

## TABLE OF CONTENTS

<b>1.</b>	<b>ATTENDANCES &amp; APOLOGIES (including Leave of Absence):</b>	<b>2</b>
<b>2.</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:</b>	<b>2</b>
<b>3.</b>	<b>PUBLIC QUESTION TIME:</b>	<b>2</b>
<b>4.</b>	<b>PUBLIC STATEMENT TIME:</b>	<b>4</b>
<b>5.</b>	<b>PETITIONS &amp; DEPUTATIONS:</b>	<b>6</b>
<b>6.</b>	<b>PRESIDENT’S REPORT:</b>	<b>6</b>
<b>7.</b>	<b>DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:</b>	<b>6</b>
<b>8.</b>	<b>RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:</b>	<b>7</b>
<b>9.</b>	<b>MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:</b>	<b>8</b>
OCM063/10/12	PROPOSED LEASE AGREEMENT – SERPENTINE & DISTRICTS GOLF CLUB AND SERPENTINE JARRAHDAL SHIRE (RS0180/07)	8
OCM064/10/12	FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 31 - BYFORD TOWN CENTRE DESIGN GUIDELINES (SJ1112)	9
OCM065/10/12	ADOPTION OF LOCAL STRUCTURE PLAN – LOTS 6, 7, 9000, 9001, 9003 & 9005 ADAMS STREET, MUNDIJONG (SJ1052)	15
OCM066/10/12	FINAL ADOPTION OF SCHEME AMENDMENT NO. 179 - LOT 199 JARRAHDAL ROAD, JARRAHDAL - PROPOSED REZONING FROM RURAL TO SPECIAL USE (SJ1407)	22
OCM067/10/12	CONSIDERATION OF SUBMISSIONS - SCHEME AMENDMENT NO. 171 - MODIFICATIONS TO TABLE 1 OF TOWN PLANNING SCHEME NO. 2 TO INCORPORATE VARIOUS ADDITIONAL ZONES (A1902)	30
OCM068/10/12	SERPENTINE JARRAHDAL SHIRE LOCAL AREA BICYCLE AND SHARED PATH PLAN (SJ263)	49
OCM069/10/12	MONTHLY FINANCIAL REPORT - SEPTEMBER 2012 (A2092)	51
OCM070/10/12	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	53
<b>10.</b>	<b>INFORMATION REPORTS:</b>	<b>55</b>
OCM071/10/12	ACTING CHIEF EXECUTIVE OFFICER INFORMATION REPORT	55
OCM072/10/12	DEVELOPMENT SERVICES INFORMATION REPORT	55
OCM073/10/12	ENGINEERING SERVICES INFORMATION REPORT	56
OCM074/10/12	STRATEGIC COMMUNITY PLANNING INFORMATION REPORT	57
OCM075/10/12	CORPORATE SERVICES INFORMATION REPORT	57
<b>11.</b>	<b>URGENT BUSINESS:</b>	<b>59</b>
OCM076/10/12	RFT010/12 - CIVIC CENTRE REFURBISHMENT WORKS (SJ551)	59
OCM077/10/12	SPECIFIED AREA RATING - THE GLADES RESIDENTIAL ESTATE (LOCAL STRUCTURE PLAN) AND THE GLADES VILLAGE CENTRE (SJ1370)	61
<b>12.</b>	<b>COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:</b>	<b>63</b>
<b>13.</b>	<b>CLOSURE:</b>	<b>63</b>



MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 22 OCTOBER 2012. THE SHIRE PRESIDENT DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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

### IN ATTENDANCE:

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

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

**APOLOGIES:** Nil

Members of the Public - 20

Members of the Press - 1

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

Alan Clarkson, 32 Alice Road, Cardup

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

A1. The Shire is obliged to assess all applications in accordance with the Planning and Development Act 2005, relevant state planning policies, the Shire's Town Planning Scheme and local planning policies. In the event that there is a lack of information submitted, further information would be requested in order to facilitate the decision making process. In the absence of sufficient technical detail being subsequently provided, the Shire has the option to refuse the application.

## 3. PUBLIC QUESTION TIME:

*Public question time commenced at 7.02pm.*

Mr Alan Clarkson, SJ Ratepayers Association - Austral Bricks Extractive Industry Licence

I have said on many occasions before, the SJ Ratepayers Association's main concern is that your officers have been asked to make a decision without all the information being provided by Austral Bricks. It has gone to the SAT and our opinion is that these companies are bullying the Council by saying they will take the council to the SAT and forcing them to make decisions. These people have deliberately withheld very relevant information about hydrology and rehabilitation at the quarry. We ask you, because of the lack of information being provided by Austral Bricks, that they don't get a licence at all.

The Shire President advised that this matter will be addressed at a Council Meeting scheduled in the near future.

Keith Whibley, 22 Cranbourne Way, Byford

Q1. On 13 August I submitted 2 petitions, what has happened to my petitions? I have a letter from LWP about the lake.

The Shire President advised that this item is on tonight's agenda and will be addressed when the item is discussed.

Michelle Rich, 155 Firns Road, Serpentine, 6125

Q1. When the time comes, that the Shire needs new offices, will they build smaller offices throughout the Shire for officers to use?

Q2. When designing public open space do the officers know the difference between passive and active?

Q3. Do officers have any knowledge of the various sporting groups that are currently active within the Shire?

Q4. Do officers know of any field sports being played on a 50 x 50 field?

The Shire President advised that these questions will be taken on notice and responded to in writing.

Walter Cook, 6 Baskerville Street, Mundijong

Some residents are concerned about the new precinct west of Adams St in Mundijong. The problem is the plan residents received did not have enough information on it.

Q1. Why is this section going ahead when we have not seen the overall plan for the whole precinct?

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

Daniella Roberts, Byford Central

Q1. Is it correct that 10% of the land in Byford Central is public open space?

Q2. Can that public open space be changed to another type of public open space?

The Shire President advised that most developments allow for 10% public open space. The Director Development Services advised that Byford Central has approximately 10% public

open space. Public open space that is allocated as recreational public open space can have a variety of uses.

#### Brian Manning, Mundijong

Q1. I refer to the development west of Mader Road in Mundijong, why is this high density subdivision attempting to go ahead when it is clearly against the wishes of the Mundijong / Whitby overall planning committee?

The Shire President advised that this question will be taken on notice and responded to in writing and that the reality is that Mundijong will end up with a larger population due to future developments.

*Public question time concluded at 7.15pm.*

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

*Public statement time commenced at 7.15pm.*

#### Ron Iannello, Lot 199 Jarrahdale Road, Jarrahdale - Final Consideration for Rezoning to Special Use

I wish to thank all involved in unanimously supporting the scheme amendment on 19 December 2012. Hopefully, there remains no valid reason to not approve this application which was first addressed for rezoning in a letter to the Chief Executive Officer, David Price, on 21 November 2003. Nine years have since passed and none of us are getting any younger. I am aware during the advertising stage there was an orchestrated/concerted effort by those whose sole ambition is to see this property consolidated as part of the Heritage Park which is owned by the National Trust and managed by the Shire. In that regard, I wish to point out some important facts to dispel any false conclusions or assertions that have been made.

1. The land was purchased on 16 December 1999 by a tender process through Century 21 in Pinjarra. It took several months before a decision was made by Wesfarmers (Millars/Bunnings) to accept my offer.
2. Both the Shire and the National Trust had passed up the opportunity to acquire this parcel of land when it became available, possibly because the challenge and expense of remediating this land from its denigrated condition was simply too enormous. Today, after 13 years of restoration, its appeal is such that it has appeared in the Community Centre/Shire calendar and has also been used in promotion of the Peel tourist region. I also noticed a photo in the Shire's premises. A 50 acre block which adjoins the Jarrahdale oval was also purchased privately through the tender process from Wesfarmers as again no interest was shown by the Shire or the National Trust.
3. Lot 199 was originally part of the same title of land as the Heritage Park land known as Murray Location 86 on CT vol. 1456 fol 963. The whole of this land contained a memorial by the Heritage Council of WA. In 1999 this rural title was split into two lots being Lot 199 (my block) and Lot 200 (Heritage Park). The memorial was lifted on Lot 199 as there were no buildings of heritage classification; in fact there were no buildings at all. The memorial was retained on Lot 200. Once again as a result of the recent advertising process the Heritage Council of WA has expressed they have no objection to the rezoning of Lot 199 for special use.
4. No, no, no, I am not going to build a casino. I am not Kerry Packer, so put that rumour to bed.

Over the years there have been a number of workshops and forums conducted by the Shire in relation to Lot 199 with up to 30 people in attendance. Each time the overriding view

was to see development which would be visually attractive and would provide a boost to tourism and employment especially since both Alcoa and Bunnings had closed down their operations. This project meets those criteria.

Lot 199 was one of the first residential developments in Jarrahdale, chosen by our forefathers in approximately 1880, to construct a church, a manse, a garden centre, a store and several timber cottages. The majority of these buildings were destroyed by fire and the church was relocated to Mundijong. If it had not been subjected to a series of natural hazards this block would today, still be a thriving community.

Land immediately adjoining to the north west of Lot 199, on the same side of the road down to George Parolo's workshop, is already zoned special use. This rezoning took place on 24 October 2005 at an ordinary Council meeting. The Shire's own holdings in Millars Road, Staff Street and Kingsbury Drive were also rezoned to special use on 24 October 2005. No doubt these rezonings were as a consequence of my several submissions for rezoning to special use of Lot 199 since they occurred after my submissions. The purpose of the Shire's rezoning was "to increase the range of commercial and tourist orientated uses and increase the potential vitality and economic activity within the Jarrahdale town site and enable local employment opportunities in a variety of fields". None of the owners of the special use zones have taken advantage of the rezoning and the objective and intent have never been fulfilled, mainly because we are essentially dealing with small residential blocks. The rezoning of Lot 199 has much larger blocks, more suitably located and will deliver on meeting the Shire's objectives.

Finally, I wish to remind everyone that this is a much reduced development proposal to an earlier, approved, proposal for this Lot which included an additional 11 strata blocks. The present zoning of rural does not impede development but could see projects of a rural nature occur which may not be conducive to the surrounding residents. A special use zone would eliminate that prospect. The current proposal will have a substantially reduced impact on the visibility to the site and will have substantially less impact on the environment. Tonight's decision is a rezoning consideration, not a subdivision proposal/development. I look forward to your continued support and for the endorsement of the officer's recommendations.

#### Maria and Philip Jones, 62 Adams Street, Mundijong – Local Structure Plan Submission

*Statement Conclusion of Submission dated 06/06/12 (Local Structure Plan – Portion of Precinct E Lots, 7, 900, 9001, 9003 & 9005, Adams Street, Mundijong)*

##### *Public access way:*

Reference is made to figure 7, Local Structure Plan, Greg Rowe – No public access way has been planned for pedestrians/cyclists travelling north to Scott Road where a school site has been identified. However, public open space is planned from the west through to the east border concluding at Adams Road of the sub Division Development. I propose a further public access way to accommodate cyclists and pedestrians through the sub division concluding at Scott Road.

##### *Road widening / roundabouts to service the new subdivisions – 2.3.1 Adams / Taylor Roads (description Major Road):*

Reserves for road widening of Adams/Taylor Roads and roundabouts planned for Adams/Taylor Roads, we feel should be the responsibility of the developers planning to service the sub division on the west of Adams/Taylor Roads, thus indemnifying any obligation in the future of the long term residents/property owners of Adams/Taylor Roads, owning small parcels of land approximately 1-2 hectares in comparison to the developer's vast holding of approximately 94 hectares.

##### *Rates:*

What impact are the proposed R-Codes

R25 – 350m<sup>2</sup> – 500m<sup>2</sup>

R30 – 300m<sup>2</sup> – 375m<sup>2</sup>

R40 – 240m<sup>2</sup> – 300m<sup>2</sup>

going to have once again on the small land owners on the east side of Adams/Taylor Roads.

Are we going to have to sustain future increases in our rates, due to small R Codes in place for the subdivision, the outcome of which will prove too costly to sustain for the many residents of Precinct F?

Will the rate payers of Precinct F have to sustain rate increases to establish and maintain public open space ie lakes etc as has been shown to happen recently in Byford where the rate payers are expected to pay now and in the future, for works not yet completed, which should be the responsibility of the developer?

#### *Conclusion*

Planning for future requirements of the subdivision such as road/widening, roundabouts, drainage, public open space and public buildings, schools etc should be placed within the huge areas surrounding the township of Mundijong acquired by developers in the last few years, thus minimising the impact on small property owners now and in the future who have lived and contributed to the community over many years.

The Director Development Services advised that the land is zoned urban. The Director Corporate Services advised he will respond in writing after assessment of the statement.

*The Acting Director Engineering left the room at 7.23pm.*

*Public statement time concluded at 7.26pm.*

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

Nil.

## **6. PRESIDENT'S REPORT:**

The Shire President presented the Acting Chief Executive Officer with a floor rug from the Town of Mosman Park that was presented to the Acting Chief Executive Officer some years ago, as a memento of his many years of dedicated service to local government.

*The Acting Director Engineering returned to the room at 7.28 pm.*

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

Cr Moore declared a financial interest in item OCM067/10/12 as he owns land within the area. He will leave the room while this item is discussed and will not vote on the matter.

Cr Atwell declared a financial interest in item OCM065/10/12 as he owns land within the area. He will leave the room while this item is discussed and will not vote on the matter.

