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Notice of Meeting

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 11 August 2014. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

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

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

Apologies: Nil

Observers: Nil

Members of the Public – 16
Members of the Press – 1

Leave of Absence: Nil

2. Response to previous public questions taken on notice:

Mr Stephen Sturgeon, 67 Lydon Road, Wellard, WA, 6170

Question 1

If Council upholds its previous decision tonight and the matter goes to the full hearing before the State Administration Tribunal, will Council support the City of Kwinana and myself when we seek to intervene in the case before State Administration Tribunal?

Response:

It is likely that the Shire would not oppose the application; however consideration is also being given to asking both parties to attend the hearing as a witness

In considering an application to intervene, it is likely the SAT would have regard to whether the submitter's view is significantly different to that of the respondent. In this case the decision of Council and the concerns of residents are reasonably allied and it is open to question whether there would be any benefit in an intervention. However, it is also likely that the Shire would be willing to call either officers of the City of Kwinana or affected residents to give evidence as witnesses on behalf of the Shire.

Question 2

Why is the report you are basing your decision on tonight Confidential, when it is Council who have commissioned the report, not the State Administration Tribunal?

Response:

Director Planning advised that as the matter is before the State Administration Tribunal it is deemed to be confidential.

Question 3

Can we have copies of this report?

Response:

The report was included in a confidential item presented to Council on 28 July 2014 and is not therefore available.

Ms Sue Lancley, 8 Harris Place, Jarrahdale, WA, 6124

Question 1

How many messages do I need to leave for Richard Gorbunow before he will return my call? I have called five times and left messages with your PA.

Response:

Chief Executive Officer advised that he had received the message of the phone call but had unfortunately been tied up and unable to respond.

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

Question 1

Have demolition notices been issued to the owners of the residential homes on the Cardup Business Park?

Response:

No

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

Question 1

Is it legal and moral to use bully tactics to intimidate those at Yangedi Airfield and is it legal to attempt to break the agreement signed with them for a peppercorn lease of \$1.00 per hangar when they do all the work and is it legal to attempt to remove them so someone else can have that Crown land for their wants at a peppercorn lease of \$1.00 and who made this ludicrous insult?

Response:

The Shire is acting within the lease agreement signed between the club and the Shire.

Question 2

My questions of the Ordinary Council Meeting 14 July 2014 were not answered correctly, so that there is no misunderstanding of the answers of those questions, in particular 127 King Road Oakford, the Non Commercial Airfield, Australian Native Nurseries, Booker Chicken Farm, Trucking Business on Abernethy Road near King Road, do you wish to check our answers and provide me with the correct ones?

Response:

Responses given in writing to the answered raised at the Ordinary Council Meeting on 14 July 2014 are correct.

Question 3

What are the volunteers fire brigades being pursued for equipment that some of which the funds were raised by the individuals and not paid for by Council. Is it appropriate, moral or legal to take this equipment from them and what are you going to do with this equipment, sell it and is there a need to gather as much money to provide for a particular pet project of some Councillors, as a ratepayer I am entitled to know?

Response:

We are unable to answer this question unless further specific details and clarifications are given.

Mr Grant Richardson, 230 Soliders Road, Cardup, WA, 6122

The CEO stated at the Council Meeting 26 May 2014 that the Council was taking legal action against Wormall Civil and Nash Brothers.

Question 1

Is legal action still proceeding?

Response:

Legal action against Wormall Civil will still be proceeding. Legal action against Nash Brothers will not be proceeding as they have now vacated the property.

Question 2

At what stage are the legal proceedings against Wormall and Nash?

Response:

Legal proceedings have only just commenced and are with Council's Solicitors and Lawyers for action.

Ms Dianne Kellett, 360 Boomerang Road, Oldbury, WA, 6121

Regarding conditions of approval for Rocla's application for sandmining at Lot 6 Banksia Road, Lot 300 and Lot 301 Boomerang Road, Oldbury.

Question 1

Have the Council placed a condition on Rocla that they must water the limestone on Boomerang Road during the dry months of the year? If not, Council has a duty of care for the health and safety of the residents whose properties would be covered in limestone dust with so many trucks having access to the road.

Response:

Conditions 13 to 16 were imposed by Council on the approval granted on 24 March 2014. The requirement for 60 metres referred to in condition 13 was challenged by the applicant but was reiterated by Council on 28 July. It is uncertain at this stage whether the applicant will continue to seek a review of this element. The details required by condition 14 are most relevant in terms of control of dust on Boomerang Road.

13. All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.

14. Prior to the commencement of development on site, details of the upgrading of Banksia Road and Boomerang Road and the existing crossover shall be submitted to and approved by Director Engineering and thereafter implemented, prior to the commencement of excavation.

15. Prior to the commencement of development on site, details of the upgrading of the existing crossover shall be submitted to and approved by Director Engineering and thereafter implemented.

16. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Council's Director Engineering.

The officer's recommendation in Condition 13 is commendable, however, the officer has totally ignored the condition and state of Boomerang Road where huge amounts of limestone dust is generated from.

Mr Rodney Ellis, 246 Duckpond Road, Wellard, 6170

Residents need to be protected from dust that will come from the sand extraction. The dry screening of sand should not be done on site.

Question 1

How is the Council going to police and maintain the specific route that the truck should stay on?

Response:

This will be dealt with by the Shire Compliance Team as and when required.

3. Public question time:

Public Question and Statement time commenced at 7.01pm

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

Question 1

Have demolition notices been issued to the owners of homes in the Byford Business Park?

Question 2

How is the Shire going to protect our current water supply's?

Question 3

How is the Shire going to protect the geomorphic wetlands on the Byford Business Park?

Response:

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

Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122

Question 1

Has Wormall been ordered to remove the training building from Lot 41?

Response:

The CEO advised that orders for the removal are about to be issued and that the notice will be served shortly.

4. Public statement time:

Mr William Kemp, 266 Soldiers Road, Cardup, WA, 6122

On 6 August Cardup Stakeholders Group, Council Officers and Permapole Management met onsite at Permapole to discuss environmental concerns the local community has with

some spillage that had occurred and the amendments to their Environmental Operating Licence, this resulted in a discussion concerning the future environmental management of the site.

