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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 10 DECEMBER 2012. THE SHIRE PRESIDENT DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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

### IN ATTENDANCE:

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

**OFFICERS:** Mr R Gorbunow ..... Acting Chief Executive Officer  
 Mr B Gleeson ..... Director Development Services  
 Mr A Hart ..... Director Corporate Services  
 Mr Uwe Striepe ..... Acting Director Engineering  
 Mrs D Bridson ..... Agendas and Minutes Officer

**APOLOGIES:** Mrs S van Aswegen ..... Director Strategic Community Planning

Members of the Public - 15

Members of the Press - 1

## 2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

### Kevin Radford, Cherrybrook

I refer to a letter I received on Thursday regarding the Extractive Industry Licence. My first point is the lack of time you have allowed for me to provide a response. The second point is that the letter contains no information what so ever as to what the proponent is complaining about. I don't know what I am supposed to be providing feedback on because the details have not been provided.

I own 3 blocks that adjoin this area so I am very concerned with what is going on. I think they are already in breach of the licence. The main point is the State Administrative Tribunal (SAT) has asked us for a response but we don't know what the proponent's objections are.

*Q1. Could we be informed of what the proponent's issues are before you make any decisions tonight?*

**A1.** The Shire wrote letters to residents who have previously put in submissions relating to the proposed extractive industry on Shale Road. The purpose of the recent letter was to advise that Council will be considering a report on 12 November 2012 relating to the appeal that is currently before the State Administrative Tribunal (SAT). Details relating to the appeal cannot be provided to residents due to confidentiality requirements of the SAT. The SAT and the Shire are not seeking a response from residents on this matter.

The Shire did write to all residents in the local area on 23 October 2012 inviting public comment on the Amendment 172 to Town Planning Scheme No. 2. The proposal involved the rezoning of portion of Lot 3 Kiln Road, Cardup from “Rural” to “Special Use: Extraction/ Storage Clay and Shale”. Public submissions on this proposal close on 7 December 2012. This rezoning proposal is separate from the current appeal before the SAT.

Michelle Rich, 155 Firms Road, Serpentine (12 November 2012)

*Q1. When will the Hester Report be presented to Council and when will it be released to the public?*

A1. The Hester Report is due to be presented to Council next month but as a confidential item.

*Q2. What has the cost been to the SJ Shire to have the Hester Report produced?*

A2. \$48,375.

*Q3. When the community facilities and services plan was completed in 2008, what was the cost for the reports to the SJ Shire?*

A3. The CFSP to 2020 project cost the Shire \$91,900. In addition, there was also a considerable amount of officer time for project management, and for technical input from teams across the organisation. This project occurred over a period of three financial years from 2006/07 to 2008/09.

*Q4. What has the cost been to the Shire to update the community facilities and services plan?*

A4. The cost of updating the CFSP has mostly been in officer time with a small amount of consultancy support. This can be demonstrated to date as around 22% of the Community Planning Officer’s time – which equates to over 250 hours over the period of a year. In addition to this, there has been around 30 hours of line management support, substantial contributions in time from the finance and assets teams as well as support from strategic and statutory planning teams. The consultancy support to date equates to \$1,900.

*Q5. It has been stated through the course of policy forums that the Shire officers are investigating alternate, possible sites for a sporting precinct. What is the location of these alternate sites?*

A5. Council had identified a number of sites in the Mundijong Whitby area for either a sporting precinct or land for ovals. These sites included a cleared area of land in the Bush Forever area in Whitby, as well as other large parcels of rural zoned land outside the Mundijong Whitby urban cell. These plans have not been presented to Councillors at this time as they are only preliminary concepts of officers.

The Department of Sport and Recreation has produced a report, Active Open Space – Playing Fields, in a Growing Perth and Peel. A draft copy of this report was sent to all LGA’s for comment particularly in relation to additional regional open space options.

*Q6. What response was sent from the SJ Shire?*

A6. The response sent by the Shire related to encouraging the consultant to further elaborate in terms of standards for sporting provision, and it also provided feedback on information relating to the Shire’s existing sporting facilities.

*Q7. What departments within the Shire had input into the response sent by the Shire?*

A7. The Community Development Team.

*Q8. Have the Councillors been given any information in relation to this report and the response sent?*

A8. Councillors don't need to see the report.

*Q9. If not, why not?*

*Q10. Is this information going to be made available to the Councillors?*

*Q11. When will it be made available to the Councillors?*

A 9, 10 & 11. As the report was commissioned by the Department of Sport and Recreation, the Department decides what information is circulated to whom and when. In this case the Department requested the information from technical officers only. The Department will not be requesting for Councils to adopt it. It will be a technical guide that any Council can use, and be able to interpret to suit their local needs.

*Q12. Are the Councillors happy with the information that they are given by the Shire officers or do they feel the information is lacking, especially when they are expected to make far reaching decisions based on this information?*

A12. The Shire President stated at the Ordinary Council Meeting that he could only answer for himself; he couldn't answer on behalf of all Councillors as they have their own view.

*Q13. Why is it that the Shire and Council regions that surround SJ Shire are planning sporting precincts for the future and our local communities are being told that the WAPC remove these plans from our communities with the tick of a pen?*

A13. In the past, the WAPC has made decisions against Council's wishes and removed areas of public open space. This occurred in the Glades estate where an area designated as district open space in Council's Byford district structure plan was removed from the approved local structure plan.

#### Daniela Roberts, Byford Central

*Q1. When did the Shire first apply for the grant to build the clubhouse and amenities in Byford Central?*

A1. The Community Sport and Recreation Facilities Fund was applied for in October 2011 and the Royalties for Regions Grant on 21 September 2011.

*Q2. The position of the clubhouse has been changed from its original position that was discussed at the open marquis meeting with residents. Residents have not been informed of this change, so was what was presented at the open marquis meeting not accurate and when were residents going to be informed of this change?*

A2. The plans on the day of the consultation in the marquis indicated that there were multiple location options. Letters were posted out to residences requesting to be kept up to date in July, notifying them of the results of the consultation, location of the building and responses to their concerns.

- Q3. *Has the Shire consulted with residents about the 50 - 60 car parking spaces it intends to supply, by taking more of the Byford Park away to supply these spaces, and if not, when?*
- A3. Correspondence with residents has indicated the short and long term plan for parking concerning Byford Central playing field.
- Q4. *Is it correct that this has not been included in the comments letter sent out to local residents for their comments?*
- A4. The information has been included.
- Q5. *When are residents going to be informed of this?*
- A5. They have been informed.
- Q6. *Is it correct that goalposts were to be installed in the Byford Central Park and did not go ahead because of safety issues?*
- A6. A number of sites were investigated around the Shire for the purpose for installing junior size AFL goal posts for casual use. Byford Central Park was deemed inappropriate as there were already plans regarding sports use of the park which would have been compromised by the location of this additional half set of posts.
- Q7. *Were local residents informed of the intention of the Shire to put these goal posts up, if so, when and by what means?*
- A7. Council's decision to fund junior size AFL goal posts for a number of parks across the Shire from the Locality Funding Program was recorded in the minutes of 25 June 2012 Ordinary Council Meeting. Council also resolved to inform all residents living within 500m of the selected parks.

David Houseman, Clifton Street, Byford (12 November 2012)

Two or so years ago the Shire graded the laneway which runs between Clifton Street and Beenyup Road from the Town Hall end through to Mary Street. Crushed blue metal was applied, along with a water truck and a roller; it was compacted over several days. It was a job well done. At this stage of construction it would have been ideal for the Shire to use its patching truck with a spray bar to seal the surface. This did not occur. As a result of this inaction, erosion and weeds are now taking their toll on this once pristine job.

Dust is coming from the surface and it is in need of maintenance. Of most concern is that blue metal has become dislodged and is now spread over the bituminised car parking bays of the Anglican Church. This has now created a health and safety issue. Some of the parking bays are reserved for the disabled.

I feel that there is a foreseeable risk to the users of this parking area. This parking area was constructed at the church's expense at the Shire's request. The blue metal was laid after the construction of the car park and is now damaging the asphalt surface.

The Shire's patching truck with a spray bar along with a roller would alleviate these issues and will negate the Shire from having to constantly provide funds to maintain the laneway.

I have been advised that such a surface would be durable enough for use by a low volume of traffic. This laneway is a no-through thoroughfare and is used only by the church and properties which abut it.

The Shire took \$20,000 of my neighbour's money and another \$20,000 of my own for a laneway upgrade. I am informed that this \$40,000 will not be spent until all properties on this 160 metre length have been subdivided. This is a ridiculous notion given that it could be decades before all of the properties are subdivided.

*Q1. Does the Shire acknowledge that the current situation is a health and safety issue?*

A1. Your concern is noted, particularly with regard to the disabled. The Shire does not believe that this is the most serious health and safety issue within the Shire.

*Q2. Does the Shire acknowledge that ongoing maintenance costs would be minimal if the laneway is sealed using the patching truck?*

A2. Depending on how the area is used, the seal life may be estimated at between five and seven years. Although maintenance costs decrease once sealed, there is the initial cost of sealing and then resealing in a couple of years time.

*Q3. Will the Shire spend some of my neighbours and my \$40,000 on this project as an interim measure until all properties are subdivided?*

A3. The Shire will give due consideration to sealing the laneway from Mary Street up to a point in line with the end of your neighbour's property.

David Houseman, Clifton Street, Byford (26 November 2012)

At the last Ordinary Council Meeting I asked the following question and was provided with response as listed below:

*'Q3. Will the Shire spend some of my neighbours and my \$40,000 on this project as an interim measure until all properties are subdivided?'*

*A3. The Shire will give due consideration to sealing the laneway from Mary St up to a point in line with the end of your neighbour's property.'*

My questions today are:

*Q1. Who in the Shire will be responsible for considering this matter?*

A1. The Acting Director Engineering will be responsible for consideration of this matter.

*Q2. When will this be done?*

A2. The Shire's operational resources work according to a schedule. This includes the Shire's patch truck, which besides doing urgent maintenance work, assists with the Shire's road rehabilitation work. It will also be necessary to reshape and compact the road base that was placed at an earlier date. This work was not originally scheduled and will need to be programmed as "infill work" when an opportunity arises. The Shire will endeavour to have the work completed during the next three months.

I am irritated by the time span that the Shire has taken to resolve this matter and am also frustrated when I receive rates notices for my lot which is unmarketable until the Shire acts on this matter.

*Q3. Can the Shire cease issuing rates notices until the matter of naming and sealing the laneway is achieved?*

A3. The Local Government Act does not provide the ability for a local government to not rate a specific property. There are circumstances where properties are exempt from paying

rates and these are detailed in the Local Government Act (1995), as amended, as detailed below:

**“6.26. Rateable land**

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
  - (a) land which is the property of the Crown and —
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except —
      - (I) where any person is, under paragraph (e) of the definition of *owner* in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
      - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of *owner* in section 1.4 occupies or makes use of the land;
  - and
  - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
  - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
  - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
  - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
  - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and
  - (g) land used exclusively for charitable purposes; and
  - (h) land vested in trustees for agricultural or horticultural show purposes; and
  - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006*) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and
  - (j) land which is exempt from rates under any other written law; and
  - (k) land which is declared by the Minister to be exempt from rates.”

Michelle Rich, 155 Firns Road, Serpentine (26 November 2012)

It was identified in the report on Recreation Planning for Serpentine Jarrahdale Shire 2002 and the Byford Community Development Link (CIP) Draft Action Plan 2005, that Briggs Park lower oval needed to be upgraded for competition and again in the Shire’s Community Facilities and Services Plan in the 2008/2009 financial year. It is now November 2012.

Q1. *How much longer will the Shire keep pushing back this upgrade?*

A1. The plans cited in the question contain recommendations for the Shire to consider along with many other priorities, and therefore only act as a guide for the planning and prioritisation of future projects. For a project to be carried out, it firstly needs to have capital expenditure funding projected in the Shire's Forward Capital Works Plan, and then it needs to have office resources and capital funding confirmed and endorsed in the Annual Budget. The Shire's Forward Capital Works Plan currently has the upgrade of the lower oval allocated for 2013/14 financial year – linked to Country Local Government Funding. During the Shire's Forward Financial Plan and Annual Budget discussions early next year, Council will further consider the project within the context of all the current priorities, and the recommendations coming out of the draft Briggs Park Master Plan.

Q2. *Who are the Shire officers accountable to?*

A2. Shire officers are accountable to the Chief Executive Officer.

Q3. *How much longer do the communities in this Shire have to put up with the lip service from paid officers?*

A3. This Shire has been pro-active in implementing the recommendations from the Community Facilities and Services Plan (CFSP) with projects being included in the Long Term Financial Plan.

The majority of the projects detailed in the CFSP were not funded, nor was any feasibility work completed (a requirement for grant funding applications) and as such can only be implemented when the projects are at a stage where applications for funding can be lodged.

The following is an extract from the Community Facilities and Services Plan:

#### ***'6.11 Sport and Recreation Facilities and Services Plan***

*Major gaps exist in the provision of sport and recreation facilities in the new growth areas of Byford and Mundijong. The population growth will also trigger new schools to be developed and an opportunity exists to meet many of the playing field needs through joint provision and joint use facilities. A swimming pool is expected to be provided in the Shire in the near future and this is shown in Byford as an extension to the Community Recreation Centre complex. It is also possible that a commercial operator could be encouraged to establish a learn to swim and hydrotherapy facility in Mundijong.*

*It should also be noted that a number of the existing facilities in place are of poor quality or outdated design and will require upgrading or replacement. This is particularly true of skate facilities in Mundijong, Jarrahdale and Byford. Some social clubrooms and toilet changeroom complexes are also of questionable quality and will warrant refurbishment or replacement. The public toilet and team change facilities at Mundijong Oval require replacement (or significant upgrade) and Jarrahdale Oval facilities, whilst in worse condition, are not in current demand.*

*The most significant element in the table below is the requirement for active open space. Briggs Park in Byford and Mundijong Oval offer the equivalent of 3 playing fields. Projections show Byford nearing 30,000 and Mundijong achieving 20,000 by 2020. These two townships will each require a total of 6 playing fields (Australian football oval size) when fully established. The recommended strategy is to develop 2 or 3 field district size complexes with shared amenities (such as Briggs Park) rather than single field areas (such as Mundijong Oval). Opportunities to develop in conjunction with the Department of Education or other school providers should be aggressively pursued. Note also that in line with the Liveable*



*Neighbourhoods policy on access to open space, there will be a need for an additional 23 neighbourhood parks by 2020, all of which will have a community expectation for some level of playground infrastructure.*

### **6.13 Bushland and Park Areas**

*In line with the Shire's natural bushland feel and the desire to retain a small town country ambience, the presence of parks and bushland are highly regarded. The number of local parks is aimed at reflecting the requirements of liveable neighbourhoods of having a park within 400m of each residence. District parks that are passive or conservation in nature are largely determined by geography and topography and National Parks are for the most part already determined. The large number of local parks (usually passive focus) that will be required needs to be considered in conjunction with the need for active playing fields and ideally developed as a collective unit with both types of space available within the one area. This calls for larger rather than smaller land allocations and must be addressed at the time of subdivision and structure planning.'*

The major catch-cry that the community hears from the Shire is that there is not enough money.

*Q4. Why is it that when pushed into action the only areas they come up with for a sporting precinct are private land that needs to be purchased or bush forever land that they know there is no hope in hell of obtaining?*

A4. Council officers had identified a number of sites around Mundijong that may be suitable for a future sporting facility. The sites included some large parcels of land that are privately owned and would need to be acquired, a large area of cleared land in a Bush Forever area that could be developed as a oval and Crown land that had previously been used as a rubbish tip. It is acknowledged that some of these sites would be difficult to obtain planning / environmental approval, but that they should not be excluded from consideration at this time.

Further along in the report it states:

#### **'Sporting and Community Group Survey**

*The shire needs to act upon many of the recommendations that have been put forward over the last 5 - 10 years by members attending many different forums to bring their concerns to their attention. People lose interest when nothing is being achieved - or the Shire ultimately decides and still nothing is put in place. No results are ever disclosed from these forums / workshops etc.'*

*Q5. When is the Shire going to be accountable and start listening to and working with the people?*

A5. The Shire undertakes a bi-annual Community Survey, which identifies areas of the Shire's operations that are operating well and also not so well. This information is used by the Council to determine priorities over the next two years. The next community survey is due in 2013.

In addition, the Shire has a number of community based working groups where feedback is sort on various issues and where it is identified that the Shire has to work with a particular sector of the community in order to achieve an outcome required by the community, this is done with the limited resources that are available to the Shire. Where administration identifies a specific resourcing need to achieve the outcome, it is considered as part of the annual budget process.

*Q6. With regards to the Regional Development Australia Fund (RDAF) – Rounds 3 and 4, is the Shire aware of this funding?*

A6. Yes it is.