Cr Urban declared an interest of impartiality in item OCM066/10/12 as he lives within the area.

Cr Kirkpatrick declared in interest of impartiality in item OCM064/10/12 as his stepson has a commercial interest in the item. This will not affect the way he votes.

Cr Kirkpatrick declared a financial interest in item OCM077/10/12 as he lives in the estate. He will leave the room while this item is discussed and will not vote on the matter.

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

**8.1 Ordinary Council Meeting – 8 October 2012**

**Moved Cr Harris, seconded Cr Wilson**

**The attached minutes of the Ordinary Council Meeting held on 8 October 2012 be confirmed. ([E12/7182](#))**

**CARRIED 9/0**



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

OCM063/10/12	PROPOSED LEASE AGREEMENT – SERPENTINE & DISTRICTS GOLF CLUB AND SERPENTINE JARRAHDAL SHIRE (RS0180/07)
Author:	Kristen Cooper - Corporate Services Support Officer
Senior Officers:	Alan Hart - Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

### EXECUTIVE SUMMARY

The previous 21 year lease with the Serpentine & Districts Golf Club expired on 13 June 2009. Council resolved on 14 May 2012 to advertise the disposition of property in accordance with Section 3.58 of the *Local Government Act (1995)*.

### RELEVANT PREVIOUS DECISIONS OF COUNCIL

OCM145/05/12 endorsed the terms and conditions of the draft Lease.

### COMMUNITY / STAKEHOLDER CONSULTATION

In accordance with the *Local Government Act (1995)*, the proposed disposition was advertised in the local press on 24 May 2012 for a three week period and no submissions were received.

### REPORT

The term of the lease is for 10 years, with the option for a further term of five years, for \$500 per annum, excluding GST.

It is therefore recommended that Council endorse the lease and authorise the Shire President and Acting Chief Executive Officer to sign the lease agreement.

### ATTACHMENTS

- [OCM063.1/10/12](#) - Lease agreement between Serpentine & Districts Golf Club and Serpentine Jarrahdale Shire (IN12/15306)

### ALIGNMENT WITH OUR PLAN FOR THE FUTURE

Sporting clubs and various types of community groups play a vital role in the community's well being. The activities of this group do not adversely affect or impact on the adjoining property owner's quality of life.

### STATUTORY ENVIRONMENT

Section 3.58 of the *Local Government Act (1995)* as amended - Disposal of Property by way of selling, leasing or otherwise applies and Council is required to advertise the proposed disposition in accordance with the provisions of this section of the Act. Further, a valuation must be carried out not more than six months before the proposed disposition.

### FINANCIAL IMPLICATIONS

There will be some minor financial implications for Council as a result of this proposed lease agreement. All costs in relation to the preparation of the lease will be paid by the Lessee.



There is an annual lease fee payable by the Lessee for the use of the property. The club funds all maintenance of the lease area from their own budget.

**VOTING REQUIREMENTS** Simple Majority

#### OFFICER RECOMMENDATION

That Council authorise the Shire President and Acting Chief Executive Officer to sign the lease agreement as per attachment OCM063.1/10/12.

#### **OCM063/10/12 COUNCIL DECISION/Councillor Recommendation**

**Moved Cr Wilson, seconded Cr Urban**

**That Council defer this item by one month to allow further discussions with the Serpentine & Districts Golf Club.**

**CARRIED 6/3**

**COUNCIL NOTE: Item deferred to allow further consultation with the Serpentine & Districts Golf Club.**

OCM064/10/12	FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 31 - BYFORD TOWN CENTRE DESIGN GUIDELINES (SJ1112)
Author:	Peter Varelis - Senior Strategic Planner
Senior Officers:	Deon van der Linde - Executive Manager Strategic Planning Suzette van Aswegen - Director Strategic Community Planning
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Proponent: Serpentine Jarrahdale Shire  
 Owner: Various  
 Town Planning Scheme No. 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban

#### **EXECUTIVE SUMMARY**

Draft Local Planning Policy 31 - Byford Town Centre Design Guidelines (LPP 31) was prepared to facilitate and coordinate desired built form and development outcomes within the Byford Town Centre Local Structure Plan (BTCLSP) area.

At the Ordinary Council meeting on 22 February 2010, Council of the Serpentine Jarrahdale Shire (the Shire), gave consent to advertise LPP 31. LPP 31 was advertised in accordance with the provisions of Part IX of the Shire's Town Planning Scheme No. 2 (TPS 2).

Submissions were received from the community and various stakeholders. This report discusses the implications of these submissions and in light of the feedback received, proposes some modifications to LPP 31.

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

OCM027/02/10 – Council provides consent to advertise LPP 31.

#### **COMMUNITY / STAKEHOLDER CONSULTATION**

Draft LPP 31 was advertised in accordance with the requirements of TPS 2, by way of advertisement in local newspapers, publication on the Shire website and information

sessions held at the Serpentine Jarrahdale Recreation Centre in 2010. Various submissions were received; officers have sought to resolve most of these issues by way of modifications.

Should Council proceed with final adoption of the revised Policy the following shall occur in accordance with Provision 9.3 of TPS 2:

- A notification shall be published once in a newspaper circulating within the area; and
- A copy of the Policy shall be forwarded to the Western Australian Planning Commission (WAPC).

## REPORT

### LPP 31

LPP 31 has been prepared to assist in realising the development vision and objectives for the Byford Town Centre and it is a critical component of the Local Structure Plan (LSP). This Policy has been prepared to facilitate and coordinate desired built form and development outcomes within the BTCLSP area. It primarily addresses the urban form outcomes that the LSP requires in accordance with the vision objectives of the BTCLSP which are:

#### A. A Vibrant and Integrated District Centre:

- A vibrant town centre containing a mix of retail, commercial, civic, recreation and residential uses consistent with its role as a District Centre;
- The existing and expansion areas of the town centre are seamlessly integrated and connected, and demonstrate historical and contemporary reflections of the local rural character; and
- The location of major store anchors, high quality shopfront environments and car parking areas contribute to an active main street environment.

#### B. Identifiable Character and Distinct Sense of Place:

- Natural, cultural and heritage features, landmarks and public art within the public realm, contribute to sense of place; and
- A network of public space and open space corridors contribute to the rural and bushland feel of the area.

#### C. A Safe Pedestrian and Transit Oriented Place:

- There are many streets and pedestrian routes leading to a transit hub;
- Open space areas are provided with passive surveillance; and
- The street network and urban environment provides high levels of connectivity and legibility.

#### D. A Place that Capitalises on its Environmental Assets:

- Existing natural assets such as mature and remnant vegetation and streams are central to public realm themeing;
- The main street environment is sheltered from strong easterly winds; and
- Existing views and vistas to and from the centre are maintained.

#### E. A Water Integrated Place

- Living streams and swales are a feature of the town centre and contribute to sense of place as well as perform a drainage, bio-retention and recreation.

Design guidelines generally provide a framework for the more detailed implementation of LSP. Design guidelines are used to assess subdivision and development applications for the respective areas to which they apply. Design guidelines are usually supplementary to the

primary overarching framework, which is defined through the relevant LSP, and are intended to guide subdivision and development toward a desired level of quality through the design of the physical environment. Applications need to be assessed against General Policy Requirements and relevant Precinct Specific Policy Requirements in the Policy.

The General Policy Requirements of the Guidelines focus on the following Design Elements:

- Building height
- Landmark location
- Boundary treatment
- Signage
- Crime prevention
- Private outdoor space
- Landscaping
- Setbacks
- Visual and acoustic privacy
- Outdoor seating
- Parking
- Stormwater management
- Building articulation and building materials
- Entrances and pedestrian access
- Architectural character
- Roofscape
- Building orientation
- Weather protection
- Site facilities

LPP 31 also divides the BTCLSP area into seven precincts each with its own design characteristics and requirements for urban form. The Precinct Specific Policy Requirement section contains the Policy Requirements applicable to the Precincts within the Byford Town Centre LSP area and must be read in conjunction to the General Policy Requirements in section 2. The Precinct Requirements override the General Policy Requirements where any inconsistency exists. This LPP identifies the following seven precincts:

- Town Centre Precinct;
- Abernethy North Precinct;
- Abernethy South Precinct;
- Town Centre East Precinct;
- Highway Commercial Precinct;
- Residential Precinct; and
- High School Precinct.

Proponents seeking to develop wholly or partly within the Policy area will be expected to carefully consider the context of their proposal and identify the Policy Provisions which apply. In order to depart from any provisions, rationale will have to be presented based on the particular circumstances of the site and justified against the development vision, discussed below, and relevant Design Objectives. Furthermore, this Policy can only be implemented in a flexible manner if the applicant can demonstrate that the objectives will not be compromised and that urban design and economic development advantages to the centre would result from the proposal.

Proponents are usually strongly encouraged to liaise with the Shire as early as possible in the design process to ensure the intent and requirements of this Policy and the accompanying Town Centre Strategy are satisfactorily addressed. Developers are also strongly encouraged to engage the services of a suitably experienced and qualified Architect and/or Planner who can respond to the local context in an innovative and contemporary way.

Overall, all applications will be determined on their individual merits, having regard to the requirements of this Policy and other relevant requirements.

### BTCLSP

At the Special Council Meeting held on 13 February 2007, Council initiated the BTCLSP process by resolving the following:

*'Council immediately commences the Local Structure Planning for Byford Town Centre, with the Council taking the lead role and working in collaboration and partnership with the affected landowners.'*

The detailed planning process commenced in May 2007 when a vision workshop was held and attended by landholders, developers, Councillors, Shire officers and members of the community.

In April 2008 a tender was issued to appoint a lead consultant to assist with the commencement of a number of documents including the preparation of a LSP, Implementation Strategy, Design Guidelines and associated technical documentation.

Since this time the BTCLSP has been the subject of various forms of community consultation, formal advertising and Council decisions over the last three years. After a robust consultation and statutory process, Council considered proposed modifications that were requested by the Department of Planning (DoP). The modifications were discussed at an officer level with the DoP on 18 May 2011, and then examined by Council in a briefing session held on the 31 May 2011. At the latter session, officers of the DoP discussed the proposed modifications with the aim of seeking Council agreement to those changes.

Council then considered the modifications at a Special Meeting held on 2 June 2011 and resolved to advertise the modifications for public comment for a period of 14 days as Council saw them to be substantively different to the Shire's endorsed LSP. This advertising period closed on 8 July 2011.

Council then, at its Ordinary Meeting held on 22 August 2011, resolved to not accept a number of the DoP recommendations; this was conveyed through written correspondence to the DoP.

Subsequent to Council's decision, the Statutory Planning Committee of the WAPC, at its meeting held 13 December 2011, considered Council's resolution. The Shire's technical staff and consultant made a deputation as a formal delegation of the Shire to the Statutory Planning Committee regarding the modifications prior to the determination being made. The primary themes of the presentation were to: Outline of the rigorous design and consultation process the BTCLSP had been through; and Raise issues surrounding modifications to the Shire's open swale drainage philosophy including; principles, approaches, implications and ongoing implementation.

Subsequently the WAPC made the decision to adopt the BTCLSP as modified by the DoP. The Statutory Planning Committee of the WAPC did not consider Council's comments about drainage as significant enough to resort to the LSP that the Council had endorsed. The Shire's primary contention with the modifications surrounds drainage. The WAPC in making its determination concurred with the Shire on other matters including but not limited to pedestrian access to the Byford Trotting Complex, requirements for Detailed Area Plans, (DAP) and the boundaries of the Town Centre LSP.

In February 2012, the Council of the Serpentine Jarrahdale Shire, considered the WAPC determination and resolved to reject modifications to the Shire's BTCLSP that were approved by the WAPC. An appeal was then lodged against the WAPC determination with the State Administrative Tribunal (SAT), since lodgement of the appeal the following has occurred:

1. The DoP have bought into question the Shire's jurisdiction to appeal the WAPC's decision. As a result, the issues surrounding specific modifications to the BTCLSP have not been explored and will not be explored until such time as the SAT have determined the preliminary issue surrounding the Shire's jurisdiction to appeal the decision.

2. The hearing for the preliminary matter concerning the Shire's jurisdiction to appeal the WAPC have concluded and the Shire is awaiting the decision from the SAT.

An aspect that is of importance to understand the current situation is that there is a distinct possibility that further changes may be made to the BTCLSP and its components to ensure implementation.

State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2) states that one of the key requirements to its implementation is the preparation of Activity Centre Structure Plans and District and LSPs. Clause 6.4(1) stipulates that Activity Centre Structure Plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In the context of Byford being a district centre, SPP 4.2 requires an Activity Centres Plan. The Shire has invested significant time and resources into the detailed planning for the BTCLSP, it has been acknowledged by the Shire and DoP that the BTCLSP coupled with technical investigations such as the Byford Town Centre Strategy, Design Guidelines and Parking & Access Strategy provides enough detailed guidance for it to also provide guidance as an activity centres plan. Until such time as the BTCLSP is settled with the WAPC in the SAT the technical investigations to support the BTCLSP being an activity centres plan cannot be properly finalised. The Shire currently has, however, appointed suitably qualified consultants to assess the requirements of the BTCLSP from a parking and access perspective. Modifications may be proposed in the context of new traffic information and work undertaken by Main Roads WA (MRWA) regarding restricted access on South Western Highway. The study, at its conclusion, may recommend specific modifications.