The results of this discussion are that Permapole management have now communicated to the Stakeholder Group that they are committed to answering all environmental concerns raised by the group and the community. Concerns discussed included:

- Stakeholders will receive the amended environmental plan before Department of Environmental Regulation sign off on the issue of their Environmental Operations Licence.
- A large diesel dam pump has been fitted to the lined dam to recycle dam water into process water and stop overflow into the environment.
- A second lined dam will be built to catch all runoff from the raw log stockpile.
- Discussions held over low dam to be changed to a bi-filter and management took this on board.
- Screening trees to be planted on Robertson Road boundary to help with dust control and visual screening.
- Total area of treated log storage to be reduced by 50%.
- Extra dust controls to be put in place.

We in turn would like to thank the management of Permapole, the Ratepayers Association, Shire officers and the local community for this opportunity to address our concerns and for their input.

Ms Lynn Cassells, Clondyke Drive, Byford, WA, 6122

Representing the Byford Scarp Resident Association Inc. and the residents in reference to item OCM023/0/14 Final Adoption of the Local Structure Plan, Lot 1 Pinebrook Road and Lots 3 and 128 South Western Highway Byford.

A submission was lodged with the Shire on 25 March 2013, this statement is to further cement our objection to this development. We emphasize that our association and the residents of the Byford on the Scarp estate are not opposed to commercial development providing it is placed in the appropriate areas. Hence we did not object to the light industrial area being approved previously that is on our northern most boundary.

We still consider that this latest application for approval is contrary to the present continuing developments already underway on the Scarp and the future Cardup Business Park on Cardup Siding Road and South Western Highway. We cannot condone a plan that is lacking in the most important detail, exactly what type of mixed business would be allowed in this area.

We note that on the eastern boundary of the proposed development the gravelled road area is owned by Main Roads and question what is going to be done with it. This will cause dust pollution when vehicular traffic enters and exits the area unless provisions are made to tarmac the gravel road. In our opinion this should be made into a beautiful information bay and rest area with picnic seats and tables and would surely be a safe place to pull in.

We would also like to remind Councillors of the alignment with our strategic community plan:

Objective 3.1 “Urban Design with Rural Charm”

The key action 3.1.1 Maintain the areas distinct rural character, create village environments and provide facilities that serve the communities need and encourage social interaction.

It is a well-known fact that residential housing and industry do not cohabitate under congenial circumstance and should not be integrated. You have the opportunity now to ensure that commercialisation occurs in the appropriate areas like the Cardup Business Park and to approve a fragmented area outside that plan is not warranted.

As we see from the plans the railway is on the immediate western boundary, Cardup Brook is on the southern boundary, South Western Highway is on the eastern side, although the Main Roads land is between, and then on the northern end there is a protected area of landscape sensitivity. This whole development is small scale as is the industrial precinct on our estates northern end. To date no apparent building has occurred which to our minds says those type of industrial usages are slow in demand. It would be more prudent to have one larger area for this type of industry instead of little pockets dotted around Byford.

Should our objections fall on deaf ears and the item is approved then we would request that the Shire assist the residents association to progress an application to reduce the speed limit on South Western Highway especially with two more road junctions joining the main road into Byford. Also to ensure that no buildings are erected prior to building licences being granted. There is no guarantee that the applicant is going to develop the area, all that they want to do is gain approval so that the land can be sold for major profit. Their alleged plan is not to benefit the community in the short term as has been proven in some areas of Byford but simply for profit.

Byford has been provided with some beautiful entry statements in the form of statues and there is one planned for the Southern entry on the highway. It would not be appropriate to have an industrial precinct on show as people come into our town.

Mr Eugene Ferraro, 210/396 Scarborough Beach Road, Osborne Park, WA, 6017

I am speaking on behalf of Mr Steven Lenz in his capacity as a ratepayer and also as a member of the bowling club. He has expressed concerns regarding the development and would like to express his concerns directly to the Councillors. Steven has reviewed the officer report and has the following concerns.

In terms of parking, the scheme requirements are probably a bit light on. While noting that full capacity might be only reached occasionally, in his experience large events can push the parking capacity. His town planner, who works in several states, has said that an area of 0.3 per patron would generally be typical. We have about 480m² of active area. If 300 people were in attendance this would equate to some 90 spaces under this rate. He feels that at minimum an overflow parking area, at least up to the scheme requirement of 71 spaces should be provided in this instance. This need not be a sealed area, but could be gravel.

He also has strong concerns regarding the issues raised by the Scout group, and has spoken to a number of their members. In particular he has discussed the issues with an experienced Scout leader he knows from a different area, who shares all of the concerns put forward by the parents. Sites where children can free range are very rare. Scouts WA clearly do not reflect the views of a number of concerned parents, including the Group Treasurer. He thinks significant weight should be given to those concerns. In particular, the proposal, as designed, would effectively cut off the Scout from much of the site and significantly reduce the area they have available for activities. He also shares concerns that children and traffic do not mix and also that there is a conflict between a children's club and a venue that serves alcohol. In his view mixing these is risky and dangerous.

The proposed relocated access way would further impact on the Scouts and should be completely unacceptable, being only 10 meters from the building. It would also not be compatible with the proposed parking layout of foreshadowed further building extension as shown on the site plan.

The site plans show that the development is proposed to increase in size over time. This would lead to further impacts on residents and further pressures on the area of the reserve and on the Scouts. Although Council need to consider the application put before it now, it is clear from that application that future works are intended. This should sound a note of caution.

Steven also agrees with the concerns of some of the residents. The proposal would be a significant change of character of the reserve, and would impact on their quiet enjoyment of their land. His town planner has had experience of similar facilities in other towns with a similar climate and problems are caused in particular with night games. These create noise and even with the latest lighting there is still a lot of glare. The noise issue is critical as it is not realistic to expect that people will not shout to support their team.

