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**Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday, 14 October 2013. 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:** B Moore ..... Presiding Member  
 G Wilson  
 D Atwell  
 J Kirkpatrick  
 S Piipponen  
 B Urban

**OFFICERS:** Mr R Gorbunow ..... Chief Executive Officer  
 Mr A Hart ..... Director Corporate and Community  
 Mr B Gleeson..... Director Planning  
 Mr G Allan ..... Director Engineering  
 Mrs D Baldwin ..... Executive Services Support Officer  
 Ms L Jones ..... Personal Assistant to Chief Executive Officer

**APOLOGIES:** Nil

**OBSERVERS:** Nil

Members of the Public - 8  
 Members of the Press - Nil

## 2. Response to previous public questions taken on notice:

Ms Jan Star, 230 Jarrahdale Road, Jarrahdale

Q1. As many years have elapsed since the original needs studies were done and we are talking of a narrow age range, does the Council have any recent figures for the demand for the skate park?

The aesthetics of the townscape in Jarrahdale have been acknowledged in the townscape study (which is/was policy) and while the removal of trees is to be kept to a minimum it is the ongoing removal of low level native vegetation that will also affect the integrity of the vegetation and aesthetics, as we have already seen since the establishment of the Fire Brigade despite assurances at the time that the bush would be retained.

Q2. Would you please confirm the location as behind the Fire Brigade building?

I note the Premier in announcing the successful funding for the skate park at Jarrahdale referred to its benefits to the youth of Peel which was very interesting.

The original skate park targeted people from outside the area and became a huge problem. It was resolved not to build a skate park that is too good as we do not want young people from miles around using it.

*Response:*

The Shire President responded that this long-term project will be a draw card for the Jarrahdale area, attracting youth and parents who will utilise the commercial facilities in Jarrahdale.

The benefits of the proposed skate park far outweigh the negatives and a lot of motivated people are keen to see the project succeed at full pace.

A1. Council Officers have been gauging the interest while planning and designing the Skate Park in conjunction with the youth in Jarrahdale and their parents for a number of years now. The Shire has also been keeping all those who became interested in the project from its conception informed with updates.

Numerous workshops have occurred and as there has been an out-dated Skate Park in Jarrahdale for some time now, the demand for this replacement facility in a more appropriate location has been growing. The facility and signage associated with this facility will also be designed as part of the Discovery Forest Walk Trail network raising awareness of the natural, heritage and historical values providing information on the Jarrahdale area and the management of its surrounding forests. As the Discovery Forest is based on the Jarrahdale Heritage Walk Trail network, which passes very closely by this facility, the new facility will be a draw card for the Jarrahdale area. The new facility will attract young families as visitors and residents who will utilise the commercial facilities in Jarrahdale while educating and raising the awareness of both visitors and residents to the area.

A2. The skate park is proposed to be located to the north of the Emergency Services building towards Jarrahdale Road and has been very carefully planned with as few trees as possible to be removed.

### **3. Public question time:**

Public question time commenced at 7.01pm.

Merri Harris, 24 Maxwell Street, Serpentine

In regard to OCM 052.1/10/13 the proposed subdivision of Lot 98 Gull Road, Serpentine. To the uneducated observer this may look like an uncomplicated attempt at the subdivision of a lot adjacent to some other similarly sized lots. Unfortunately, this could not be further from the truth. Having been a participant in the last “re-arrangement” decision by this same group of Councillors, a subdivision by another name, I object strongly to yet another attempt at a subdivision, without adequate justification or consideration of the long term consequences of such actions. My disappointment in the Western Australian Planning Commission is palpable and the approval of the last application demonstrates, yet once again, the state agency contempt for Local Government planning and its policies. My disappointment in this group of Councillors last decision, on this same property, is indescribable.

Q1. What is the requirement for the justification of such applications, especially when considered in the light of the weight of documentation that clearly does not support such actions? What capacity does a council officer have to require such information?

Q2. When is the Shire’s intention to notify the general public, and potentially new Councillors of the date and time of the required Special Council meeting to swear in those new Councillors?

- A2. The Chief Executive Officer responded that a Special Council Meeting will be held on Monday, 21 October 2013 at 6.00pm and will be advertised in accordance with the *Local Government Act*.
- Q3. At what point is the Council, in its applications of the compliance requirements for the Cardup Landfill closure plan, given that it is due to close in 2015? Will the Shire keep the community in the loop as to those requirements and the stage at which they will be completed? How is the landfill company intending to fulfil its requirement that the site will not be visible from the South Western Highway?
- Q4. Can the Shire please inform us as to how and when Hanson quarry earth bunds will be screened from sight from the South Western Highway near Cardup? How is Hanson Quarry to screen the earth bund/wall that is now visible above the tree line when driving north on South Western Highway near Whitby Falls turn off?
- Q5. When will the Shire enforce the compliance requirements with the Cardup Landfill to stop the almost constant stench that is now obvious at the Highway and often on Soldiers Road, especially at night?

*Response:*

The Shire President advised that questions 1, 3, 4 and 5 will be taken on notice and a formal response provided in due course.

Michelle Rich, 155 Firms Road, Serpentine

Q1. Who does the newly employed Compliance Officer answer to?

A1. The Chief Executive Officer advised that this is an operational matter. A position description is currently being prepared and the position will be advertised. The Chief Executive Officer will determine who the Compliance Officer will report to.

Q2. Will the Compliance Officer cover compliance for all departments within the Shire?

A2. The Chief Executive Officer advised that this position will cover all areas including Ranger Services, Planning and Engineering.

Q3. Are all people who reside within the Shire to comply with the same bylaws?

A3. The Chief Executive Officer confirmed that the Shire's Local Laws apply to all residents within the Shire.

Public question time concluded at 7.07pm.

#### **4. Public statement time:**

Nil

#### **5. Petitions and deputations:**

Nil

## 6. President's report:

At the forum of Mayors and Presidents last Friday and on the ABC on Friday night, the Chairman of the Local Government Reform Committee advised that they had received 19 submissions, two of which were from Cambridge, hence making 18 local governments had responded by the deadline out of a total of 30. Of these 17 did not conform and the only one to conform in principle was South Perth/Victoria Park.

This is contrary to our Hon Tony Simpson MLA and Minister for Local Government's public statement that he was encouraged by the corroborations of local government when obviously this is not the case! What doesn't he understand?

The other proposals lodged with LGAB were non-conforming, including our neighbour Armadale, who made a confidential report which recommends Serpentine Jarrahdale be divided in half with the less affluent (due to population numbers rate base) south of Mundijong Road and Jarrahdale going to the Shire of Murray.

Other submissions have divided communities and focused public attention away from State Government failures in an endeavour to blame local government.

We at Serpentine Jarrahdale balance our books and have an excellent credit rating but our superiors and mentors have no statutory regulations as imposed on us.

