due regard must be given to the current Draft

Local Planning Policy, which requires occupants to be family members. If the application is approved then it may create a precedent for other similar applications.

LPP 39 will need to be reviewed to reflect the 2013 change to the Residential Design Codes. This will allow Council's vision relating to Ancillary Accommodation dwellings across the Shire.

Options and Implications

The Shire has the following options:-

Option 1: Refuse the Planning Application as it is inconsistent with Clause 7.13 of the Shires Draft LPP 39 – Ancillary Accommodation, or

Option 2: Support the Planning Application to remove the restriction for only family members to occupy the Ancillary Accommodation and amend the existing Planning Approval accordingly.

Conclusion

LPP 39 will need to be reviewed to reflect the changes in the Residential Design Codes and establish a clear position for dealing with such application in the Shire. It is recommended that the application be approved.

Attachments:

- [OCM044.1/09/14](#) – Original Planning Application (E14/4040)
- [OCM044.2/09/14](#) – Original Statutory Declarations (IN02/3349)
- [OCM044.3/09/14](#) – Current Application (E14/4041)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction.
Objective 4.1	Sustainable Industries
Key Action 4.1.1.	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Statutory Environment:

TPS No.2

State Planning Policy No.3.1 – Residential Design Codes

Draft LPP 39 – Ancillary Accommodation

Financial Implications:

The application will not have any financial implications for the Shire.

Voting Requirements: Simple Majority

OCM044/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council

1. Grants Planning Approval for Ancillary Accommodation at Lot 18 (#88) Malek Drive, Mardella subject to conditions as determined by the Director Planning.
2. Supports the removal of the Caveat from the title.

CARRIED 8/0

OCM045/09/14 Modification to Local Structure Plan – Lot 2 South Western Highway, Byford (SJ1465)	
Author:	Regan Travers – Senior Statutory Planner
Senior Officer/s:	Brad Gleeson – Director Development Services
Date of Report:	7 August 2014
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 <i>Local Government Act</i>

Proponent: Taylor Burrell Barnett Town Planning and Design
 Owner: Cedar Woods
 Date of Receipt: 4 December 2012
 Lot Area: 32.288ha
 Town Planning Scheme No 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction

Council to consider submissions received and to adopt the modified Local Structure Plan (LSP).