These are the main planning concerns that Steven has, however there are a number of other factors that he considers to be relevant. In particular, he has strong concerns regarding the genuine multi-use nature of the facility. It would seem to be basically for the existing club. He, like many residents, has a strong view that such clubs are not appropriate on public lands, as they are not open public facilities. In this regards while they are not for profit they are essentially a dorm of private recreation. In fact in most states land for such uses is zoned private recreation not public recreation. Although the club could allow other issues and any lease from the Council could require this, in practice a public multi-use facility should be run by the Council not by a lessee. This is the only way to ensure that each group or organisation gets a fair go in terms of access.

He also agrees with the concerns by members of the public relating to profit and whether the club is a provide profit maker club or not. In particular he is concerned that Council officers do not appear to understand that the club must make a profit. The only difference between the club and, say, a private business is that the profits are for the members, not some outside owners. In his view it would be difficult to adequately protect members if the building and land are owned by Council and the members only have a lease – and one which requires sharing. It will be difficult for the club to have the sort of control over the land and building that it really needs. It is for this reason that he opposed the club being on public land. He strongly disagrees with the statement that this proposal has no financial implications for the Shire. In practice, they are considerable and this section of the report should have referenced the total public costs of the proposal as well as the risks should it go ahead.

A final issue is the need for the overall management of the reserve to take into account three very different parties, Bowra and O'Day and their interest in the Grove, the Scout with their needs for space for outdoor activities in a safe environment and the Club which needs a venue where they can conduct activities and functions that would not affect neighbours. He thinks that a full plan of management for the reserve should have been considered before any decision was made to use the site for the Club. In his view, this would have highlighted the incompatibilities and lead to, perhaps, a better site for the long term future of the Club.

He would like to request that Council not make a decision on this application tonight, but defer it pending:

- Further consultation with the local Scout group regarding access
- Further consultation with local residents
- Investigation of light spill and acoustic issues
- Impact of the proposal in effectively dividing the reserve
- Appropriateness of location in particular to accommodate future foreshadowed expansion and
- A review of overall funding arrangements in particular given the shortfall between costs and the sale of the existing land.

Ms Jan Cable, 43 Bernborough Way, Dowling Downs, WA, 6122

I would like to remind Councillors Hawkins, Erren and Rossiter of their obligation to leave the Council Chambers when the abovementioned item is to be voted on as these three Councillors have a vested interest in the relocation of the Byford and Districts Country Club, it is politically correct for them not to vote.

Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122

The Environmental Protection Authority buffer for metal fabrication is 500 meters to 1000 meters, however it is currently 200 meters for the depot. Their noise impact statement is also very damning, and the buffer does not assist in the noise management.

Public Question and Statement time concluded at 7.20pm

5. Petitions and deputations:

Nil

6. President's report:

The Serpentine Jarrahdale Community Fair is on this Saturday the 16th of August, its Free and on Patterson Street, Mundijong from 10.00am. There will be Devonshire Teas, Art and Photography exhibition, Children's rides and Showbags, Stage and Roving entertainment, Battle of the bands from 2.00pm, a Patsy Cline Tribute entertainer, Shearing Demo, Medieval fighters, SES Fire Brigade display, over 100 assorted food and novelty stalls plus loads more. This Saturday from 10.00am.

The long awaited Jarrahdale Skate Park Official Opening is on Sunday the 31st of August starting at 12.00 noon to 3pm. Its an informal affair so come and see our young people perform. Bring your children as there will be plenty of activities including a Skate Clinic with demonstrations from Skateboarding Australia. Yes, of course the Free Sausage Sizzle will be on with beverages. That's Saturday 31st of August.

7. Declaration of Councillors and officers interest:

Cr Hawkins declared a financial interest in item OCM021/08/14 as she has a close association with a person who may have a financial interest and will leave the meeting while this item is discussed

Cr Rossiter declared a financial interest in item OCM021/08/14 as he has a close association with a person who may have a financial interest and will leave the meeting while this item is discussed

Cr Erren declared a financial interest in item OCM021/08/14 as he has a close association with a person who may have a financial interest and will leave the meeting while this item is discussed

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

8.1 Ordinary Council Meeting – 28 July 2014

Moved Cr Hawkins, seconded Cr Wilson

That the minutes of the Ordinary Council Meeting held on 28 July 2014 be confirmed (E14/3558).

CARRIED 9/0

9. Motions of which notice has been given:

Councillors Rossiter, Erren and Hawkins left the meeting at 7.23pm

OCM021/08/14	Multi Purpose Sporting and Community Facility – Lot 2857 (Reserve 10164) South Western Highway, Byford (P05193/01)
Author:	Brad Gleeson – Director Planning
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	24 July 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Byford and Districts Country Club (Inc)
 Owner: Shire of Serpentine Jarrahdale
 Date of Receipt: 6 September 2013
 Lot Area: 7.4 hectares
 Town Planning Scheme No 2 Zoning: Local Scheme Reserves – Public Open Space
 Metropolitan Region Scheme Zoning: Rural

Introduction

To consider a development application for a multi-purpose sporting and community facility on Reserve 10164 in Byford. The development is located on an undeveloped portion of the reserve west of the Byford Scout Hall and includes a 904m² building, carpark, bowling green and multi-purpose pitch.

Public consultation has occurred with the community and surrounding landowners. All submissions and the issues raised have been carefully considered to ensure minimal impact on the amenity of the local community or community groups that use this reserve. It is recommended that the application be approved.

Background:

Reserve 10164 is commonly known as the Rifle Range reserve. The Byford Scout Hall is located on the eastern end of reserve adjacent to Linton Street North. A bushland area exists at the western end of the reserve adjacent to the South Western Highway, and the bushland is used as a memorial grove.

The Byford and Districts Country Club has existed since 1957. The Club has been working with Council for many years to find a suitable site in the Byford area, to relocate their premises from the existing site in the town centre. The proposed site is well located to cater for the needs of the Byford community with sufficient land to meet the long term plans of the club. The relocation of the club will also allow the redevelopment of their current site for commercial purposes, in accordance with Council's future plans and vision for the Byford town centre.

Relevant Previous Decisions of Council:

OCM193/06/14 – Council approved a lease with the Byford and Districts Council Club on Reserve 10164 for a period of twenty years with an option to renew.