The following information is from the Department of Regional Australia, Local Government, Arts and Sport website:

*‘On October 23<sup>rd</sup> the Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP, launched Rounds Three and Four of the Regional Development Australia Fund (RDAF).*

*“Round three will see \$50 million dedicated specifically to projects in small towns, while round four will distribute \$175 million to support strategic infrastructure projects,” Mr Crean said.*

*“Both rounds will be rolled out at the same time – so \$225 million is available now for partnership projects right across Australia.”*

*RDA committees will again play a key role in the RDAF rounds, assessing Expressions of Interest (EOI) to progress to the full application stage.*

*Improvements to the Guidelines for Rounds Three and Four make it easier to apply and broaden the scope of projects which can be supported by RDAF.*

*The Government is also aiming to allocate at least \$40 million to arts and culture projects in Rounds Three and Four – the same amount provided to the sector in Rounds One and Two.*

*The guidelines will be available from Thursday 25 October 2012, with the EOI process closing on Thursday, 6 December 2012. Applicants can submit one EOI for round three and one for round four – for different projects.*

*For further details of the rounds, revised guidelines and to access an EOI form, visit:*  
<http://www.regional.gov.au/regional/programs/rdaf.aspx>

*More information: Contact John Lambrecht, Executive Officer, RDA Peel on 9586 3400 or email [john.lambrecht@rdapeel.org.au](mailto:john.lambrecht@rdapeel.org.au)*

### Round Three Overview

*Round Three will provide \$50 million for priority infrastructure in towns with a population of 30,000 people or less. Grants of between \$50,000 and \$500,000 are available to eligible applicants.*

*Local governments and not-for-profit organisations with an annual income of at least \$500,000 (averaged over the most recent two years) are eligible to apply for Regional Development Australia Fund Round Three. Other organisations may participate in the program as a member of a consortium led by an eligible applicant.*

### Round Four Overview

*Round Four will provide \$175 million for infrastructure projects that address the identified priorities of Regional Development Australia committees and have a strong regional impact. Grants of between \$500,000 and \$15 million are available to eligible applicants.*

*Local governments and not-for-profit organisations with an annual income of at least \$1 million (averaged over the most recent two years) are eligible to apply for Regional Development Australia Fund Round Four. Other organisations may participate in the program as a member of a consortium led by an eligible applicant.’*

Q7. Does the Shire plan on applying for any of these fifteen million plus grants? If not, why?

A7. At present the Shire does not have any project which would comply with the guidelines of Round 4. Shire officers are busy completing a variety of projects for which previous Royalties for Regions funding was allocated and are required to complete the next round of feasibility studies in order to be in a proactive position to apply for future funding rounds.

The Shire cries poor all the time and many of the things asked for by community groups meet the criteria for these grants.

*Q8. Why will the Shire officers not work with the community volunteers that the Shire say they value so highly?*

A8. Shire staff have and are continuing to work with community volunteers from every section of the community, from individuals wanting help with small community amenities such as playgrounds, to sporting groups requesting large sports facilities such as the Serpentine Jarrahdale Community Recreation and Sports Group Inc, to the Volunteer Fire Brigades, Community Associations, Church groups and Environmental groups. The Shire greatly values the work of volunteers and is eager to continue to work with volunteers who are interested in working hand in hand with the Shire staff to make Serpentine Jarrahdale Shire a better place to live, work and play. The Shire also celebrates the work and achievements of volunteers in many ways, in particular through the International Thank a Volunteer Day which Shire staff organised a Dinner for on 5 December, to thank the hard work done by all our volunteers.

### **3. PUBLIC QUESTION TIME:**

*Public question time commenced at 7.01pm.*

Bruce Deetman, 2715 Southwest Highway, Serpentine – Item OCM107/12/12

We request confirmation that the proposed southern dam will actually be constructed off-line. Although the applicant's hydrological report states in paragraph 3.2.3 and Council's executive summary states the southern dam will be constructed off-line, the photo in figure 5 indicates that the southern dam is to be positioned on the existing watercourse, ie on-line.

Q1. Can you please confirm that the new, southern dam is to be constructed off-line?

A1. The Director Development Services advised that the plan submitted by the applicant that was part of the original application indicates that the dam will be constructed off-line. The applicant has assured us the dam is off-line and not on the water course.

Q2. Is the plan provided correct or incorrect?

A2. The Director Development Services advised that this is the information submitted by the applicant. It is downstream and this information has been confirmed during site visits conducted by Shire officers.

The Shire President advised that this matter will also be discussed during item OCM107/12/12 tonight.

Leila Jackson, Darling Downs - Item OCM106/12/12

Q1. What is going to be done to address the privacy of our lot?

A2. The Shire President advised that we are only addressing the rezoning of this lot at tonight's meeting.

Q2. I live on the opposite corner and was given permission to build my residence. This lot is not appropriate for residential development now, why is that?

A2. The Shire President advised that it is a very noisy area.

Q3. Then why is ok for me to live there and not for someone else to live there?

A3. The Director Development Services advised that these issues are addressed in the report on this item and will be discussed when the item comes up on tonight's agenda.

*Public question time concluded at 7.09pm.*

#### **4. PUBLIC STATEMENT TIME:**

*Public statement time commenced at 7.09pm.*

##### Mr Xydas – Item OCM107/12/12

The dam has been shifted to the north and is off-line.

The Shire President thanked Mr Xydas for the clarification.

##### Michelle Rich, Firns Road, Serpentine

I have lived on Firns Road for many years. I am very familiar with the area. Given the fact that an inspection has been done by officers, some of the officers may not be fully aware that water resources in this area change during the seasons.

##### Mr Deetman

Mr Deetman asked what can be done about the position of the dam.

The Shire President advised that as we are now in statement time we will discuss this matter in more detail when the item comes up for debate later tonight.

##### Eloise Sillifont, Valli Link, Byford – Item OCM106/12/12

I have two major concerns I wish to address tonight.

1. The administrative procedures for this proposal in respect to the residents have not been up to standard and I request a more inclusive decision making process on this matter before a decision is made. My reasons for saying this are:
  - a) On receiving the first notification letter, the room given for comment was so insufficient that it did not allow for a reasonable response. This gives the impression that our comments were not wanted or expected;
  - b) Our written submissions were refuted and then we were not given the chance to defend or clarify the points we made;
  - c) The letter to inform us of this meeting was written on 4 December, we received the letter in the mail on 5 December, not allowing for time to make a deputation; and
  - d) The maps provided for this submission are still not correct and it doesn't provide accurate information for this decision to be made.
2. Claiming that the majority of claims lacked relevance. The claims stated, as supporting evidence and explanation as to why the fast food / takeaway component should not be ignored, as they are a vital part of our reasoning and explanatory notes.

Finally, the officer recommendation to adopt the amendment without modification goes directly against 100% of the responses received from the residents without sufficient justification. If you had no intention of listening to submissions given, why ask us and then steamroll over our responses?

Leila Jackson, Darling Downs

I support statement two made by Eloise Sillifont.

*Public statement time concluded at 7.15pm.*

## **5. PETITIONS & DEPUTATIONS:**

*Petitions and deputations commenced at 7.15pm.*

Scott Bellerby, Real Estate Development Manager for McDonald's

I am here tonight to discuss the zoning change for the site located on the south west corner of Thomas Road and South Western Highway in Byford.

The application is for the change of zoning from urban development / residential to commercial, with the restricted uses being medical centre, consulting rooms, health studio, office and fast food.

I believe the history of the site is well known, it was formally a service station site which was subsequently closed about 12 years ago, in May 2000, and has remained vacant and neglected since that time. The site was subsequently caught up in a scheme amendment and was rezoned from commercial to residential. In hindsight, this was not appropriate for this particular site due to it being a busy, corner location and the proximity to two main roads. Given the site's long frontage to the South Western Highway and its proximity to the busy traffic light intersection, the required setbacks make this property unsuitable for residential development and as a result, for this site to be able to support a viable development, a change of zoning back to commercial is required.

During the advertising period it was noted there was a great deal of support for the zoning change and we note that the Shire planners also fully support this change of zoning, which we thank them for.

We do, however, recognise that as part of the zoning change concerns were raised regarding one of the uses, that being fast food. We would like to highlight that this application is for a zoning change only and the concerns raised which are specific to a particular use of the site would generally be addressed at the development application stage. However, we would like to take the opportunity tonight to address some of these concerns and dispel some of the myths, while reassuring the local community that should McDonald's proceed with lodging a development application on this site, which I can honestly say is not a certainty, that we will undertake a thorough assessment of the site and should we proceed and an application is approved we will provide a safe, enjoyable place for the community and local families to visit and be part of.

The majority of McDonald's restaurants are owned and run by local licensees, who live locally and actively contribute to groups and charitable efforts in their communities. When considering locations for restaurants, McDonald's identifies sites where a sustainable restaurant could be established. A number of factors including available real estate, suitable zoning, major thoroughfares, population growth and local demand are considered when earmarking a suitable location for a restaurant. The Byford site is situated on a busy intersection, which is only going to get busier as the surrounding area is further developed, part of which includes the widening of Thomas Road.

If McDonald's proceeds with a restaurant at this location, it will be designed to meet the Shire design guidelines and incorporate the features necessary to make sure it fits within the theme of the town centre. As the Council would be aware, the proposed rezoning amendment will attach a number of development conditions to the site, which will ensure that any development of the site is in keeping with the Shire's initiatives for the continued improvement of the town of Byford. These guidelines will ensure that Byford's unique semi-rural heritage will be maintained whilst allowing the community to grow and develop. The guidelines will also ensure that any possible developments on the site will give due consideration to surrounding properties within the area.

Should a McDonald's restaurant be developed, the proposed restaurant in Byford will offer the latest in design and ingenuity and is estimated to create over 100 new jobs for local people, including casual, part time, full time and management positions. This is particularly relevant given full time teenage youth employment in the south eastern metropolitan areas is 16.4%, whereas the overall unemployment rate in this quadrant is only 4.4%. The majority of McDonald's staff falls into the youth employment age bracket of 15 to 19 years of age.

Approximately 390 McDonald's crew persons in WA are placed in nationally recognised McDonald's training courses each year, allowing crew to attain certificates in retail supervision and retail management, among others, whilst they work and earn a wage with McDonald's. In fact, the CEO of McDonald's Australia, Catriona Nobel, started working with McDonald's from the age of 16 and has benefited from these training courses to be now running the entire Australian business. Catriona is one of many senior directors that have started as a crew person in store.

Local tradespeople will also be employed on site to prepare and finish the build, as well as to provide ongoing maintenance of the store and the overall site.

The restaurant will actively seek sponsorship opportunities with local groups and charitable organisations and the restaurant's operations will be underpinned by a comprehensive litter management and security policies plan. We want to work with the local community and ensure a harmonious relationship is established and actively seek to create appropriate litter management plans and liaise with schools to establish appropriate service guidelines.

These policies can include things like twice daily walking the streets around the restaurant picking up all the rubbish on the route and with regards to schools, not serving school children between the hours of 8.30am and 3.00pm. We are more than happy to sit down with all organisations and work through appropriate management guidelines, as has been done with several McDonald's restaurants situated in close proximity to schools.

McDonald's is an active member of the WA community and is committed to contributing to each of the regions that it operates in. In 2012 McDonald's will support a number of WA community groups and initiatives through funding, volunteering and in-kind support. These include:

- Ronald McDonald House Charities
- McDonald's GWN7 Junior Sports Trust
- The Salvation Army Junior and Youth Camps
- West Australian Little Athletics
- Association for the Blind of WA
- Comfort Bags (in conjunction with WA Police and the Department of Child Protection)
- Clean Up Australia Day
- McDonald's Camp Quality Puppet Performances
- Goldfields Children Charity
- Telethon
- Emirates Western Force
- Cystic Fibrosis WA

- Lifeline WA
- Movies by Burswood

McDonald's is immensely proud of the work it has done to introduce healthier alternatives to its menu. Its nutrition journey dates back to 2002 when it actively commenced transparent engagement with key health organisations including Diabetes Australia and Obesity Taskforce. In 2004, McDonald's was the first quick service restaurant to introduce labelling on packaging and in 2009 it joined with other members of the quick service restaurant industry to launch the Quick Service Restaurant Initiative for Responsible Advertising to Children. When it comes to choice, McDonald's is constantly looking to innovate and develop its menu in order to offer a range of options to suit all tastes.

In addition to introducing healthier menu options for children to its menu, a key area of focus for McDonald's is to support youth sport in the Western Australian community. McDonald's welcomes conversations with a wide range of sports organisations and clubs to discuss how McDonald's can assist with funding, to ensure more Western Australian youths participate in junior sports and lead active, balanced lifestyles. McDonald's currently provides funding for a host of youth sport initiatives including the McDonald's GWN7 Junior Sports Trust in regional Western Australia and West Australian Little Athletics (WALA) across the state. McDonald's GWN7 Junior Sports Trust, now in its sixth year, provides junior sporting groups, schools and individuals in regional WA with an opportunity to share in \$60,000 worth of grants each year. McDonald's support, including fully funded advertisement promoting WALA's summer season, has seen participation numbers in the sport steadily increase over the past five years. For the past four years WALA has enjoyed the highest number of participants in 28 years.

In addition to its support of youth sport, McDonald's also supports a variety of non-sport related organisations and initiatives that benefit WA youth, such as the Salvation Army Junior and Youth Camps and the Comfort Bags program with the WA Police and the Department of Child Protection.

Overall, we believe that the support, services and employment opportunities offered by a potential McDonald's restaurant would greatly benefit Byford and surrounding areas, and would allow us to liaise with the local residents to ensure a safe, tidy and harmonious community. McDonald's will ensure any possible disturbance to surrounding properties will be minimised. The restaurant will be constructed in the corner furthest away from residential properties, with sound and visual buffers installed, to minimise any noise.

I think we all agree that the development of the site is preferred over its current vacant state, particularly as an entrance to the town of Byford. A McDonald's restaurant situated on this corner would provide a high degree of passive surveillance, together with the latest CCTV security cameras.

However, we emphasise, that a development application has not been lodged for a McDonald's at this time, and may not in fact be lodged in the future. The rezoning application will allow the site to be put to a number of commercial uses, such as medical rooms, office and consulting rooms. All of these uses have the potential to benefit the Shire as a whole and represent a far better use of the site than residential.

If the site remains confined to residential, the site is likely to remain in its current state, which offers no benefits to the Shire. We welcome the Councillors' support tonight in approving the rezoning application, which will ensure that the site can be put to the best possible use.

Thank you again for allowing us the opportunity to speak tonight.

*Petitions and deputations concluded at 7.25pm.*

## 6. PRESIDENT'S REPORT:

On behalf of the Council and community of Serpentine Jarrahdale we wish to pass on our sincere condolences to the family of Mark Noormets, of Byford, who was tragically killed on 6 December 2012. He joined the SJ community in 2008 as a volunteer fire fighter with the Byford Bush Fire Brigade and has been a positive role model for many to aspire to.

We wish to acknowledge his service to community by being a major part of the bush fire cadets as well as being an active adult fire fighter. Mark was in the Gosnells Bush Fire Brigade for many years before moving to Byford. Over the years, he attended many major fires and assisted the community in so many different ways.

Mark was the street coordinator for Neighbourhood Watch and played an active role in getting the community involved. He also spent 18 years in the army reserves, a true sign of commitment to community. He shared a love for rugby and enjoyed a good practical joke and having fun and, we understand, didn't mind a good bit of Sex Pistols music from time to time.

We will remember him as a caring, gentle, dedicated and committed community man. Mark will be sadly missed by many.

The week also saw the passing of another local, pioneering farmer of this community, Mr Keith Marsh. His mother and father established the family farm in Mardella and Keith went to school at Mundijong Primary. Later, he brought the family farm off his parents and continued the farming business until he took up the Elders business. Keith helped establish rostrum and was the major driving force behind the establishment and construction of the memorial in the Araluen Botanical Park in Roleystone.

I acknowledge his service in the war as part of the Royal Air Force and thank him for his services and the support he gave to anyone in need in the Serpentine Jarrahdale community, he always seemed to be seen in the background supporting any community event or driving them. Rotary acknowledged his service to community and he is held in high esteem by all. Keith had a very large turnout at his funeral from the community of Serpentine Jarrahdale and Armadale which is testimony to his services to community and he will be sadly missed by all.

Recently, the Honourable Minister, Helen Morton, Minister of Mental Health & Disability Services, publicly stated to a less than impressed public gallery, made up of dignitaries and representatives of eastern suburbs municipalities and State Government organisations, that we would be facing forced amalgamation where the Premier has taken a back flip and stated this wouldn't be the case.

The problem of Local Government, if any, lies with the State and inefficiencies and inequities in fast growth Councils should be better supported by State Government rather than be hindered with appeals, more often than not, overriding good governance by Local Government.

The State Government should be acknowledged constitutional wise as should Federal Government and Local Government in the Constitution and until this happens we will always be at risk.

The strength of SJ lies with our community and without community we don't have a functional society and belonging in SJ as a family!

I openly suggest to the Hon Premier to visit SJ and see for himself the marvellous and ongoing work achieved by the enthused staff, Councillors and many active community support groups. Certainly once in four years is not too much to ask. He has ventured as far



as Armadale but has bypassed the fastest growing council in Western Australia and the second in all of Australia.