The modifications approved by the WAPC may also require further revision and a subsequent set of modifications may be put forward by the Shire and major landowners. The landowner modifications are being proposed in the context of effective and cost efficient drainage solutions. It is understood that the landowner investigating modifications has suitably qualified consultants engaged to undertake this investigation and at the conclusion may recommend specific modifications.

#### Implementation of LPP 31 in the Current Environment

The discussion in the above paragraphs reflects the reality that the BTCLSP is not finalised and the Shire and DoP have differing opinions on the particulars of the BTCLSP. The path forward for resolution of these issues will be known once the SAT makes the determination on the Shire's jurisdiction to appeal the decision of the WAPC. At the present time, therefore, there is no finalised statutory framework to assess detailed development or subdivision applications against the BTCLSP. Details pertaining to the general urban structure, form / function of land use and guidance on detailed design have also not been finalised and many of the particulars in dispute may profoundly affect the outcome of development or submission applications.

Council has two options regarding LPP 31:

- Option 1: The Shire has advertised and received submissions on LPP 31 and there is an expectation from stakeholders that the matter will be finalised to provide design guidance in the preparation and assessment of development and subdivision applications. It is therefore prudent, that Council finalise the components of the LSP such as LPP 31 and adopt them as Policy for use in the assessment of development and subdivision applications. This option will require further minor modifications to LPP 31 when the matters concerning the appeal are resolved through the SAT; or
- Option 2: Alternatively, Council could choose to not adopt LPP 31 at the current time and await the outcomes of the SAT appeal and other possible modifications before finalising the Policy. The Design Guidelines deemed satisfactory for advertising



will have to be utilised for assessment of applications as it is deemed a “seriously entertained planning document” once advertised. The submissions received and resulting changes made to the Policy document will not be incorporated in the assessment of submitted Development Applications. The risk in this option is that the development applications currently lodged will be assessed against an older, less relevant design framework, thereby seriously jeopardising the anticipated outcomes for the Town Centre.

The officer recommended option is Option 1, as the finalisation of LPP 31 will provide officers with a more up to date design framework to assess any subdivision or development applications.

## ATTACHMENTS

- [OCM064.1/10/12 part 1](#) - LPP 31 – Byford Town Centre Design Guidelines (as advertised) (IN09/12390)
- [OCM064.1/10/12 part 2](#) - LPP 31 – Byford Town Centre Design Guidelines (as advertised) (IN09/12390)
- [OCM064.1/10/12 part 3](#) - LPP 31 – Byford Town Centre Design Guidelines (as advertised) (IN09/12390)
- [OCM064.1/10/12 part 4](#) - LPP 31 – Byford Town Centre Design Guidelines (as advertised) (IN09/12390)
- [OCM064.1/10/12 part 5](#) - LPP 31 – Byford Town Centre Design Guidelines (as advertised) (IN09/12390)
- [OCM064.2/10/12](#) - Summary of submissions, responses and modifications (E12/6393)
- [OCM064.3/10/12](#) - LPP 31 – Byford Town Centre Design Guidelines (as modified) (IN12/14390)

## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

An assessment against the Shire’s Plan for the Future identifies that LPP 31 broadly aligns with the following key actions:

- Ensure the built form complements and enhances the rural environment;
- Plan for the preservation of rural land and its integration with urban and rural villages;
- Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth;
- Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities;
- Protect the landscape and environmental values of natural reserves and areas from the impacts of development;
- Develop comprehensive governance policies and strategies;
- Ensure sustainable growth through the provision of suitable employment industries; and
- Our structure, processes, systems and policies are aligned with the Plan for the Future.

As part of responsibly planning for future urban and rural populations it is vital that strategic employment areas are identified in the Shire with planned medium to long term development horizons.

## STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*: The establishment of an effective policy suite to support planning decision making processes is consistent with the *Planning and Development Act 2005*.
- State Planning Policy 4.2 - Activity Centres for Perth & Peel

- Draft Serpentine Jarrahdale Activity Centres Strategy
- TPS 2: Clause 9.3 requires that, following advertising of proposed Local Planning Policies (LPP), the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt, with or without modifications, or not proceed with the draft Policy
- Draft BTCLSP
- Local Planning Policy No. 70 - Serpentine Jarrahdale Activity Centres (LPP 70)

### FINANCIAL IMPLICATIONS

LPP 31 and associated costs have been budgeted for through the Shire's annual budgeting process.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM064/10/12 COUNCIL DECISION/Officer Recommendation**

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

- A. Acknowledge the submissions received during the advertising of draft Local Planning Policy No. 31 - Byford Town Centre Design Guidelines.**
- B. Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2, adopt Local Planning Policy No. 31 - Byford Town Centre Design Guidelines as provided in attachment OCM064.3/10/12.**
- C. Following final adoption of the Policy by Council, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.**
- D. Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.**
- E. Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.**
- F. Advise all submitters of Council's decision.**

**CARRIED 9/0**

*Cr Atwell left the room at 7.41pm as he declared a financial interest in item OCM065/10/12.*

OCM065/10/12	ADOPTION OF LOCAL STRUCTURE PLAN – LOTS 6, 7, 9000, 9001, 9003 & 9005 ADAMS STREET, MUNDIJONG (SJ1052)
Author:	Michael Daymond - Senior Planner
Senior Officers:	Louise Hughes – Manager Statutory Planning Brad Gleeson - Director Development Services
Date of Report:	12 September 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Proponent:  
Owner:

Greg Rowe & Associates  
Investa Residential Group Pty Ltd, J. Munday,  
QUBE Adams Street Mundijong Development Ltd  
and KC & MS Gilbert



Date of Receipt: 14 November 2011  
Lot Area: 94.83 hectares  
Town Planning Scheme No. 2 Zoning: Urban Development  
Metropolitan Region Scheme Zoning: Urban  
Precinct: Precinct E1

## EXECUTIVE SUMMARY

A draft Local Structure Plan (LSP), for a portion of Precinct E within the Mundijong-Whitby District Structure Plan (DSP) area, was deemed satisfactory for advertising by Council at its meeting of 10 April 2012. The draft LSP, which proposes a variety of residential densities, potentially resulting in the creation of over 1,000 lots, has since been advertised for public and government agency comment. This report provides the opportunity for Council to consider the submissions received and several key issues. It is recommended that the draft LSP be adopted subject to modifications.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

OCM117/04/12 – 10 April 2012 – Proposed LSP to be advertised pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 (TPS 2), subject to modifications.

## COMMUNITY / STAKEHOLDER CONSULTATION

The proposed LSP was advertised for a period of 23 days from 16 May until 8 June 2012, inclusive, 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;
- Advertisement in the local newspaper;
- Publication on the Shire's website; and
- Copies made available at the Shire Administration building and library.

As a result of the advertising, 18 submissions were received.

## REPORT

### Background

The long term planning for the urbanisation of Mundijong and Whitby commenced in 1994 through the identification of the area for urban purposes within the Serpentine Jarrahdale Shire Rural Strategy. Subsequent to this, the area surrounding the Mundijong rural village was rezoned to 'Urban' through a Metropolitan Region Scheme (MRS) amendment in 2006. In December 2010, the Mundijong-Whitby DSP was approved by the Western Australian Planning Commission (WAPC) to guide the structure, vision and objectives of future urban development for the area. The Mundijong-Whitby DSP was subsequently finally adopted by Council at its meeting held 22 August 2011.

The Mundijong-Whitby DSP identifies objectives and planning principles for each of the seven precincts that form the DSP area. The DSP requires further detailed design and planning to articulate the vision and objectives at LSP stage. The proposed LSP extends over proposed sub-precinct E1 of the DSP and seeks to provide this information to allow for land development to occur. This item seeks to enable the progression of the LSP by considering all submissions received and outline a framework for determination and adoption of the LSP.

### Comment

The following provides an update on the outstanding matters to be resolved prior to final approval of the LSP by the WAPC:

1. Local Water Management Strategy;
2. Noise Management Plan; and
3. Landscape and Built Form Design Guidelines.

Other outstanding matters in regard to the LSP, but which do not preclude the final approval of the LSP by the WAPC, include:

4. Waste Water Pump Station location and associated buffer requirements;
5. Development Contribution Scheme; and
6. Densities.

### 1. Local Water Management Strategy

The original Local Water Management Strategy (LWMS) prepared to support the LSP proposed discharge and retention of some 1 in 100 year rainfall event drainage within the Water Corporation Service Corridor, in accordance with the District Water Management Strategy. The Water Corporation has now advised they will not accept this approach, and will only accept pre-development flows within the corridor.

In this regard, further modelling was undertaken for the site which identified the drainage proposed for the service corridor can be accommodated within the proposed Public Open Space (POS) areas on site without any modifications to the configuration or size, or any significant adverse impacts on the functionality or use of the POS, as proposed by the LSP.

The LWMS has been updated for assessment prior to being forwarded to the Water Corporation. The updated LWMS also includes a number of other minor modifications resulting from the submissions received during advertising and further discussions with the Shire, the Water Corporation and the Department of Water (DoW).

It is recommended that Council require the LWMS to be approved by the Shire, the DoW and the Water Corporation prior to the LSP being forwarded to the WAPC for approval.

### 2. Noise Management Plan

The Tonkin Highway reservation runs parallel to the western boundary of the site. The Water Corporation service corridor provides a 60 metre buffer between the site and the Tonkin Highway reserve. The proposed West Mundijong Strategic Industrial Area, including a potential intermodal facility, is situated west of the Tonkin Highway Reservation. Investigations for the realignment of the freight rail through this area are also currently being undertaken by the Shire.

A Draft Noise Impact Assessment has been prepared for the site. The assessment considers the potential noise impact from the future Tonkin Highway extension on future residences. The results of the noise assessment demonstrate that, given the 60 metre buffer created from the Water Corporation Service Corridor, noise impacts from Tonkin Highway will be relatively minimal, with the upper limit  $55_{LAeq (Day)}$  contour only extending into approximately the first row of lots adjacent to the western boundary of the site. This contour is based on the assumption of a 1.8 metre masonry or concrete wall/fence being constructed along the western boundary of the site. In addition, 'Package A' deemed to comply standards will satisfy the quiet house design requirements for those lots affected by the  $55_{LAeq (Day)}$  contour, in accordance with State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4). These design requirements will be further detailed in the Noise Management Plan (NMP) required to be prepared for the site.

The next step is for the proponent to prepare a NMP for the site in accordance with SPP 5.4, and associated implementation guidelines. The NMP will set out the roles and responsibilities for noise mitigation against the various noise sources potentially affecting the site. The key noise sources potentially affecting the site include:

- Tonkin Highway reservation;
- West Mundijong Strategic Industrial Area (and potential intermodal facility); and
- Freight rail realignment.

Through liaison between the Shire, the proponent, Main Roads WA (MRWA), and the Department of Transport (DoT), it has been informally agreed that the proponent will be responsible for mitigating against noise from the future Tonkin Highway extension only. The Shire will be responsible for mitigating noise generated by the West Mundijong Industrial area, and the DoT will be responsible for noise emanating from the freight rail.

It is recommended that the NMP be submitted and approved by the Shire, on advice from MRWA, prior to the LSP being forwarded to the WAPC for approval. This is reflected within the schedule of modifications.

SPP 5.4 also provides the ability to mitigate noise emissions through possible management techniques, including building design and construction techniques of future dwellings. It is important that the LSP provides statutory provision for the implementation of these mitigation techniques at development stage. In this context, it is recommended that the LSP be amended to reflect the need for Detailed Area Plans (DAPs) to be prepared for all lots directly abutting the Water Corporation service corridor. The DAPs will specify the specific noise amelioration measures that are to be implemented during the construction of the dwellings that abut the service corridor. This is reflected within the schedule of modifications.

### 3. Landscape and Built Form Guidelines

As required by the Shire's district planning framework, Landscape and Built Form Guidelines are required to be prepared and lodged with the Shire for approval prior to the finalisation of the LSP.

The final content and implementation requirements of the Guidelines are yet to be determined by the Shire. However, through liaison between the Shire and the proponent the method of implementation is likely to be an overarching set of guidelines that will form part of the LSP, with detailed area specific development standards and requirements being prepared and approved at the subdivision stage following detailed design. These standards will be implemented through a DAP, and also through the detailed landscape and engineering drawings required to be approved by the Shire to enable construction and subdivision clearance.

It has been agreed between the Shire and the proponent that the guidelines will focus primarily on the public realm, ie streetscapes and POS, which will seek to set a standard for the remainder of development within the LSP area. Built form control within the private realm is proposed to primarily be implemented at the DAP stage, and is to focus on climate responsive design, ie maximising solar access etc, and maintaining a sense of identity and character across the LSP area. As required by the statutory section of the LSP, the guidelines are required to be prepared and approved prior to the finalisation of the LSP.

### 4. Waste Water Pump Station

The Water Corporation has yet to determine the final location, size and configuration of the planned major wastewater pump station that will ultimately convey wastewater from the south east metropolitan area, including Byford and Mundijong, westwards to the future East Rockingham Waste Water Treatment Plant. This pump station is depicted on the DSP and

LSP as being located in the vicinity of the intersection of Scott Road and the Water Corporation Service Corridor.

The Water Corporation is currently undertaking investigations on the location and size of the pump station site that will need to be shown on the LSP and land to be set aside for future acquisition by the Water Corporation, as well as the extent of the odour buffer and likely pump station staging options.