Community / Stakeholder Consultation:

Consultation with State Government agencies, user groups on the reserve and surrounding landowners was undertaken. Forty one submissions have been received on the proposal and have been considered in the assessment of the application.

Council has also consulted extensively with the community on the need for improved sporting and community facilities in the Byford area to cater for the rapidly growing population. The proposed relocation of the Club is consistent with the Shire's Community Facilities and Services Plan 2020.

Comment:

The project seeks to relocate the Club and to build modern and attractive premises to ensure its long term viability.

The 904m² building contains two function rooms catering for a total of 300 people, meeting rooms, games room, kitchen, a children play area and spaces for community groups. Two synthetic bowling greens and a multi purpose pitch will also be constructed. A car parking area with 61 bays will be provided. Access to the development will be from Linton Street North using the existing accessway to the Scout hall. The accessway will be upgraded for shared use and redesigned to minimise impacts on the Scout group.

Onsite effluent disposal will be provided for the development as there is no reticulated sewerage close to the site.

Reserve 10164 is under the care, control and management of the Shire for the purpose of Recreation. The eastern portion of the reserve is used by the Byford Scout Group and includes a Scout hall, informal car park and adjacent bushland area used for camps and activities. A memorial grove for Bowra and O'Dea exists in a bushland area at the western end of the reserve. This area will not be impacted by the development.

The central area has cleared paddocks with clusters of large trees and vegetation. Some trees and vegetation will need to be cleared for this development. However, it is recommended that the Club undertake extensive revegetation around the site once works are completed, to offset the loss of vegetation.

Surrounding landuses

Land to the north of the reserve is zoned Special Rural with the two nearest dwellings being approximately 70 and 90 metres from the development. Land to the south of the reserve is zoned Urban Development with the nearest dwellings being approximately 50 metres from the development. It is not expected that these landowners would be adversely affected by the development, however residents have expressed concern about the loss of amenity and other issues such as noise and traffic. Revegetation around the perimeter of the reserve will be required to act as a screening buffer and to assist in reducing impacts on these adjacent residents.

The site has a moderate slope from Linton Street north down to the South Western Highway. Earthworks will be needed to create level areas for the building, carpark and sporting areas. The earthworks need to be carefully designed to minimise the impacts on the amenity of the area. Landscaping will also be required to reduce such impacts around the development.

Town Planning Scheme No. 2 (TPS 2)

The land is zoned "Local Reserve – Public Open Space" in TPS 2. Clause 2.2 of TPS 2 relates to Local Authority Scheme Reserves and states:

The lands shown as Local Authority Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for the purposes show on the Scheme Map.

Clause 2.3 of TPS 2 states:

Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve and

the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent”

Council needs to give due regard to the ultimate purpose and intended use of the reserve. The land is designated as Public Open Space which provides for a wide range of public activities. The reserve is currently used by a Scout Group as well as a memorial grove with full public access to the land. The Club will actively encourage community use of the recreational facilities as well as make the buildings available to community groups such as Armadale Home Help and other community organisations. It is considered that the development is consistent with the purpose of the reserve for Public Open Space, and public access to the reserve will remain for passive activities like walking.

TPS 2 requires the provision of 75 car parking bays for a ‘Club Premises’, with one bay per 4 persons accommodated. There is a shortfall of 14 bays for the development. It is considered that 61 bays are sufficient for this development. The applicant advises that it is unlikely that the two function rooms will be used to their full capacity at the same time.

Local Planning Policy – Landscape Protection (LPP 8)

The objective of this LPP is to preserve the scenic values, landscape amenity and building design on the Darling Scarp and along South Western Highway. The building has been carefully designed and colours/materials chosen to blend into the environment. Some mature trees and vegetation will have to be removed, however much of the development is located on cleared portions of the site. To offset the removal of vegetation, the Club will be required to undertake revegetation around the site. The development is well screened from view from South Western Highway and well screened from Linton Street North. It is considered that the development will comply with the objectives of LPP 8.

Local Planning Policy – Public Art (LPP 59)

A contribution to public art is required for this development in accordance with Council's adopted LPP 59. The LPP requires a contribution of 2% of the construction value of the project towards public art. Council has requested a review of LPP 59 with a view of reducing the contribution rate down to 1%, consistent with other local authority policies and recent advice from the Joint Development Assessment Panel. It is recommended that a contribution of only 1% be required for this development.

Options and Implications

Council can determine that the proposed development is either consistent or not consistent with the objectives of TPS 2 and the ultimate purpose of the reserve as public open space.

Conclusion

The project achieves the Council's vision to provide new community and recreation facilities in the Shire, particularly in the rapidly growing urban area of Byford. The development has been carefully designed to co-exist with existing user groups on the reserve and avoid impacting nearby residents. It is recommended that the application be approved

Attachments:

- [OCM021.1/08/14](#) - Locality Plan and aerial photo (E14/3566)
- [OCM021.2/08/14](#) – Site and Floor Plans and elevations (E14/3565)
- [OCM021.3/08/14](#) – Schedule of submissions (E14/2169)
- [OCM021.4/08/14](#) – Letter from Scouts WA (IN14/14894)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments

	and provide facilities that serve the community's needs and encourage social interaction
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

- TPS 2
- Land Administration Act
- LPP 8 Landscape Protection Policy
- LPP 59 Public Art Policy for Major Developments

Financial Implications:

Council has budgeted \$5,500,000 in the 2014/15 budget for this project.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council grant approval for a Multi Purpose Sporting and Community Facility at Lot 2857 (Reserve 10164) South Western Highway, Byford subject to the following conditions:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted
3. The vehicle parking area, access way(s), and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
4. The crossover shall be designed and constructed to the specification and satisfaction of Director Engineering.
5. A minimum of 61 parking bays are required to be provided on site
6. A minimum of 2 car parking bays to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
7. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site. No signs are to be displayed in the road reserve at any time.

8. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1.
9. All external lighting to be hooded and orientated so that the light source is not directly visible by adjacent residents.
10. An Urban Water management plan and detailed technical drawings and specifications for the car park area and accessway are to be submitted for approval by the Director Engineering prior to the commencement of siteworks.
11. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*. The location of the enclosure is to be to the satisfaction of the Director Engineering.
12. A landscape plan and vegetation management plan must be submitted to Council for approval by Director Engineering prior to occupying of the development. The landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established;
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles; and
 - d) Plants used to landscape the site shall comprise species indigenous to the area.
13. Landscaping shall be maintained at all times to satisfaction of the Director Engineering.
14. A Fire Management Plan shall be submitted for the development and approved by Director Engineering.
15. Public Art or a monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No. 59 Public Art Policy for Major Developments to a value of 1% of the construction value of the development, to the satisfaction of the Director Planning.
16. Only the colours and materials as identified on the plan attached to and forming part of this approval are to be used unless prior written approval is obtained from the Shire
17. Bicycle parking facilities being provided in accordance with the Shire's Local Planning Policy No 58 to the satisfaction of the Director Planning.
18. No vehicles access shall be permitted to or from South Western Highway road reserve from Lot 2857.

Advice Notes:

1. Compliance with the Building Code of Australia and Building Act. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
2. Compliance with the Health Act, Food Act, Health (Food Hygiene Regulations and Health (Public Building) Regulations.

OCM021/08/14 COUNCIL DECISION / New Motion:**Moved Cr Wilson, seconded Cr Piipponen**

That Council grant approval for a Multi Purpose Sporting and Community Facility at Lot 2857 (Reserve 10164) South Western Highway, Byford subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted**
- 3. The vehicle parking area, access way(s), and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.**
- 4. The crossover shall be designed and constructed to the specification and satisfaction of Director Engineering.**
- 5. A minimum of 61 parking bays are required to be provided on site**
- 6. A minimum of 2 car parking bays to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.**
- 7. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site. No signs are to be displayed in the road reserve at any time.**
- 8. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1.**
- 9. All external lighting to be hooded and orientated so that the light source is not directly visible by adjacent residents.**
- 10. An Urban Water management plan and detailed technical drawings and specifications for the car park area and accessway are to be submitted for approval by the Director Engineering prior to the commencement of siteworks.**
- 11. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*. The location of the enclosure is to be to the satisfaction of the Director Engineering.**

- 12. A landscape plan and vegetation management plan must be submitted to Council for approval by Director Engineering prior to occupying of the development. The landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established;
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles; and
 - d) Plants used to landscape the site shall comprise species indigenous to the area.**
- 13. Landscaping shall be maintained at all times to satisfaction of the Director Engineering.**
- 14. A Fire Management Plan shall be submitted for the development and approved by Director Engineering.**
- 15. Only the colours and materials as identified on the plan attached to and forming part of this approval are to be used unless prior written approval is obtained from the Shire**
- 16. Bicycle parking facilities being provided in accordance with the Shire's Local Planning Policy No 58 to the satisfaction of the Director Planning.**
- 17. No vehicles access shall be permitted to or from South Western Highway road reserve from Lot 2857.**

Advice Notes:

- 1. Compliance with the Building Code of Australia and Building Act. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.**
- 2. Compliance with the Health Act, Food Act, Health (Food Hygiene Regulations and Health (Public Building) Regulations.**

CARRIED 5/1

Council Note: Condition 15 was removed as Council considered that a contribution to Public Art was not necessary on a facility on a Council reserve.

Councillors Rossiter, Erren and Hawkins returned to the meeting at 7.26pm

OCM022/08/14	Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines and Local Planning Policy No. 73 – Byford Town Centre Public Realm Guidelines (SJ1368 & SJ1112)
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

This report is presented to Council to consider the adoption of updated Local Planning Policy No. 31 – Byford Town Centre Built Form Design Guidelines (LPP31) and Local Planning Policy No. 73 – Byford Town Centre Public Realm Guidelines (LPP73).

Background:

LPP31 and LPP73 have been progressed in parallel to the Byford Town Centre Local Structure Plan (LSP) with the purpose of providing guidance on the desired built form and public realm outcomes within the Byford Town Centre LSP area. Council resolved to finally adopt LPP31 on 22 October 2012. Draft LPP73 was adopted for the purposes of advertising by Council under the heading of Byford Town Centre Strategy on 25 February 2013. Since the previous adoption of LPP31 and draft LPP73 by Council, the Byford Town Centre LSP has been updated and was finally adopted by Council on 24 February 2014. This brought the Byford Town Centre LSP into formal operation.

As a result of the Byford Town Centre LSP being modified, it was also necessary for LPP31 and LPP73 to be modified. Accordingly, LPP31 and LPP73 were modified and adopted for the purposes of advertising by Council on 24 February 2014. This report provides Council with the opportunity to consider updated versions of LPP31 and LPP73 for final adoption.

Relevant Previous Decisions of Council:

OCM124/02/14 Byford Town Centre – LPP 31 (Built Form Guidelines) and LPP 73 (Public Realm Guidelines) – Adoption for the purposes of advertising.

Community / Stakeholder Consultation:

Pursuant to Clause 9.3 of Town Planning Scheme No. 2 (TPS 2), LPP31 and LPP73 were advertised for public comment during the period between the 17 April 2014 and 16 May 2014.

Comment:

Proposal

Council is requested to consider the final adoption of LPP31 and LPP73 which have been updated in accordance with the modifications to the Byford Town Centre LSP. The modifications to the Byford Town Centre LSP included but were not limited to a revised spatial layout for the road network and open space areas. The modifications to LPP31 and LPP73 were limited to matters directly arising from the final adoption of the LSP.

Purpose of LPP31 and LPP73

LPP31 was prepared to facilitate and coordinate desired built form and development outcomes within the Byford Town Centre LSP area. LPP31 outlines General Policy Requirements and Precinct Specific Policy Requirements to guide built form within the Byford Town Centre LSP. LPP73 is intended to facilitate and coordinate desired public realm outcomes within the Byford Town Centre LSP area.

Implementation

LPP31 will predominantly apply to buildings that will be in private ownership and LPP73 will predominantly apply to areas that will be publicly accessible, including but not limited to streetscapes and public open space areas. Implementation of these guidelines will largely be achieved through proponent design processes and the Shire's consideration of planning applications, engineering drawings and landscape designs.