On behalf of myself and fellow Councillors, I wish you a safe, happy and prosperous new year and we all look forward to achieving our visions in 2013.

**7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Nil.

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

**8.1 Ordinary Council Meeting – 26 November 2012**

Moved Cr Harris, seconded Cr Urban

The attached minutes of the Ordinary Council Meeting held on 26 November 2012 be confirmed. ([E12/8262](#))

CARRIED 9/0

## 9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

|                                  |   |
|----------------------------------|---|
| OCM103/12/12                     | PROPOSED MODIFICATION NO. 5 TO BYFORD MAIN PRECINCT LOCAL STRUCTURE PLAN (SJ1436)   |
| Author:                          | Michael Daymond - Senior Planner  |
| Senior Officers:                 | Louise Hughes - Manager Statutory Planning<br>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: LWP Property Group  
 Date of Receipt: 30 October 2012  
 Town Planning Scheme No. 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban

### EXECUTIVE SUMMARY

A modification to the Byford Main Precinct Local Structure Plan (LSP) has been proposed, which seeks to increase the residential density coding of a discrete area from “Residential R20” to “Residential R30”, in an area overlooking a future Public Open Space (POS) area, which will incorporate a strand of existing mature trees. In the opinion of officers, the proposed modification is considered to not alter the material intent of the LSP. 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

November 2012 Ordinary Council Meeting – Item OCM094/11/12 – consideration of minor modification to the LSP.

### COMMUNITY / STAKEHOLDER CONSULTATION

The Byford Main Precinct 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 Byford Main Precinct LSP. The proposed modification seeks to increase the residential density coding of a discrete area from “Residential R20” to “Residential R30”, in an area overlooking a future POS area, which will incorporate a strand of existing mature trees. The proponent has provided the following justification for the proposed minor modification:

*“The proposed density coding change to the LSP seeks to facilitate the creation of two new smaller lots in place of a single large lot, as depicted on the enclosed Revised Plan of Subdivision. The sizes of the proposed lots (321m<sup>2</sup> and 325m<sup>2</sup>) comply with the minimum and average lot sizes for R30, as specified in the R-Codes. The proposed smaller front loaded lots, referred to as “Quattros”, are typically squarer in shape than traditional front loaded lots. The Quattro lots are characterised by a standard R20 lot frontage, with a reduced lot depth (and consequently lot area). The dwellings on these*

lots present to the streetscape in a similar fashion to a standard dwelling on a larger R20 lot. A reduction in the private open space requirement (via a Detailed Area Plan) is also typically required to enable the project builder house designs to be accommodated on these lots.

The key rationale for these proposed changes are as follows:

- *Precedent – similar lots to these proposed on the enclosed Revised Plan of Subdivision have been supported by the Shire and approved by the WAPC in its determination of other subdivision applications (WAPC Ref: 146082) at the Glades.*
- *Appropriateness of Location – the proposed lots are located opposite a future local Public Open Space area that will incorporate the retention of an existing strand of mature trees. As such, whilst these lots are likely to have reduced private open space, they will benefit from high amenity public open space in the immediate vicinity (i.e. directly across a local access street).*
- *Affordability and diversity – due to their smaller size, the proposed lots will be more affordable and will provide more diverse lot product to the housing market in Byford. This will make homeownership more achievable for more people and will in turn assist in facilitating the creation of a diverse local community at the Glades.”*

#### 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 modifications proposed to the LSP are 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 the following:

*“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 whether the proposed modification adversely impacts on the amenity of adjoining landowner’s and occupiers, restricts the use and development of adjoining land or impacts upon environmental areas.”*

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.

### Local Planning Policy 57 – Housing Diversity (LPP 57)

The Shire adopted LPP 57 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;
- 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; and
- Provide equitable access and lifestyle opportunities for residents.

The proposed lot sizes will provide for a greater diversity of lot types across the Glades Estate and consequently, provide for a broader range of housing products generating more choice for future residents of the Byford community. The proposed modification will provide variety as there is currently a greater number of properties at R20 and increasing the availability of R30 lots is therefore considered to be beneficial in terms of diversity. Accordingly, it is considered the proposed modification is consistent with the objectives set out in LPP 57.

### 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. It is recommended that Council adopt the proposed modification and advise both the applicant and the WAPC accordingly.

### **ATTACHMENTS**

- [OCM103.1/12/12](#) - Proposed modification to LSP (IN12/17739)
- [OCM103.2/12/12](#) - Proposed Revised Plan of Subdivision (IN12/17739)

### **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. It is important there are opportunities to be able to ‘age in place’, through the different stages of life and with different housing needs over time.

### **STATUTORY ENVIRONMENT**

- TPS 2
- LPP 57

- *Planning and Development Act 2005*

## FINANCIAL IMPLICATIONS

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

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM103/12/12    COUNCIL DECISION / Officer Recommendation**

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

- 1. Adopt the proposed modification to the Byford Main Precinct Local Structure Plan as shown on attachment OCM103.1/12/12, 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 9/0**

|                                  |   |
|----------------------------------|---|
| OCM104/12/12                     | PROPOSED MODIFICATION TO LOCAL STRUCTURE PLAN – REDGUM BROOK ESTATE (NORTH), BYFORD (SJ1400)  |
| Author:                          | Michael Daymond – Senior Planner  |
| Senior Officers:                 | Louise Hughes – Manager Statutory Planning<br>Brad Gleeson – Director Development Services  |
| Date of Report:                  | 6 November 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:    Gray and Lewis Planning Consultants  
 Owner:    Thomas Road Developments Pty Ltd  
 Date of Receipt:                                      16 August 2012  
 Lot Area:    24.96 hectares  
 Town Planning Scheme No. 2 Zoning:        Urban Development  
 Metropolitan Region Scheme Zoning:        Urban

## EXECUTIVE SUMMARY

A request has been received by the Shire for a modification to the adopted Local Structure Plan (LSP) for the Redgum Brook Estate (North) in Byford. The proposed modification relates to the configuration of lots and the road layout and in particular the interface design with Thomas Road. This report provides Council with the opportunity to consider the merits of the proposed modification

This matter is brought to Council for consideration, due to the combination of the following:

- The subject land is adjacent to a major transport corridor, having significance for the area with respect to streetscape, amenity, character and establishing a sense of place for the Byford locality;
- Draft Local Planning Policy 24 - Designing Out Crime (LPP 24);

- Local Planning Policy 67 - Landscape and Vegetation (LPP 67). A landscape and vegetation management strategy for the interface area to Thomas Road did not form part of the original LSP;
- Noise management concerns; and
- A detailed design for the upgrading of Thomas Road has not yet been finalised.

In the context of the above, the matter is presented to Council for consideration principally of the design interface to Thomas Road and in turn establishes some direction for future detailed design. The LSP, as adopted, provided a balanced design approach providing the opportunity for passive surveillance, effective streetscape to be delivered through a mixture of hard and soft landscaping while ensuring an appropriate level of amenity for future residents. It is considered that noise and design response need to be considered not in isolation but rather an integrated and best practice design response is required.

At this time, the design response outlined in the proposed LSP modification is not considered appropriate for the following reasons:

- There is no clarity nor control regarding the proposed location of fencing, relative to the earth bund, resulting in the possibility that poor quality fencing may be erected directly adjacent to the Thomas Road reserve boundary;
- There is no clarity regarding future maintenance responsibilities for the establishment and future maintenance of landscaping treatment on the proposed earth bund, with the potential for the northern bank of the earth bund being in fragmented private ownership, having no relationship to the development / use of the balance of the individual properties, having a significant bearing on the streetscape for Thomas Road and yet potentially falling into a state of disrepair; and
- A lack of passive surveillance being achieved for Thomas Road, including future pedestrian and cycle movement networks within the Thomas Road reserve.

The proposed design response represents a lesser design outcome than that envisaged in the already adopted LSP. Accordingly, it is not recommended that Council support the proposed modification at this time. It is, however, open to Council to provide guidance on some alternative design responses that may potentially be acceptable.

## **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

SD063/11/11 - Adoption of the LSP and adoption of three minor modifications stemming from the assessment of the LSP by the Western Australian Planning Commission (WAPC).

## **COMMUNITY / STAKEHOLDER CONSULTATION**

In accordance with the requirements set out in Town Planning Scheme No. 2 (TPS 2) and Local Planning Policy 27 – Stakeholder Engagement in Land Use Planning (LPP 27), the LSP for the development area was advertised for public comment to State Government agencies, servicing / infrastructure authorities and adjacent landowners. At the Ordinary Council Meeting of 27 April 2011, Council formally considered the submissions received during the advertising period.

## **REPORT**

This report provides Council with the opportunity to consider the merits of a proposed modification to the adopted LSP for the northern portion of the Redgum Brook Estate. The proposed modification relates to the configuration of lots and proposed road layout. The current LSP depicts a total of 27 single residential lots surrounded by a local road network, with road reserves of 10m and 15m. In addition, a grouped housing site has been proposed.

The LSP requires the preparation of an acoustic report to determine the extent and specifications of noise wall or earth bund.

The proposed modification to the LSP consists of the following:

- A revised subdivision layout, including 28 residential lots;
- The deletion of the loop road;
- A revised configuration for a grouped housing site; and
- A 5m wide x 2m high earth bund being constructed at the rear of future private properties.

#### Applicant justification

The applicant has provided the following justification in support of the proposed modification:

*'After further consideration at the detailed subdivision design, we have concluded that the amenity of the proposed lots fronting a service road and noise wall would be poor and therefore a more desirable alternative should be pursued.*

*The alternative proposal is to reorientate the lot access for the lots adjacent to Thomas Road so that they have access off the internal subdivisional road adjacent to the Public Open Space (POS) via a series of reciprocal rights of access battleaxe legs.*

*The larger lots provides the opportunity to replace the 2.0m high noise wall with a more practical and aesthetically pleasing 2.0m x 5.0m wide landscape earth bund which will be constructed by the developer for noise attenuation within the lots adjacent to Thomas Road. Furthermore, the removal of the 10m wide service road means that the lots are deeper and it is proposed to provide an additional tree planted buffer within the lots adjacent to the northern boundary.*

*The proposed subdivision design will create lots that do not directly overlook a 2m high noise wall and represents a more visually ideal vista from Thomas Road. It will create a softer interface in the form of a landscaped bund wall instead of a continuous masonry wall on the Thomas Road boundary, and will also provide for the creation of more saleable lots with greatly improved amenity adjacent to Thomas Road.*

*The amended subdivision design does not affect the general intern of the local structure plan or change any of the service requirements'*

#### Existing LSP

When Council assessed the LSP, consideration was given to a number of design issues and resulting modifications, including the following:

- The LSP map being modified to identify a noise wall and / or earth bund to be provided along the northern and western boundaries of the LSP area between the Mixed Use zone site and the Multiple Use Corridor (MUC);
- The LSP map being modified to identify a noise wall along the northern boundary of the LSP where Residential zonings adjoin or abut Thomas Road; and
- The LSP statutory section being modified to include a new section relating to noise, which will require:
  - i) The above noise walls or earth bunds to be constructed at the time of subdivision, be subject to screening vegetation and in the instance of noise walls, be treated with an appropriate finish and colour to improve their functionality and appearance; and
  - ii) The implementation of quiet house design principles through the preparation of Detailed Area Plans (DAP) and through the subsequent development approvals process and/or other methods as deemed appropriate with Shire staff.

The modifications were required to ensure that noise impacts, arising from Tonkin Highway and Thomas Road, were identified at the earliest opportunity in the planning for the area. To inform the finalisation of the LSP, the proponent submitted a noise report to demonstrate that the land was capable of subdivision and development and that noise impacts were capable of being addressed. A number of recommendations were made in the report, including the erection of 2.0m and 2.2m walls to Thomas Road, as one possible method to attenuate potential noise impacts.

Officers in the finalisation of the LSP did not endorse any particular design configuration at that time, noting that detailed design consideration would need to be given to ensure an appropriate balance between noise attenuation, the achievement of attractive streetscapes and achieving the principles of designing out crime.

## TPS 2

The first step in the formal decision making process for Council is to determine whether the proposed modification is 'minor' or 'major', effectively deciding whether the modification alters the material intent of the structure plan and justifies for consultation for members of the public and government agencies. It is only when this has been determined that Council can then determine the actual merits of the proposed modification.

Section 5.18.4 of TPS 2 provides Council with a framework for the consideration of structure plan modifications, as follows:

### *“5.18.4 Change or Departure from Structure Plan*

*5.18.4.1 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.*

*5.18.4.2 (a) The local government is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.*

*(b) If the Commission considers that the change or departure adopted by the local government under clause 5.18.4.1 materially alters the intent of the Structure Plan, then the Commission:*

- (i) may require the local government to follow the procedures set out in clause 5.18.3 in relation to the change or departure; and*
- (ii) is to notify the local government of this requirement within 10 days.*

*5.18.4.3 Any change to or departure from a Structure Plan that is not within clause 5.18.4.1 is to follow the procedures set out in clause 5.18.3.*

It is also important to note that while Council may adopt a minor change to a structure plan, there is no obligation on Council to do so.

## Structure plan guidelines

The WAPC has released guidelines for the preparation of structure plans. These guidelines are intended to supplement the guidance provided in Liveable Neighbourhoods and assist local governments in the consideration of structure plans, achieving consistency wherever practical and appropriate. The guidelines now provide the following:

*For the purpose of these Guidelines:*

- *a 'minor' modification to an approved structure plan is a change or departure that does not materially alter the intent of the structure plan;*



- a 'major' modification to an approved structure plan is any change not defined as a minor modification.

*A modification designated 'major' or 'minor' depends on whether the proposed modification adversely impacts upon the amenity of adjoining landowner's and occupiers, restricts the use and development of adjoining land or impacts upon environmental areas. The following examples are provided which may be considered a minor modification to a structure plan:*

- *increase in residential density that is within the identified residential banding as per the R-Codes (ie. low, medium or high density);*
- *realignment of neighbourhood connector roads (or below in the road hierarchy) that do not negatively affect the connectivity of the movement network or accessibility to activity areas;*
- *modifications to public or community land use (district or local) that do not alter the overall provision of and accessibility to the public or community land uses throughout the structure plan area;*
- *modifications to the size and location of activity centres, high schools, primary schools, public and community purpose sites that do not alter the overall distribution of, or accessibility to, these land uses (note - consultation must be undertaken with the Department of Education if any modification is proposed to high schools or primary schools); and*
- *any change to major pedestrian and cyclist networks that do not negatively affect connectivity or accessibility to destinations and activity areas.*

*The above examples of minor modifications to structure plans are provided to assist decision making only, and where a structure plan proposes modifications which do not fall within the above examples, it should not be automatically determined that the proposed modification is major.*

*The WAPC's Development Control Policy 1.9 - Amendment to region schemes (DC 1.9), provides useful guidance in instances where substantiality needs to be determined. The local government should take into account the relevant considerations outlined in DC 1.9 to determine the substantiality of structure plan modifications, particularly where no other assistance or guidance is available under the local planning scheme or local planning policy.*

*Local government is required to exercise its judgement on a case by case basis, to determine whether or not a modification to a structure plan constitutes a major or minor modification."*

Having regard to the matters outlined above, the proposed modification before Council is considered to be minor in nature for the following reasons:

- There is no increase in the proposed residential density coding;
- There is no realignment of the road network above neighbourhood connector functionality; and
- There is no impact on community access to, nor the configuration of, land to be used for a public purpose or commercial activity.

The decision on whether a proposed modification is 'minor' or 'major' is only the first step in the process and is separate to determining the planning merits of the proposal.

### Policy Framework

A number of different local and state policies may inform Council's consideration of the merits of the proposed LSP modification, including:

- State Planning Policy 5.4 – Road and Rail Transportation Noise
- Livable Neighbourhoods
- LPP 24
- LPP 67

#### State Planning Policy 5.4 - Road and Rail Transportation Noise (SPP 5.4)

This policy aims to promote a system in which sustainable land use and transport are mutually compatible. It seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise sensitive residential development, or adding unduly to the cost of transport infrastructure. The objectives of this policy are to:

- Protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals;
- Protect major transport corridors and freight operations from incompatible urban encroachment;
- Encourage best practice design and construction standards for new development;
- Proposals and new or redeveloped transport infrastructure proposals; and
- Facilitate the development and operation of an efficient freight network.

With respect to the role of landscape in planning for noise, the SPP 5.4 guidelines provide the following guidance:

*“Vegetation and planting are particularly important on the receiver side of the barrier; for example, on the side of residences. Screening the barrier behind vegetation is thought to reduce anxiety to transport noise because people are not visually reminded of the major highway or railway nearby. Although vegetation in itself is not an effective barrier to transport noise, planting out transport noise barriers can reduce awareness of traffic, help to create a feeling of separation and, therefore, reduce “perceived” transport noise levels.*

*Planting can also break down the scale of a barrier by reducing its visual dominance, which is more critical on the receiver side of the transport noise barrier. Effective vegetation and planting may require the engagement of a landscape designer. A landscape designer's role would be to ensure that the planting selection appropriately screened the barrier, that the landscaping integrated seamlessly with the barrier design, and that the planting complemented the local landscape setting. The assistance of a landscape designer is also useful with regard to earth bunds, to ensure that the species used and the method of planting are appropriate. Long-term maintenance is particularly important to ensure a tidy appearance by, for instance, replacing dead plants.*

*Where planting cannot be used to screen the barrier, then the aesthetics of the barrier should be of a high standard and must be carefully considered. The barrier should create a visual interest and should enhance the local area through design.”*

SPP 5.4 seeks to ensure that noise impacts are effectively considered as part of land use planning and that integrated design solutions are promoted.