These investigations will include the pump station catchment requirements and an implementation plan which will determine the location, size and configuration of the ultimate pump station site having regard to staging options, storage volume requirements, geotechnical ground conditions, environmental and heritage considerations and other approvals that will be required to confirm the suitability of the site for the construction of the ultimate pump station infrastructure. Advice from the Water Corporation suggests these investigations are due to be completed in October 2012.

In the interim, the LSP shows an 'Investigation Area' of approximately 5 hectares around the proposed pump station. The Investigation Area means the zones, reserves and road network identified on the LSP within this area have no force and effect until the WAPC is satisfied on advice of the Shire and the Water Corporation that the land requirements for the pump station and associated odour buffer have been determined and appropriately addressed.

#### 5. Development Contribution Scheme

The Shire has commenced a Development Contribution Plan (DCP) for the Mundijong-Whitby DSP area. It is likely a combined DCP will be prepared, incorporating both traditional and community infrastructure items.

#### 6. Density

One of the key issues raised by residents during the advertising period was the perceived social issues and negative connotations associated with the proposed densities. It would appear these comments are based on a misunderstanding associated with medium urban densities within a historically rural setting. It is often a misconception that higher densities result in small lots, rather densities result in wider range of lots and housing diversity. This provides for more interest to the streetscape and caters to a more for a greater diversity in population. The LSP proposes a base density of R25 with pockets of higher density R30 and R40 areas.

Residential development within new urban areas has historically utilised a base density code of R20, minimum site area of 440m<sup>2</sup> and an average of 500m<sup>2</sup>. This has eventuated in areas achieving an urban density of between 10 to 13 dwellings per gross hectare. Directions 2031 and Beyond (WAPC 2010) promotes increases in housing diversity, adaptability, affordability and choice. More specifically, Directions 2031 seeks new urban areas to meet density requirements of 15 dwellings per gross hectare. This is also reflected under the provisions of Liveable Neighbourhoods (LN) which stipulate a minimum of at least 15 dwellings per gross hectare with an average of 22 dwellings per site hectare across new urban areas. This is further supported by the Shire's Local Planning Policy 57 - Housing Diversity Policy (LPP 57) which acknowledges the objectives of Directions 2031 through housing diversity provisions applicable to all 'urban' zoned land within the Shire.

Facilitating housing choice also presents additional secondary benefits to the community. A greater depth in community demographic facilitates the provision and utilisation of a wider range of services, facilities and public spaces. A greater range in housing stock over time also allows populations to age in place, forming and maintaining strong community bonds. Diversity can also provide greater certainty and reduced risk to the developer on a stage by stage basis by allowing a number of household types to be targeted within one land release.

This can minimise the amount of stock held at any one time, reducing exposure to a shifting market.

In order to achieve the above density targets and housing diversity requirements, the LSP proposes a mixture of densities, utilising a base code of R25 with smaller pockets of R30 and R40 situated adjacent to areas of higher amenity such as public open space areas and within the walkable catchment of the proposed local centre. The proposed densities facilitate subdivision to create lots with a range of sizes below:

- Lots within the R25 zone to typically comprise areas of 320m<sup>2</sup> – 510m<sup>2</sup>;
- Lots within the R30 zone to typically comprise lot areas of 300m<sup>2</sup> – 375m<sup>2</sup> and are generally located adjacent to POS. These lots will be both front and rear loaded; and
- Lots within the R40 zone to typically comprise lot areas of 225m<sup>2</sup> – 300m<sup>2</sup>, rear loaded.

Whilst areas of higher density are generally situated adjacent to public open space, the intention is also to provide a variety of lot product on a street block basis. This ensures a diverse range of housing types is delivered across the entire LSP area, creating greater choice and affordability. An R25 coding is therefore generally applied as the base code throughout the LSP area. This density allows for a variety of lot configurations reflective of standard housing product including frontages of 12.5m, 15m and 17m. The R25 coding allows for greater flexibility in the delivery of lot diversity in comparison to the alternate R20 code, which limits lot configurations to only standard 15m and 17m frontages.

### Options

Council is presented with a series of options in progressing the LSP.

Option 1: Adopt the proposed LSP with modifications;

Option 2: Adopt the proposed LSP without modifications; or

Option 3: Refuse to adopt the proposed LSP and provide reasons to the proponent.

Option 1 is recommended to enable the progression of the LSP.

Once a decision has been made, Shire staff will forward the draft LSP, a copy of Councils decision, a summary of the submissions received and any other relevant information to the WAPC for its consideration.

The Shire is bound by the requirements under TPS 2 and in accordance with clause 5.18.3.7 the Shire is to consider all submissions received within 60 days of the close of the advertising period. The proponent has had the option to accept that the LSP has been deemed refused and have the LSP forwarded to the WAPC for determination. However, the applicant has been willing to work with the Shire and has been of the understanding that the LSP would be adopted subject to modification.

### Conclusion

The advertising of the LSP identified a number of matters that Council needs to consider in determining whether to adopt the LSP, with or without modification. The LSP provides a planning framework to guide the urban development of the subject land. The proposed land uses and subdivision layout are considered to be consistent with state and local planning policies together with the planning context provided under the MRS, TPS 2 and the DSP. With some minor suggested modifications, the LSP is considered to provide a suitable framework for future subdivision and development.

## **ATTACHMENTS**



- [OCM065.1/10/12](#) - Locality plan and aerial photograph (IN12/6912)
- [OCM065.2/10/12](#) - LSP map (IN12/6912)
- [OCM065.3/10/12](#) - LSP statutory section (IN12/6912)
- [OCM065.4/10/12](#) - Schedule of submissions (E12/6508)
- [OCM065.5/10/12](#) - Schedule of modifications (E12/6518)

## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The proposed LSP has been assessed against the Plan for the Future requirements and is considered to comply with the objectives, particularly in relation to the provision of well designed residential development in proximity to town centres and existing transport routes and networks.

## STATUTORY ENVIRONMENT

The LSP was assessed in accordance with TPS 2, the DSP and Local Planning Policy (LPP) requirements.

### LPP's

The LSP preparation and assessment has been undertaken in accordance with the following Local Planning Framework:

- LPP 4 - Revegetation Policy;
- LPP 6 - Water Sensitive Design;
- LPP 8 - Landscape Protection;
- LPP 24 - Designing Out Crime (draft);
- LPP 26 - Biodiversity Planning;
- LPP 27 - Stakeholder Engagement in Land Use Planning;
- LPP 29 - Mundijong-Whitby Planning Framework;
- LPP 43 - Hazards and Natural Disasters;
- LPP 57 - Housing Diversity;
- LPP 60 - Public Open Space;
- LPP 61 - Local Structure Plan;
- LPP 62 - Urban Water Management (draft);
- LPP 63 - Integrated Transport and Land Use Planning (draft);
- LPP 67 - Landscape and Vegetation (draft); and
- LPP 68 - Sustainability Assessment.

## FINANCIAL IMPLICATIONS

Urbanisation and development within the Shire will result in indirect financial cost implications for Council with increased demand for the provision of services provided by the Shire.

## VOTING REQUIREMENTS          Simple Majority

### **OCM065/10/12 COUNCIL DECISION/Officer Recommendation**

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

**1. Acknowledge the submissions received during the advertising period.**

**2. Pursuant to Clause 5.18.3.7(a) of Town Planning Scheme No. 2, adopts the Local Structure Plan for Lots 6, 7, 9000, 9001, 9003 & 9005 Adams Street, Mundijong subject to the following:**

- a) The modifications, included in the Schedule of Modifications as per attachment OCM065.5/10/12, being undertaken to the satisfaction of the Director Development Services;
- b) The Local Water Management Strategy being deemed acceptable by the Director Engineering, the Department of Water and the Water Corporation;
- c) The Noise Management Plan being approved by the Director Development Services, on advice from Main Roads WA; and
- d) The Landscape and Built Form Guidelines being approved by the Director Strategic Community Planning.

**3. Subject to compliance with part 2, forwards the Local Structure Plan to the Western Australian Planning Commission for consideration pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.**

**4. Advise all persons who lodged a submission during the advertising period of Council's decision.**

**CARRIED 5/4**

**Cr Moore used his second vote.**

**Cr Harris voted against the motion.**

**Cr Atwell was not present and did not vote.**

*Cr Atwell returned to the room at 7.54pm.*

*Cr Urban declared an interest of impartiality in item OCM066/10/12.*

### **COUNCIL DECISION**

**Moved Cr Wilson, seconded Cr Kirkpatrick**

**That Cr Urban be permitted to remain in the room while item OCM066/10/12 is discussed.**

**CARRIED 8/0**

**Cr Urban did not vote.**

OCM066/10/12	FINAL ADOPTION OF SCHEME AMENDMENT NO. 179 - LOT 199 JARRAHDAL ROAD, JARRAHDAL - PROPOSED REZONING FROM RURAL TO SPECIAL USE (SJ1407)
Author:	Louise Hughes - Manager Statutory Planning
Senior Officers:	Brad Gleeson - Director Development Services
Date of Report:	15 September 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Proponent:	Algeri Planning and Appeals
Owner:	Ron Iannello
Date of Receipt:	25 January 2011
Lot Area:	7.2ha
Town Planning Scheme No. 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

### **EXECUTIVE SUMMARY**



The proposed scheme amendment relates to the rezoning of the subject land from Rural to Special Use. The site comprises an area of vegetation to the south west and the Gooralong Brook runs through the site from east to west. Currently there are no structures on the property.

Two previous rezoning proposals to Town Planning Scheme No. 2 (TPS 2) have been submitted to the Shire for consideration for the subject land, the first in 2005 and the second in 2007. The first proposal was not initiated by Council as it was not considered to satisfactorily address the landscape characteristics of the site. The second proposal was considered by Council in July 2007, the result of which was a decision that the amendment was initiated for advertising subject to conditions. However, the applicant decided not to proceed with the amendment due to the conditions which had been imposed by Council which the landowner considered to be onerous.

A revised proposal, the subject of this report, is a simplified version of that initiated by Council in 2007. The proposal now removes the rural strata development precinct that proposed 11 small lots close to the Gooralong Brook which runs through the subject land. Council resolved to initiate the Scheme Amendment at its meeting of 19 December 2011. Advertising has been undertaken and this report is presented to Council with a recommendation that the Scheme Amendment be adopted without modifications.

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

Council resolved to initiate the Scheme Amendment at its meeting of 19 December 2011.

### **COMMUNITY / STAKEHOLDER CONSULTATION**

In accordance with the requirements of the s82 of the *Planning and Development Act 2005* the matter was referred to the Environmental Protection Authority (EPA) who advised that they did not need to assess the application. Subsequent to this and in accordance with s84 of the *Planning and Development Act 2005*, the *Town Planning Regulations 1967*, Local Planning Policy No. 27 – Stakeholder Engagement in Land Use Planning (LPP 27) and Council's resolution, the proposal was advertised as follows:

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

The advertising concluded on 29 June 2012; a total of 37 submissions were received. The following issues were raised:

- Drainage and wastewater;
- Increased traffic;
- Vegetation;
- Fire management;
- Impact on historic town;
- No development/buffer zone;
- Access to the brook/use as park land; and
- Environment and wildlife issues.

## REPORT

The proposed scheme amendment seeks to rezone the land from Rural to Special Use to enable the future development of the site. There are three precincts proposed comprising residential, commercial / tourism and the balance to remain rural. In considering whether to initiate the proposed scheme amendment, Council has already considered the planning merit of the proposal. The purpose of this report is to assess the submissions received during the advertising period and determine whether or not to adopt the amendment with or without modifications.

### Proposal

The subject land is situated on the south western side of Jarrahdale Road on the approach to the historic townsite. The site is considered to be a key location on the approach to the town. Entering the town from the north the land can be viewed as it rises away from the approach and is therefore visually significant. The land is heavily vegetated to the north and south west; there is a significant stand of mature eastern states eucalypts to the south eastern boundary with a cleared area in the central portion.

The land immediately adjoining the site to the west is National Park, vested with the Department of Environment and Conservation (DEC); to the south is an established residential development, whilst to the south east and north east there is further National Park and the historic townsite of Jarrahdale.

Within the special use zone it is proposed to have three precincts:

- Rural – the northern most part of the site will remain rural and no development is proposed at this stage;
- The southern portion is proposed to accommodate a special residential area; and
- The remaining portion which lies to the eastern part of the site is proposed as a tourism/commercial precinct.

In support of the proposal, the applicant has provided the following justification:

*“The proposed rezoning will provide for a mix of residential lots and commercial/tourist development site in the southern portion of the subject land. This portion of the land has a less significant conservation and landscape role and is located away from Gooralong Brook. It is intended that the remainder of the subject land not considered under this portion of proposed development remain as “Rural” land. This not only enhances the transition between vegetated land to the north and the Jarrahdale town site to the east, but also enhances the conservation values of the subject land by protecting Gooralong Brook from any intensive forms of development.”*

The zoning of land provides guidance through TPS 2 as to the uses which are appropriate in that zone. The process of seeking a scheme amendment is to change the zoning in order to alter the opportunities for developing the land in the future. A proposed scheme amendment is one of a number of planning processes which may need to be pursued in order to ultimately develop land; it is important to note that a scheme amendment is not a development application. In considering a scheme amendment consideration is given as to whether the land is capable of being developed, the finer detail of how that development is achieved is considered at subsequent stages in the planning process such as through subdivision and development applications.