Options and Implications

Option 1 – Finally adopt LPP31 and LPP73 without modifications.

Option 2 – Finally adopt LPP31 and LPP73 with modifications.

Option 3 – Decide to not finally adopt LPP31 and LPP73.

Option 2 is recommended.

Conclusion

It is recommended that LPP31 and LPP73 be finally adopted by Council to ensure consistency with the Byford Town Centre LSP.

Attachments:

- [OCM022.1/08/14](#) - LPP No. 31 – Byford Town Centre Built Form Guidelines – Draft (IN14/1518)
- [OCM022.2/08/14](#) - LPP No. 31 – Byford Town Centre Built Form Guidelines – Summary of Submissions (E14/1722)
- [OCM022.3/08/14](#) - LPP No. 73 – Byford Town Centre Public Realm Guidelines – Draft (IN14/1520)
- [OCM022.4/08/14](#) - LPP No. 73 – Byford Town Centre Public Realm Guidelines – Summary of Submissions (E14/2690)
- [OCM022.5/08/14](#) - LPP No. 31 – Byford Town Centre Built Form Guidelines and LPP No. 73 – Byford Town Centre Public Realm Guidelines – Schedule of Modifications (E14/3088)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

TPS 2

Financial Implications:

Within budget.

Voting Requirements: Simple Majority

OCM022/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council:

- 1. Acknowledge the submissions received during the advertising period.**
- 2. Pursuant to Clause 9.3 (b) of Town Planning Scheme No. 2 finally adopt Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines and Local**

Planning Policy No. 73 – Byford Town Centre Public Realm Guidelines with modifications in accordance with the attached Schedule of Modifications (E14/3088).

- 3. Pursuant to Clause 9.3 (c) of Town Planning Scheme No. 2 publish a notification of the final adoption once in a newspaper circulating within the district.**
- 4. Forward a copy of Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines and Local Planning Policy No. 73 – Byford Town Centre Public Realm Guidelines to the Western Australian Planning Commission.**

CARRIED 9/0

OCM023/08/14	Final Adoption of Local Structure Plan – Lot 1 Pinebrook Road and Lots 3 and 128 South Western Highway, Byford (SJ1049)
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	14 July 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gray and Lewis Land Use Planners
 Owner: Byford Industrial Holdings Pty Ltd, Colli Nominees Pty Ltd, Divintas Pty Ltd, GER Lty Ltd and Auswide International Investments (Cardup) Pty Ltd
 Date of Receipt: 27 October 2010
 Lot Area: 13.18 hectares
 Town Planning Scheme No 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction

This report provides Council with the opportunity to consider the final adoption of a Local Structure Plan (LSP), most frequently referred to as the Pinebrook LSP. This report recommends Council adopt the LSP pursuant to Town Planning Scheme No.2 (TPS 2). Adoption of the LSP represents the final step in the statutory process and once completed enables the LSP to be operational.

Background:

In 2005, the Byford District Structure Plan (DSP) was adopted by Council and the Western Australian Planning Commission (WAPC) to guide the development of land within the Byford area. Under the DSP, the following uses are identified for the subject site:

- Lots 1, 3 and 128 are identified as 'Mixed Business' with the exception of a Foreshore Reserve over the portion of the Cardup Brook through Lot 1;
- A small 'Proposed Neighbourhood park' between Cardup Siding Road and the Multiple Use Corridor(MUC);
- An area of 'Landscape Sensitivity' (remnant vegetation) was also identified on Lot 128; and
- Lots 1 and 3 were also the subject of a Notation B, 'Land subject to further study – planning to be finalised subject to resolution of alignment of Orton Road'.

On 9 March 2010, Council resolved, to adopt a proposed modification to the DSP to delete the hatching associated with Orton Road and forward the matter to the WAPC for approval. The removal of the hatching was subsequently supported by the WAPC.

Council, on 14 May 2012 considered the draft LSP and determined that it was satisfactory for advertising subject to a series of modifications as detailed in Council's resolution. A revised LSP was submitted on 24 September 2012 and the LSP was advertised. On 25 March 2013, Council resolved to support the LSP subject to modifications.

Relevant Previous Decisions of Council:

OCM165/03/14 – 25 March 2013: The LSP was adopted subject to modifications after considering submissions received during advertising.

Community / Stakeholder Consultation:

The draft LSP was advertised for public comment to State Government authorities, servicing/infrastructure authorities and adjacent land owners. Submissions received were presented to Council for consideration at its meeting of 25 March 2013, where Council acknowledged the submissions received, adopted the LSP subject to modifications and forwarded it to the WAPC for consideration.

Comment:Proposal

The WAPC have approved the LSP subject to a schedule of its own modifications on 15 May 2013 which have been undertaken by the Applicant. The WAPC modifications included minor reference changes to Detailed Area Plans, instead referring to them as 'Local Development Plans' and the introduction of references to section 6.5 of Part 1 of the LSP Document to ensure future intersection treatments are acceptable to Main Roads Western Australia.

Conclusion

The LSP has been approved by the WAPC subject to a series of modifications. The final LSP document has been submitted to the Shire for final adoption by Council. Pursuant to the statutory process set out in the Shire's TPS 2, Council is now required to adopt the LSP. This is the last step in the statutory approvals process for the LSP and there is no other option available to Council but to adopt the LSP.

Attachments:

To be listed in dot points and in the order of discussion, ie:

- [OCM023.1/08/14](#) – LSP Layout (E14/3603)
- [OCM023.2/08/14](#) – LSP with modifications as approved by WAPC (IN14/10387)
- [OCM023.3/08/14](#) – WAPC approval of LSP (IN14/9586)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

- Planning and Development Act 2005
- TPS 2
- Byford DSP
- Liveable Neighbourhoods
- Various State Planning Policies and Development Control Policies.
- Various Local Planning Policies

Financial Implications:

Urbanisation and development within the Shire will result in indirect financial implications for Council. The implementation of the proposed LSP will result in increased demand for the provision of services provided by the Shire.