#### Livable Neighbourhoods

As the State's principle guidance document for the subdivision of land, the document establishes various objectives and requirements including the following:

Objective 4 – to ensure a site response approach to urban development that supports and enhances the context in which it is located, strengthens local character and identity, integrates within its context and promotes a sense of community.

Element 1, R7 – the layout should create a strong sense of place, through a range of design techniques and should establish legible street and open space networks.

Element 1, R11 – the layout of streets should enable development to front all streets, urban parks and natural areas. Where rear lanes are used they should be laid out and detailed to ensure adequate passive surveillance.

Element 2 - Substantially improved pedestrian access and amenity based on development front and overlooking wide footpaths along both sides of most streets, for personal safety through surveillance, rather than segregated linear trails.

Element 2 - Lot design facilitating development fronting major streets and public open space to support safety and surveillance.

Element 3, R 29 - Lots should be orientated to front streets and arterial routes to provide good streetscape amenity and surveillance

Element 3, R31 – lots along arterial roads should front those roads and be provided with service roads and be provided with service roads, rear lanes or other forms of vehicle access that enable possible future business or home-based business. In general, looped residential streets should not be used as a frontage mechanism, except where conditions exclude service roads. Lots backing onto arterial roads and/or the use of solid walls should be avoided.

Liveable Neighbourhoods seeks to promote integrated design responses that deliver amenity, streetscape and passive surveillance objectives.

#### Draft LPP 24 / WAPC Guidelines

The Shire has adopted a draft policy for designing out crime that is intended to operate in conjunction with the WAPC guidelines for designing out crime. The following extracts are considered relevant:

*“Surveillance is one of the most simple and effective principles of crime prevention. In essence, when people perceive that they can be seen they are less likely to engage in anti-social behaviour and crime. Most environmental settings can be designed to have opportunities for surveillance. Placing physical features, activities and people in ways that maximise the ability to see what is happening discourages crime encourages a feeling of openness, neighbourhood surveillance and perception of increased risk of detection for intruders and of increased surveillance for legitimate uses.”*

With respect to specific design elements, the policy provides the following guidance:

- Define public and private land use areas and ownership boundaries clearly;
- Avoid ambiguity of ownership and responsibility;
- Careful consideration of scaleable fences and bollards which may inhibit pursuit of offenders;
- Lots should be located to ensure adequate surveillance of public realm spaces;
- Locate uses that can provide natural surveillance wherever possible;
- Establish effective maintenance plans for public spaces;
- Urban Structure should promote definition of use and ownership; and

- Urban structure should facilitate safe and effective movement of vehicles, cycles and pedestrians.

Draft LPP 24 promotes the use of integrated design responses.

#### LPP 67

The policy fundamentally seeks to integrate landscape and vegetation into land use planning, including the different stages, structure plan and subdivision etc. The following extracts from the policy are considered relevant to the proposal currently before Council:

##### *Vegetation planning*

- *Provide detailed information including plans and diagrams demonstrating the achievement of objectives and implementation of the strategies and requirements contained within the approved Landscape and vegetation management strategy. This should include the nature, extent and condition of vegetation associations on site including protected species and ecological communities; areas to be cleared, revegetated and protected and demonstration of how the development layout has responded to vegetation assets; and*
- *Set out matters to be contained in the landscape drawings (schedule 2) including roles, responsibilities and timing and completion criteria.*

##### *Landscape planning:*

- *Provide detailed information demonstrating the achievement of objectives and implementation of the strategies and requirements contained within the approved Landscape and vegetation management strategy. This may include preparation of guidelines for development which addresses streetscapes, site specific built elements and small scale open space; and*
- *Set out matters to be contained in the landscape drawings.*

At this time, no landscape plans have been prepared to inform the design process including the achievement of attractive streetscapes. In the absence of relevant documentation, establishment and ongoing maintenance responsibilities have not yet been established. It is of concern that a significant feature, being the construction of a 2 metre high x 5 metre wide earth bund adjacent to Thomas Road is proposed to be retained in fragmented private ownership with unclear maintenance responsibilities. There is concern that landscaping will not be established effectively and/or fall into a state of disrepair.

For comparative purposes, there are a number of existing examples across the Perth metropolitan area where a local road has been established parallel with an arterial road, separated by landscaping delivering attractive streetscapes. Establishing a sense of ownership and local identity are considered important elements for success. In other areas, effective noise walls have been established with appropriate landscaping treatment to again deliver attractive functional and attractive streetscapes.

#### Summary assessment of proposed modification

In the context of the policy matters outlined in this report, the following provides a summary assessment of the proposed modification to the LSP:

- There is no clarity nor control regarding the proposed location of fencing, relative to the earth bund, resulting in the possibility that poor quality fencing may be erected directly adjacent to the Thomas Road reserve boundary;

- There is no clarity regarding future maintenance responsibilities for the establishment and future maintenance of landscaping treatment on the proposed earth bund, with the potential for the earth bund being in fragmented private ownership, having no relationship to the development / use of the balance of the individual properties, having a significant bearing on the streetscape for Thomas Road and yet potentially falling into a state of disrepair; and
- The proposed configuration would result in a lack of passive surveillance being achieved for Thomas Road, including future pedestrian and cycle movement networks within the Thomas Road reserve.

The proposed design response represents a lesser design outcome than that envisaged in the adopted LSP and does not represent an integrated design response of the type considered justified in this critical location for the locality. Accordingly, it is not considered that the proposed modification has sufficient merit to justify support at this time. It is important to note that irrespective of the actual design solution / interface to Thomas Road, there is the potential for it to be done well and attention to detailed design and implementation will be critical.

#### Possible alternative configurations

In the context of the concerns identified in the proposed modification to the LSP, the following possible alternative design solutions may be worthy of consideration:

- The establishment of landscape noise walls for a portion of the frontage to Thomas Road, with gaps to provide opportunities for pedestrian access, additional landscaping and / or passive surveillance. This may possibly requiring reconfiguration of the proposed lots / local road layout to ensure sufficient width for the effective establishment of landscaping. Such a design solution would not necessitate a LSP modification to be progressed as it would be generally consistent with the adopted LSP.
- The establishment of a landscaped earth bund that forms part of the overall detailed design road for Thomas Road, effectively established and ceded free of cost at the time of subdivision for future maintenance by the Shire, rather than leaving the land in fragmented private ownership, with potentially no bearing to development/use of the balance of the property.

There may be other design solutions that could be developed by a suitably qualified acoustic consultant that could be developed in conjunction with a suitably qualified landscape architect. The proponent may consider such attention to detail and design expectations to be excessive, however, considering the importance of this area in establishing attractive streetscapes, entry into the Byford locality and contributing to an effective sense of place in the short, medium and long term it is considered that such expectations are justified. Council officers can assist the proponent in achieving this desired outcome along the boundary of the LSP.

#### Options and Implications

The decision making process on the proposal needs to be considered in two parts, the first being the significance of the modification and the second being the planning merit of the proposal.

With respect to the first part of the decision making process, there are essentially two options, as follows:

Option 1: Determine that the proposed modification is 'minor'; or

Option 2: Determine that the proposed modification is 'major', altering the material intent of the structure plan and requiring progression through full statutory processes including advertising for public and agency comments.

Option 1 is recommended.

With respect to the second part of the decision making process, there are three options available, as follows:

- Option 1: Determine that the proposed modification has sufficient merit to justify support and adopt the proposed modification;
- Option 2: Determine that the proposed modification has insufficient merit to justify support and provide reasons; or
- Option 3: Defer consideration of the proposal pending the submission of any further information that Council may wish to seek from the applicant.

Based on the information outlined in this report, option 2 is recommended.

### Conclusion

The proposed modification to the LSP, as currently proposed, is not considered to have sufficient merit to warrant support and in any number of respects reflects a 'step backward' relative to the existing LSP and is of potential concern given the prominence of this location for the effective delivery of attractive streetscapes, embracing the principles of designing out crime and achieving an effective approach to noise attenuation.

### **ATTACHMENTS**

- [OCM104.1/12/12](#) - Proposed LSP modification map (E12/7918)
- [OCM104.2/12/12](#) - Proposed revised plan of subdivision, including cross section of earth bund (IN12/13181)
- [OCM104.3/12/12](#) - Noise assessment report (IN12/18515)

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

The Plan for the Future seeks to deliver vibrant and attractive urban environments that are respectful of the existing character of the area. The Plan for the Future recognises the importance of achieving balanced and integrated design responses for the planning of new major infrastructure.

### **STATUTORY ENVIRONMENT**

Clause 5.18.4 of TPS 2 provides the statutory framework for the consideration of the modifications to structure plans. Should an applicant be aggrieved by a discretionary decision by Council, an application for review may be made to the State Administrative Tribunal.

### **FINANCIAL IMPLICATIONS**

There are no significant direct costs to Council at this stage that are anticipated to arise as a result of the proposed modification to the LSP.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM104/12/12 COUNCIL DECISION / Officer Recommendation**

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

1. Pursuant to clause 5.18.4.1 of Town Planning Scheme No. 2 determine that the proposed modification to the Redgum Brook Estate North Local Structure Plan does not alter the material intent of the Local Structure Plan.
2. Pursuant to clause 5.18.4.1 of Town Planning Scheme No. 2 resolve not to adopt the proposed modifications to the Local Structure Plan as it does not have sufficient merit for the following reasons:
  - a) The revised configuration is not likely to contribute towards the achievement of attractive streetscapes;
  - b) There is concern that the revised configuration will result in an adverse impact on the amenity of the locality as a result of inappropriate fencing being erected and / or landscaping not being effectively established and / or falling into a state of disrepair;
  - c) Ongoing maintenance responsibilities for future landscaping remain unresolved at this time, with landscaping in a critical location likely to be in fragmented private ownership; and
  - d) The revised configuration is inconsistent with the planning principles of designing out crime.
3. Invite the applicant to present an alternative modification to the Local Structure Plan that delivers an appropriate and integrated design solution for further consideration by Council.

**CARRIED 9/0**

|                                  |  |
|----------------------------------|--|
| OCM105/12/12                     | REQUEST FOR EXTENSION TO TERM OF THE EXISTING PLANNING APPROVAL AND EXTRACTIVE INDUSTRY LICENCE - PORTION OF LOT 3 AND LOT 901 SOUTH WESTERN HIGHWAY, WHITBY (P08329/01) |
| Author:                          | Philip Swain - Environmental Health Consultant   |
| Senior Officers:                 | Tony Turner - Manager Health Rangers & Compliance<br>Brad Gleeson - Director Development Services  |
| Date of Report:                  | 7 November 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: Ransberg Pty Ltd t/as WA Bluemetal  
 Owner: Ransberg Pty Ltd t/as WA Bluemetal  
 Date of Receipt: 7 November 2012  
 Lot Area: 128ha  
 Town Planning Scheme No.2 Zoning: Rural, Public Purposes Reserve, Parks & Recreation Reserve  
 Metropolitan Region Scheme Zoning: Public Purposes Reserve, Parks & Recreation Reserve  
 Rural Strategy Policy Area: Raw Materials Extraction & Agricultural Protection  
 Rural Strategy Overlay: Landscape Protection Policy Area

**EXECUTIVE SUMMARY**

WA Bluemetal have made application for a one year extractive industry license and a one year extension to their current Planning Approval until 31 December 2013, for their operation located on Lot 3 and portion of Lot 901 South Western Highway, Whitby.

The reasons that the licensee gives for making this request are that there are complex land transactions between the landowner and the State Government that are due to be finalised

in 2013 and once finalised a comprehensive planning application can be prepared including the land that is subject of the land swap with the State Government. The applicant proposes to submit their application in early 2013 which will enable the Shire time to undertake a detailed assessment of the application and review extractive industries licensing and auditing policy and processes.

Under the Shire's Extractive Industry Local Law Section 3.1(3) Determination of Applications, the Shire may administer an extractive industry license for any period up to 21 years and pursuant to Clause 6.9.2 of Town Planning Scheme No. 2 (TPS 2), the Shire may extend the term of a development approval. It is therefore recommended that pursuant to Council's TPS 2 and Extractive Industry Local Law, Council issue an extension of the term for the planning approval for a further period of 12 months and that it renew the extractive industry licence for one year, with both expiring 31 December 2013.

### **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

At its meeting of full Council on 21 December 2009 Council resolved:

*"SD075/12/09 COUNCIL DECISION/Committee Recommended Resolution*

*A. Planning approval be granted for granite extraction at Lot 3 and portion of Lot 901 South Western Highway, Whitby for a three year period expiring on 31 December 2012 subject to the conditions....."*

### **COMMUNITY / STAKEHOLDER CONSULTATION**

Community consultation is not required at this time for this extension to the term of development approval, or the Extractive Industry Licence. Once a new planning application and extractive industry licence is lodged, the applications will be the subject of extensive public consultation.

### **REPORT**

At its meeting held on 21 December 2009, Council resolved to grant a development approval and an extractive industry licence for a period of three years, expiring 31 December 2012.

At the time of Council's decision in 2009 a number of issues relating to the northern half of Lot 901, which was formerly State Forrest, had not been resolved by the State Government. Approval was limited to the southern portion of Lot 901. The proponent has been in lengthy discussions with State Government agencies, in order to try and resolve the issues relating to the northern portion of the lot which was originally part of the adjoining Metropolitan Region Scheme (MRS) Crown land. These matters have progressed slowly and are beyond the control of the Shire.

#### Planning

The current zoning under both the MRS and the Shire's TPS 2 is Rural for Lots 3 and 902. Lot 901 is made up of a portions of 'Rural' zoning, 'Public Purposes – Hospital' reserve and 'Parks and Recreation' reserve. The northern portion of Lot 901 that is being used for the stockpiling of material has not previously had any planning approved by Council for this use. Once land transactions with the State Government are completed the land needs to be rezoned in the MRS and TPS 2 and planning approvals issued.

The southern portion of the land, Lot 902, was transferred to the Department of Environment and Conservation (DEC), this pristine scarp land that contains Manjedal Brook and significant stands of high quality vegetation is protected from development. The land swap delivered a positive environmental outcome.



WA Bluemetal are currently compiling an application to the Department of Mines and Petroleum for the whole of site. The application includes a detailed mining proposal and closure plans and the approval will trigger the process for portion of land parcel M70/1240 to be excised from the State Forest and into freehold title. WA Bluemetal has advised that this mining proposal and detailed management plans will form the basis of their planning application to the Shire for a new development approval for the whole extractive industry operation in early 2013.

### Renewal of Planning Approval

Clause 6.9 of Council's TPS 2 relates to the term of a planning approval and covers the issue of planning approval renewals. Clause 6.9 states the following:

#### "6.9 TERM OF PLANNING APPROVAL

6.9.1 *Where the Council grants approval, that approval:*

- (a) shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and*
- (b) lapses if the development has not substantially commenced before the expiration of that period.*

6.9.2 *A written request may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in sub-clause 6.9.1 (a)."*

The applicant has submitted a request for renewal prior to the expiration of the current approval, thereby complying with the timeframe specified in TPS 2. It is open to Council to consider an extension to the term of the existing planning approval.

The Western Australian Planning Commission (WAPC) granted a 10 year planning approval in 2010 for the existing extractive industry.

### Annual Reports Auditing and Compliance

Large extractive industry operations have the potential for significant environmental, health and amenity impacts. The opportunity to reconsider a new development application with a more detailed mining proposal will enable the proponent to update and improve the management plans and provide the Shire the opportunity to make a more detailed assessment of the operation. Approval and license conditions can be improved.

Annual Reports: To date, WA Bluemetal have not submitted their annual report for 2012, but have advised, that the mining proposal and new application will cover all aspects of the Shire's requirements including the annual report. It is proposed that as part of this application and assessment process, the Shire review its extractive industry licensing, audit and compliance approach and resource a more robust, risk and evidence based process supported by the licensees.

Whilst the Shire needs to better satisfy itself that all operational activities are meeting the requirements of the planning approval and the extractive industry licence, it should also be seeking to update its policy and Local Laws and the administration of approval conditions with relevant compliance assessments by aligning and partnering with other licensing authorities such as the DEC and Department of Water (DoW).

Stakeholder Meetings: Annual stakeholder meetings occur and are attended by Councillors, adjoining land owners and technical officers. This, and improved inspection / audit processes should afford the Shire the opportunity to improve the efficiency and effectiveness of the control measures relating to both the planning approval and the extractive industry licence.