Background

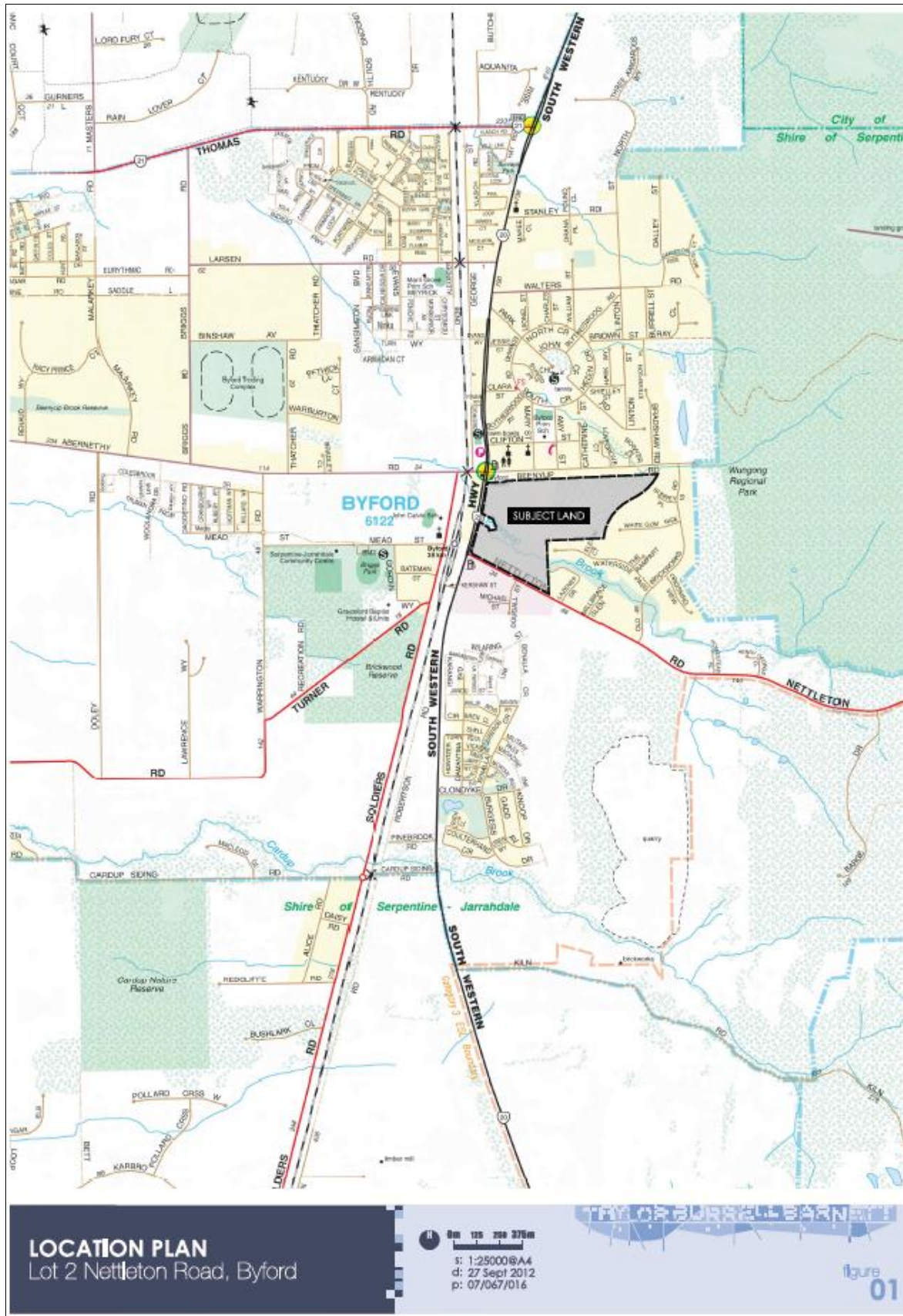
The Western Australian Planning Commission (WAPC) granted approval of the existing LSP prepared by the previous landowner, Aspen on 13 January 2011. Council at its meeting of 15 February 2011 resolved to finally adopt the LSP. The WAPC granted subdivision approval for Stage 1 on 7 November 2012 for residential lots, generally in accordance with the approved LSP. Site works have commenced in accordance with stage 1 of the subdivision approval.

A revised LSP was submitted by Cedar Woods. The LSP is consistent with the Stage 1 subdivision which has been approved by the WAPC. An alternative development outcome is proposed for the remainder of the site being, standard residential development.

The Shire’s consideration of the LSP was initially delayed due to the change of ownership which occurred shortly submission of the LSP to the Shire. Modifications have been required to the LSP at different stages of its assessment.



Aerial Photo



Location Plan

Relevant Previous Decisions of Council:

OCM125/2/14 - Resolution to advertise Modified LSP (subject to modifications)

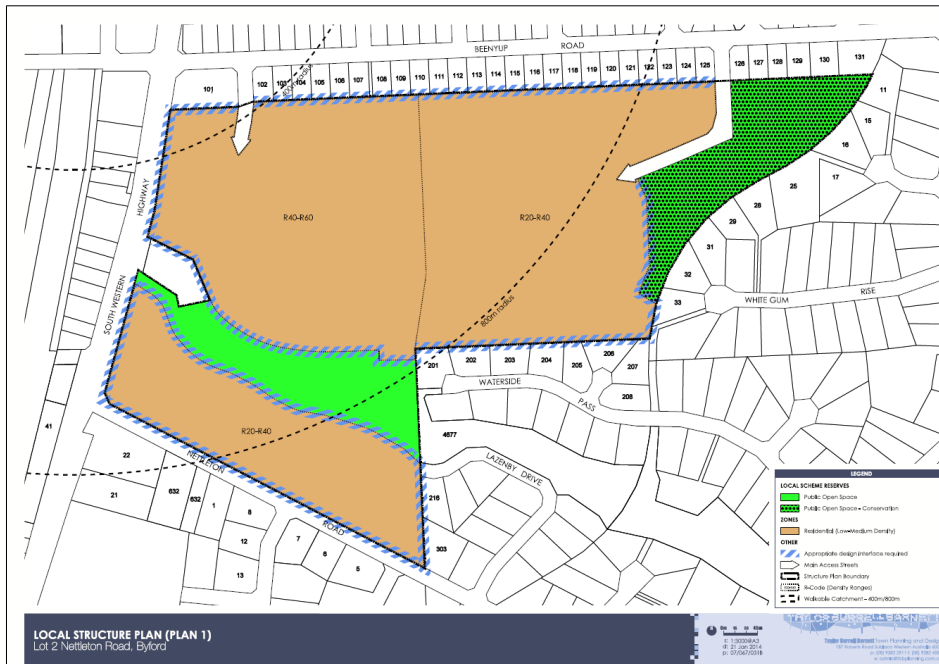
Community / Stakeholder Consultation:

The LSP was advertised for a public comment period of 26 days, ending on the 28 April 2014, with advertising being undertaken in the following manner:-

- (i) A sign was erected on the property and remained on-site for the duration of the advertising period;
- (ii) A notice was published in the Public Notices section of The Examiner on the 3 April 2014;
- (iii) An advertisement was placed on the Shire’s website for the duration of the advertising period and copies of LSP documents were made available for inspection at the Council Administration Offices; and
- (iv) Landowners within a 1000 metre radius of the subject site were notified in writing of the proposal (514 letters were sent).

A total of twenty submissions were received during the advertising period from nearby and adjacent landowners. The proposed LSP was referred to State Government agencies. The Shire has received ten submissions from Government agencies, three raising no objection to the proposal.

Comment:



LSP Map

The following comments from the Shire and the applicant are provided in response to the submissions received during advertising.

Department of Parks and Wildlife (DPaW)

The Shire acknowledges the Department of Conservation’s (DEC) investigation of the site and the 2009 conclusion that the north east corner of the subject site contained a Threatened Ecological Community (TEC). It is also acknowledged that the Modified LSP will result in approximately 0.5ha less of the TEC being conserved and approximately two thirds of the replacement bushland is mapped as degraded. The DPaW also noted that

consideration should be given to the requirements of the WAPC *Planning for Bush Fire Protection Guidelines Ed 2*.

The applicant has advised that the proposed Public Open Space (POS) area still retains approximately 2.5ha of the TEC which is in the best condition and will be enhanced through the implementation of a Bushland Management Plan. A Bush Fire Management Plan has been prepared and it recommends a 20m building separation zone between the conservation area and future residential development and suggests that the separation can be achieved through subdivision design incorporating a road reserve.

The Shire acknowledges DPaW comments regarding the TEC. The Shire believes that given a road link to the development is required that will divide the bushland and that a significant conservation area will be revegetated and enhanced through the implementation of a Bushland Management Plan, it is an acceptable outcome. The Shire notes that Bush Fire Management Plan and Bushland Management Plans will be required through the subdivision process and do not require any further action from the Applicant to enable adoption of the Modified LSP.

New conservation area

The applicant has advised that the conservation area in the north-east corner is maintained at 3.0ha and has not been reduced as suggested from the approved LSP area. The revised conservation area was regarded as being better able to retain the environmental values of the vegetation in this area as it could be retained as one consolidated area of POS rather than two fragmented areas separated by the future road connection through to Beenyup Road. A Bushland Management Plan will be prepared for the POS area to enhance areas not currently in good condition. Advice on the method of rehabilitation has been received from DPaW and will be incorporated into the management plan. The Shire is satisfied with the abovementioned approach.

Main Roads Western Australia (MRWA)

The Shire acknowledges MRWA's submission which raised the following concerns:-

The Traffic Impact Assessment (TIA) is not considered to be accurate due to:-

- TIA based on 7 trips per dwelling, MRWA standard minimum is 8 trips per dwelling
- No heavy vehicles have been documented as using South Western Highway
- Assumption that construction of Tonkin Highway will reduce South Western Highway traffic levels
- Cycle times are not realistic and do not represent the signal phasing post development
- Trip distribution has not been accounted for
- Volumes predicted in the 2031 scenario are less (approximately 50%) than those predicted by MRWA.

The applicant has advised that the TIA can be updated to reflect the MRWA concerns, but also noted that the proposed modifications do not impact on the outcome of the LSP as more detailed design is undertaken at subdivision stage.

The Shire and applicant met with MRWA on the 13 August 2014. MRWA advised that the major concern identified in its submission related to the nearby South Western Highway and Beenyup/Abernethy Road intersection. The primary MRWA concern is that the current agreed upgrade to the Beenyup Road side of the intersection as part of the approved Hungry Jacks Development Application does not cater for traffic volumes once Byford is fully developed. It was noted in the meeting that exclusion of the intersection from the Shire's Development Contribution Plan for Byford meant there was no mechanism to require contribution from nearby developments for the future upgrade of the intersection (outside of the MRWA responsibility for South Western Highway).