Voting Requirements: Simple Majority

OCM023/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Wilson

That Council:

- 1. Note the decision of the Western Australian Planning Commission to approve the Lot 1 Pinebrook Road & Lots 3 & 128 South Western Highway, Byford Local Structure Plan, pursuant to Clause 5.18.3.12 of the Town Planning Scheme No. 2, as detailed in their correspondence dated 15 May 2014, as provided in attachment OCM023.2/08/14.**
- 2. Adopt the Lot 1 Pinebrook Road & Lots 3 & 128 South Western Highway, Byford Local Structure Plan provided as attachment OCM023.1/08/14, modified in accordance with the requirements of the Western Australia Planning Commission, pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2.**

CARRIED 9/0

OCM024/08/14 West Mundijong Agri-Industrial Precinct – Concept Plan (SJ895)	
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Proponent: Shire of Serpentine Jarrahdale
 Town Planning Scheme No 2 Zoning: Rural / Farmlet
 Metropolitan Region Scheme Zoning: Rural

Introduction

This report is presented to Council to consider the West Mundijong Agri-Industrial Precinct Concept Plan for endorsement.

Background:

The future industrial development of West Mundijong has been foreshadowed in key planning documents including the Draft Southern Metropolitan Sub – Regional Structure Plan (2009), Directions 2031 (2010), Mundijong Whitby District Structure Plan (2011) and The Economics and Employment Lands Strategy: non-heavy industry (2012).

In February 2012, the Shire completed a Feasibility Assessment for industrial development at West Mundijong. The assessment concluded that the area would be suitable for general industry with low to moderate emissions. In response to this, the Shire prepared a draft District Structure Plan (DSP) for the West Mundijong Industrial Area which was adopted by Council on 11 March 2013. Also at this meeting, Council resolved to formally request the Western Australian Planning Commission (WAPC) to progress an amendment to the Metropolitan Region Scheme (MRS) to rezone the land subject of the West Mundijong DSP from 'Rural' to 'Industrial'. The proposed MRS amendment to rezone the subject land to the 'Industrial' zone is currently with the Department of Planning (DoP) for consideration.

In May 2014 a Concept Plan was prepared to provide guidance on the development of an Agri-Industrial Precinct within the West Mundijong Industrial Area.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

Funding for the Agri-Industrial Precinct Concept Plan for the West Mundijong Industrial Area has been sourced from the Department of Agriculture and Food WA (DAFWA). The Shire has worked collaboratively with the DAFWA to develop the brief for the appointment of consultants to draft the Concept Plan. The DAFWA have shown interest in the Precinct which stems from a need to identify land that is accessible in the South metropolitan corridor for 'Agri-food' industry uses.

Additionally, landowners within the West Mundijong Industrial Area were consulted during the preparation of the West Mundijong DSP.

Comment:

Proposal

The West Mundijong Agri-Industrial Precinct Concept Plan was prepared for the Shire by Cardno to provide guidance on the development of an Agri-Industrial Precinct within the West Mundijong Industrial Area.

Objective

The objective of the Agri-Industrial Precinct is “to provide an integrated precinct that agglomerates Agri-food and appropriate complementary industries in the one area, providing synergistic benefits among industries via co-locational opportunities, security of land tenure and appropriate buffer areas from sensitive land uses, access to nearby road and rail transport networks and extended operational time”. ‘Agri-food’ can be defined as ‘beyond farm gate, manufacturing and value-adding of edible product’ (DAFWA, 2010). This definition covers those industries involved in the food supply chain from raw product to packaged, saleable edible product.

Concept Plan

The West Mundijong Agri-Industrial Precinct Concept Plan has been prepared with regard to the site conditions, the findings from a desktop study and consultation with operators of relevant ‘Agri-food’ industries. The Concept Plan identifies five indicative land use groupings for the Precinct including:

- Wastewater treatment
- Transport/logistics
- Live Processing
- Warehousing/cold storage
- Manufacturing/canning/packaging.

The Concept Plan proposes flexible lot sizes, generally 2-3 hectare lots, to accommodate a range of Agri-Industries as well as a flexible lot layout. The majority of the lots have been configured to have dual road frontage, which allows the potential for further subdivision if required.

Future Industries / Local Structure Plan

The Concept Plan may be utilised to inform the future local structure planning of the Agri-Industrial Precinct, providing guidance on suitable industries to locate within the Precinct and the potential subdivision layout. Compatible industries which would benefit from co-locating within the Precinct have been identified by the Concept Plan. Consideration has also been given to the compatibility of potential industries within the Precinct and the industries operating within the wider area of the Shire. There is a potential to create synergies between existing major industries in the Shire, such as the poultry industry, and the new operations locating within the Precinct. The future local structure plan for the Precinct will need to be based on the findings of the Concept Plan.

Options and Implications

Option 1 – Endorse the West Mundijong Agri-Industrial Precinct Concept Plan.

Option 2 – Endorse the West Mundijong Agri-Industrial Precinct Concept Plan with modifications.

Option 3 – Not endorse the West Mundijong Agri-Industrial Precinct Concept Plan.

Option 1 is recommended.

Conclusion

It is recommended that the West Mundijong Agri-Industrial Precinct Concept Plan be endorsed by Council to assist in the future detailed planning of the area.

Attachments:

- [OCM024.1/08/14](#) - West Mundijong Agri-Industrial Precinct – Concept Plan – Report and Maps (E14/2655)

Alignment with our Strategic Community Plan:

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

Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Statutory Environment:

- Draft West Mundijong DSP
- MRS Amendment Request – West Mundijong Industrial Area

Financial Implications:

Development within the Shire will result in indirect financial cost implications for Council.

Voting Requirements: Simple Majority

OCM024/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Piipponen

That Council:

1. **Note the consultation undertaken with relevant Agri-food businesses as summarised in Attachment OCM024.1/08/14.**
2. **Endorse the findings and recommendations of the West Mundijong Agri-Industrial Precinct – Concept Plan as shown in Attachment OCM024.1/08/14.**
3. **Provide a copy of this resolution and access to the West Mundijong Agri-Industrial Precinct – Concept Plan as shown in Attachment OCM024.1/08/14 to landowners in the Concept Plan area.**
4. **Provide a copy of this resolution and the West Mundijong Agri-Industrial Precinct – Concept Plan as shown in Attachment OCM024.1/08/14 to the Department of Planning / Western Australian Planning Commission.**
5. **Formally thank the Department of Agriculture and Food WA for their funding assistance for this project.**

CARRIED 9/0

OCM025/08/14 Adoption Of Development Compliance Policy (SJ426)	
Author:	Markus Gaschk – Coordinator Compliance
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	25 July 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Introduction

This report is presented to Council to consider the adoption of a Development Compliance Policy.