### Consideration of Submissions

### Drainage

The highest point of the subject site is the south western corner and there is a fall of approximately 30m to the lowest point at the north of the site where the Gooralong Brook runs in an east west direction. There is a drainage channel which runs along the southern boundary adjacent to Harris Place and Atkins Street and north along Oak Way. It is acknowledged that there have been drainage issues in the locality in the past as a result of heavy rainfall in storm events. In line with this the applicant has stated that a Drainage and Nutrient Management Plan will be prepared and submitted for approval in advance of any development of the subject land; however it has been identified that this document should be a Local Water Management Strategy (LWMS) which will be required to cover but not be limited to issues such as:

- Flood protection measures for the future development;
- Erosion control internally and to adjacent road reserve;
- Surface water management; and
- Nomination of proposed drainage easements.

It is therefore proposed to amend the wording of Clause 1.2 of the scheme amendment text to reflect the above. Furthermore, it is likely that the submission of such information would be a condition of subdivision and development application approval. In consultation with the applicant and the Shire's technical officers it is proposed to amend the wording of the scheme amendment to refer to a Local Water Management Strategy (LWMS).

The application has been referred to technical officers of the Shire and also external statutory agencies for comment. The issue of drainage in relation to stormwater is acknowledged but is not considered to be of sufficient significance to prevent the rezoning of the land as it can be addressed through the submission of a LWMS at the appropriate subsequent stages of the planning process.

#### Wastewater

The subject site falls outside a planned wastewater scheme catchment and therefore the disposal of wastewater will have to be through alternative means. Whilst there is no objection to this from the relevant statutory agencies, concerns have been raised that development of the site could lead to pollution of the Gooralong Brook. The application for a scheme amendment does not propose development and identifying suitable systems of wastewater disposal can be addressed at the relevant stage of the planning process the detail of which will be considered by all relevant statutory agencies prior to any recommendation being made.

#### Water

The site is identified as having reticulated water supply. Comments received during the submission period have suggested that the water supply is inadequate at present and further demands will have a negative impact on the existing supply and water pressure levels. No objections have been received from the Water Corporation as the statutory agency responsible for the supply of water.

#### Increased traffic

The subject site is situated with roads to the south, east and north eastern boundary. There is currently vehicular access available to the site from each of the roads, namely Atkins Street, Oak Way and Jarrahdale Road. Concerns have been raised that development of the site will result in increased traffic volumes which have the potential to result in an increased number of associated accidents. It is considered that the specific details of traffic movements, access, crossovers and potential increased volumes from any development of the site can be addressed at the appropriate stage of the planning process.

### Vegetation

A large portion of the site is vegetated; the most significant element of this vegetation is on the northern part of the site which will remain rural. The south western part of the site is also vegetated and there is a stand of mature eastern states eucalypts on the eastern boundary. The applicant has stated that:

*“a formal vegetation assessment was undertaken in 2005 and the results indicated that there was no important natural vegetation that would be impacted by future development. This information can be used to refine the location of boundaries access ways and building envelopes in future applications”.*

Any future subdivision or development application for the site should have regard to the existing vegetation and appropriate studies will need to be undertaken as part those applications to identify any vegetation which requires retention and / or protection. The issue for consideration at this stage of the process is whether there are any issues which prevent the land being rezoned - the finer detail of how any future development can be achieved is not for consideration at this stage.

### Fire management

The land adjoining the subject property to the west is a heavily vegetated Crown reserve. The subject site is also vegetated in areas and it is considered that there are significant issues in terms of planning for bush fire protection. Comments from the Fire and Emergency Services Authority (FESA) refer to State and Shire policies for further guidance in relation to fire management issues, but do not raise any objections to the proposed scheme amendment. The subdivision or development application will require the submission of a fire management plan which is noted and accepted by the applicant.

### Impact on historic town

The subject site is situated at the entrance to the historic town of Jarrahdale; the topography of the land renders is visually significant. Concerns have been raised regarding the impact that development of the site could have on the historic character of the area and that development of the site would result in the area becoming too urbanised. In addition, it has been suggested that the land should remain undeveloped to act as buffer between the rural area and the developed part of the town.

The land is currently zoned rural under the provisions of TPS 2, the objectives of which do not preclude development. The rezoning of the land seeks to provide the opportunity for the future development of the land to provide residential and commercial / tourist uses, the form of which will be determined at development application stage. The proposed uses are considered to be consistent with the remainder of the townsite and would not therefore be contrary to the character of the area. Careful consideration of the design of future buildings will be important in ensuring that they are complimentary to the existing character of the area; however, this is not a relevant consideration at this stage.

It is considered that the proposed rezoning will not have a detrimental impact on the historic character of the area and that the ultimate design of the built form will be determined at the appropriate stage in the planning process.

### Protection of the watercourse, environment and wildlife

The subject site is currently vegetated as already described and does not benefit from the addition of any structures. The Gooralong Brook runs through the northern part of the lot and will remain in the rural zoned portion of the site. A number of the submissions have expressed concern relating to the impact of development on wildlife and the brook. The

impact of development will be carefully assessed at the relevant stage in the planning process.

### Conclusion

The proposed scheme amendment seeks to rezone the land from Rural to Special Use, comprising three precincts - Special Residential, Commercial/tourism and Rural. Council has already considered the planning merit of the proposal when it resolved to initiate the scheme amendment. The consultation process resulted in a number of submissions being made raising concerns as detailed above. The issues which have been raised are not considered to relate to the rezoning of the land but are issues which need to be identified and addressed at the subdivision or development application stage of the planning process. The rewording of Clause 1.2 has been undertaken to reflect the specific details of how drainage issues may be addressed at the appropriate stage of the planning process. It is therefore recommended that the Scheme Amendment No 179 to rezone Lot 199 Jarrahdale Road, Jarrahdale from Rural to Special Use be adopted by Council with one modification to the wording of Clause 1.2.

### ATTACHMENTS

- [OCM066.1/10/12](#) - Schedule of submissions (IN12/14044)
- [OCM066.2/10/12](#) - Proposed scheme amendment and guide plan (IN12/4053)

### ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The proposed Scheme Amendment is considered to comply with the Plan for the Future as it provides the opportunity to develop the land and provide a mix of uses which are complimentary to each other and the existing townsite. The proposed rezoning will provide both residential and employment opportunities which is considered to be sustainable and in line with the Plan for the Future.

### STATUTORY ENVIRONMENT

The Scheme Amendment proposal has been considered against the provision of the Shire's TPS 2 and relevant Local Planning Policies.

### FINANCIAL IMPLICATIONS

The *Planning and Development Regulation 2009* establish a basis for recovering costs associated with a TPS amendment from the applicant.

**VOTING REQUIREMENTS**                      Simple Majority

### **OCM066/10/12 COUNCIL DECISION/Officer Recommendation**

Moved Cr Wilson, seconded Cr Piipponen  
That Council:

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

**1. Modifying Appendix 2 Special Use Zones by inserting the following in the table:**

Description of Land	Permitted Uses
Lot 199 Jarrahdale Road, Jarrahdale and any lots created by the subsequent	The following development controls apply to use and development of the land.  1.0 General Provisions



<p><b>subdivision of Lot 199</b></p>	<p><b>1.1</b> Subdivision and development shall be guided by an approved Development Guide Plan and shall only be varied by agreement between the Shire and landowner.</p> <p><b>1.2</b> A Local Water Management Strategy to address issues including but not limited to - flood protection measures for future development, erosion control internally and to adjacent road reserves, surface water management and nomination of proposed drainage easements shall be prepared prior to an application being made for subdivision or development approval.</p> <p><b>1.3</b> The subdivider providing a reticulated water supply to all lots to the satisfaction of the Water Corporation.</p> <p><b>1.4</b> No dwelling or commercial development shall be approved by the Council unless it is connected to a suitable domestic waste water treatment system.</p> <p><b>1.5</b> A Fire Management Plan shall be prepared prior to application being made for subdivision or development approval.</p> <p><b>1.6</b> All new buildings and structures to be constructed in accordance with the “extreme” rating requirements as specified in AS 3959-1999 “Construction of Buildings in Bushfire-Prone Areas”.</p> <p><b>1.7</b> A Landscape and Vegetation Management Plan shall be prepared prior to application being made for subdivision or development approval.</p> <p><b>1.8</b> No indigenous vegetation or trees shall be destroyed, damaged or cleared, unless the clearing is authorized by a clearing permit obtained from the Department of Environment and Conservation, or is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) of the Environmental Protection Act 1986. Planning approval may also be required to be obtained from the Shire for the removal of any trees in accordance with the provisions of the Shire’s Local Planning Scheme.</p> <p><b>1.9</b> The keeping of horses, sheep, goats or other grazing animals is not permitted.</p> <p><b>1.10</b> Keeping of cats shall be prohibited unless they are kept at all times in the confines of any dwelling or a cat run which has been approved by the Shire.</p> <p><b>1.11</b> Post and wire stand fencing shall be provided on the western boundary of Lot 199 abutting the Serpentine National Park and on the northern boundary of Lot 199.</p> <p><b>1.12</b> Planning consent is to be obtained from Council prior to the commencement of any development in this precinct.</p> <p><b>2.0 Special-Residential Precinct</b></p> <p><b>2.1</b> Design Guidelines shall be prepared to guide development within the Special-Residential Precinct. The Design Guidelines shall be prepared as a condition of subdivision approval in the creation of any lot(s) for the Precinct.</p> <p><b>2.2</b> Building envelopes shall be defined at the time of</p>
--------------------------------------	--

subdivision and be of a size sufficient to include all buildings and the required fuel reduction zone around buildings. The location and area of building envelopes shall be to the satisfaction of the Shire and may be varied at the discretion of the Shire.

- 2.3 The minimum lot size shall be 2000m<sup>2</sup> in this precinct.
- 2.4 Setback of development from lot boundaries is to be in accordance with the “R5” coding, pursuant to Table 1 of the Residential Design Codes.
- 2.5 Land-use within this precinct shall generally be limited as follows;
- Single House (P)
  - Ancillary Accommodation (IP)
  - Home Office (P)
  - Home Occupation (AA)
  - Home Business (AA)
  - Cottage Industry (AA)
  - Bed & Breakfast (AA)

Council may, at its discretion, permit other appropriate uses after notice of the application has been given in accordance with Clause 6.3 of Scheme.

### 3.0 Commercial/Tourism Precinct

- 3.1 Design Guidelines shall be prepared to guide development within the Commercial/Tourism Precinct. The Design Guidelines shall be prepared as a condition of subdivision approval in the creation of any lot(s) for the Precinct.
- 3.2 Land-use within this precinct shall generally be as follows;
- Holiday Accommodation (AA)
  - Art Gallery (AA)
  - Restaurant (AA)
  - Cottage Industry (AA)
  - Bed & Breakfast (AA)
  - Interpretive/Tourism Centre (AA)
  - Craft workshop (AA)
  - Caretakers Dwelling (IP)

Council may, at its discretion, permit other appropriate uses after notice of the application has been given in accordance with Clause 6.3 of Scheme.

### 4.0 Rural Precinct

- 4.1 Land-use within this precinct shall generally be limited as follows;
- Single House (P)
  - Ancillary Accommodation (IP)
  - Home Office (P)
  - Home Occupation (AA)
  - Home Business (AA)
  - Cottage Industry (AA)
  - Bed & Breakfast (AA)
  - Chalet Development (AA)



	<p><b>Council may, at its discretion, permit other appropriate uses after notice of the application has been given in accordance with Clause 6.3 of Scheme.</b></p>
<p><b>2. Amending the Scheme Maps by rezoning Lot 199 Jarrahdale Road, Jarrahdale from "Rural" to "Special Use".</b></p>	
<p><b>B. Advise the applicant that they are required to undertake the following to the satisfaction of the Director Development Services:</b></p>	
<p><b>i) Include the textual provisions within the Scheme Amendment documents as adopted by Council.</b></p>	
<p><b>C. Endorses the schedule of submissions in attachment OCM066.1/10/12 prepared in respect of Amendment 179 to Serpentine Jarrahdale Shire Town Planning Scheme No. 2.</b></p>	
<p><b>D. Subject to part B being undertaken to the satisfaction of the Director Development Services, authorize the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendments with a request for endorsement of final approval by the Minister for Planning.</b></p>	
<p><b>E. Advise those persons who lodged a submission during the comment period of Councils decision.</b></p>	
<p><b>CARRIED 8/1</b></p>	

*Cr Moore left the room at 8.13pm as he declared a financial interest in item OCM067/10/12; the Deputy President took the chair.*

OCM067/10/12	CONSIDERATION OF SUBMISSIONS - SCHEME AMENDMENT NO. 171 - MODIFICATIONS TO TABLE 1 OF TOWN PLANNING SCHEME NO. 2 TO INCORPORATE VARIOUS ADDITIONAL ZONES (A1902)
Author:	Peter Varelis - Senior Strategic Planner Chris Donnelly - Senior Consultant
Senior Officers:	Deon van der Linde - Executive Manager Strategic Planning Suzette van Aswegen - Director Strategic Community Planning
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Proponent:	Shire of Serpentine Jarrahdale
Owner:	NA
Date of Receipt:	NA
Lot Area:	NA
Town Planning Scheme No. 2 Zoning:	NA
Metropolitan Region Scheme Zoning:	NA

## EXECUTIVE SUMMARY

The Byford District Structure Plan (DSP) and various Local Structure Plans (LSPs) prepared for Byford include zones which are not found within Town Planning Scheme No. 2 (TPS 2). This has created an issue whereby there is uncertainty about the permissibility of particular land uses within these structure plan zones.