Developer Contributions is a common mechanism to achieve upgrades to communal infrastructure, however, Beenyup Road is not included in the Byford Traditional Infrastructure

Development Contribution Plan. The Shire will be required to bear all costs in the future associated with any necessary intersection upgrades which are not directly related to a subdivision or development approval.

The Shire recommends that the TIA be updated to the satisfaction of the Shire, on advice from MRWA, prior to the LSP being forwarded to the WAPC for approval. Whilst it is expected that the Shire and MRWA will continue its discussions regarding the intersection layout, they will be undertaken separately to the LSP.

Department of Planning (Metropolitan South-East)

The Shire acknowledges the Department of Planning (DoP) comments regarding the residential density target of 15 dwellings per gross urban zoned hectare in accordance with *Directions 2031 and Beyond*. The applicant has noted that it is prepared to revisit the design to explore the opportunity for a higher yield. The Shire recommends the Applicant undertake investigations to explore the potential of the LSP to meet the 15 dwellings per gross urban zoned hectare prior to the Modified LSP being forwarded to the WAPC for approval. Changes should be incorporated into the LSP and supplementary documents as necessary.

The DoP notes its preference that variations to Open Space and Site Coverage to be processed via local planning policies in accordance with the Residential Design codes (R-Codes) and should not be deferred to Local Development Plans (Detailed Area Plans) as that process does not involve the WAPC. The Shire acknowledges the DoP's preference, however the Shire would like to maintain its consistency in considering Open Space and Site Coverage variations through Local Development Plans on a site-specific basis as per clause 7.3.1(b) of the R-Codes.

The Shire acknowledges the DoP's request for key elements of the movement network design to be incorporated on the LSP Map, specifically noting access points to South Western Highway. The applicant advised that the main access street connection for vehicles is shown and that no access to South Western Highway is proposed. The Shire considers the information shown on the LSP to be sufficient to inform future subdivision application and does not require modifications.

The DoP noted that the Fire Management Plan recommendations for the site have been included within Part 2 of the LSP Documents, however recommends that these be incorporated into Part 1 of the LSP Documents. The Applicant advised that a revised Fire Management Plan is being prepared and will be submitted to the Shire and that requirements of the Fire Management Plan will be incorporated into Part 1 of the LSP Documents.

The Shire acknowledges DoP's recommendation that Noise Management Measures be incorporated within Part 1 of the Modified LSP. The applicant advised that Part 1 of the LSP Documents does refer to the requirement for implementation of a Noise Management Strategy as part of the subdivision approval process.

The Shire acknowledges the DoP recommendation to provide a statement advising that any of the documents outlined in Part 5.5 of the LSP could be required to accompany a subdivision proposal within the LSP area, at the discretion of the WAPC. A statement will be incorporated into Part 5.5 of the LSP in accordance with the DoP recommendation.

Dust Concerns

The Shire acknowledges nearby residents concerns regarding dust impacts as a result of earthworks to be carried out on the site to facilitate the subdivision. The applicant advised that dust management strategies will be implemented throughout the subdivision process. A Dust Management Plan will be requested as a condition of subdivision approval and strictly enforced by the Shire during construction works. Council has the power to close down a construction site, if dust problems are not rectified quickly by the developer.

Original LSP design

The Shire acknowledges nearby landowner comments advising of the need for Aged Persons Accommodation in the Byford area. The applicant advised that the previous land owner of the site specialised in Aged Person type facilities, however they were unable to progress the existing LSP as it was not an economically feasible development. The Shire notes that as the site is identified for Urban Development under the Town Planning Scheme and Urban under the Metropolitan Region Scheme there is no restriction for the site solely to be developed for Aged Persons Accommodation. The Shire must consider an LSP as it is submitted and cannot require Aged Persons Accommodation to be included as it is not a specifically identified land use in the Byford District Structure Plan.

Kangaroos

The Shire acknowledges the history of the site and that it has been a grazing area for a population of Kangaroos. The applicant advised that the management of the resident kangaroo population was undertaken in accordance with a DPaW and Shire endorsed Kangaroo Management Plan and that all Kangaroos were darted and relocated into the scarp, some distance from the site.