Background:

The Planning and Development Act 2005 came into operation on 8 April 2006, and Planning and Development Regulations 2009 on 1 July 2009. The Act and Regulations provide for specific courses of action to be taken which Council may wish to pursue when a person contravenes a Planning Scheme.

With the increase in developments being carried out in the Shire, and the increase in complaints and incidents of non compliance, a Development Compliance Policy would assist Council in investigating and actioning such matters.

Relevant Previous Decisions of Council:

There has been no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community consultation was required.

Comment:

It is proposed that Council adopt the Development Compliance Policy to provide principles for procedures and processes that can be applied to sustain a compliance approach that is accountable, transparent, consultative, and that complies with legislative requirements. The Policy will provide guidelines to Shire officers and elected members in dealing with compliance base matters.

The Policy has categorised Development Compliance into two categories:

- A major planning offence is a breach of the scheme that significantly impacts or risks the health and safety of the community, a community member or the environment. It may also be a case where the issue cannot be resolved in a relatively short timeframe or where the alleged offender is not willing to cooperate or negotiate to achieve compliance.
- A minor planning offence is a breach of the scheme which has a minimal impact on the community, a community member or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact on the community or the environment once compliance has been reached.

Offences such as unauthorised sea containers, commercial vehicle parking, erection of signs, and minor building works can be categorised as minor planning offences. The Planning and Development Regulations 2009 allow for an infringement notice (\$500) to be issued in lieu of prosecution action, which saves financial and staff resources for the Shire.

Options and Implications

1. To adopt the proposed Development Compliance Policy.
2. To not adopt the proposed Development Compliance Policy.

Conclusion

It can be concluded that the adoption of the Policy would greatly assist Shire Officers in dealing with compliance based matters and providing a higher standard of customer service to residents and ratepayers. Further reports will be presented to Council in relation to the status of major compliance investigations and outcomes.

Attachments:

- [OCM025.1/08/14](#) - Development Compliance Policy (E14/3437)
- [OCM025.2/08/14](#) - Development Compliance Procedure (E14/3463)
- [OCM025.3/08/14](#) - Development Compliance Risk Priority Matrix (E14/3460)
- [OCM025.4/08/14](#) - Development Compliance Procedure Flowchart (E14/3461)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

Planning and Development Regulations -Part 5 Enforcement and legal proceedings:

42. Prescribed offences and their modified penalties (Act s. 227)

(1) For the purposes of section 227 —

(a) each offence against a provision of the Act listed in column 1 of the Table is prescribed to be an offence for which an infringement notice may be issued under Part 13 Division 3 of the Act; and

(b) the amount opposite the provision in column 2 of the Table is prescribed as the modified penalty for the offence:

Provision of the Act Modified penalty

s. 214 \$500

s. 218 \$500

s. 220 \$500

s. 221 \$500

(2) For the purposes of section 227 —

(a) each offence against a provision of these regulations listed in column 1 of the Table is prescribed to be an offence for which an infringement notice may be issued under Part 13 Division 3 of the Act; and

(b) the amount opposite the provision in column 2 of the table is prescribed as the modified penalty for then offence:

Provision of these regulations Modified penalty Part 2 10% of the maximum penalty provided for the offence for regulation 31 \$500.

Financial Implications:

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

Voting Requirements: Absolute Majority

OCM025/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council adopts the Development Compliance Policy as per attachment OCM025.1/08/14.

CARRIED BY ABSOLUTE MAJORITY 9/0

OCM026/08/14	Corporate Business Plan – 2013-2014 Quarter 3 Reporting (SJ940)
Author:	Karen Cornish – Governance Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	22 July 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This report is provided to Council for information purposes detailing the progress made on the objectives and actions of the Shire's Strategic Community Plan during the third quarter (January – March 2014).

Background:

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

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

Community / Stakeholder Consultation:

No community consultation is required.

Attachment:

- [OCM026.1/08/14](#) - 2013/2014 third quarter reporting on Corporate Business Plan. (E14/3587)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

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

Financial Implications:

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

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

Voting Requirements: Simple Majority

OCM026/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rossiter

That Council accept the third quarterly report (January – March 2014) on the Corporate Business Plan as per attachment OCM026.1/08/14.

CARRIED 9/0

10. Information reports:

Nil

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

12.1 Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given

Cr Urban has given notice of his intention to raise the following questions, in accordance with Shire of Serpentine Jarrahdale Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given:

On Friday 25th July 2014 I had a meeting with Tony Simpson MLA at Lyster Road Jarrahdale to talk over a number of issues concerned by both Tony and the land user Matthew.

During the conversation it was discussed that the road was dangerous because of a number of issues, mainly, because of the condition and width at a point where it curves around the bend heading towards Jarrahdale Road.

The Minister and local member Tony Simpson has stated he has spoken to grant sources and has arranged for black spot funding to cover the cost of the work needed.

Therefore I am requesting the shire officers carry out a desk top exercise to cost placing bitumen on the road with a layer of gravel. This may include the widening of the road at a number of points to make it suitable for the road.

Tony has made the commitment. So in order to gain funding I propose we gather all the relevant costing, obtain council approval and forward this request to the local member to gain the black spot funding for this road as he has promised at the meeting. I forward to be submitted on the meeting dated 11th August 2014.

OCM12.1 COUNCIL DECISION:
Moved Cr Urban, seconded Cr Kirkpatrick
That Council carry out a desktop report to cost placing a bitumen surface on Lyster Road in Jarrahdale and report back to Council within four weeks.
CARRIED 9/0

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.34pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 25 August 2014

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Presiding Member

.....
Date