On a more positive note a recent Community Perception Survey, conducted independently of Council, shows a marked improvement with more of such hopefully to come. As a sneak preview, I can let you know that 54% of respondents were satisfied with the performance of the Shire, compared with 42% in 2010. We are industry leaders in bushfire control and have increased satisfaction levels by more than 10% in a number of areas from our leadership and understanding community needs to how local heritage and history is promoted and our efficiency and effectiveness in customer service. A report on the Community Perception Survey will be reported to Council on 28 October.

On another note it is with great sadness that we as a Council acknowledge the sudden and sad passing of an iconic business owner in Byford, Mr Lou Burns. The Burns family have operated the Byford tyre business for over a decade and the Burns family were always open to supporting community groups and in particular junior sports. Their support was very much appreciated. Lou will be sadly missed and we offer our condolences to his wife Tania and all the Burns family at this difficult time.

## 7. Declaration of Councillors and officers interest:

Cr Wilson has declared a Financial Interest in Item OCM052/10/13 - Proposed Subdivision – Lot 98 Gull Road, Serpentine in that he is the owner of the subject property.

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

### 8.1 Ordinary Council Meeting – 23 September 2013

**Moved Cr Wilson, seconded Cr Urban**

**That the minutes of the Ordinary Council Meeting held on 23 September 2013 be confirmed (E13/3900).**

**CARRIED 6/0**

## 9. Motions of which notice has been given:

OCM052/10/13	Proposed Subdivision – Lot 98 Gull Road, Serpentine (S148622)
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	17 September 2013
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>

Cr Wilson has declared a Financial Interest in Item OCM052/10/13 - Proposed Subdivision – Lot 98 Gull Road, Serpentine in that he is the owner of the subject property. He withdrew from the meeting at 7.10pm.

Proponent: Dykstra Planning  
 Owner: Gary William Wilson and Deborah Jane Wilson  
 Date of Receipt: 26 August 2013  
 Lot Area: 30.6ha  
 Town Planning Scheme No 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

### Introduction:

This report is presented to Council as the Western Australian Planning Commission (WAPC) has sought comment and recommendation from the Shire regarding a subdivision application. The application seeks to create two 'Rural' zoned lots of 17.865 hectares and 12.847 hectares respectively.

As the landowner is an Elected Member of Council it is considered appropriate that the proposal be referred to Council for consideration. This aims to ensure that Council maintains a very high standard of probity for Elected Members, so that no actual or perceived conflicts of interest can arise from private activities of a commercial or financial nature.

The application is recommended for refusal to the WAPC as it does not comply with the requirements of the Shire's Town Planning Scheme No 2 (TPS 2) or the Rural Strategy (1994) and therefore represents fragmentation of rural land and loss of rural character through piecemeal subdivision.

### Background:

Lot 98 Gull Road, Serpentine was created in August 2013 following approval being issued by the WAPC for a boundary realignment of the two previous lots. The previous lots were 16.78 hectares and 21.95 hectares respectively. The boundary realignment resulted in the creation of two new lots now identified as Lots 98 and 99 Gull Road, Serpentine.

Lot 98 Gull Road, Serpentine was 30.61 hectares. The land is separated by an open drain which physically dissects the site into two separate land parcels. The documentation accompanying the previous subdivision application did not indicate the landowner's intention in relation to the use of this larger lot.

Lot 99 Gull Road, Serpentine has an area of 8.12 hectares and was created for the purpose of retaining the existing dwelling and outbuildings on a site that would be more suited to the needs of the landowner.

**Relevant Previous Decisions of Council:**

- OCM77/02/12 – Subdivision of original lots for the purpose of a boundary realignment was approved by the WAPC

**Community / Stakeholder Consultation:**

No community consultation is required.

**Comment:**Proposal

The proposed subdivision results in two lots, providing for the creation of one additional lot. The subdivision design proposes to divide the lot along the existing open drain which traverses through the centre of the site. The western lot (Lot 1) is proposed to be 17.865 hectares while the eastern lot (Lot 2) is proposed to be 12.847 hectares.

Access arrangements will remain unaltered with proposed Lot 1 accessible from Rowe and Gull Road and proposed Lot 2 will be accessible from Gull Road. The existing water supply, power and telecommunications for both lots would also remain unaltered.

Statutory Environment

There is statutory and policy framework relevant to this application. Each applicable policy is detailed below, together with an assessment of how the application satisfies the various policy requirements.

Metropolitan Region Scheme (MRS)

The subject land is located within the 'Rural' zone of the MRS. All surrounding lots are also within the 'Rural' zone of the MRS. The MRS does not contain any requirements for subdivision within the 'Rural' zone.

TPS 2

The subject land is zoned 'Rural' under TPS 2. The objective of the 'Rural' zone, as stated within clause 5.10.1 is:

*"To allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

In order to reflect the subdivision guidelines for the Rural Policy Area as identified within the Rural Strategy, clause 5.10.4 in TPS 2 states:

*"The Council will generally not support subdivision within the Rural zone that will result in the creation of lots less than 40 hectares"*

TPS 2 requires both advocate the orderly and proper planning of 'Rural' zoned land within the Shire to achieve continued land use viability. As part of achieving this, a minimum 40 hectare land area requirement has been applied through the Rural Strategy (subject to land capability and environmental constraint assessment) to ensure that all lots created for rural purposes will maintain a suitable land area for ongoing rural use. The proposed subdivision creates lot sizes well below the minimum 40 hectare land area requirement.

Rural Strategy

The subject land is within the Rural Policy Area under the Shire's Rural Strategy with a recommended minimum 40 hectare lot size within this area. The proposal does not comply with the requirements of the Rural Strategy.

The Rural Strategy is currently the subject of a review by Council. The draft 2013 Rural Strategy Review identifies the subject site within the Farmlet Policy area which allows for lot sizes between 4 and 40 hectares. As the 2013 Rural Strategy Review is a draft document, it is subject to a review by the WAPC prior to it being endorsed for advertising purposes. As such, the 1994 Rural Strategy (as reviewed) is the relevant document to provide guidance on strategic planning issues.

#### State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (SPP 2.5)

The four key objectives of SPP 2.5 are:

- Protect agricultural land resources wherever possible;
- Plan and provide for rural settlement;
- Minimise the potential for land use conflict; and
- Carefully manage natural resources.

It is considered that the proposed subdivision does not conflict with the objectives of SPP 2.5. In this regard, the proposed subdivision will not result in the loss of productive agricultural land, nor is there potential for conflict with nearby agricultural uses.

#### DC Policy 3.4 - Subdivision of Rural Land (DC 3.4)

DC 3.4 sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land. The policy is to be applied having regard to the four key objectives of SPP 2.5.

It is WAPC policy that, in the absence of the planned provision for closer settlement and more intensive agricultural uses, existing large rural lots be retained for broad acre and traditional forms of farming and that the fragmentation of rural land and loss of rural character through piecemeal, unplanned subdivision not be permitted.