Impact of high density on Beenyup Road and Mary Street

Traffic at nearby intersections and on local roads will increase with development of the area. The applicant provided a Traffic Impact Assessment which indicates intersections surrounding the site will function appropriately.

Interface between new lots and existing residences

The Shire acknowledges that the interface between existing residences and future residents is an important element of subdivision design. The applicant has noted that lower density residential lots with increased dimensions (lot depths) are proposed on the southern perimeter of the subject site along Nettleton Road. The Shire notes that it is common to provide a buffer of larger lots between existing residences and newer higher density areas. A transitional area is typically managed through subdivision design and the Shire will provide comment on any subdivision application giving regard to interface concerns.

Options and Implications

Council is presented with the following options:-

- Option 1: Adopt the proposed LSP with modifications;
- Option 2: Adopt the proposed LSP without modifications; or
- Option 3: Refuse to adopt the LSP and provide reasons.

Option 1 is recommended.

The Shire is bound by the requirements under TPS 2 and in accordance with clause 5.18.3.7 the Shire is to consider all submissions received within 60 days of the close of the advertising period. This 60 day timeframe has not been met due to external discussions occurring between the applicant and Government Authorities. The applicant has been willing to work with the Shire to finalise the outstanding matters and has been of the understanding that the LSP would be adopted subject to modification.

Conclusion

Following the advertising of the LSP, Council can now adopt the LSP subject to modifications, as detailed in the Schedule of Modifications. The LSP will then be forwarded to the WAPC for approval.

Attachments

- [OCM045.1/9/14](#) - LSP report (IN14/5453)
- [OCM045.2/9/14](#) - Schedule of submissions (IN14/12129)
- [OCM045.3/9/14](#) - Schedule of modifications (E14/3853)

Alignment with our plan for the future

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction.
Objective 4.1	Sustainable Industries
Key Action 4.1.1.	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Statutory Environment:

TPS 2
Byford District Structure Plan
Liveable Neighbourhoods

Financial Implications:

Development will result in some financial cost implications for Council in the future in terms of capital investment in infrastructure and maintenance of assets such as parks.

Voting Requirements Simple Majority

OCM045/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Moore

That Council:-

- 1. Note the submissions received during the advertising period as per attachment OCM045.2/09/14.**
- 2. Pursuant to Clause 5.18.3.7(a) of Town Planning Scheme No. 2, adopt the Local Structure Plan for Lot 2 Nettleton Road, Byford, subject to the following:-**
 - a) The modifications, included in the Schedule of Modifications as per attachment OCM045.3/9/14 being undertaken to the satisfaction of the Shire.**
- 3. Subject to compliance with Part 2, forward the Local Structure Plan to the Western Australian Planning Commission for consideration pursuant to Clause 5.18.3.9 of Town Planning Scheme No.2.**

CARRIED 8/0

OCM046/09/14	Corporate Business Plan – 2013-2014 Quarter 4 Reporting (SJ940)
Author:	Karen Cornish – Governance Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	18 August 2014
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 <i>Local Government Act</i>

Introduction:

This report is provided to Council for information purposes detailing the progress made on the objectives and actions of the Shire's Strategic Community Plan during the final quarter of 2013-2014. (April – June 2014).

Background:

The *Local Government Act* requires all local governments to plan for the future of their district. The *Local Government (Administration) Regulations 1996* also stipulate that a local government is to ensure a Corporate Business Plan is made for its district each financial year and covers at least four financial years. Local governments are also required to review their Corporate Business Plan every year.

In order for the Shire to review its Corporate Business Plan annually, it is prudent that quarterly updates are provided to Council.

Community / Stakeholder Consultation:

No community consultation is required.

Attachment:

- [OCM046.1/09/14](#) – 2013/2014 fourth quarter reporting on Corporate Business Plan. (E14/3872)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

Statutory Environment:

Local Government Act 1995 (as amended)
Local Government (Administration) Regulations 1996

Financial Implications:

There are no direct financial implications as a result of this report.

The Corporate Business Plan will guide the allocation of resources in the annual budget and ensure Council's Strategic Community Plan can be implemented and budgeted for over future years.

Voting Requirements: Simple Majority

OCM046/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Piipponen

That Council accept the fourth quarterly report (April – June 2014) on the Corporate Business Plan as per attachment OCM046.1/09/14.

CARRIED 8/0

10. Information reports:

Nil

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.32pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 September 2014

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Presiding Member

.....
Date