Auditing: Council Policy PP14 sets out guidelines for determining the length of licences that should be issued to extractive industry operators. An audit was undertaken of the 2009 annual report and an inspection of the site in 2009 found two areas of non-compliance with the 2008 licence conditions set by Council. These were:

1. *Condition 37 The licensee shall submit by 31 October 2009 a written report outlining the licensee's actions in response to the seven (7) recommendations of Golder Associates regarding the stability of the earth bund; and*
2. *Condition 38 The crusher must have a cover which ameliorates the noise emissions. The crusher shall not be operated whilst its cover is not in place. Should the crusher cover be removed for any reason, the Shire is to be informed immediately by facsimile and the crusher not to be restarted until the cover is replaced.*

While some noise monitoring had been undertaken as a result of the audits and noise complaints in 2009, WA Bluemetal adopted the position that they would not install covers, at a potential cost of \$1m, on the primary crusher as long as they complied with the appropriate Noise Regulations. However, this condition was then later removed by Council when the subsequent Development Application was assessed and approval conditions set.

DEC Licensing: The DEC Annual Compliance Report for WA Bluemetal has detailed compliance with conditions relating to dust monitoring, noise and blast monitoring, storage of chemicals and dangerous goods, limited to fuel storage, and water sampling.

Surface Water, Noise and Dust Management: The community and officers are concerned about the management of hard rock extractive industries including the management of surface water, the implications of cumulative impacts on air quality and amenity from extractive industries in the locality of WA Bluemetal.

The Shire has investigated community concerns regarding apparent silt discharge into Manjedal Brook in August 2012. Whilst there was some evidence of silt discharge in Manjedal Brook below Whitby Falls at the Kiernan Street Reserve, this could not be directly attributed to the WA Bluemetal operation. However, the investigations did reveal some potential for minor run-off from the operations. The operator has stabilised areas and maintained the bund wall to minimise the potential for run-off occurring.

The Shire's Environmental Health Department have confirmed intermittent noise complaints in relation to the crushing operation. Given that the noise measurements taken by the operator's noise consultant could not find any exceedence in the locality of the complaints noise officers have not taken any compliance action.

Rehabilitation and Revegetation: The operator advises that they are preparing a detailed report to the Department of Mines and Petroleum in relation to the mining lease. The proponent advises that this impending report will properly address those matters, which are currently an outstanding planning condition under the 2009 planning approval (condition 9).

Administration has reprioritised resources to investigate better contemporary processes and procedures to ensure improved monitoring of extractive industries. This investigation and review will provide a better approach to the future comprehensive auditing of all extractive industries.

#### Policy Implications:

Local Planning Policy 8 - Landscape Protection Policy (LPP 8)

The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;

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

The objectives of LPP 8 will be carefully considered as part of the assessment of the development application.

#### Planning Policy 14 – Extractive Industry Licences (LPP 14)

The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions;
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process;
3. To set a process for determining the level of noncompliance with licence conditions to be applied in determining the length of extractive industry licence;
4. To set a process for determining audit review timeframes; and
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire officers.

#### ATTACHMENTS

- [OCM105.1/12/12](#) - Location map and aerial of site showing portion of Lot 901 (E10/1101)
- [OCM105.2/12/12](#) - Conditions of Planning Approval issued 29 December 2009 (OC10/488)
- [OCM105.3/12/12](#) - WAPC approval conditions pursuant to the MRS approval issued 2 December 2010 (IN10/18999)
- [OCM105.4/12/12](#) - DEC Licence L7358/1991/9 issued 15 June 2011 (IN11/8506)

#### ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The proposal aligns with the Council's Plan for the Future with respect to a number of focus areas including industry development, integrated water cycle management and landscape. Council's Plan for the Future has placed an emphasis on attracting and facilitating appropriate industrial development, improving and maintaining surface and ground water quality and preserving the visual amenity of our landscapes. The implementation of appropriate conditions, specifically with respect to the preparation and approval of a number of management plans, will ensure that this proposal complies with these focus areas.

#### STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Extractive Industries – Local Law 1995*
- TPS 2
- LPP 14 - Extractive Industry Licences
- LPP 8 - Landscape Protection

- MRS

## FINANCIAL IMPLICATIONS

Payment of an annual fee for the renewal of the Extractive Industry Licence. The applicant may have the right of appeal to the State Administrative Tribunal should it be aggrieved by a decision of the Shire and should this course of action be pursued there will be financial implications to the Shire in defending a decision.

## VOTING REQUIREMENTS          Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Clause 6.9.2 of Town Planning Scheme No. 2, extend the term of the approval granted for granite extraction at Lot 3 and Lot 901 South Western Highway, Whitby, excluding the northern portion of Lot 901 marked in red on attachment OCM105.1/12/12, dated 21 December 2009 for a further period of 12 months, expiring 31 December 2013. This approval includes all the conditions detailed in the current planning approval.
2. Grant an extractive industry licence for granite extraction at Lot 3 and portion of Lot 901 South Western Highway, Whitby for a one year period expiring on 31 December 2013 subject to the following conditions:
  - a. The licensee is to submit a detailed site survey of extraction report on environmental site management standards to the Director Development Services by 31 March 2013;
  - b. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law;
  - c. No works are to be exposed to view from the South Western Highway and the coastal plain; and
  - d. Payment of the annual extractive industry licence fee.
3. Ransberg Pty Ltd trading as WA Bluemetal be required to submit a new development application for approval to continue granite extraction and associated activities on all relevant lots including Lot 3, Lot 901 and any freehold areas to be established by mining lease M70/1240, by 1 March 2013.
4. Advise Ransberg Pty Ltd to submit documentation to Council to initiate an amendment to the Metropolitan Region Scheme and Shire's Town Planning Scheme No. 2, to rezone portion of Lot 901 from 'Public Purposes – Hospital' reserve and 'Parks and Recreation' reserve to the 'Rural' zone.

### **OCM105/12/12    COUNCIL DECISION / New Motion**

**Moved Cr Urban, seconded Cr Wilson**  
**That Council:**

1. Pursuant to Clause 6.9.2 of Town Planning Scheme No. 2, extend the term of the approval granted for granite extraction at Lot 3 and Lot 901 South Western Highway, Whitby, excluding the northern portion of Lot 901 marked in red on attachment OCM105.1/12/12, dated 21 December 2009 for a further period of 12 months, expiring 31 December 2013. This approval includes all the conditions detailed in the current planning approval.

**2. Grant an extractive industry licence for granite extraction at Lot 3 and portion of Lot 901 South Western Highway, Whitby for a one year period expiring on 31 December 2013 subject to the following conditions:**

- e. The licensee is to submit a detailed site survey of extraction report on environmental site management standards to the Director Development Services by 31 March 2013;**
- f. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law;**
- g. No works are to be exposed to view from the South Western Highway and the coastal plain; and**
- h. Payment of the annual extractive industry licence fee.**

**3. Ransberg Pty Ltd trading as WA Bluemetal be required to submit a new development application for approval to continue granite extraction and associated activities on all relevant lots including Lot 3, Lot 901 and any freehold areas to be established by mining lease M70/1240, by 1 March 2013.**

**4. Advise Ransberg Pty Ltd to submit documentation to Council to initiate an amendment to the Metropolitan Region Scheme and Shire's Town Planning Scheme No. 2, to rezone portion of Lot 901 from 'Public Purposes – Hospital' reserve and 'Parks and Recreation' reserve to the 'Rural' zone.**

**5. The applicant shall, before consideration of a renewal of development approval and an extractive industry licence, provide all management plans, including and not necessary limited to the following:**

- Rehabilitation
- Visual Amenity
- Dust
- Water management
- Noise
- Mine closure plan
- Landscape and revegetation plan

**These items are required to be submitted to the satisfaction of the Director Development Services.**

**CARRIED 9/0**

**COUNCIL NOTE: Item 5 added to include a request that the applicant shall, before consideration of a renewal of development approval and an extractive industry licence, provide all management plans, as listed in point 5.**

|                                  |   |
|----------------------------------|---|
| OCM106/12/12                     | FINAL ADOPTION OF SCHEME AMENDMENT NO. 178 - LOT 2 SOUTH WESTERN HIGHWAY (CORNER THOMAS ROAD), BYFORD FROM 'URBAN DEVELOPMENT' TO 'COMMERCIAL' (SJ1404) |
| Author:                          | Helen Maruta - Planning Officer   |
| Senior Officers:                 | Louise Hughes - Manager Statutory Planning<br>Brad Gleeson - Director Development Services  |
| Date of Report:                  | 25 October 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. |

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|                                    |                    |
|------------------------------------|--------------------|
| Proponent:                         | Downings Legal     |
| Owner:                             | Tan Thong Kie      |
| Date of Receipt:                   | 16 July 2010       |
| Lot Area:                          | 4054m <sup>2</sup> |
| Town Planning Scheme No. 2 Zoning: | Urban Development  |
| Metropolitan Region Scheme Zoning: | Urban              |

### **EXECUTIVE SUMMARY**

At the Ordinary Council Meeting held on 10 April 2012, Council resolved to initiate Amendment No. 178 which proposes to rezone Lot 2 South Western Highway, Byford, from 'Urban Development' to 'Commercial', with additional commercial 'restricted uses' of 'fast food/takeaway', 'consulting rooms', 'medical centre', 'health studio' and 'office' only.

Amendment 178 was advertised for public comment including referrals to government agencies and service authorities. The outcome of the advertising and referral process is included in this report. This report provides Council with the opportunity to consider the amendment for final approval with or without modifications.

### **RELEVANT PREVIOUS DECISIONS OF COUNCIL**

Council resolved to initiate the Scheme Amendment at its meeting of 10 April 2012.

### **COMMUNITY / STAKEHOLDER CONSULTATION**

Prior to commencement of advertising, Amendment 178 was referred to the Environmental Protection Authority (EPA) under Section 48A of the *Environmental Protection Act*. The EPA advised in writing that the Amendment did not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986*, nonetheless, provided advice and recommendations.

The Amendment was referred to relevant government authorities for 42 days and advertised for public comment in accordance with the requirements set out in Local Planning Policy 27 - Stakeholder Engagement in Land Use Planning (LPP 27). The proposal was advertised in the following manner:

- Display of a sign on site;
- Advertisement in the Examiner newspaper;
- Letters to statutory authorities;
- Public display at the Shire's Administration Centre;
- Letters being sent to all landowners within a 100 metre distance from the site;
- Letters being sent to community groups; and
- Publishing of relevant information on the Shire's internet webpage.

The advertising concluded on 7 September 2012; a total of 23 submissions were received, 14 from government referral authorities and nine from the public.

The Shire received no objections from all the government departments to rezone the land. General advice was provided to the Shire relating to the general site characteristics of the subject land and recommendations in the event of the applicant lodging a development application.

The majority of the concerns raised by the members of the public generally were mainly objections related specifically to the inclusion of a fast food/take away, particularly McDonald's restaurant, in the additional 'restricted uses' of the Scheme Amendment. One submission objected to the rezoning of the site from Urban Development to Commercial. It

was also recommended for the Shire to consider the possibility of widening the scope for the development of local business to include local, small business stores such as nurseries, hardware, general stores and craft shops.

As such the major issues contained in the report are listed below:

- Traffic management Issues;
- Inclusion of fast food / takeaway restaurant in the Restricted Uses in particular McDonald's restaurant and all the associated amenity issues;
- Out of centre development;
- Appropriateness of the site for a commercial development; and
- Potential to widen the scope for restricted uses.

The issues listed above are considered to have been explored and discussed extensively by the applicant and Shire officers prior to the initiation of the scheme amendment. The applicant was provided an opportunity by the Shire to address the key matters prior to the Shire considering the initiation of the Scheme. The Shire was satisfied with the information provided by the applicant including the level of detail and its continued working with Main Roads to address traffic management issues which were considered key prior to the initiating of the scheme amendment.

The applicant was further afforded the opportunity to provide responses to all the issues that were raised during the advertising period. Shire officers are satisfied that the applicant has sufficiently addressed concerns relevant to the current proposal of rezoning land and also applauded the applicant for providing detailed responses to some issues raised during the consultation process which are considered not to be directly related to the rezoning of the site. The information provides Council with insight into key considerations and confidence to deliberate on some of the issues which may seem not specifically related to the rezoning itself but identified to be indicative to the future development of the site. The appropriate planning process to address such concerns identified as being irrelevant to the rezoning of land would be through the lodgement of a development application.

### Site Characteristics

The subject site is identified as Lot 2 (#640) South Western Highway, Byford. The site is bound by Thomas Road to the north, South Western Highway to the east and existing residential development to the south and west. The subject land has historically been used for commercial purposes, including a service station.

### Proposal

The proposed scheme amendment seeks to rezone Lot 2 South Western Highway, Byford from 'Urban Development' to 'Commercial', for the purposes of facilitating commercial development. The subject land is currently zoned 'Urban Development' under the Shire's Town Planning Scheme No. 2 (TPS 2) and is identified as being within the 'Residential R20' zone under the Byford District Structure Plan (BDSP).

The purpose of this report is for Council to assess the submissions received during the advertising period and determine whether or not to adopt the amendment with or without modifications. The majority of the objections received related directly to the refusal to include the fast food / takeaway in the restricted uses of the commercial land, particularly McDonald's restaurant. As such, it is important to emphasize that whilst the owner and McDonald's have indicated their desire to establish an outlet on the subject site, this report is to primarily consider the proposed rezoning of the land, from 'urban development' to 'commercial' only, and is not directly related to any development applications for future commercial uses on the site. Furthermore, the inclusion of a fast food / takeaway element to the zoning does not limit the use of the land by a specific company; the purpose is to

consider whether the land is capable of development for the purposes specified, not to determine the merits of a planning application by a specific company or fast food outlet.

The process of seeking a scheme amendment is to change the zoning in order to facilitate development opportunities for developing the land in the future. In the event of any commercial development application being lodged with Council in the future relating to any commercial use, including a fast food / takeaway, offices, consulting rooms, health studios or a medical centre, due regard will be afforded to address any particular development considerations associated with the specific proposed use.

### Consideration of Submissions

The applicant provided detailed responses to the submissions which are contained within the attachments. Below is a summary of the main objections.

### Traffic Management Issues

The subject site is bound by Thomas Road to the north, South Western Highway to the east and existing residential development, St Thomas Private Estate, to the south and west. The following traffic concerns have been raised:

- A commercial development of the site has the potential to increase the flow of traffic at the busy intersection of South Western Highway and Thomas Road;
- Potential complex and dangerous traffic issues related to increased traffic via Hay Road in and out of the St Thomas Estate related to the points of entry and exit off Hay Road;
- Potential increase of traffic at the intersection of Thomas Road and South Western Highway;
- Convenience of the fast food / take away likely to attract truck drivers and potentially increase the volume of trucks in the area which is likely to result in wearing of road infrastructure in the area; and
- Possibility of providing an alternative access from George Street to ease traffic off Hay Road.

The concerns are mostly related to the traffic concerns envisaged if a fast food / takeaway were to be on site. It is noted that the majority of these submissions do not relate directly to the rezoning of land from Urban Development to Commercial but rather to a specific development of McDonald's restaurant; the merits of such a proposal will be considered at the relevant stage in the planning process, namely when a development application is submitted and not at the current rezoning stage. The applicant has provided detailed responses to the major concerns raised by the submitters in the summary of submissions.

Main Roads WA (MRWA) registered their in principle support to the rezoning of the subject land, subject to certain traffic criterion being satisfied and on the understanding that the Shire will continue to seek MRWA comments if any development application were to be lodged.

The following recommendation is an extract from the comments submitted by the Department of Transport (DoT). Officers are of the view that submission addresses the main concerns which were overemphasised by submitters regarding traffic logistics at the busy intersection of Thomas Road and South Western Highway including the entry/exit of the estate via Hay Road:

- The subject area is bounded by Thomas Road and South Western Highway frontage into or out of the subject area. All entry / exit movements at the development are to be on Hay Road;



- That Thomas Road and Hay Road intersection is modified to allow safe entry from Thomas Road into the proposed development;
- That no right turn out of Hay Road into Thomas Road is permitted;
- That right turns from Thomas into Hay Road are made from a right turn lane;
- That a traffic impact assessment will be required for the proposed development at the time of redevelopment of the land and submitted to MRWA for approval;
- That lighting and signage for the proposed development be to the satisfaction of MRWA; and
- That proximity of the subject area to an established residential area will require noise amelioration measures for the development in accordance with State Planning Policy SP5.4.