DC 3.4 states that the WAPC will exercise its judgement and discretion in applying certain criteria when assessing the merits of an application for the subdivision of rural and agricultural land. The applicant has argued that the proposal may be permissible where a significant physical division exists. Clause 4.3 states as follows:

*"The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management purposes."*

The applicant has provided the following justification in relation to this provision:

*"Since the existing lot is dissected by the significant open drainage infrastructure (Lot 45) these two parcels of land can be subdivided from one another in accordance with the clause provided in Development Policy 3.4.*

*The open drainage infrastructure is up to 9m deep in some areas when measured from the level of the adjoining lands. The embankments on either side of the drain are relatively steeply graded before the actual channel is incised at the base of the embankment, resulting in an overall channel width of up to 15m. Further, there are no bridge crossings across this drain and the depth and width of the embankment makes it non-traversable for farm vehicles and farm animals. As a result, the stock can only be moved between pastures, or moved back to the main farm gate by walking stock along a section of Gull Road to move them from one portion of land to the other. This disconnection of the rural land portions, and the length*



*of the road and bridge crossing to be traversed by walking stock, render this farm quite difficult to operate.*

*The walking of stock along Gull Road is difficult at the best of times, due to the need to walk them along the bridge (rather than simply traversing the road at right angles). Over the past decade Gull Road has become increasingly trafficked due to a number of surrounding farmlet/nearby farmlet lots being created in the area and the increase in activity of surrounding equestrian lots. The additional traffic along Gull Road makes the walking of stock along it (and across the bridge) more difficult, impractical, and unsafe. The overall result is that land divided by this steep and deep drainage infrastructure has become a more and more separated farming unit over time. Finally, it should be noted that this physical barrier of separation of the lot is more significant than if a simple rural road were to be traversing a rural lot.*

*Photographical evidence has been provided which shows the division that Lot 45 (drain) creates in Lot 98 and the bridge that needs to be traversed by stock in order to move from one property to the other.”*

The applicant’s justification under clause 4.3 demonstrates that the proposal may be capable of being determined by the WAPC due to the significant physical division which exists in the form of an open drain.

#### State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment (SPP 2.1)

The subject land is within the Peel-Harvey Coastal Plain Catchment. The proposed subdivision needs to be considered against the objectives and relevant provisions of SPP 2.1. The objectives of SPP 2.1 are:

1. To improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey Coastal Plain Catchment.
2. To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage.
3. To balance environmental protection with the economic viability of the primary sector.
4. To increase high water-using vegetation cover within the Peel-Harvey Coastal Plain Catchment.
5. To reflect the environmental objectives in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
6. To prevent land uses likely to result in excessive nutrient export into the drainage system.

SPP 2.1 states that subdivision proposals shall make provision for a drainage system, which maximises the consumption and retention of drainage on site. If recommended for approval to the WAPC, appropriate conditions can be included addressing drainage and storm water requirements on site.

#### **Comment:**

It is noted that Council, in its determination of the previous subdivision of Lots 501 and 502 Rowe Road, Serpentine (OCM77/02/12), concluded that the application was acceptable as it did not result in the creation of additional lots. The Council Note included the following statement:

*“It is noted that clause 5.10.4 of Town Planning Scheme No 2, generally prohibits the creation of lots less than 40 hectares in size within the Rural zone. In accordance with this clause, Council has exercised its discretion and carefully considered the matter on its merits. The proposed subdivision does not result in the creation of additional lots, represents a*

*boundary adjustment, will not alter the existing rural use of the property and will provide access to Lot 835 Rowe Road for farming activities to continue.”*

Due consideration must therefore be given to whether the proposed subdivision in this instance is a suitable planning outcome in light of the guiding planning framework. The subdivision proposes the division of a 30.6 hectare lot into two lots of 17.75 hectares and 12.85 hectares. The proposed lot sizes are a significant departure from the 40 hectare minimum requirement of TPS 2 and the Rural Strategy.

It is on this basis that the Shire recommends that the proposal be refused by Council.

### Decision Making Process

The Shire acts as a referral agency only and has no decision making authority in the subdivision process. All decisions on subdivision applications are made by the WAPC. If the applicant is aggrieved by any decision made by the WAPC, whether it be a refusal or conditions imposed on an approval, then they have a right of appeal through the State Administrative Tribunal.

### Options and Implications

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

1. Recommend to the WAPC that the proposed subdivision be approved, providing conditions.
2. Recommend to the WAPC that the proposed subdivision be refused, providing reasons.

Option 2 is recommended.

### Conclusion

The application proposes to create two lots within the ‘Rural’ zone that do not comply with the requirements of TPS 2 or the Rural Strategy. Accordingly, the proposal represents fragmentation of rural land and loss of rural character through piecemeal, unplanned subdivision and it is therefore proposed that Council recommend to the WAPC that the application be refused.

### **Attachments:**

- [OCM052.1/10/13](#) - Locality Plan and Aerial Photograph (E13/3791)
- [OCM052.2/10/13](#) – Plan of Subdivision (E13/3792)
- [OCM052.3/10/13](#) – Photographical Survey (E13/3793)

### **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  
MRS  
Rural Strategy 1994  
SPP 2.5 - Agricultural and Rural Land Use Planning  
DC Policy 3.4 - Subdivision of Rural Land  
SPP 2.1 - Peel-Harvey Coastal Plain Catchment

**Financial Implications:**

Within Council's operational budget.

**Voting Requirements:** Simple Majority

**OCM052/10/13 Officer Recommendation**

Moved Cr Urban

That Council recommends to the Western Australian Planning Commission that the proposed subdivision of Lot 98 Gull Road, Serpentine be refused for the following reasons:

1. The proposal does not comply with clause 5.10.4 of the Shire's Town Planning Scheme No 2 which states:

*"The Council will generally not support subdivision within the 'Rural' zone that will result in the creation of lots less than 40 hectares".*

Insufficient justification has been provided by the applicant to support a variation to the Scheme requirements.

2. The subdivision application does not comply with the Shire's Rural Strategy, which identifies the subject land within the Rural Policy Area. This Policy Area stipulates a minimum lot size of 40 hectares for subdivision, with proposed lots also needing to meet relevant land capability and environmental constraint assessment to justify subdivision. As the subdivision application cannot achieve a 40 hectare minimum lot size nor has demonstrated how the existing environmental characteristics are to be protected, the application does not comply with the Rural Strategy.
3. Approval of the proposed subdivision would set a precedent for the approval of other subdivisions that do not achieve the minimum 40 hectare lot size specified for land in the Rural Policy Area by the Shire's Rural Strategy.

**Lapsed for want of a Seconder  
(Standing Orders Local Law 2002)**

Cr Wilson rejoined the meeting at 7.26pm.

<b>OCM053/10/13</b>	<b>Proposed Local Structure Plan – Lot 9500 Briggs Road, Byford (SJ1045)</b>
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	2 September 2013
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:	G and G Corp
Owner:	Pino Gangemi
Date of Receipt:	5 June 2013
Lot Area:	29.39 hectares
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban, Urban Deferred, Other Regional Roads
Byford District Structure Plan:	Residential, Primary School, Multiple Use Corridor, Neighbourhood Centre

### Introduction:

To consider a proposed Local Structure Plan (LSP) for Precinct 2 of the Byford Development Area (DA 3) within the Byford District Structure Plan (BSP) area. The LSP proposes a variety of residential densities, potentially resulting in the creation of approximately 360 lots.