As an interim measure, Council adopted Local Planning Policy No. 19 - Byford Structure Plan Area Development Requirements (LPP 19), which included a zoning table indicating the permissibility of land uses within the structure plan zones.

The use of a Local Planning Policy (LPP) to control land use was acceptable as an interim measure, but did not represent orderly and proper planning in the long term. To this extent, Council initiated Amendment No. 148 at its meeting of 22 August 2005, which sought to introduce the LPP 19 zoning table and various other development control provisions into TPS 2. The progression of Amendment No. 148 was put on hold pending a comprehensive review of the Byford DSP.

At its meeting of 28 September 2010, Council resolved to discontinue Amendment No. 148 and initiate a new Amendment No. 171, the subject of this report, which seeks to insert several new zones into TPS 2, and an associated set of land use permissibilities.

Amendment No. 171 was advertised for comment, with several submissions received. Shire staff have considered these submissions and recommend that Council adopt a modified version of Amendment No. 171, and forward it to the Western Australian Planning Commission (WAPC) and Minister for Planning for approval.

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

SD030/09/10 – Council resolved to initiate Amendment No. 171.

### **COMMUNITY / STAKEHOLDER CONSULTATION**

Amendment No. 171 was advertised by way of advertisement in local newspapers, publication on the Shire website, and information sessions held at the Serpentine Jarrahdale Recreation Centre in 2010.

Various submissions were received; officers have sought to resolve most of these issues by way of modifications.

### **REPORT**

#### **Amendment No. 171 Background**

The Byford DSP and precinct level LSPs have been prepared to guide and facilitate the subdivision and development of Byford. The DSP and LSPs entail a number of structure plan zones which are intended to guide land use and development. In an ideal sense, all of these zones should correspond with zones in TPS 2, however, the DSP and several LSPs contain structure plan zones which are not consistent with TPS 2, including:

- Rural Residential;
- Neighbourhood Centre;
- Town Centre;
- Highway Commercial;
- Mixed Business; and
- Mixed Use.

This creates an issue whereby there is uncertainty about the permissibility of particular land uses within the structure plan zones.

Council adopted LPP 19 as an interim approach to addressing the issue. The LPP includes a zoning table identifying the permissibility of certain land uses within each structure plan zone. The use of an LPP to control land use is acceptable as an interim measure, but does

not represent orderly and proper planning in the long term. Land use permissibility at the local planning level is most commonly dealt with in the district wide planning scheme, which in the context of the Shire is TPS 2.

Accordingly, Council at its meeting of 22 August 2005 initiated Amendment No. 148 to TPS 2. Amendment No. 148 sought to introduce the LPP 19 zoning table and various other development control provisions into TPS 2, essentially creating an additional zoning table and set of development controls specifically aimed at the Byford urban area.

Following advertising, Amendment No. 148 was adopted by Council on 27 March 2006, subject to various modifications. The Amendment was however, never referred to the WAPC/Minister for Planning for approval, primarily due to the Byford DSP being under a comprehensive review at that point in time. The review identified that Amendment No. 148 would:

- Introduce inconsistencies with TPS 2; and
- Be inconsistent with the model scheme text provisions, including zoning and structure planning provisions.

At its meeting of 28 September 2010, Council considered this matter and resolved to not proceed with Amendment No. 148. At the same meeting, Council initiated proposed Amendment No. 171 to TPS 2. Amendment No. 171 was prepared to achieve the same fundamental aim of Amendment No. 148, but in a more orderly and proper manner. In summary, Amendment No. 171 proposes to:

- Introduce six new zones into the TPS 2; and
- Identify the permissibility of all TPS 2 land uses against the new zones.

The Amendment is proposed to formalise the interim approach to land use control of LPP 19 in a manner consistent with the WAPC's Model Scheme Text, which is a template for the preparation of town planning schemes throughout Western Australia.

Amendment No. 171 has been advertised for public and agency comment. Shire staff have considered the submissions received and recommend a number of modifications to the Amendment, as discussed in the following sections.

### Key Issues for Discussion – Amendment No. 171

#### Zone Objectives/Statements of Purpose and Intent

The Shire's TPS 2 entails a purpose and intent for each zone, essentially setting out the envisaged development outcome for each zone. Amendment No. 171, as advertised, proposed to insert several new zones into TPS 2 and identify the land use permissibility within each of these zones, but did not identify the purpose and intent of each new zone.

Several submissions were received during the consultation period requesting that the Scheme Amendment be modified to include objectives for each proposed zone. In this regard, it should be noted that the Shire's TPS 2 does not entail zone objectives as such, but rather statements of purpose and intent, which essentially serve the same purpose.

Statements of purpose and intent for zones are vitally important, especially to guide discretionary decision making in terms of land uses. For example, where a land use is "AA" (discretionary) or "SA" (discretionary and requiring advertising), the Shire will be required to make a decision to refuse or approve the land use primarily based on whether the land use, as proposed, would accord with the objectives of the zone.

Shire staff therefore recommend a modification to Amendment No. 171 to insert a purpose and intent for each new zone proposed to be inserted into TPS 2. The following purposes and intents are recommended, and justification is provided for each.

#### *Rural Residential*

The following purpose and intent is proposed for the Rural Residential zone:

*'The purpose and intent of the Rural Residential zone is to provide for lot sizes ranging from 2,000m<sup>2</sup> to 1ha, primarily facilitating rural living rather than productive agriculture. The zone will facilitate vegetation retention and act as a buffer or transition between rural or reserve areas and urban development as and where appropriate.'*

The proposed purpose and intent for the Rural Residential zone is based upon the description of the Rural Residential zone contained within the Byford DSP. It is acknowledged that the WAPC's State Planning Policies and Local Planning Manual define the Rural Residential zone in a different manner. This is due to the Byford DSP being finalised prior to the relevant State Policy and Planning Manual. It is also acknowledged that the Shire is currently in the process of reviewing its Rural Lands Strategy, and is preparing a new Strategy. This review has sought to utilise terminology and definitions which are consistent with State Policy. However, given that the purpose of Amendment No. 171 is to address specific issues in relation to the Byford DSP and its implementation, the purpose and intent proposed is deemed appropriate. A future review of TPS 2 would likely see a more comprehensive review of zones and their objectives in light of State Policy and Shire Strategy.

#### *Neighbourhood Centre*

The following purpose and intent is proposed for the Neighbourhood Centre zone:

*'The purpose and intent of the Neighbourhood Centre zone is to provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services for the surrounding neighbourhood. Typical land uses will include smaller format supermarkets, personal services, convenience shops, local professional services and medium density housing.'*

State Planning Policy No. 4.2 – Activity Centres for Perth and Peel (SPP 4.2), and the Shire's draft Activity Centres Strategy, which is generally consistent with SPP 4.2, has formed the basis for the proposed purpose and intent for the Neighbourhood Centre zone.

#### *Town Centre*

The following purpose and intent is proposed for the Town Centre zone:

*'The purpose and intent of the Town Centre zone is to have a greater focus on the servicing the daily and weekly needs of residents of a broader district, as well as providing services, facilities and employment opportunities for the district. Typical land uses will include discount department stores, supermarkets, other convenience shops, small scale comparison shopping, personal services, speciality shops, district level office development, local professional services, community services and facilities, and medium to high density housing.'*

SPP 4.2, the Shire's draft Activity Centres Strategy and the WAPC's Local Planning Manual has formed the basis for the proposed purpose and intent for the Town Centre zone.

#### *Highway Commercial*

The following purpose and intent is proposed for the Highway Commercial zone:

*'The purpose and intent of the Highway Commercial zone is to provide for a range of commercial development, including particularly bulk retailing and open air display, showrooms, bulky goods, offices, medical centres and consulting rooms which may not be suitable for an activity centre but be suitable for a highway frontage location.'*

This purpose and intent is based on the description of the Highway Commercial zone contained in the Byford DSP, a similar zone within the City of Gosnells TPS 6 which applies to a significant portion of Albany Highway, and SPP 4.2.

#### *Mixed Business*

The following purpose and intent is proposed for the Mixed Business zone:

*'The purpose and intent for the Mixed Business zone is to provide for a range of light and service industrial, wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within centre zones or industrial zones. This zone only applies in specialist locations where this type of development is either existing or strategically justifiable.'*

The Byford DSP does not provide suitable guidance as to the land use and development intentions; therefore, this definition has been sourced from SPP 4.2 and the WAPC's Local Planning Manual.

#### *Mixed Use*

The following purpose and intent is proposed for the Mixed Use zone:

*'The purpose and intent of the Mixed Use zone is to provide for a variety of commercial and residential land uses in a complimentary and co-located manner, often in a mixed-use format. Development in the zone may provide a transition between intense activity centre development and surrounding residential areas, or for the purposes of minor local commercial development sites in residential areas. Residential development should allow for future conversion into mixed use development.'*

The Mixed Use zone is intended to apply in various contexts, such as for the development of neighbourhood nodes identified on the Byford DSP, and to provide for a land use transition between more intense commercial development and surrounding residential areas. The purpose and intent has been derived from the Byford DSP, the draft Byford Town Centre LSP and a description of neighbourhood nodes contained within the 28 September 2010 Ordinary Council Meeting agenda item for Amendment No. 171.

On the presumption that Council will agree and modify Amendment No. 171 to insert statements of purpose and intent for each zone, a submitter has requested that the Scheme Amendment be re-advertised so that the statements of intent and purpose can be reviewed and commented upon.

Shire staff have considered the submitter's request and do not believe that re-advertising of a modified Amendment would be necessary in this instance. The justification provided for each of the proposed zone purposes and intents clearly demonstrates consistency with what has been envisaged and already delivered through the Byford DSP. In addition, the purpose and intent of most of the zones is generally consistent with State Planning Policy, the WAPC's Local Planning Manual, the Shire's strategic planning and the same zones used in other local government town planning schemes in Western Australia. On this basis, it is assumed that there would be a reasonable expectation of what the purpose and intent for each zone would be.



## Scheme Maps

A submission has been received identifying that whilst Amendment No. 171 proposes a series of modifications to the TPS 2 text, it does not propose any modifications to the TPS 2 maps.

Amendment No. 171 is limited in its purpose to insert a new series of zones into TPS 2. It is not proposed to rezone any land through the Amendment. However, in inserting new zones into TPS 2, it will be necessary to update the TPS 2 map legend to identify each of the new zones.

Shire staff therefore propose a modification to Amendment No. 171 which will see an update to the TPS 2 map legend, identifying appropriate colours/patterns for each of the new zones. These new colours/patterns will be used for any future rezoning proposals. The colours/patterns are proposed to be consistent with the Department of Planning's mapping standards wherever possible.

## Development Control

A submission was received during the advertising process identifying that Amendment No. 171 did not propose any development controls, ie setbacks, car parking, landscaping, open space, height etc, for each of the newly proposed zones. The submission states that with the introduction of six new zones into TPS 2, it would normally be anticipated that additional development controls for each specific zone would also be included. It is argued that development controls are vitally important for effective implementation and to outline the intended development outcome.

There are several options to address this issue, as identified below:

### *No Additional Development Controls*

Some town planning schemes in Western Australia do not include any development controls relevant to a specific zone. In these instances, development applications are assessed on their merits having regard to the objectives of this zone.

### *New Development Controls*

A series of new development controls applicable to the new zones could be inserted into the Scheme, addressing matters such as setbacks, car parking, landscaping, open space, car parking and similar matters.

### *Modify LPP 19*

LPP 19 could be modified to include revised and additional development controls for the new zones proposed by Amendment No. 171.

### *Use Planning Frameworks*

Planning frameworks such as LPPs, ie design guidelines, activity centre structure plans or detailed area plans can be prepared for specific areas to guide and facilitate development.

### *Analysis*

Each approach identified above has its pros and cons. Including no additional development controls within TPS 2 for each zone and relying on a merit based assessment does provide developers and the Shire with a significant amount of flexibility, but there will also be a lack of certainty in terms of preparing, assessing and determining applications. Including a set of controls within TPS 2 for each zone is possible; however, it is somewhat difficult to set

generic controls for differing contexts. This is especially apparent in the Shire whereby each settlement and development area is site specific. Generic controls do not generally respond well to diversity. Preparing a set of generic controls for each zone would also be a timely exercise and would likely warrant re-advertising of Amendment No. 171.

The Shire has previously used LPP 19 as a method of development control on an interim basis. The Policy sets out some basic development control provisions for the proposed zones. These provisions could be retained and or modified to provide a more complete development control mechanism, however, the role and purpose of LPP 19 as an interim mechanism for Byford needs to be acknowledged. Prolonging use of LPP 19 is not considered to represent orderly and proper planning.

The majority of zones within Amendment No. 171, excluding Rural Residential, are commercial zones. The subdivision and development of most new commercial zoned sites in the Shire is controlled by a planning framework such as a LPP ie design guidelines, an activity centre structure plan or a detailed area plan. These frameworks usually cover development controls such as height, setbacks, open space and car parking. The Shire's TPS 2 sets out the ability to require these frameworks prior to development. In many instances, developers prepare these frameworks to ensure a certain development outcome is achieved on their sites. An example of such is the Glades Village Centre Policy. Furthermore, the Shire recently prepared a draft Activity Centres Strategy which states that the Shire will require an activity centre structure plan or detailed area plan for all commercial development. This requirement is supported by the WAPC's SPP 4.2, which sets policy direction requiring such planning frameworks for various scales of commercial development.