The applicant has also provided the following information (summary) regarding the traffic management issues raised above:

*'In particular, the applicant notes that it has received in principle support from Main Roads for the proposed road alterations which will improve access from Thomas Street onto Hay Road. The applicant will continue to work in conjunction with Main Roads with respect to traffic management, including access to and from the site, should the rezoning be approved. In addition, the applicant will provide a comprehensive traffic management plan to demonstrate how traffic issues will be addressed, in the event a development application (DA) is lodged.'*

#### Inclusion of Fast Food / Takeaway in the Restricted Uses

The following concerns were raised regarding having a fast food / takeaway on site with particular reference to McDonald's restaurant:

- Fast food is considered not to be an appropriate commercial enterprise on this site, particularly McDonald's restaurant;
- Fast foods is not considered to be a suitable entry statement image to Byford;
- A fast food outlet is likely to decrease land values of the surrounding neighbourhood due to amenity issues particularly noise associated with operational times, air pollution from the smell / odour, lights and illuminated signs and increased litter in the public open spaces and reserves;
- Fast food is associated with increased anti social behaviour and likely crime increase in the area and compromise on safety and security in the neighbourhood;
- Fast food is considered to be linked with increased obesity for children in walking distance to the fast food outlet; and
- Fast food should be located in the town centre and not within a residential estate.

The above issues were discussed in detail by the applicant in the summary of submissions. The applicant noted that generally the comments received were not directly relevant to an application for rezoning and would be appropriately dealt with upon lodgement of a development application.

#### Out of Centre Development

Concerns have been raised that a fast food outlet, like a McDonald's restaurant, should be located in the town centre to retain a strong retail core in the Byford centre as set out on the Byford Town Centre Local Structure Plan (BTCLSP). It was also recommended that the fast foods / takeaway should not be allowed a drive through component.

The applicant provided information that the development of the site as a commercial use is consistent with the main street objectives for the Byford Town Centre in the LSP. It is noted that the submission is not directly related to rezoning of the land.

### Appropriateness of the site for a Commercial Development

Concerns were raised that the subject site should remain residential and not rezoned to facilitate commercial development. The submitter does not consider that site is considered unsuitable for residential due to the busy traffic environment and low amenity for residential development, is enough justification for rezoning to a commercial. The position of the proponent is that the rezoning application has been necessitated by the fact that the site is unsuitable for residential due to the busy traffic environment with insufficient space for residential setbacks.

### Potential to widen the scope for restricted uses

The restricted uses under the proposed Commercial Zoning have been listed as fast food / takeaway, consulting rooms, medical centre, health studio and offices. It has been suggested that local small business stores such as nurseries, hardware, general stores and craft shops be added to the list. The applicant provided information that the uses listed in the restricted uses are considered not to detract from the Town Centre objectives.

In addition the responses provided by the applicant, the applicant has also provided the following information in support of the rezoning:

- It appears from the submissions received that the rezoning application itself is generally supported, and that the majority of concerns raised do not relate to the proposed rezoning to Commercial. These are concerns which can and will be addressed in the future at the DA stage. Council will have the discretion to consider any particular developments proposed for the site at the relevant time, provided that the development falls within the restricted commercial uses which will apply to the site, if the amendment is approved;
- Notwithstanding this, the applicant has endeavoured to provide some detail in its responses as to how the public's concerns would be addressed at the development application stage, if an application is lodged for the development of a McDonald's restaurant;
- These details will provide comfort to the Shire and the public of the applicant's position that the proposed development will not have a detrimental effect on neighbouring properties or the community of Byford. Whilst these details are specific to a McDonald's restaurant and will only be relevant if a development application is lodged for this particular development, these items should not detract from the overarching basis for the scheme amendment - which is to ensure that the site can be developed to the best possible use available, having regard to the nature of the site and the surrounding town centre of Byford. As the applicant has demonstrated, and as remains clear from the location of the site, a residential development is neither practicable nor suitable for this particular site. The Shire has agreed that this is the case, acknowledging that a residential development is unlikely to be achievable due to existing constraints over the site, as set out in the minutes of the Ordinary Council Meeting dated 10 April 2012;
- The proposed commercial zoning, which will restrict the use of the site to fast food / takeaway, consulting rooms, medical centre, health studio or office, will allow for an appropriate use of the site which will not detract from the objectives of the BTCLSP. In addition, the conditions proposed to be attached to the site, as specified in Appendix 19, will ensure that any future development of the site meets the standards envisaged for the town of Byford and require the owner to address any potential impact the development may have on surroundings areas;
- The applicant reiterates that items raised by the public in the submissions which are specific to a McDonald's restaurant will be addressed at the development application stage, if such a development application is lodged, and the public will have the

opportunity to comment on particular items which concern them at that time. These items should not cloud the issue that has caused the owner to apply for the rezoning, that the site is not suitable for residential use; and

- The applicant notes that the responses from the public do not appear to take into account the benefits to the community which the proposed rezoning will allow for. The establishment of a new commercial business will not only benefit the local economy but will allow for increased support for community groups and local residents. It is estimated that the proposed development will create approximately 100 jobs for residents of Byford and surrounding areas. The opportunities presented by the rezoning to Commercial should not be dismissed.

### Officers Comment

Based on the information provided by the applicant, submissions provided by the State Government agencies and the responses, by the applicant, to the concerns raised during the consultation process, officers are satisfied that sufficient information has been provided for Council to consider rezoning of Lot 2 South Western Highway, Byford from “Urban Development” to “Commercial” for the purposes of facilitating commercial development with or without modifications.

In determining the final adoption of the rezoning proposal Council is to have due regard to the following factors:

- i. Council has previously considered the planning merits of the proposal when it resolved to initiate the scheme amendment at its meeting of 10 April 2012;
- ii. The applicant has received in principle support from MRWA for the proposed road alterations aimed at improving access from Thomas Road onto Hay Road and will continue to work with MRWA with respect to traffic management issues in the event of a development application being lodged, if the rezoning were to be approved;
- iii. Council having regard to the commitment the applicant has demonstrated by extensively addressing the traffic management issues that are considered key to this proposal;
- iv. Council should note that whilst the owner and McDonald’s have indicated their interest to establish an outlet on the subject land the applicant is currently seeking to rezone the land from urban development to commercial with additional commercial uses including consulting rooms, medical centre, health studio and office only;
- v. The majority of the concerns raised during the advertising period lacked relevance to the rezoning proposal; and
- vi. Council should have due regard to the current state of the site and the constraints over the site for a residential development due to the busy traffic environment and low amenity maximisation of returns by the applicant.

### Options Available to Council

In considering the options, Council needs to carefully consider the position of the proponent and the merits of the proposed amendment in the context of all relevant information available and ultimately establish a position on the matter. There are three main options available to Council in respect to this application. These are:

Option 1: Adopt the amendment without modification;

Option 2: Adopt the amendment subject to modifications; or

Option 3: Refuse to adopt the amendment and advise the WAPC. The final decision on the amendment will be with the WAPC and Minister for Planning.

The officer recommendation with respect to this rezoning application is consistent with option 1.

## Conclusion

The consultation process resulted in a number of submissions being made raising concerns as detailed above. Support to rezone the subject land from 'Urban Development' to 'Commercial' with additional commercial uses consistent with the town centre objectives is considered not to be unreasonable at this stage. The majority of issues which have been raised are not considered to relate to the rezoning of the land but are issues which need to be identified and addressed at the development application stage of the planning process.

## **ATTACHMENTS**

- [OCM106.1/12/12](#) - Locality plan and aerial photograph (E12/7909)
- [OCM106.2/12/12](#) - Map of existing and proposed zoning (E12/7910)
- [OCM106.3/12/12](#) - Schedule of Submissions (E12/4995)

## **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

Council's Plan for the Future has placed an emphasis on attracting appropriate commercial development and enabling built form that positively contributes to streetscape amenity. The proposed rezoning is considered to achieve this.

## **STATUTORY ENVIRONMENT**

- Metropolitan Region Scheme
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- TPS 2

## **FINANCIAL IMPLICATIONS**

The applicant has paid the amendment fee.

## **VOTING REQUIREMENTS**          Simple Majority

Officer Recommendation

That Council:

- A. Resolves to adopt Amendment No. 178 to Town Planning Scheme No. 2 without modification.
- B. Pursuant to Section 75 of the *Planning and Development Act 2005* amends the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:
  - (i) rezoning Lot 2 South Western Highway, Byford, from 'Urban Development' to 'Commercial';
  - (ii) inserting into the Scheme text the following text:

“3.5. Restricted uses

Despite anything contained in the Zoning Table, the land specified in Appendix 19 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted”; and

(iii) inserting into the Scheme text the following text:

#### Appendix 19 – Restricted Uses

| No. | Description of land                                      | Restricted Use  | Conditions  |
|-----|--|---|---|
| R1  | Lot 2 South Western Highway (corner Thomas Road), Byford | Fast Food/Takeaway<br>Consulting Rooms<br>Medical Centre<br>Health Studio<br>Office | <ol style="list-style-type: none"> <li>1. In determining any planning application for development approval the Shire shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.</li> <li>2. Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.</li> <li>3. The Shire may impose conditions and require proposed developments to specifically address the following issues:           <ul style="list-style-type: none"> <li>• A high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment.</li> <li>• Building design, in particular height, colour and texture and position of the buildings (and any signage) shall have regard to the natural landscape and views from public vantage points.</li> <li>• Development shall face the street, be built up to the road reserve boundary and have predominantly active and visually permeable frontages.</li> <li>• Buildings on corner sites are to be designed to reflect prominent position with detailing to signify the corner and entry.</li> <li>• While new development may be contemporary in its form and style, it should also be cognisant of the semi-rural character that prevails within the town.</li> <li>• Vehicular access to the site including access to/from Thomas Road to the satisfaction of Main Roads Western Australia.</li> <li>• The screening and/or landscaping of car parking areas from adjacent</li> </ul> </li> </ol> |

|  |  |  |  |
|--|--|--|--|
|  |  |  | residential uses. <ul style="list-style-type: none"> <li>• A Landscaping Management and Planting Plan, maximizing the use of local native species shall be prepared and implemented to the satisfaction of the Shire.</li> </ul> |
|--|--|--|--|

(iv) Amending the Scheme Maps by rezoning Lot 2 South Western Highway, Byford from "Urban Development" to "Commercial".

C. The Amendment documentation be prepared in accordance with the standard format prescribed by the Town Planning Regulations 1967.

D. Advise the applicant that they are required to undertake the following to the satisfaction of the Director Development Services:

i) Include the textual provisions within the Scheme Amendment documents as adopted by Council.

E. Endorses the schedule of submissions in attachment OCM106.3/12/12 prepared in respect of Amendment 178 to Serpentine Jarrahdale Shire Town Planning Scheme No. 2.

F. Subject to part B being undertaken to the satisfaction of the Director Development Services, authorize the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendments with a request for endorsement of final approval by the Minister for Planning.

G. Advise those persons who lodged a submission during the comment period of Councils decision.

#### **OCM106/12/12 COUNCIL DECISION / New Motion**

**Moved Cr Kirkpatrick, seconded Cr Urban  
That Council:**

**A. Resolves to adopt Amendment No. 178 to Town Planning Scheme No. 2 subject to the following modification:**

**Remove from Appendix 19 – Restricted Uses  
Fast Food/Takeaway**

**B. Pursuant to Section 75 of the *Planning and Development Act 2005* amends the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:**

**(i) rezoning Lot 2 South Western Highway, Byford, from 'Urban Development' to 'Commercial';**

**(ii) inserting into the Scheme text the following text:  
"3.5. Restricted uses**

**Despite anything contained in the Zoning Table, the land specified in Appendix 19 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.**

**Note: A restricted use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted”; and**  
**(iii) inserting into the Scheme text the following text:**

#### Appendix 19 – Restricted Uses

| No. | Description of land                                      | Restricted Use  | Conditions   |
|-----|--|---|--|
| R1  | Lot 2 South Western Highway (corner Thomas Road), Byford | Consulting Rooms<br>Medical Centre<br>Health Studio<br>Office | <p>4. In determining any planning application for development approval the Shire shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.</p> <p>5. Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.</p> <p>6. The Shire may impose conditions and require proposed developments to specifically address the following issues:</p> <ul style="list-style-type: none"> <li>• A high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment.</li> <li>• Building design, in particular height, colour and texture and position of the buildings (and any signage) shall have regard to the natural landscape and views from public vantage points.</li> <li>• Development shall face the street, be built up to the road reserve boundary and have predominantly active and visually permeable frontages.</li> <li>• Buildings on corner sites are to be designed to reflect prominent position with detailing to signify the corner and entry.</li> <li>• While new development may be contemporary in its form and style, it should also be cognisant of the semi-rural character that prevails within the town.</li> </ul> |



|  |  |  |   |
|--|--|--|---|
|  |  |  | <ul style="list-style-type: none"> <li>• Vehicular access to the site including access to/from Thomas Road to the satisfaction of Main Roads Western Australia.</li> <li>• The screening and/or landscaping of car parking areas from adjacent residential uses.</li> <li>• A Landscaping Management and Planting Plan, maximizing the use of local native species shall be prepared and implemented to the satisfaction of the Shire.</li> </ul> |
|--|--|--|---|

**(iv) Amending the Scheme Maps by rezoning Lot 2 South Western Highway, Byford from "Urban Development" to "Commercial".**

**C. The Amendment documentation be prepared in accordance with the standard format prescribed by the Town Planning Regulations 1967.**

**D. Advise the applicant that they are required to undertake the following to the satisfaction of the Director Development Services:**

**i) Include the textual provisions within the Scheme Amendment documents as adopted by Council.**

**E. Endorses the schedule of submissions in attachment OCM106.3/12/12 prepared in respect of Amendment 178 to Serpentine Jarrahdale Shire Town Planning Scheme No. 2. Notwithstanding the attached schedule of submissions, Council has carefully considered the submissions received and has resolved that the Fast Food/ Takeaway development should not be supported on this land due to impacts on the amenity of the local area and the location of the site being on the corner of two major arterial roads and associated traffic impacts that would occur.**

**F. Subject to part B being undertaken to the satisfaction of the Director Development Services, authorize the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendments with a request for endorsement of final approval by the Minister for Planning.**

**G. Advise those persons who lodged a submission during the comment period of Councils decision.**

**CARRIED 6/3**

**COUNCIL NOTE: Council has carefully considered the submissions received that included many submissions that raised concerns about the impacts of the amenity of the local area if a Fast Food/ Takeaway development was permitted on this land. Council has resolved that Amendment 178 to Town Planning Scheme No. 2 (TPS 2) should be modified to remove the Fast Food/ Takeaway from Appendix 19 in TPS 2. Council notes that the final decision on Amendment 178 is with the Minister for Planning, on advice from the Western Australian Planning Commission.**

**Cr Wilson foreshadowed a new motion if the motion under debate is defeated.**



|                                  |   |
|----------------------------------|---|
| OCM107/12/12                     | CONSTRUCTION OF ONE DAM – LOT 822 (#206) FIRNS ROAD SERPENTINE (P01466/04)  |
| Author:                          | Louise Hughes - Manager Statutory Planning  |
| Senior Officers:                 | Brad Gleeson - Director Development Services  |
| Date of Report:                  | 12 November 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: Saraband Investments Pty Ltd  
 Owner: As above  
 Date of Receipt: 21 November 2011  
 Lot Area: 75ha  
 Town Planning Scheme No. 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

### EXECUTIVE SUMMARY

An application for development approval has been made to the Shire for the construction of four dams. This report provides Council with the opportunity to consider the merits of the proposal and ultimately determine whether a conditional approval should be granted or refused.

Since the initial lodgement of the application, a number of revisions to the plans have been made by the proponent. The final configuration of the proposal consists of one dam in the southern portion of the property and two dams situated at the entrance to the property and a fourth dam situated in the north-western portion of the property. This report only relates to the proposed new dam in the southern portion of the property. Further consideration may need to be given to the other proposed dams in the future, pending the submission of further information and a revised development application. This change in the proposal has been made by the proponent in response to concerns raised during the consultation process, specifically in relation to the potential for on-line dams to impact on downstream landowners.

In support of the application for the proposed southern dam, the proponent has provided technical information outlining the expected hydrological impacts on both the proponent's property and on properties downstream. The application was advertised to adjoining landowners for comment. During the advertising period, concerns were raised in respect of potential impacts on downstream flows, particularly in the context of the application potentially being 'on-line'. The southern dam, the subject of this report, has been confirmed by the applicant's hydrological report and Shire officers as being 'off-line'.

An assessment of the application has now been completed against the provisions of relevant Council and state government policy documents, including draft Local Planning Policy 33 – Construction of Dams (LPP 33). Due regard has been given to matters such as structure design, environmental impacts, stabilisation and fundamental purpose of the water collection. Based on the information now available, it is considered that the single southern dam is deemed to have sufficient merit to warrant conditional approval. The proponent has provided in principle agreement for the balance of the dams, in the northern portion of the property, to be excluded from the current application and decision.

### RELEVANT PREVIOUS DECISIONS OF COUNCIL

There is no previous Council decision relating to this application.

### COMMUNITY / STAKEHOLDER CONSULTATION

The application was advertised for a period of 21 days, in accordance with the requirements set out in Town Planning Scheme No. 2 (TPS 2) and Local Planning Policy 27 – Stakeholder Engagement in Land Use Planning (LPP 27). The advertising included referral to adjoining landowners and relevant government agencies. A total of five submissions were received during the advertising period. The primary concern raised by adjoining landowners was in respect of potential downstream impacts.