The LSP provides a planning framework to guide the urban development of the subject land. The proposed land uses and subdivision layout are consistent with the planning context provided under the Metropolitan Region Scheme (MRS), the Shire's Town Planning Scheme No 2 (TPS 2) and the Byford DSP. The LSP design has also been guided by the principles of Liveable Neighbourhoods.

The Shire has worked closely with the applicant and undertaken an initial assessment of the LSP. A number of key issues were identified as a result of this assessment. The LSP to be considered has been updated to address these key issues. It is recommended the proposed LSP and accompanying documents be determined as satisfactory for advertising.

### Background:

The LSP was reviewed and forwarded to the Department of Planning (DoP), Department of Water (DoW) and Main Roads Western Australia (MRWA) for review and comment. A number of modifications to the LSP were required prior to the matter being presented to Council. An updated proposed LSP was subsequently submitted and forwarded to the Department of Education (DoE), DoW and MRWA. Following an initial review of the updated LSP by the Shire and relevant referral authorities, the Shire requested that the key issues identified as part of the further review were to be addressed ahead of the matter being presented to Council.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

## Community / Stakeholder Consultation:

Upon receiving the LSP the Shire referred the documentation to MRWA, DoW and DoE for comment. No community consultation has taken place at this stage of the assessment process; however if supported, the proposed LSP will be advertised for a period of 42 days by way of:

- Letters to all landholders within a 500 metre radius of the LSP boundary;
- Referral to relevant government agencies and local community groups;
- Advertisements in the local newspaper;
- Publication on the Shire's website; and
- Copies made available at the Shire Administration Building and Library.

## Comment:

### Background

The BSP was approved by the Western Australian Planning Commission (WAPC) in 2005 to guide the structure, vision and objectives of future urban development for the area. The BSP requires further detailed design and planning to articulate the vision and objectives at LSP stage. The subject land is identified on the BSP for a number of land uses including residential, rural residential, primary school, multiple use corridor (MUC), drainage basins and a local park. The proposed LSP seeks to provide this information to allow for land development to occur.

The LSP provides a range of low to medium density residential lots sizes, a local neighbourhood centre, a primary school, a linear public open space network incorporating the MUC and other areas of public open space including local parks and drainage catchments. The estimated residential lot yield is 360 lots.

### Proposal

#### *Location*

The subject site is approximately 29.39 hectares in size and is bound by Thomas Road to the north, Malarkey Road to the west, Briggs Road to the east and Eurythmic Road to the south. The northern boundary of the subject site is reserved as an 'Other Regional Road' under the MRS for the future widening of Thomas Road.

### Key Elements

The proposed LSP sets out land use, residential densities, public open space, public and private transport provision, environmental considerations and servicing requirements. Part 1 of the proposed LSP document provides the following Character Statement and Development Principles:

*Byford Meadows Estate will be a development encompassing the ambience of a modern and contemporary neighbourhood. It is equally important that the site's character and history is captured and reflected or interpreted in the future development of the Precinct. It is an estate that will balance urban character with the natural environment.*

*The street network reflects a contemporary pattern, as well as the cadastral pattern of land uses, whilst importantly encompassing a high degree of solar access. Building design will include passive solar elements to facilitate heating and cooling of homes. This will be achieved by maximising solar efficiency of lot orientation.*

*A key design principle is to capture winter sun and block out summer sun by providing large number of lots with a north-south or east-west orientation. The lot layout within the Byford*

*Meadows Estate is designed with most lots orientated to optimum solar access to ensure the LSP is consistent with climate responsive design requirements.*

*The overland drainage flows through the linear open space and multiple use corridors with living streams, bringing the traditional rural character into an urban environment, however recognising the area can experience long dry periods.*

*Landscaping and streetscape will be primarily aimed at bringing natural elements into a new urban environment. These will help to generate a strong sense of place and community identity for the new estate.*

*The housing stock will be focused on having a strong street presence and where appropriate, materials and design will be representative of the locality.*

*Density and lots abutting the open space will help emphasise the strong connection between the urban and the natural environment. The range of densities and housing products will also support a diverse community with a high level of housing choice and affordability.*

### Statutory Framework

The proposed LSP is generally consistent with the requirements of the BSP. Elements of the proposed LSP that are not consistent with the DSP are discussed within this report.

### Key Issues

There are a number of elements of the LSP, as follows:

1. Density;
2. Neighbourhood Centre;
3. Movement Network;
4. Landscape and Vegetation;
5. Primary School Site; and
6. Water Management.

#### 1. Density

The proposed LSP includes a variety of residential densities including R25, R30 and R60, in accordance with the State Government's planning direction for a range of lot sizes. The lot size range permitted for each proposed density is highlighted in the table below:

Density	Minimum Lot Size	Average Lot Size
R25	300	350
R30	260	300
R60	120	150

The proposed LSP includes a number of locations characterised by higher density R60 lots including areas adjacent to public open space and in close proximity to the proposed neighbourhood centre. It is noted that R60 lots are proposed along the northern portion of the LSP area adjacent to Thomas Road. The applicant has provided the following rationale for higher density lots in this location:

- *Recognisable built form – The location of R60 lots adjacent to Thomas Road is intended to provide for a recognisable and visually appealing component to the estate. The proposed R60 lots are intended to be constructed as double storey dwellings and act as a statement feature when viewed from Thomas Road. In doing so, the applicant is actively seeking to limit the standard R25 façade in this location and therefore provide a point of difference for this locality.*

- *Linkage with neighbourhood centre – In addition to the built form presentation outlined above, the higher density is intended to provide a link to the neighbourhood centre to the west and frame the urban form of this commercial land.*
- *Noise attenuation – The higher density R60 lots will provide for opportunities for noise attenuation as a result of a more intensified building footprint and higher utilisation of boundary development common on lots of this size. This will assist with reducing noise impacts within the R60 lots, but also work to limit noise to the south.*

#### Interface with surrounding Rural-Residential Land

The subject site abuts rural-residential land to the south and to the southern part of the eastern boundary. In relation to land abutting rural-residential areas, the BSP states as follows:

#### **4.6 Land Abutting Rural Residential Areas**

- 4.6.1 *Notwithstanding land having a classification of Residential (R20) where such land abuts land classified Rural Residential an appropriate (lower) interface density of development may be required to be implemented.*

The south-eastern corner of the subject land is identified as a primary school site under the LSP. The proposed residential (R25) land to the west of the primary school site fronts Eurythmic Road to the south. This residential land has a direct interface with the rural-residential land to the south of Eurythmic Road. It is noted on the Indicative Lot Layout Plan in the LSP that these R25 lots are designed to be larger in size than the remainder of the R25 lots within the LSP area.

The density as proposed, combined with the indicative lot layout is considered acceptable on the basis that the residential density generally follows that which exists to the west of Malarkey Road in the Redgum Brook Estate. In this instance the Shire considers that Eurythmic Road provides for an appropriate demarcation of the rural-residential land to the south and the residential land to the north.