Planning frameworks prepared for specific commercial zoned sites are beneficial in terms of providing a site specific and site responsive mechanism for development control, as opposed to applying generic TPS 2 zone based development controls. Planning frameworks provide an appropriate balance between flexibility and certainty in terms of development design and control. More generally within Western Australia, there is a move away from the broad application of Scheme controls to the use of site specific planning frameworks, and this is supported by State Policy.

Shire staff recommend that Council take the approach of requiring planning frameworks to guide the development of land zoned for commercial purposes. Several modifications to Amendment No. 171 are proposed to make this clear by identifying that development within the proposed commercial zones is to be in accordance with a planning framework.

In terms of the Rural Residential zone, Shire staff propose a modification to Amendment No. 171 identifying that subdivision and development is to be in accordance with a LSP. Whilst this would normally be a standard practice of the Shire, inserting this requirement into the Scheme would provide additional guidance, certainty and clarity on the matter.

#### Changes in Land Use Permissibility

Several submissions have been received which propose a change in the permissibility of certain land uses within certain zones. The following changes are supported by Shire staff:

- Home business and home occupation land uses to be AA (discretionary) within the Town Centre zone. The Shire should be able to consider applications for home businesses and home occupations in a Town Centre zone. Such minor commercial uses operated on an ancillary basis to a residential land use are considered appropriate in a Town Centre zone;
- Private recreation to be AA within the Highway Commercial zone. Land uses such as indoor sporting complexes and dance studios should be able to be considered within this zone;



- Recreation public to be a P use in the Rural Residential, Neighbourhood Centre and Town Centre zones. This land use permissibility was identified in the report to Council of 28 September 2010 initiating Amendment No. 171, but was not mistakenly excluded from the Amendment;
- Multiple dwellings to be an AA use in the proposed Neighbourhood Centre and Town Centre zones. Residential development at increased densities should be encouraged within centres to assist in economic viability, vitality and after hours activation/surveillance. This approach would be consistent with State Policy;
- Marine collector's yard to be a not permitted land use within the Mixed Use zone. This land use is unlikely to be compatible with the purpose and intent of the Mixed Use zone which is catering for a mix of compatible and co-located residential and commercial land uses; and
- Public amusement to be an AA use within the Mixed Use zone, ensuring consistency with the Neighbourhood Centre and Town Centre zones.

### *Shopping Centre*

A submission has been received arguing that a shopping centre land use should not be permitted within the Mixed Use zone. It is stated that a shopping centre approved in a Mixed Use zone would be in direct conflict with the Town Centre and Neighbourhood Centre zones specifically designed to encourage and facilitate shopping centre development.

Shire staff note that a Mixed Use zoning has been used in several structure plans throughout Byford, including Redgum Brook, the Glades and the Byford Town Centre. The zoning has mainly applied to neighbourhood node sites indicated on the Byford DSP as well as areas surrounding local/neighbourhood centres and town centres, providing a transition between commercial development and surrounding residential development.

SPP 4.2 places a strong emphasis on consolidating retail development district and neighbourhood/local centres, and this is reflected in the Shire's draft Activity Centres Strategy. Whilst small scale retail development could be considered within mixed use zones ie convenience stores or corner stores catering for the immediate catchment, significant retail development such as shopping centres with a broader catchment are not considered appropriate.

To this extent, Shire staff propose a modification to Amendment No. 171 to make "shopping centre" a not permitted land use with the proposed Mixed Use zone.

### *Service Stations*

With regard to the permissibility of a service station in Amendment No. 171, the following submission has been received:

*'Service station is identified as a use not permitted in the Neighbourhood Centre zone, but allowable in Town Centre, Highway Commercial, Mixed Business and Mixed Use zones. From a planning point of view, it is difficult to argue why a service station should be allowed in the Town Centre zone but not in the Neighbourhood Centre zone. Given the main distinction between the two is based on the size of the centre, it is strongly suggested that a service station use ought to be allowed in the Neighbourhood Centre zone, even if it was classified as an "SA" (discretionary requiring advertising) use. This will at least allow public consultation prior to approval.'*

Shire staff disagree with the submitter's comment that the main difference between a Neighbourhood Centre and a Town Centre is its size. Different centres also perform different functions. This is identified and set out in SPP 4.2, and is also reflected in the Shire's draft Activity Centres Strategy. Whilst size is one consideration, it is not the only differing element between centres. The submitter's comments in relation to the permissibility

of service stations in the proposed Neighbourhood Centre zone are however noted. The permissibility of service stations needs to be considered on multiple fronts.

Neighbourhood Centres are generally located within neighbourhoods away from surrounding arterial roads. This is reflected in the Byford DSP. Service stations have a significant reliance on passing trade in addition to local trade, and henceforth, their provision on major arterial roads is common. However, it is noted that there are some instances in which neighbourhood centres are, or are proposed to be established abutting major arterial road networks. An example of such is the neighbourhood centre proposed to abut Thomas Road at the intersection with Malarkey Road in Byford. In this instance, a service station may be considered an appropriate land use.

Service stations can also play a small scale convenience function, through their ancillary shops. Besides catering for service station users, these shops are also frequented by immediately surrounding populations for convenience shopping. This would accord with the function of a neighbourhood centre.

Neighbourhood centres, by virtue of their role and function, are often located in close proximity with their surrounding residential catchment, and can entail residential land use. A service station in proximity to residential development may present land use conflict issues by virtue of noise, odour and activity, especially in terms of extended hours of operation.

As detailed above, there are various matters which can be considered in terms of the appropriateness of a service station within a neighbourhood centre. The locational context of the neighbourhood centre would appear to be a key determining factor, and henceforth, a complete restriction on the ability to consider service stations within neighbourhood centres is not considered appropriate or reasonable. Shire staff believe that the appropriateness of a service station within a neighbourhood centre should be determined on its merits. On this basis, Shire staff propose a modification to Amendment No. 171 to make service station a SA, discretionary and advertising required, land use within the Neighbourhood Centre zone.

It should be noted that most contemporary commercial development within the Shire is preceded by a planning framework, such as a LSP, activity centre structure plan, detailed area plan or LPP. SPP 4.2, the Shire's draft Activity Centres Strategy and TPS 2 set the framework for the Shire to require such frameworks. It is through the preparation of these frameworks that the Shire will be able to consider service stations within Neighbourhood Centre zones on their merits, as well as through the normal development application process.

Should Council wish to provide additional guidance to applicants and the community in relation to service stations, it could prepare a LPP addressing the matter.

#### *Fast Food, Restaurants and Lunch Bars*

A submission has been received in relation to the proposed permissibility of fast food outlets, restaurant and lunch bars, as detailed below:

*'Fast food/takeaway, lunch bar and restaurant uses are not permitted in the Mixed Business zone. This omission is considered serious as this proposed zone is probably intending to target business type uses together with some compatible service commercial and light industrial uses. As these types of developers will help providing local employment opportunities that support industry such as fast food, lunch bar and restaurant should be encouraged to meet the needs of the local employment node.'*

Shire staff note that fast food outlets can provide a convenience food source to local employees as well as passing users of a mixed business area. These outlets also commonly operate with extended trading hours, offering an element of afterhours activation to what are often low density commercial areas. Fast food/takeaway uses can also attract additional

vehicle movements and fast car parking turnover times, especially where drive-throughs are provided. These developments are often readily catered for in mixed business areas due to the existence of extensive open car parking areas, providing ample land for parking and access, as well as large building and site development footprints required for many fast food/takeaway outlets.

Shire staff therefore propose a modification to Amendment No. 171 to make fast food/takeaway uses AA (discretionary) land uses within the Mixed Business zone.

Restaurants are less likely to provide a quick and convenient food source, but rather provide sit down dining areas and specialised food types. Restaurants also present the opportunity for alfresco dining, which is a highly valued element of street activation in town centre areas, especially at after hours times. In the interests of focussing the level of activity brought about by a restaurant within town centre areas, it is not considered appropriate to allow for restaurant land uses within a Mixed Business zone.

Lunch bar is not a land use included within TPS 2.

#### *Corner Store*

A submission has been received stating that Corner Stores should be permissible in Neighbourhood Centre, Town Centre and Mixed Use zones.

Residential development in appropriate locations and forms is encouraged within commercial zones, especially where it is provided in a mixed use manner. The corner store land use in TPS 2 facilitates this by allowing for a shop to be attached to a house. Shire staff therefore agree with the submitter's comments that a corner store is a desirable land use within a Mixed Use, Neighbourhood Centre and Town Centre zone.

Shire staff propose a modification to Amendment No. 171 to make corner store a AA (discretionary) land use within the Neighbourhood Centre, Town Centre and Mixed Use zones.

Shire staff propose a further modification to Amendment No. 171 to make corner store an SA (discretionary following advertising) land use within the Rural Residential zone. This will ensure consistency with TPS 2, which currently has corner stores as SA uses within the Special Residential, Special Rural and Rural zones.

#### *Residential in the Mixed Business Zone*

Amendment No. 171, as advertised, does not permit residential development within the Mixed Business zone. A submission has been received stating that in the interests of promoting vibrancy and human scale activity at street level that residential, particularly medium density housing, should be encouraged within the Mixed Business zone.

The following TPS 2 purpose and intent is proposed for the Mixed Business zone, generally consistent with SPP 4.2 and the WAPC's Local Planning Manual:

*'The purpose and intent for the Mixed Business zone is to provide for a range of light and service industrial, wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within centre zones or industrial zones. This zone only applies in specialist locations where this type of development is either existing or strategically justifiable.'*

Based on the normal nature of a Mixed Business zone, as reflected in numerous Western Australian local planning schemes, SPP 4.2 and the WAPC's Local Planning Manual, residential development is generally inappropriate. Mixed Business zones generally cater for

service industry, bulky goods, showrooms, trade and professional services, which can conflict with residential development.

### *Comprehensive Review Request*

A submitter has requested a comprehensive review of all land use permissibilities contained in Amendment No. 171.

In preparing the previous Amendment No. 148, Shire staff undertook a comprehensive review of the land use permissibilities contained in LPP 19. Upon review of Amendment No. 148 and the subsequent preparation of Amendment No. 171, an additional review of the land use permissibilities was undertaken. The details of this review, the changes made and rationale for each change are contained in the Council meeting minutes of 28 September 2010. Given that two reviews have already been undertaken, an additional comprehensive review is not proposed.

In addition, as detailed above, Shire staff have recommended several modifications to the land use permissibilities of Amendment No. 171 based on submitter comments and identified errors.

### Reference to Notes

On the “residential” land use row the Amendment No. 171, the annotation ‘see notes 1 and 2’ is identified. These notes formed part of the previous Amendment No. 148, and as discussed in the 28 September 2010 Council meeting agenda item, should have not been included in Amendment No. 171. A submitter has also identified this error.

Shire staff proposed a modification to Amendment No. 171, to remove reference to the annotation ‘see notes 1 and 2’ on the residential land use row of the zoning table. This modification is consistent with the intent of Council for Amendment No. 171.

### Land Use Definitions

A submitter has identified that a number of the land uses presently included within TPS 2, and included within the proposed changes to Table 1, are not defined in Appendix 1 – Interpretations of TPS 2. These include Aged & Dependent Persons Dwelling, Cemetery and Craft Workshop. The submitter recommends that the Shire consider updating TPS 2 to include definitions for all uses within the Table 1 for greater clarity.

Whilst the Shire acknowledges that these land uses are not currently defined in TPS 2, Amendment No. 171 has been prepared to specifically address zoning, land use and development control operational matters in relation to the Byford DSP, various LSPs and LPP 19. Addressing additional matters as part of Amendment No. 171 is not considered appropriate, especially post-advertising. These matters would be more appropriately addressed through a separate Amendment or broader review of TPS 2.

### Documentation Corrections

Several minor corrections are required to the as-advertised Scheme Amendment document to ensure that it is consistent with Council’s resolution of 28 September 2010:

- Remove the wording “Neighbourhood Node” from part one of the Amendment;
- Making the land use “Plant Nursery” an AA use (discretionary) in the Neighbourhood Centre, Town Centre, Highway Commercial, Mixed Business and Mixed Use zones; and
- Making the land use “Nursery” an AA use in the Neighbourhood Centre and Town Centre zone.

These modifications will be recommended to the WAPC as Council is unable to make modifications to a Scheme Amendment document once it is advertised.

### Referral to the Western Australian Planning Commission

In accordance with the *Planning and Development Act (2005)* and *Town Planning Regulations (1967)*, when scheme amendments are initiated, they are referred to the Environmental Protection Authority (EPA) for review. Local governments are only required to refer scheme amendments to the WAPC for consent to advertise where the amendment is inconsistent with the Metropolitan Region Scheme (MRS) or a State Planning Policy (SPP). Given that determining consistency with SPP can be somewhat of a subjective matter, most scheme amendments are referred to the WAPC as a matter of process. A large majority of the time, the WAPC notes the local government's intent to amend its scheme, and is not required to give consent for advertising. However, in some instances where there is inconsistency with the MRS or SPP, the WAPC will review the Scheme Amendment in detail and may require modifications prior to granting consent to advertise.