## REPORT

The final configuration of the proposal consists of one new dam in the southern portion of the property. In support of the proposal, the applicant has provided the following justification:

### *“Purpose of Dams*

*The purpose of the dams is for preserving wildlife, aesthetic and practical reasons.*

*Wildlife haven: The farm is surrounded by nature reserves with abundance of wild life and flora. The lake supports this wildlife by providing a source for drinking, cooling, etc all year round. The edges of the lake will be designed to support the above function (easy access to the water for the animals).*

*Fire Control: The owners have purchased a tractor with a fire engine mechanism and intend to draw water from the dams to fight possible fires on the property. This is very critical for the safety of people on the farm as in the case of fire in the region there is essentially only one escape route*

*Water usage: Water will be drawn from the dam for domestic usage and to irrigate the existing trees and vegetable gardens.*

*Aesthetic: Apart from the essential and practical reasons, the dams will enhance the aesthetics of the farm.*

In determining the application, there are three primary matters requiring consideration, as follows:

1. Potential impacts on adjoining landowners/environmental water requirements;
2. The actual need for the proposed dam; and
3. The level of information provided to date, in support of the application.

### 1. Potential impacts on adjoining landowners/environmental water requirements

Water resources in Western Australia are limited in availability. The potential use, storage, extraction and/or disposal of water has the potential to impact on other landowners, other land uses and environmental water requirements including wetlands and stream systems. The storage of water in new dams can alter existing regimes, include supply rates, frequency and duration. Overall, additional storage upstream may have downstream recharge implications.

In support of the application, the proponent has submitted a hydrological impact assessment. Based on the information now provided, officers are satisfied that the proposal is effectively ‘off-line’, with no direct implications on the flow of water during and following typical storm events. Accordingly, it is considered that the proposal has sufficient merit to justify support.

### 2. The actual need for the proposed dam

The proposed dam is intended for aesthetic purposes, with the long term intention of utilising the water for irrigating a future hobby farm/orchard. It is important to note, however, that the establishment of such uses does not form part of the current application and shall be required to be the subject of future applications that will need to be considered on their merits in the context of the available information/applicable planning framework at that time. Accordingly, the application needs to be considered in the context of the current justification, being for aesthetic purposes only.

### 3. The level of information provided to date, in support of the application.

The hydrological impact assessment completed in support of the application including the following key points:

- That the proposal is considered to be ‘off-line’; and
- The construction of the dam will not result in the loss of any existing vegetation.

Due to the topography and location of the site, it is not considered that the proposal would have any significant visual impact, nor compromise the landscape values and character of the area. The property is situated in an elevated position with distant views to the west; however, it is not visible from the lowlands to the west, or from any adjoining residential properties. The construction of the dam will be aesthetically beneficial to the proponent, but will not adversely impact visually on any surrounding property or from more distant views. As part of the application, ‘cross-section drawings’ have been provided to the Shire, in part satisfying the information requirements set out in LPP 33.

In the instance that Council is prepared to grant approval for the proposal, it is recommended that relevant conditions be imposed including the submission and approval of the final/detailed design drawings, in conjunction with a completed geotechnical report.

It is considered reasonable to suggest that a considerable number of matters identified through the technical assessment of the original application lodged with the Shire have now been further investigated by the proponent and there is now sufficient demonstration that key issues have been understood and are arguably capable of being addressed through appropriate condition setting/implementation by the proponent.

#### Other matters

During the advertising period, the Department of Water (DoW) provided advice on the application. In the instance that the proposed dam is used for only domestic or stock water purposes, a separate/formal approval from the DoW would not be required under the *Rights in Water and Irrigation Act 1914*. Based on the information available, the proposal arguably satisfies the requirements set out in the DoW’s Water Quality Protection Note 53 - Dam Construction and Operation in Rural areas.

From a fire and risk management perspective, the proposed dam potentially provides an alternative water source in the area for fire fighting purposes. Accordingly, the proposal is considered to be of assistance in meeting the objectives set out in Local Planning Policy 43 – Natural Hazards and Disasters (LPP 43).

The original proposal had the potential to result in the loss of existing vegetation. The revised proposal currently before Council does not involve the clearing of existing vegetation and accordingly assists in achieving the objectives set out in LPP 67 – Landscape and Vegetation (LPP 67).

#### Options and Implications

In considering the application before Council, there are two primary options available, as follows:

Option 1: Approve the development application, with appropriate conditions; or

Option 2: Refuse to grant approval and provide reasons to the applicant.

Based on the information available and outlined in this report, option 1 is recommended at this time. Should an applicant be aggrieved by a determination made by the Shire, an application for review may be made to the State Administrative Tribunal.

### Conclusion

Based on the information submitted in support of the application, including supplementary information provided in response to the initial concerns raised through the technical assessment and consultation processes for the proposal, it is considered that the proposal for one dam has sufficient merit to justify conditional approval. The hydrological impact assessment has demonstrated that there will be negligible impacts on adjoining properties and environmental water requirements, with the only real impacts being on short term, localised surface water flows. It will be necessary for further detailed designs to be prepared and approved prior to the commencement of works on site.

### **ATTACHMENTS**

- [OCM107.1/12/12](#) - Location plan and aerial photograph (E12/7900)
- [OCM107.2/12/12](#) - Hydrological impact assessment (IN12/12092)
- [OCM107.3/12/12](#) - Details of dam locations and site plan (IN12/12092)
- [OCM107.4/12/12](#) - Schedule of submissions (E12/6182)

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

The Plan for the Future seeks to facilitate the responsible use of resources, protection of the natural environment and facilitate land uses that contribute to the overall fabric of the area. The landowner is proposing the construction of the dam for aesthetic purposes.

### **STATUTORY ENVIRONMENT**

- TPS 2
- Draft LPP 33 - Construction of Dams

### **FINANCIAL IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**                      Simple Majority

### **COUNCIL DECISION**

**Moved Cr Wilson, seconded Cr Piipponen**  
**That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.54pm.**  
**CARRIED 8/1**

### **COUNCIL DECISION**

**Moved Cr Piipponen, seconded Cr Wilson**  
**That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 7.59pm.**  
**CARRIED 9/0**

## Officer Recommendation

That Council:

1. Acknowledge the submissions received during the advertising period for the construction of dams at Lot 822 Firms Road, Serpentine
2. Grant development approval, pursuant to the provisions of Town Planning Scheme No. 2, for the construction of a single dam in the southern portion of Lot 822 Firms Road, Serpentine subject to the following conditions:
  1. All development shall be in accordance with the approved plans to the satisfaction of the Director Development Services;
  2. Engineering drawings shall be prepared and approved by Director Engineering prior to the commencement of works on site;
  3. A structural certification report shall be provided to the Shire prior to the commencement of works by a suitably qualified engineering consultant;
  4. A geotechnical report shall be prepared and approved prior to the commencement of works on site;
  5. The site shall be graded and stabilised to prevent erosion and run off impacts from the property;
  6. Arrangements being made prior to the commencement of work for the identification and protection of vegetation on site to the satisfaction of the Director Strategic Community Planning; and
  7. All development shall be completed within 12 months from the commencement of works

Advice note:

1. In respect of condition 2, the engineering drawings shall demonstrate compliance with the Shire's Adopted Engineering Standards and the Institute for Public Works Engineers Australia Subdivision Guidelines Edition 2.2 (as amended from time to time).
2. In respect of condition 7, it is considered necessary for the development to be finalised in a timely manner to minimise potential impacts (erosion, dust generation etc) and protect the amenity of the area.

**OCM107/12/12 COUNCIL DECISION / New Motion****Moved Cr Wilson, seconded Kirkpatrick****That item OCM107/12/12 be deferred to the 29 January 2013 Ordinary Council meeting to allow Councillors to conduct a site inspection.****CARRIED 8/1**

|                                  |   |
|----------------------------------|---|
| OCM108/12/12                     | FINAL ADOPTION OF LOCAL PLANNING POLICY 37 - LAND SALES OFFICE (SJ1118)   |
| Author:                          | Jocelyn Ullman - Contract Planner<br>Louise Hughes - Manager Statutory Planning   |
| Senior Officers:                 | 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. |

## EXECUTIVE SUMMARY

The objectives of Draft Local Planning Policy 37 – Land Sales Office (LPP 37) are to:

- Ensure that the siting, scale, design and operation of the land sales offices are appropriate to the existing or intended character of the local area;
- Ensure land sales offices do not detrimentally impact upon the amenity of its surroundings; and to
- Encourage the adoption of best practice in the delivery of land sales offices.

At the Ordinary Council meeting on 23 May 2011, Council gave consent to advertise LPP 37. LPP 37 was advertised in accordance with the provisions of the Shire's Town Planning Scheme No. 2 (TPS 2). Seven submissions were received from the community and various stakeholders. This report discusses the implications of these submissions and in light of the feedback received and proposes some modifications to LPP 37 and adoption.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

OCM023/05/11 – Council granted consent to advertise LPP 37.

## COMMUNITY / STAKEHOLDER CONSULTATION

Draft LPP 37 was advertised in accordance with the requirements of TPS 2, by way of advertisement in local newspapers and publication on the Shire's. A total of seven submissions were received during the advertising period, with two raising objection.

## REPORT

### Proposal

Following the advertising period, submissions were considered in drafting the final LPP 37 and the revised document is presented for final Council consideration.

The main changes recommended to the draft Policy are as follows:

- Modifying the definition of a "Land Sales Office" from:  
*"refers to a temporary office established within a subdivisional area for the purpose of selling vacant lots on site."*  
to  
*"refers to a temporary building used solely for the purpose of land and/or development transactions associated with the site upon which the building is situated."*  
The refinement of the definition allows for the sale of lots and dwellings that may be sold as part of house and land packages within a development.
- Modifying Clause 7.2 to make it clear how an application for a Land Sales Office will be assessed and what criteria must be addressed.
- Deleting "best practice" provision from Clause 7.5 to make it clear that the best practice provisions are encouraged.
- Deleting the "Heating, ventilation and air conditioning" provisions contained with Schedule 1 as these matters are addressed through the Building Code of Australia.

It is considered that the recommended modifications to LPP 37 do not change the original intent of the policy and only enhance and clarify LPP 37. Therefore, it is considered not necessary to readvertise the policy.

### Options and Implications

Council has options in relation to progressing this proposed LPP, as follows:

Option 1: Finally adopt the amended policy with modifications; or

Option 2: Refuse to adopt the amended policy and maintain the wording of the policy in its previous form.

Option 1 is recommended.

## CONCLUSION

It is recommended that Council adopt LPP 37 with modifications and endorse the officer's comments on the summary of public submissions.

## ATTACHMENTS

- [OCM108.1/12/12](#) - LPP 37 as advertised (E10/1054)
- [OCM108.2/12/12](#) - Schedule of submissions (E12/7927)
- [OCM108.3/12/12](#) - LPP 37- final (E12/7924)

## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The final LPP 37 is aligned with the Shire's Plan for the Future. The policy is in accordance with the Shire's vision for open and transparent governance and decision making.

## STATUTORY ENVIRONMENT

- TPS 2

## FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the LPP.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM108/12/12    COUNCIL DECISION / Officer Recommendation**

**Moved Cr Wilson, seconded Cr Piipponen**

**That Council:**

- 1. Acknowledge that the Local Planning Policy 37 – Land Sales Office was advertised for public comments as per attachment OCM108.1/12/12.**
- 2. Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt the amended Local Planning Policy 37 – Land Sales Office as provided in attachment OCM108.3/12/12.**
- 3. Following final adoption of a policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3(c) of Town Planning Scheme No. 2.**
- 4. Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3(e) of Town Planning Scheme No. 2.**

**CARRIED 9/0**

|                                  |   |
|----------------------------------|---|
| OCM109/12/12                     | FINAL ADOPTION OF THE ACTIVITY CENTRES STRATEGY AND ACTIVITY CENTRE LOCAL PLANNING POLICY No. 70 (SJ469)  |
| Author:                          | Mike Wright - Senior Strategic Town Planner   |
| Senior Officers:                 | Deon van der Linde - Executive Manager Strategic Planning<br>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. |

## EXECUTIVE SUMMARY

The draft Activity Centres Strategy was prepared in order to bring Serpentine Jarrahdale Shire's approach to activity centre planning and development in line with State Planning Policy 4.2 (SPP 4.2) for Perth and Peel. The planned network of activity centres in Directions 2031 aims to provide an even distribution of jobs, services and amenities throughout Perth and Peel. It is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres and with coordinating their land use and infrastructure planning.

The draft Activity Centres Strategy includes an activity centre background analysis and draft Serpentine Jarrahdale Shire Activity Centre Local Planning Policy No. 70 (LPP 70).

At the Ordinary Council meeting on 9 July 2012, Council of the Serpentine Jarrahdale Shire (the Shire) gave consent to advertise the draft Activity Centres Strategy and draft LPP 70. The draft Activity Centres Strategy and draft LPP 70 were advertised in accordance with the provisions of Part IX of the Shire's Town Planning Scheme No. 2 (TPS 2).

Submissions were received from individuals, the community, developers and the Department of Planning (DoP). This report discusses some implications of these submissions and in the light of the feedback received, proposes some modifications.

Council is required to review the draft Activity Centres Strategy and draft LPP 70 in the light of the submissions made and then resolve to either finally adopt, with or without modifications, or not proceed with the draft Strategy.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

OCM002/07/12 – Council provides consent to advertise the Activity Centres Strategy and Activity Centre LPP 70.

## COMMUNITY/STAKEHOLDER CONSULTATION

The Shire's Local Planning Policy No. 27 - Stakeholder Engagement in Land Use Planning (LPP 27) was instrumental in guiding the consultation process for the draft Activities Centre Strategy and LPP 70.

Advertisements were placed in local newspapers, publication on the Shire website and an information session held at the Serpentine Jarrahdale Recreation Centre. Various submissions were received and are dealt with in the attached schedule of submissions.

Should Council proceed with the final adoption of the Activity Centres Strategy and Activity Centre LPP 70 the following shall occur in accordance with Provision 9.3 of TPS 2:

- Notification shall be published once in a newspaper circulating within the area; and
- A copy of the Activity Centres Strategy and Activity Centre LPP 70 shall be forwarded to the Western Australian Planning Commission (WAPC).



## REPORT

On behalf of the Shire, town planning consultants MacroPlan Australia were engaged to complete the Activity Centres Strategy as a component of the Local Planning Strategy (LPS) which will provide the foundation for a revised statutory Planning Scheme for the Shire.

### Activity Centre Trends and Typologies

The Shire is expected to accommodate two main types of activity centres given the peripheral metropolitan / rural interface location and the current and expected population. These include District Centres at Byford and Mundijong and Neighbourhood Centres at Serpentine and Jarrahdale, as well as local centres. Key commercial and practical issues must be considered in balance with optimal and orderly planning and place making objectives.

District Centres must be of sufficient mass and constitute major anchors to be competitive with larger centres in the south-west corridor and to encourage employment and retention of expenditure. Open air main streets can struggle to be viable and to maintain a consistent level of activation. District Centres that offer protection from the weather and encourages worker, shopper and commuter movement are the most viable option.

Commercial development should be developed in accordance with desired urban forms, rather than for specific tenant purposes. This allows flexibility in tenancy mix as population grows and market and consumer preferences change.

Access to good public transport, walkability and cycling should be key drivers, and smaller networks of neighbourhood centres should be distributed at appropriate distances supporting major district centres. These centres require minimum dwelling densities to be achieved to be functional/viable with a walkable catchment of 15-20 dwellings per ha net within an 800m radius.

The centres network within the Shire should endeavour to be complementary with each other creating a 'network' of centres that are connected by transport and industry supply chain linkages. This will ensure that employment and expenditure retention is maximised within the Shire rather than income leakage elsewhere.

### Activity Centre Recommendations

The two district centres recommended for the Shire are located at Byford and Mundijong. The larger centre is located at Mundijong given that it is expected to accommodate a slightly larger structure plan residential critical mass of 30,000 to 40,000 people as opposed to Byford, 30,000 people.

Mundijong is located in a centralised location within the Shire, servicing a broader area and positioned between a future industrial precinct and an inter-modal enterprise precinct. The centre is further removed from major competitive centres to the north in Armadale.

Due to its location Byford will be the first district centre to develop, in line with current population levels and short to medium term growth projections. Population pressure from the north will ensure that it becomes the first district centre. Public transport services could be extended to this centre more rapidly and economically.

Both district centres should contain key anchors and evolve towards being complimentary with each other. Given the distance to larger centres it will be important to retain jobs and retail expenditure. This will be achieved through delivery of district centres that can reach critical mass thresholds that attract customers, workers and residents and function as microcosms of activity.

Mundijong should be the key centre and be allowed to accommodate more than the 15,000sqm of space earmarked for district centres in the WAPC SPP 4.2. According to Structure Planning for the centre it could accommodate more than 30,000sqm of retail and commercial space.

Neighbourhood and local centres should be delivered in accordance with the Structure Plans for Byford and Mundijong. Local centre designations in Serpentine and Jarrahdale will allow retail development to evolve according to demand, servicing local needs. These designations can be made in the short term and would be best located around railway stations and/or existing commercial/retail premises.