#### **2. Neighbourhood Centre**

The Byford DSP identifies a neighbourhood centre generally in the location as indicated within the proposed LSP. The applicant has provided the following comments in relation to the neighbourhood centre:

*“The total floor space of the neighbourhood centre at the intersection of Thomas Road could therefore be in the order of 4,000m<sup>2</sup> to 5,000m<sup>2</sup>, requiring a land area of at least 2.5ha based on the standard ratio of 1:5 to allow adequate area for car parking, landscaping and access and so on.*

*A neighbourhood centre is proposed at the intersection of Thomas Road and Malarkey Road as a result of the constraints limited by the extent of the existing subdivision at Redgum Brook South and the location of San Simeon Boulevard; it is difficult to locate the neighbourhood centre on the south side of the Multiple Use Corridor.*

*The intersection of Thomas Road and Malarkey Road is ideally suited for a neighbourhood centre due to its highly accessible and high exposure location. The neighbourhood centre will straddle San Simeon Boulevard with 1.5ha on the subject site and 1.0ha to the west on the adjoining Redgum Brook North on Lot 9029.*

*The centre could have a main street concept with an internal private access overlooking the landscaped Multiple Use Corridor. Traffic movement would be controlled by a future roundabout providing safe passage of ingress and egress for the neighbourhood centre on both sides of San Simeon Boulevard. Access to the neighbourhood centre will have sufficient distance from Thomas Road intersection. A traffic analysis has been undertaken by*

*CPG Pty Ltd in consultation with Main Roads WA, which has revealed that this is the most appropriate treatment outcome. In consideration to the roundabout having a district level function in managing traffic flow, it is anticipated that it would form a common infrastructure as part of the development contribution arrangement.*

*The design detail will be the subject of a future Detailed Area Plan which will be prepared for the Neighbourhood Centre in consultation with the adjoining owner of the Redgum Brook Estate.”*

It is noted that further investigations by the applicant will be required in relation to how an agreed and acceptable design outcome can be achieved by the developers of the subject land and the Redgum Brook Estate. It is also recommended that prior to finalisation of the proposed LSP, the applicant provide further detail in relation to the relationship of the proposed neighbourhood centre to the Shire's Activity Centres Strategy and Local Planning Policy No 70 Activity Centres.

### 3. Movement Network

The central road network throughout the LSP area relies on San Simeon Boulevard which connects Thomas Road (via Malarkey Road) in the north-west of the site to Briggs Road and Larsen Road in the south-east of the site. Ballawarra Avenue within the Redgum Brook Estate to the west will connect to Malarkey Road and San Simeon Boulevard at a three-way intersection. This intersection will function as a traffic management device to divert southbound traffic into existing and future urban areas to the east and west. For northbound traffic, the Malarkey Road deviation will function as traffic calming device and provide for a greater level of control at the proposed intersections.

The modification of this portion of Malarkey Road has resulted in the requirement for a traffic island or possibly a roundabout which is currently shown as a small area of public open space to the south of the proposed intersection. Further investigations by the applicant will be required in order to determine how the proposed traffic island or roundabout can be implemented. The intersection treatment will affect the access to a number of properties to the west within the Redgum Brook Estate which currently front onto Malarkey Road and further discussion needs to occur with these landowners.

### 4. Landscape and Vegetation

The LSP has been designed to include areas where residential lots back directly onto the MUC. A hard surface will be provided between the residential land and the public open space. This would ensure that adequate distance was maintained between residential land and vegetation to allow for movement of emergency service vehicles. It would also provide for greater accessibility for pedestrians throughout the public open space. The indicative public open space landscape concept plans provided with the updated LSP have included a pathway between the residential land and the public open space. Detailed design of this treatment can be addressed in detail through the preparation of the Landscape and Vegetation Management Plan.

### 5. Primary School Site

#### *Location*

The location of the proposed primary school abuts a neighbourhood connector road (Briggs Road) in accordance with the WAPC's Liveable Neighbourhoods policy document. Briggs Roads will carry traffic volumes of around 3000 vehicle movements per day.

#### *Retention of Homestead*

The existing homestead on the subject land has been identified within the Shire's Community Facilities and Services Plan 2020 and the BSP as having potential for retention due to its cultural and heritage importance to the local community, as stated the following:



*“Further consideration for the retention of the homestead building within Lot 7 Briggs Road will be required during Local Structure Planning including consultation with DET (if required) and further detail as to the proposed function and suitability of the building for community purposes. The general location of the homestead building is shown as number 15 on the Structure Plan.”*

While the retention of the homestead building may be supported by the Shire by virtue of the supporting documents, the DoE have indicated that they do not support its retention as part of the development of the primary school. Further investigation and consultation is required between the applicant, the Shire and DoE in relation to this issue. Council will need to consider the future needs, justification and cost of a local community facility in this part of Byford.

## 6. Water Management

The LSP documentation included a Local Water Management Strategy (LWMS). The applicant’s consultants have been liaising directly with the DoW in order to finalise the LWMS. Further investigation will also be required with regard to the location of the drainage areas to ensure that the intended function of the open space is not compromised with the drainage requirements, especially in the park on San Simeon Boulevard.

### Options and Implications

There are three options available to Council with respect to the proposed LSP, as outlined below:

1. Pursuant to Clause 5.18.3.2 (a) of TPS 2, determine that the proposed LSP is satisfactory for advertising.
2. Pursuant to Clause 5.18.3.2 (b) of TPS 2, determine that the proposed LSP is not to be advertised until modifications are undertaken.
3. Pursuant to Clause 5.18.3.2 (c) of TPS 2, determine that the proposed LSP is not satisfactory for advertising and give reasons for this to the proponent.

Option 1 is recommended.

### Conclusion

The LSP provides a planning framework to guide the urban development of the subject land. The proposed land uses and subdivision layout are consistent with the planning context provided under the MRS, TPS 2 and the BSP. The LSP design has also been guided by the principles of Liveable Neighbourhoods. The advertising of a LSP will seek public comment and will be referred to State Government agencies. It is recommended that the LSP be deemed satisfactory for advertising.

### **Attachments:**

- [OCM053.1/10/13](#) – Location Plan and Aerial Photograph (IN13/15333)
- [OCM053.2/10/13](#) – Proposed LSP (IN13/15334)
- [OCM053.3/10/13](#) – LSP Document (IN13/15138) – Part 1
- [OCM053.3/10/13](#) – LSP Document (IN13/15138) – Part 2
- [OCM053.3/10/13](#) – LSP Document (IN13/15138) – Figures
- [OCM053.3/10/13](#) – LSP Document (IN13/15138) – Part 3
- [OCM053.4/10/13](#) – BSP map (IN13/15336)

**Alignment with our Strategic Community Plan:**

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.1	Plan and develop public transport networks to link the community with the built and natural environment
Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity

**Statutory Environment:**

- TPS 2
- Liveable Neighbourhoods
- SPP 4.2 Activity Centres for Perth and Peel
- LPP 4 Revegetation Policy
- LPP 6 Water Sensitive Design
- LPP 22 Water Sensitive Urban Design
- LPP 24 (Draft) Designing Out Crime
- LPP 26 Biodiversity Planning
- LPP 27 Stakeholder Engagement in Land Use Planning
- LPP 43 Hazards and Natural Disasters
- LPP 57 Housing Diversity
- LPP 60 Public Open Space
- LPP 61 Structure Plans
- LPP 62 (Draft) Urban Water Management
- LPP 63 (Draft) Integrated Transport and Land Use Planning
- LPP 67 Landscape and Vegetation
- LPP 68 Sustainability Assessment
- LPP 70 Activity Centres

**Financial Implications:**

Urbanisation within the Shire will result in indirect financial cost 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

**Officer Recommendation:**

That Council:

1. Pursuant to Clause 5.18.3.2 (a) of Town Planning Scheme No 2 determine that the proposed Local Structure Plan for Lot 9500 Briggs Road, Byford is satisfactory for advertising.
2. Invite comment on the proposed Local Structure Plan for a period of 42 days by way of:

- a) Letters being sent to all landholders within a 500 metre radius of the LSP boundary;
- b) Referral to relevant government agencies and local community groups;
- c) Advertisements in the local newspaper;
- d) Publication on the Shire's website; and
- e) Copies made available at the Shire Administration Building and Library.

**OCM053/10/13 COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Urban**

**That Item OCM053/10/13 be deferred to the Ordinary Council Meeting to be held on 11 November 2013 pending clarification of the amount of useable Public Open Space in that area.**

**CARRIED 6/0**

**Council Note: Council changed the Officer Recommendation in Item OCM053/10/13 by deferring advertising of the proposed Local Structure Plan for Lot 9500 Briggs Road, Byford and requested officers to undertake an assessment of the useable Public Open Space available in that area.**

<b>OCM054/10/13</b>	<b>Proposed Closure of a portion of McLachlan Turn Road Reserve, Byford (SJ140)</b>
Author:	Kylie Shailer – Planning Support Officer
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	20 August 2013
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:	McMullen Nolen Group
Owner:	LWP Property Group
Date of Receipt:	23 August 2013
Lot Area:	181m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban Deferred

**Introduction:**

To close off a portion of the McLachlan Turn road reserve in Byford. The matter is presented to Council for consideration, ahead of public comment being invited.

**Background:**

During the construction of a previous stage of The Glades, the roundabout connecting Johansen Road and McLachlan Turn was constructed to allow Johansen Road to continue through the public open space to Gallipoli Avenue. Upon detailed planning and approval of the revised plan of subdivision the road connection was removed.

**Relevant Previous Decisions of Council:**

- OCM094/11/12 - Proposed Modification No 4 to Byford Main Precinct Local Structure Plan

**Community / Stakeholder Consultation:**

In accordance with the provisions of the *Land Administration Act 1997*, public comment is required to be invited on proposed road closures for a period of not less than 35 days. At this time, there are no specific policy requirements of the Shire with respect to the advertising of road closure requests and as such each proposal is required to be considered on its merits.

For the purposes of progressing this current road closure request, it is recommended that public comment be invited for a period of not less than 35 days by way of the following:

- A notice being placed in The Examiner Newspaper.
- A notice being placed on the Shire website.
- A letter being sent to all relevant State Government agencies.

**Comment:**

The proposal is the closure of a portion of McLachlan Turn road reserve. The subject area is 181m<sup>2</sup>. There are a number of different matters that need to be considered with this request, including the following:

- Consistency with the Byford Main Precinct Local Structure Plan (LSP).
- Traffic Network and Pedestrian Considerations
- Public Open Space (POS).
- The statutory processes set out in the *Land Administration Act 1997*.

#### Consistency with Byford Main Precinct Local Structure Plan (LSP)

A modification (No 4) to the Byford Main Precinct LSP was effected by Council on 26 November 2013 and subsequently approved by the Western Australian Planning Commission. The road link was removed from the LSP.

#### Traffic Network and Pedestrian Considerations

North-south movements through the estate would utilise Kokoda Boulevard and Doley Road. Johansen Road does not serve a local or district traffic movement function. The road also does not service any lots. The proponent has committed to a shared path and creek crossing in this location in place of the continuation south of Johansen Road. This has cost benefits and would not have an adverse effect on the north-south movement of pedestrians and cyclists.

#### POS

Approximately 1880m<sup>2</sup> of additional Reserve for Recreation and Drainage was created by the removal of this traversing road in the LSP resulting in a larger more useable reserve.

#### Provisions of the *Land Administration Act 1997*

Requests for road closures are required to be progressed in accordance with Section 58 of the *Land Administration Act 1997*, with a relevant extract provided below:

##### *“58. Closure of roads*

*(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

*(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

*(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

*(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*

- (a) by order grant the request;*
- (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) refuse the request.*

*(5) If the Minister grants a request under subsection (4) —*

- (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
- (b) any rights suspended under section 55(3)(a) cease to be so suspended.”*

### Options and Implications

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

1. Support the road closure request, and proceed to advertising for public comment.
2. Not support the road closure request and provide reasons accordingly to the applicant.

Option 1 is recommended.

### Conclusion

The constructed four way roundabout would be remediated at LWP's expense into a three way roundabout with the southern stub removed and the portion of this road reserve converted into the Reserve for Recreation and Drainage.

### **Attachments:**

- [OCM054.1/10/13](#) – Road Closure Plan (E13/3481)
- [OCM054.2/10/13](#) – Modification No 4 LSP (E13/3532)
- [OCM054.3/10/13](#) – Aerial Photo (E13/3483)

### **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:**

*Land Administration Act 1997 – Section 58*

### **Financial Implications:**

There are no financial implications for Council. Advertising costs are to be borne by the applicant.

**Voting Requirements:** Simple Majority

### **OCM054/10/13 COUNCIL DECISION / Officer Recommendation:**

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

1. Support the request for the closure of a portion of McLachlan Turn, Byford, as depicted in attachment OCM054.1/10/13.
2. Invite stakeholder comment on the proposed road closure for a period of not less than 35 days, by way of the following:
  - a) A notice being placed in The Examiner Newspaper;
  - b) A notice being placed on the Shire website;

- c) A letter being sent to all relevant government agencies; and
  - d) A letter being sent to landowners adjacent the portion of Allanson Drive to be closed.
3. Note that a further report will be presented to Council to consider any submissions received during the advertising of the proposal and provide Council with the opportunity to consider whether to formally request, pursuant to Clause 58(1) of the *Land Administration Act 1997*, the Minister for Lands progress with the proposed road closure.

**CARRIED 6/0**

<b>OCM055/10/13</b>	<b>Proposed Closure of a portion of Allanson Drive Road Reserve, Byford (SJ140)</b>
Author:	Kylie Shailer – Planning Support Officer
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	20 August 2013
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:	McMullen Nolen Group
Owner:	LWP Property Group
Date of Receipt:	15 August 2013
Lot Area:	1215m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban Deferred

**Introduction:**

To close off a portion of the Allanson Drive road reserve in Byford. The matter is presented to Council for consideration, ahead of public comment being invited.