### Schedule of Submissions

Following the Council resolution to advertise the draft Activity Centres Strategy and draft LPP 70 a total of eight submissions were received including one from the DoP, two from landowners / developers, one from a private citizen and the remainder from cultural / sports bodies in the Shire. None of the proposed modifications constitute substantial changes to the draft Activity Centres Strategy and the draft Activity Centre LPP 70, as detailed in the schedule of submissions.

The DoP was mainly concerned about grammatical changes and updating of the documentation. The two land owner / developer submissions focussed on the role of the draft Strategy and LPP 70, its relation to existing local planning policies and structure plans and clarification concerning aspects of the policy framework as it affects existing and proposed developments in the Shire. The single individual and community groups were concerned about community facilities, the uniqueness and historical context of the Shire and how this difference was intended to be reflected in the public realm. The single sports body was concerned about the provision of sports facilities for its increasing membership. The attached schedule of submissions provides details of the submitter, the nature and summary of the submission plus the officer assessment and recommendation.

### **ATTACHMENTS**

- [OCM109.1/12/12](#) - Activity Centres Strategy (E12/7912)
- [OCM109.2/12/12](#) - Activity Centre Local Planning Policy No. 70 (E12/3505)
- [OCM109.3/12/12](#) - Schedule of Submissions (E12/7858)

### **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

An assessment against the Council's Plan for the Future identifies that the Activity Centres Strategy and Activity Centre LPP 70 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*: The establishment of an effective policy suite to support planning decision making processes is consistent with the *Planning and Development Act 2005*
- SPP 4.2
- Draft Serpentine Jarrahdale Rural Land Strategy
- TPS 2: Clause 9.3 requires that following advertising of the draft Activity Centres Strategy and Activity Centre LPP 70, the Council review the drafts in the light of any submissions

made, then resolve to either finally adopt, with or without modifications, or not proceed with the draft Strategy and Policy.

## FINANCIAL IMPLICATIONS

The Activity Centres Strategy and LPP 70 have been budgeted for through the Shire's annual budgeting process.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM109/12/12    COUNCIL DECISION / Officer Recommendation**

Moved Cr Wilson, seconded Cr Randall

That Council:

1. Acknowledge the submissions received during advertising of the Activity Centres Strategy and Activity Centre Local Planning Policy No. 70 as per attachment OCM109.3/12/12.
2. Pursuant to Clause 9.3(b) of the Town Planning Scheme No. 2, adopt the Activity Centres Strategy and Activity Centre Local Planning Policy No. 70 as provided in attachments OCM109.1/12/12 and OCM109.2/12/12.
3. Notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
4. Forward a copy of the Activity Centres Strategy and Activity Centre Local Planning Policy No. 70 to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
5. Provide copies of the Activity Centres Strategy and Activity Centre Local Planning Policy No. 70 for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.
6. Advise all submitters of Council's decision.

**CARRIED 9/0**

|                                  |   |
|----------------------------------|---|
| OCM110/12/12                     | REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR CHRISTINE RANDALL (SJ1001)  |
| Author:                          | Councillor Christine Randall  |
| Senior Officer:                  | Richard Gorbunow - Acting Chief Executive Officer   |
| Date of Report:                  | 13 November 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

Councillor Christine Randall has requested a leave of absence from 1 January 2013 to 31 January 2013.

**VOTING REQUIREMENTS**                      Simple Majority

**OCM110/12/12 COUNCIL DECISION / Officer Recommendation****Moved Cr Kirkpatrick, seconded Cr Moore****That Council grant Cr Randall leave of absence from 1 January 2013 to 31 January 2013.****CARRIED 8/0****Cr Randall did not vote.**

|                                  |  |
|----------------------------------|--|
| OCM111/12/12                     | LOCALITY FUNDING PROGRAM (SJ423)   |
| Author:                          | Julie Sansom - Community Development Officer   |
| Senior Officers:                 | Carole McKee - Manager Community Development<br>Suzette van Aswegen - Director Strategic Community Planning  |
| Date of Report:                  | 18 October 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**

The Locality Funding Program (LFP) benefits the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook with funding for townscape projects. In December 2010, Council amended Policy G914 - Locality Funding Policy for Townscape Projects, Policy G914, to allocate funds to the respective localities based on the locality's classification and size as shown in the table below.

| <b>Locality:</b>  | <b>Classification:</b>                              | <b>Nominal Provision/Annum</b> | <b>Accumulation Limit (Cap)</b> | <b>Current Accumulated Funds at 1 July 2012</b> |
|-------------------|---|--------------------------------|---------------------------------|---|
| <i>Byford</i>     | <i>Urban Village</i>                                | \$30,000*                      | \$90,000                        | \$38,759  |
| <i>Mundijong</i>  | <i>Urban Village</i>                                | \$30,000*                      | \$90,000                        | \$43,074**                                      |
| <i>Jarrahdale</i> | <i>Rural Village</i>                                | \$20,000*                      | \$60,000                        | \$11,695***                                     |
| <i>Serpentine</i> | <i>Rural Village</i>                                | \$20,000*                      | \$60,000                        | \$22,322  |
| <i>Keysbrook</i>  | <i>Rural Settlement</i>                             | \$10,000*                      | \$30,000                        | \$30,015  |
| <i>Oakford</i>    | <i>Rural Settlement (to become a Rural Village)</i> | \$10,000*                      | \$30,000                        | \$30,014  |

\*Council will determine the actual budget provisions in the annual budget process.

\*\* The Mundijong Community Association was approved \$39,000 of this accumulated balance and is included in the Council resolution. The committed accumulated funds balance is \$4,074.

\*\*\* The Jarrahdale Skate Park was approved \$9,475 of this accumulated balance and this is included in the Council resolution. The committed accumulated funds balance is \$2,220.

Any funds not allocated in any financial year remain in the relevant localities' townscape reserve fund and accumulate until the accumulation limit is reached. No funding will be allocated once the accumulation limit is reached.

Six funding applications requesting a total of \$108,196 were received for the 2012/2013 LFP and assessed by the LFP Working Group (LFPWG) in line with the assessment criteria outlined in Policy G914 and Work Procedure PCWP5. This system allows for consistent assessment of applications for funding townscape projects, based on an agreed set of criteria linked to Council's Plan for the Future.

It is recommended that Council endorses the recommendations of the LFPWG in relation to the 2012/13 Budget allocation for the LFP and that Policy G914 reflect the change from four Shire wards to three and therefore reduce the required Elected Members from four to three.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

Nil.

## COMMUNITY / STAKEHOLDER CONSULTATION

Although all community groups in Serpentine Jarrahdale Shire were notified of this funding program when first launched in 2010, it has been found that due to the nature of this funding program, not all community groups in the Shire have the capacity to undertake townscape projects for the benefit of the community. Although information about the LFP is distributed through many outlets, including the Shire's website, SJ Update and other media, the application forms are now distributed to specific community groups. These include, but are not exclusive to; progress and community associations, church groups, service groups, environment groups and heritage or historical committees. These community groups represent the interest of their membership community and were deemed to have a greater capacity than smaller groups, such as book clubs and exercise groups, to project manage the type of beautification projects that is the intent of the LFP.

This year, local volunteer bushfire brigades have been included where either no other community association exists, or where capacity is limited for groups in some localities. Community groups who did not receive a postal application initially were forwarded an application on request. It was a compulsory requirement that all community groups consult with a Community Development Officer prior to submitting their written application. This has ensured groups were not disadvantaged by submitting an application for which a grant could not be considered.

## REPORT

### Proposal

The LFP is now in its third year. It benefits the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook with funding for townscape projects.

Six funding applications requesting a total of \$108,196 were received for the 2012/2013 LFP and assessed by the LFPWG in line with Policy G914. This compares to nine funding applications, requesting a total of \$257,420 received for the 2011/2012 LFP.

The LFPWG recommendations are in accordance with the guidelines in Work Procedure PCWP5 – Locality Funding for Place Making in Serpentine Jarrahdale Shire (Guidelines and Criteria).

Council Policy G914 currently states:

*“Application rounds are open annually from January to 30 June. In order to be considered for funding, all applications should be submitted to the Shire before 5:00pm on June 30<sup>th</sup>. All applications will be considered by a Locality Funding Program Working Group, consisting of four Elected Members representing each ward and at least two Strategic Community Planning Officers, and three Engineering Department Officers (one from Operations, one from Design and the Reserves Officer). All successful applications will be considered by Council for final approval.”*

Three Elected Members from separate wards were nominated to be part of the 2012/13 working group for the LFP. Policy G914 requires four Councillors, from four wards, to be

represented. However, the ward system has changed from four wards to three. It is recommended to formalise this alteration to the policy.

### Benefits

The benefit to the community is that the \$77,900 funding will enable approximately \$666,600 worth of projects to be accomplished across the local community. Many of the projects utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

The Council contribution will enable projects to be accomplished across the community far in excess of the requested amount, as most community groups have embraced the concept of using the contribution for seed funding or leveraging and contributing in-kind or their own funds. It should also be noted that both project proposals for Jarrahdale Community Association (Forest Green and Skate Park) are part of ongoing and larger projects and Mundijong Community Association's Paterson Street Beautification Project is also an ongoing and staged project. For the first time, the Oakford and Keysbrook communities have submitted applications on behalf of their localities. Oakford does not have either a town centre or a community association. The Oakford Volunteer Bushfire Brigade is seen as a community hub and is seeking to create a more inviting outdoor space for the Oakford community to utilise for social events. A community meeting and survey prompted Keysbrook Volunteer Bushfire Brigade's proposed project, as this locality does not have a community association to represent it. Although Byford Progress Association's proposal is not recommended for this funding round, this project continues on from the foundation of an Art Plan that was funded in 2010/2011 and is also an ongoing townscape and public art project. It is recommended that the group defers their application to 2013/2014.

As with the Community Funding Program, the LFP works through a capacity building model that encourages partnerships and use of local and regional resources, including volunteer labour. The LFP is only available to local groups and all proposed projects will mostly use local resources both human and material and may include renewable or recycled resources to achieve project outcomes. Each project aims to minimise resource use.

### Options and Implications

The proposed projects seek to provide more opportunities for recreation in and beautification of the Shire. This program aims to build the capacity of the community to apply for funding from other sources and use this grant as seed funding or leveraging to attract further funds to beautify the six localities. Contributions of cash or in-kind are also encouraged to increase the chances of drawing more funds to this community. Each of the applicants has aimed to achieve these conditions.

### Conclusion

It is recommended that Council endorses the recommendations of the LFPWG in relation to the 2012/13 budget allocation for the LFP. Council is also asked to change Policy G914 to reflect the change from four shire wards to three and therefore reduce the required Elected Members from four to three.

## **ATTACHMENTS**

- [OCM111.1/12/12](#) - Policy G914 (E12/3355)
- [OCM111.2/12/12](#) - Working Group Table of Recommendations (E12/7522)
- [OCM111.3/12/12](#) - Working Group Table of Projects not Recommended (E12/7523)

## **ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

This program aligns with Council's Plan for the Future by preserving the distinct character and lifestyle of our rural villages and sensitively plans for their growth. It also encourages built form that positively contributes to streetscape amenity. The program also promotes a variety of recreation and leisure activities to enable optimal physical and mental health, while also enabling the provision of a range of facilities and services for families and children. Furthermore, it ensures community spaces and places are accessible and inviting.

## STATUTORY ENVIRONMENT

- Council Policy G914

## FINANCIAL IMPLICATIONS

An amount of \$120,000 is allocated in each year's budget. There are sufficient funds in the relevant reserve accounts to enable the recommendations of the working group.

The table below indicates current balances of each locality, as well as the projected balance at June 2013 should the officer recommendations be endorsed by Council.

| 2012/2013 Financial Year |                                |                 |   |  |                         |                  |
|--------------------------|--------------------------------|-----------------|---|--|-------------------------|------------------|
| Locality                 | Opening Balance at 1 July 2012 | 12/13 Allocated | 12/13 Recommendations                       | Projects approved in 11/12 but not commenced | Balance at 30 June 2013 | Cap              |
| Byford                   | \$ 38,759                      | \$ 30,000       | Project not recommended – defer until 13/14 | -  | \$ 68,759               | \$ 90,000        |
| Mundijong                | \$ 43,074                      | \$ 30,000       | (\$34,074)                                  | (\$39,000)                                   | \$0                     | \$ 90,000        |
| Serpentine               | \$ 22,322                      | \$ 20,000       | No application received                     | -  | \$ 42,322               | \$ 60,000        |
| Oakford                  | \$ 30,014                      | \$ 10,000       | (\$13,826)                                  | -  | \$ 26,188               | \$ 30,000        |
| Keysbrook                | \$ 30,015                      | \$ 10,000       | (\$10,000)                                  | -  | \$ 30,015               | \$ 30,000        |
| Jarrahdale               | \$ 11,695                      | \$ 20,000       | (\$20,000)                                  | (\$ 9,475)                                   | \$ 2,220                | \$ 60,000        |
| Serpentine Jarrahdale    | \$ 29,027                      |                 |   | -  | \$29,494                |                  |
| Millbrace Bridge         | \$ 11,459                      |                 |   | -  | \$ 11,459               |                  |
|                          | \$216,365                      | \$120,000       | (\$77,900)                                  | (\$48,475)                                   | <b>\$210,457</b>        | <b>\$360,000</b> |

## VOTING REQUIREMENTS

ABSOLUTE MAJORITY

### Officer Recommendation

Moved Cr Wilson, seconded Cr Atwell  
That Council:

1. Adopt the recommendations of the Locality Funding Program Working Group in relation to the 2012/2013 Budget allocation for the Locality Funding Program, including deferring Byford Progress Association's application to 2013/2014.
2. Changes Policy G914 to reflect the change from four Shire wards to three and therefore reduce the required Councillor representatives from four to three.

3. Adopt the inclusion of the Jarrahdale Skate Park Project in the 2012/2013 operating budget expenditure which was held over in the Jarrahdale Townscape Reserve Fund from the 2011/2012 Locality Funding Program to the value of \$9,475.
4. Adopt the inclusion of the Mundijong Community Association Paterson Street Beautification Project in the 2012/2013 operating budget expenditure which was held over in the Mundijong Townscape Reserve Fund from the 2011/2012 Locality Funding Program to the value of \$39,000.

**Amendment**

Moved Cr Wilson, seconded Cr Atwell

That the Council Note be added to the Officer Recommendation.

**COUNCIL NOTE:** The Locality Funding Program Working Group met and agreed that the whole \$20,000 be spent on seed funding for the Boardwalk Project with a requirement to plant mature trees near the playground with residual funds from previous grants.

**CARRIED 9/0**

The Presiding Member then put the amendment.

**OCM111/12/12 COUNCIL DECISION**

Moved Cr Wilson, seconded Cr Atwell

That Council:

1. Adopt the recommendations of the Locality Funding Program Working Group in relation to the 2012/2013 Budget allocation for the Locality Funding Program, including deferring Byford Progress Association's application to 2013/2014.
2. Changes Policy G914 to reflect the change from four Shire wards to three and therefore reduce the required Councillor representatives from four to three.
3. Adopt the inclusion of the Jarrahdale Skate Park Project in the 2012/2013 operating budget expenditure which was held over in the Jarrahdale Townscape Reserve Fund from the 2011/2012 Locality Funding Program to the value of \$9,475.
4. Adopt the inclusion of the Mundijong Community Association Paterson Street Beautification Project in the 2012/2013 operating budget expenditure which was held over in the Mundijong Townscape Reserve Fund from the 2011/2012 Locality Funding Program to the value of \$39,000.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**COUNCIL NOTE:** The Locality Funding Program Working Group met and agreed that the whole \$20,000 be spent on seed funding for the Boardwalk Project with a requirement to plant mature trees near the playground with residual funds from previous grants.



**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Piipponen that the meeting be closed to members of the public at 8.10pm to allow Council to discuss item OCM112/12/12 as per the Local Government Act 1995 section 5.23(2)(h).  
**CARRIED 9/0**

*Cr Piipponen left the room at 8.10pm and returned at 8.12pm*

|                                  |   |
|----------------------------------|---|
| OCM112/12/12                     | <b>CONFIDENTIAL ITEM - LAND EXCHANGE AND RATIONALISATION, PROPOSED PRIORITY AND TIMELINE (A1971)</b>  |
| Author:                          | Alan Hart - Director Corporate Services   |
| Senior Officers:                 | Richard Gorbunow - Acting Chief Executive Officer   |
| Date of Report:                  | 14 November 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

**OCM112/12/12 COUNCIL DECISION / Officer Recommendation**

Moved Cr Piipponen, seconded Cr Wilson  
That Council adopt the timetable for land rationalisation as outlined in the Project Timetable January 2013 to January 2017.  
**CARRIED 9/0**

**COUNCIL DECISION**

Moved Cr Wilson, seconded Cr Harris that the meeting be re-opened to members of the public at 8.23pm.  
**CARRIED 9/0**

**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 8.25pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 29 January 2013.

.....  
Presiding Member

.....  
Date