**Background:**

During the construction of a previous stage of The Glades (Stage 5), a wider than normal road reserve width (Allanson Drive) was created. The southern portion of the Allanson Drive road reserve was intended to facilitate the retention of existing trees. This was to reflect the Byford Main Precinct Local Structure Plan (LSP) which identified the row of existing trees to be retained within the road reserve where possible.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this application.

**Community / Stakeholder Consultation:**

In accordance with the provisions of the *Land Administration Act 1997*, public comment is required to be invited on proposed road closures for a period of not less than 35 days. At this time, there are no specific policy requirements of the Shire with respect to the advertising of road closure requests and as such each proposal is required to be considered on its merits.

For the purposes of progressing this current road closure request, it is recommended that public comment be invited for a period of not less than 35 days by way of the following:

- A notice being placed in The Examiner Newspaper.
- A notice being placed on the Shire website.
- A letter being sent to all relevant State government agencies.
- A letter being sent to landowners adjacent to the portion of Allanson Drive to be closed.

**Comment:**

The proposal is the closure of a portion of the Allanson Drive road reserve. The subject area is 1,215m<sup>2</sup>. There are a number of different matters that need to be considered with this request, including the following:



- Consistency with the Byford Main Precinct LSP.
- Public Open Space (POS).
- The statutory processes set out in the *Land Administration Act 1997*.

#### Consistency with Byford Main Precinct LSP

The Byford Main Precinct LSP identified areas of vegetation within the indicative Doley Road and Allanson Road reserves. The vegetation was highlighted on the LSP with the following note:

*Existing trees to be retained within road reservations where possible following detailed design process.*

During the detailed design stage of the subdivision, the trees have been identified as being problematic by the applicant due to:

- The trees being an unsuitable species which pose a high risk within urban development areas;
- The density of the planting being too high for the long term health and form of the trees;
- The original purpose of the trees being to provide a wind break for the original dwelling which now is to be demolished; and
- The future layout of lots fronting this portion of Allanson Drive would result in the removal of the majority of these trees.

From a biodiversity point of view, the removal of the trees is not ideal however a condition was imposed during subdivision approval requiring a vegetation management plan for the POS to offset the loss of vegetation along Allanson Drive. Although inconsistent with the LSP, the detailed design process and horticultural assessment of the trees has determined the retention of these trees is not possible.

The southern portion of the Allanson Drive road reserve is therefore no longer required for tree retention and the proposed subdivision design has been amended to facilitate the creation of a standard road reserve width for Allanson Drive.

#### POS

A portion of the proposed road reserve closure (101m<sup>2</sup>) is to be converted to POS. The proposed subdivision layout seeks to retain better quality specimens within an expanded POS area. The existing trees include one Marri (*Corymbia calophylla*) and five River Red Gums (*Eucalyptus camaldulensis*), with other specimens to be considered for retention.

#### Provisions of the *Land Administration Act 1997*

Requests for road closures are required to be progressed in accordance with Section 58 of the *Land Administration Act 1997*, with a relevant extract provided below:

##### *“58. Closure of roads*

*(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

*(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

*(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of*

*notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

*(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*

- (a) by order grant the request;*
- (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) refuse the request.*

*(5) If the Minister grants a request under subsection (4) —*

- (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
- (b) any rights suspended under section 55(3)(a) cease to be so suspended.”*

**Options and Implications**

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

1. Support the road closure request, and proceed to advertising for public comment.
2. Not support the road closure request and provide reasons accordingly to the applicant.

Option 1 is recommended.

**Conclusion**

This portion of Allanson Drive road reserve subject to this closure application will be incorporated into residential lots and POS. The road width will not change and footpath construction is a requirement of subdivision approval through detailed engineering design. The progression of the road closure is considered supportable and will ultimately facilitate the timely release of land through normal subdivision processes.

**Attachments:**

- [OCM055.1/10/13](#) – Road Closure Plan (E13/3465)
- [OCM055.2/10/13](#) – LSP (E13/3466)

**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:**

*Land Administration Act 1997 – Section 58*

**Financial Implications:**

There are no financial implications for Council. Advertising costs are to be borne by the applicant.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council:

1. Supports the request for the closure of a portion of Allanson Drive, Byford, as depicted in attachment OCM055.1/10/13.
2. Invite stakeholder comment on the proposed road closure for a period of not less than 35 days, by way of the following:
  - a) A notice being placed in The Examiner Newspaper;
  - b) A notice being placed on the Shire website;
  - c) A letter being sent to all relevant State government agencies; and
  - d) A letter being sent to landowners adjacent the portion of Allanson Drive to be closed.
3. Note that a further report will be presented to Council to consider any submissions received during the advertising of the proposal and provide Council with the opportunity to consider whether to formally request pursuant to Clause 58(1) of the Land Administration Act 1997, the Minister for Lands progress with the proposed road closure.

**OCM055/10/13 COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Atwell**

**That Item OCM053/10/13 be deferred to the Ordinary Council Meeting to be held on 11 November 2013 pending clarification of the number of trees to be removed.**

**CARRIED 6/0**

**Council Note:** Council changed the Officer Recommendation in Item OCM055/10/13 by deferring consideration of the request for the closure of a portion of Allanson Drive, Byford, as depicted in attachment OCM055.1/10/13 and requested officers to assess that the actual number of trees proposed to be removed is as quoted in the report.

<b>OCM056/10/13</b>	<b>Proposed Lease – Serpentine and Districts Golf Club (Inc) and the Shire of Serpentine Jarrahdale (SJ975)</b>
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	17 September 2013
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:**

The current lease with the Serpentine and Districts Golf Club is due to expire on 31 December 2013. The Golf Club Committee has previously agreed to enter into a new standard lease agreement with the Shire at the expiry of the current term. A lease term of twenty years has been negotiated and offered to the organisation. The purpose of this report is to seek Council's endorsement of this standard no-cost to the Shire lease and to authorise the Chief Executive Officer and Shire President to sign the lease once in principle support from the Minister for Lands has been received.

**Background:**

The original intent was for the no-cost to the Shire standard lease to be signed at the same time as the backdated McLeod's lease which was executed in June 2013. The Shire's Lease and Licence Policy had not been adopted by Council at the time the current lease was signed and therefore the new lease was not progressed simultaneously.

A rental term of twenty years will be offered to the club. A \$1.00 peppercorn rental is payable yearly on this lease consistent with the Lease and Licence Policy.

**Relevant Previous Decisions of Council:**

- OCM145/05/12 - endorsed the terms and conditions of the current draft lease
- OCM063/10/12 - item deferred to allow further consultation with the Serpentine and Districts Golf Club
- OCM212/06/13 – authorised the Chief Executive and Shire President to sign the current lease agreement which is due to expire 31 December 2013

**Community / Stakeholder Consultation:**

Shire Officers and Club officials have met to clarify some issues relating to the terms and conditions in the lease. The Club has agreed with the amended clauses and is keen to progress the lease.

**Attachments:**

- [OCM056.1/10/13](#) – Proposed lease (IN13/17074)
- [OCM056.2/10/13](#) – Aerial photograph of Lot 870 and part of Lot 778 (Lease B) (E13/3651)
- [OCM056.3/10/13](#) - Location plan, Lease B (IN12/15462)

**Alignment with our Strategic Community Plan:**

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:**

In accordance with the Shire's Community Group Rating Policy (SEG02), Council can provide a general rate concession to community groups that would normally be subject to being charged general rates under the *Local Government Act (1995)* where the Shire enters into lease agreements with the Community Group.

**Financial Implications:**

As this is a 'no cost to the Shire' standard lease, a \$1.00 peppercorn rental only will be payable. All costs in relation to the preparation of the lease will be paid by the lessee. The club funds all maintenance, payment of outgoings, utilities and government rates and charges of the lease area.

**Voting Requirements:** Simple Majority

**OCM056/10/13 COUNCIL DECISION / Officer Recommendation:**

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

- 1. Seek approval from the Minister for Lands to lease Lot 870 and part of Lot 778 referenced as lease B, Karnup Road, Serpentine, to the Serpentine and Districts Golf Club for the purpose of public recreation for a twenty year period.**
- 2. Authorise the Chief Executive Officer and Shire President to sign the lease subject to the Minister's approval.**

**CARRIED 6/0**

<b>OCM057/10/13</b>	<b>Proposed Lease – The Lightweight Motorcycle Club (Inc) and the Shire of Serpentine Jarrahdale (SJ975)</b>
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date:	17 September 2013
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:**

The previous 21-year lease with the Lightweight Motorcycle Club expired on 11 November 2011. At the Ordinary Council Meeting on 23 August 2013 Council agreed to seek in principle support from the Minister for Lands to lease Reserve 40950 to the Lightweight Motorcycle Club for the purpose of motorsports for a period of ten years with an option to renew for a further ten years. The Shire has received in principle support from the Minister for Lands and in accordance with legislative requirements the report has come back to Council for final consideration.

**Background:**

Reserve 40950 has a permitted use for recreation motorcycle track as outlined in the lease agreement. The Shire does not maintain or provide any resources into the maintenance of the motorcycle track or onsite facilities.

The Lightweight Motorcycle Club was established in 1952 and is based at Hendley Park on the South West Highway, Byford. The course and clubrooms have been purpose designed and built and do not lend themselves to alternative community use. The Club has made significant investments to maintain the site and keep the track at the current standard. The club caters for both junior and senior riders. The motorcrosse track has 40 starting gates and consists of 2km of a loam/gravel track. Membership currently stands at 400 and the club promotes a family atmosphere.

In accordance with the Shire's Lease and Licence Policy a rental term of ten years with an option to renew for a further ten years will be offered to the Club. A \$1.00 peppercorn rental is payable yearly on this lease consistent with the Shire's Lease and Licence Policy.

**Relevant Previous Decisions of Council:**

- OCM23/08/13 - endorsed the terms and conditions of the draft lease

**Community/ Stakeholder Consultation:**

The club has agreed to the terms and conditions contained within the lease.

**Attachments:**

- [OCM057.1/10/13](#) – Proposed lease (IN13/17465)
- [OCM057.2/10/13](#) - Aerial Photograph (E13/3090)

**Alignment with our Strategic Community Plan:**

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:**

In accordance with the Shire's Community Group Rating Policy, Policy number SEG02, Council can provide a general rate concession to community groups that would normally be subject to being charged general rates under the *Local Government Act (1995)* where the Shire enters into Lease Agreements with the Community Group.

**Financial Implications:**

As this is a 'no cost to the Shire' standard lease, a \$1.00 peppercorn rental only will be payable. All costs in relation to the preparation of the lease will be paid by the Lessee. The club funds all maintenance, payment of outgoings, utilities and government rates and charges of the lease area.

**Voting Requirements:** Simple Majority

**OCM057/10/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Urban**

**That Council authorise the Chief Executive Officer and Shire President to sign the lease with the Lightweight Motorcycle Club for a period of ten years with an option to renew for a further ten years.**

**CARRIED 6/0**

<b>OCM058/10/13</b>	<b>Memorandum of Understanding - National Trust of WA and Shire of Serpentine Jarrahdale</b>
Author:	Alan Hart - Director Corporate and Community
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	26 September 2013
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:**

The purpose of this report is to seek Council endorsement for a Memorandum of Understanding (MOU) between the National Trust of Western Australia (NTWA) and Shire of Serpentine Jarrahdale (SSJ) for the purpose of working with the Shire of Serpentine Jarrahdale in facilitating and implementing projects within the Shire.

**Background:**

The MOU is an agreement between the two parties that allows the administration of both organisations to formally work cooperatively on projects or programs that affect both the NTWA and SSJ.

The MOU details all of the administrative arrangements in regard to:

- Intention of the parties;
- Governance arrangements;
- Financial arrangements;
- Consultation and dispute settlement;
- Administration;
- Projects;
- Intellectual property and;
- Term.

The MOU is a standard document that is used by the NTWA with Local Authorities where they have an interest in the Local Authority.

**Relevant Previous Decisions of Council:**

There are no previous Council resolutions in relation to this matter.

**Community / Stakeholder Consultation:**

No community consultation was undertaken / required.

**Comment:**

The National Trust has had a long term interest within the Shire, in particularly in Jarrahdale with the property owned by the National Trust in Jarrahdale Road. The MOU provides a framework which enables the two organisations to work cooperatively in achieving common goals.

Initially, the MOU will enable the Shire to commence discussions about maintenance of the parkland in Jarrahdale, but in the future can be expanded to allow for joint applications for funding to undertake capital/restoration works within National Trust land.



It is recommended that Council endorse the MOU and authorise the Chief Executive Officer to sign the document.

**Attachment:**

- [OCM058.1/10/13](#) – Memorandum of Understanding (E13/3969)

**Alignment with our Strategic Community Plan:**

Objective 1.1	Strong Leadership
Key Action 1.1.3	Foster partnerships that deliver key projects and initiatives in conjunction with key stakeholders

**Statutory Environment:**

Not applicable

**Financial Implications:**

There are no financial implications as a result of this MOU

**Voting Requirements:** Simple Majority

**OCM058/10/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Urban, seconded Cr Atwell  
That Council:

1. Endorse the Memorandum of Understanding between the National Trust of Western Australia and the Shire of Serpentine Jarrahdale.
2. Authorise the Chief Executive Officer to sign the Memorandum of Understanding as per attachment OCM058.1/10/13.

**CARRIED 5/1**

Cr Kirkpatrick requested his vote against the motion be recorded.

**10. Information reports:**

Nil

**11. Urgent business:**

Nil

**12. Councillor questions of which notice has been given:**

Nil

**13. Closure:**

There being no further business the Presiding Member declared the meeting closed at 7.45pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 11 November 2013.

.....  
Presiding Member

.....  
Date