Shire staff have made contact with and written to the WAPC, providing a copy of Amendment No. 171 as advertised, as well as providing an explanation of the purpose and intent of the Amendment and its current status. In this correspondence, Shire staff have identified that they consider Amendment No. 171 to be consistent with the MRS and SPP, and therefore, consent from the WAPC for advertising is not required.

In a letter dated 20 July 2012, the WAPC acknowledged the Shire's correspondence and noted Council's intent to advertise the Amendment.

### LPP 19

In parallel with the progression of Amendment No. 171, a review of LPP 19 will likely be required to remove redundant components including the land use table, and review other provisions such as development controls. Shire staff propose to present this review to Council upon finalisation of Amendment No. 171, at which point there will be certainty to the final scope and content of the Amendment.

### Other Planning Frameworks

Amendment No. 171 has been prepared to insert a number of Byford DSP zones into TPS 2. This will provide additional clarity in terms of land use permissibility and development control where these zones apply. Whilst most LSPs prepared under the DSP have utilised these structure plan zones, there are some instances where alternative zonings have been used.

In parallel with the progression of Amendment No. 171, Shire staff will review the various LSPs for Byford and determine whether any LSP modifications are required to ensure their zones conform with the zones proposed by Amendment No. 171. In some instances, different zonings may be acceptable provided that the relevant LSP provides suitable guidance in terms of land use permissibility and development control.

In addition to a review of certain LSPs, it may be necessary to review other planning tools and frameworks to ensure consistency with Amendment No. 171 upon finalisation. In most instances, modifications to planning items such as LPPs and detailed area plans will be subject to consultation in accordance with TPS 2 and Shire requirements.

### Rural Land Strategy and Town Planning Scheme No. 3 (TPS 3)

The Shire is currently progressing with the establishment a new Rural Land Strategy (the Strategy). Broadly the purpose of the Strategy is to enhance the Shire's rural character and its role as an important economic contributor to the Shire and the broader region. It will clearly indicate the areas capable of agricultural land uses and consider how other rural



uses, including intensive agriculture, will be considered. It will also provide guidance on how the Shire should process planning applications, including Scheme Amendments, in rural areas and address rural settlement patterns. It is hoped that the Strategy will help to enhance agricultural productivity, diversity and guide land use in a more environmentally and economically sustainable manner.

The Strategy will be Council's key strategic document that provides guidance to landowners on the future rezoning, development and use of rural land within the Shire. The Strategy outlines various new policy areas in the Shire and at the time of finalisation will require the scoping of TPS 3.

Although the Shire is currently busy progressing the background work required for the establishment of TPS 3, it is not considered appropriate to defer pending Scheme Amendments such as Amendment No.171 for the following reasons:

- Development will still occur in the interim and it is important that the Shire's officers are provided with a relevant statutory framework to assist with the assessment of Scheme Amendments and Development Applications; and
- The establishment of the land use framework in the Shire's existing TPS 2 to support the ongoing development of the Byford Structure Plan is important in the context of increased development pressures particularly within the boundaries of the Byford Town Centre.

### Options

Council has the following options in making a decision on Amendment No. 171:

- Adopt the Amendment as advertised;
- Adopt a modified version of the Amendment, as per the staff recommendation or alternative modifications; or
- Refuse to adopt the Amendment.

Regardless of the decision made, Amendment No. 171 will be forwarded to the WAPC and Minister for Planning for a determination.

### Conclusion

Amendment No. 171 will specifically improve the operation and implementation of the Byford DSP and various LSPs within the area. It will introduce a new set of zones into TPS 2, providing additional clarity in terms of envisaged development outcomes. These new zones will also be able to be used in other areas of the Shire, particularly where urban and commercial development is proposed.

Submitter comments on Amendment No, 171 have been considered in detail and Shire officers recommend that Council adopt a series of modifications to the Amendment which will see some changes in land use permissibility, an enhanced understanding of the purpose and intent of each proposed zoned and setting out that planning frameworks will guide detailed design and development.

In summary, the following modifications to Amendment No. 171 are recommended:

- The inclusion of a purpose and intent for each of the six proposed zones;
- The inclusion of additional Scheme clauses detailing the requirement for planning frameworks to guide and facilitate subdivision and development for each of the six zones;
- Shopping centre to be a use not permitted within the Mixed Use zone;



- Home business and home occupation to be AA (discretionary) uses within the Town Centre zone;
- Service station to be a SA (discretionary after advertising) use within the Neighbourhood Centre zone;
- Private recreation to be an AA use within the Highway Commercial zone;
- Fast food/takeaway to be an AA use within the Mixed Business zone;
- Recreation public to be a P use within the Rural Residential, Neighbourhood Centre and Town Centre zones;
- Multiple dwellings to be an AA use within the Neighbourhood Centre and Town Centre zones;
- Corner store to be an AA use within the Neighbourhood Centre, Town Centre and Mixed Use zones;
- Corner store to be an SA use within the Rural Residential zone;
- Marine collectors yard to be a use not permitted within the Mixed Use zone;
- Public amusement to be an AA use within the Mixed Use zone;
- Plant nursery to be an AA use within the Neighbourhood Centre, Town Centre, Highway Commercial, Mixed Business and Mixed Use zones;
- Nursery to be an AA use in the Neighbourhood Centre and Town Centre zones;
- Delete the wording 'Neighbourhood Node' from part 1 of the Amendment;
- Delete the wording '(see notes 1 and 2)' from the proposed additions to Table 1; and
- Inserting a Scheme Amendment Map to identify a colour for each of the proposed new zones.

## ATTACHMENTS

- [OCM067.1/10/12](#) - Amendment No. 171 as advertised (E11/6691)
- [OCM067.2/10/12](#) - Schedule of submissions (E12/5871)
- [OCM067.3/10/12](#) - Proposed Amendment No. 171 Scheme Amendment Map (E12/5931)

## ALIGNMENT WITH OUR PLAN FOR THE FUTURE

The Shire's local statutory planning framework provides one mechanism through which the Shire's Plan for the Future 2009-2014 can be implemented. The Plan for the Future contains numerous objectives that will form the framework for the broader Strategy review. An assessment against the Shire's Plan for the Future identifies that the Strategy broadly aligns with the following key actions:

- Ensure the built form complements and enhances the rural environment;
- Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities;
- Develop comprehensive governance policies and strategies; and
- Our structure, processes, systems and policies are aligned with the Plan for the Future.

As part of responsibly planning for future urban land use it is vital that the Shire's local statutory planning framework is developed in a manner that accurately reflects the land use envisaged with the Shire's structure planned areas.

## STATUTORY ENVIRONMENT

Amendment No. 171 to TPS 2 has been progressed in accordance with the requirements and processes set out within the *Planning and Development Act (2005)* and the *Town Planning Regulations (1967)*.

**FINANCIAL IMPLICATIONS**

Amendment No.171 and associated costs have been budgeted for through the Shire's annual budgeting process.

**VOTING REQUIREMENTS**      Simple Majority**OCM067/10/12 COUNCIL DECISION/Officer Recommendation**

Moved Cr Urban, seconded Cr Wilson  
That Council:

1. Pursuant to Regulation 17(1) of the Town Planning Regulations (1967) (as amended), note the submissions received in respect of proposed Amendment No. 171 to the Serpentine Jarrahdale Shire Town Planning Scheme No. 2, and endorse the Shire officers responses to those submissions as contained in the schedule of submissions attachment OCM067.2/10/12.
2. Pursuant to Section 75 of the Planning and Development Act (2005) (as amended) and Regulation 17(2)(a) of the Town Planning Regulations (1967) (as amended), adopt proposed Amendment No. 171 to the Serpentine Jarrahdale Shire Town Planning Scheme No. 2, with modifications, as follows:

- a) Amending clause 3.1.1 of the Scheme to insert the following additional zones after "RURAL GROUNDWATER PROTECTION":

**RURAL-RESIDENTIAL  
NEIGHBOURHOOD CENTRE  
TOWN CENTRE  
HIGHWAY COMMERCIAL  
MIXED BUSINESS  
MIXED USE**

- b) Inserting into Scheme Table 1 the following:

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Aged & Dependent Persons Dwelling	AA					
Amusement Parlour		AA	AA			AA
Animal Husbandry						
Apiary						
Aquaculture						
Automotive & Marine Sales				AA	P	SA
Automotive Repairs				AA	AA	
Automotive Vehicle Wash				AA	AA	
Automotive Wrecking						
Caravan or Trailer Hire				AA	P	AA
Caretaker's				AA	AA	

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Dwelling						
Car Park		AA	AA	AA	AA	P
Caravan Park						
Cattery						
Cemetery						
Child Minding Centre		P	P			AA
Civic Buildings		P	P	AA	AA	P
Club Premises			AA	AA		AA
Commercial Vehicle Parking		AA	AA	AA	AA	SA
Consulting Rooms		P	P			P
Convenience Store		AA	P	AA	AA	SA
Corner Store	SA	AA	AA			AA
Craft Workshop	AA				P	
Dog Kennels						
Dry Cleaning Premises		AA	AA	AA		AA
Educational Establishment		AA	AA			SA
Environmental Research Centre						
Equestrian Activity						
Farriery						
Fast Food/Takeaway		AA	P	AA	AA	P
Feedlot						
Floriculture						
Fodder and pasture						
Fuel Depot					SA	
Funeral Parlour		AA	AA	AA	P	AA
Health Studio		AA	P	AA	P	P
Hobby Farm						
Holiday Accommodation						
Home Business	AA	AA	AA			AA
Home Occupation	AA	AA	AA			AA
Hospital			AA			
Hotel			P	AA		SA
Hydroponics						
Industry: - Cottage - Extractive - General - Hazardous - Light - Noxious - Rural - Service	SA	SA	SA			SA
Marine Collectors Yard				AA AA	P P P	

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Market		AA	AA	AA	AA	AA
Medical Centre		AA	P	P	AA	P
Motel			P	AA		SA
Nightclub			SA			SA
Nursery		AA	AA	AA	AA	AA
Office		P	P	P	IP	P
Orcharding						
Pig Farming						
Plant Nursery		AA	AA	AA	AA	AA
Poultry (Housed)						
Private Recreation		AA	P	AA	AA	
Private Tree Plantation						
Produce Store						
Public Amusement		AA	AA	AA		AA
Public Utility	AA	P	P	P	P	AA
Public Worship - Place of		SA	P	AA	AA	SA
Radio & TV Communication Installation		AA	AA	AA	AA	AA
Reception Centre		SA	AA	AA		P
Recreation Public	P	P	P			
Residential: - Single House - Grouped Dwelling - Multiple Dwelling - Ancillary Accommodation	P P P IP	AA AA AA	AA AA AA			AA AA AA
Residential Building	SA		AA			SA
Restaurant		P	P	AA		P
Rural Use						
Rural Workers Dwelling						
Service Station		SA	SA	SA	AA	SA
Shop		P	P		IP	P
Shopping Centre		AA	AA			
Showroom		AA	AA	P	P	AA
Stable						
Stall Wayside						
Tavern		SA	SA	AA		SA
Trade Display				AA	AA	
Transport Depot					AA	
Vehicle Hire				AA	P	
Veterinary Establishment		SA	AA	AA	AA	
Viticulture						
Warehouse			IP	AA	P	IP

c) Inserting the following new Clauses into the Scheme after Clause 5.20.3:

### **5.21 Rural Residential**

- 5.21.1** The purpose and intent of the Rural Residential zone is to provide for lot sizes ranging from 2,000m<sup>2</sup> to 1ha, primarily facilitating rural living rather than productive agriculture. The zone will facilitate vegetation retention and act as a buffer or transition between rural or reserve areas and urban development as and where appropriate.
- 5.21.2** Unless otherwise approved by the Shire, an approved local structure plan will be required to guide the subdivision and development of land zoned Rural Residential, prior to the Shire providing support for a subdivision application or approving development.

### **5.22 Neighbourhood Centre**

- 5.22.1** The purpose and intent of the Neighbourhood Centre zone is to provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services for the surrounding neighbourhood. Typical land uses will include smaller format supermarkets, personal services, convenience shops, local professional services and medium density housing.
- 5.22.2** Unless otherwise approved by the Shire, an approved detailed area plan or local planning policy will be required to guide the subdivision and development of land zoned Neighbourhood Centre, prior to the Shire providing support for a subdivision application or approving development.

### **5.23 Town Centre**

- 5.23.1** The purpose and intent of the Town Centre zone is to have a greater focus on servicing the daily and weekly needs of residents of a broader district, as well as providing services, facilities and employment opportunities for the district. Typical land uses will include discount department stores, supermarkets, other convenience shops, small scale comparison shopping, personal services, speciality shops, district level office development, local professional services, community services and facilities, and medium to high density housing.
- 5.23.2** Unless otherwise approved by the Shire, an approved activity centre structure plan will be required to guide the subdivision and development of land zoned Town Centre, prior to the Shire providing support for a subdivision application or approving development.

### **5.24 Highway Commercial**

- 5.24.1** The purpose and intent of the Highway Commercial zone is to provide for a range of commercial development, including particularly bulk retailing and open air display, showrooms, bulky goods, offices, medical centres and consulting rooms which may not be suitable for an activity centre but be suitable for a highway frontage location.
- 5.24.2** Unless otherwise approved by the Shire, an approved detailed area plan or local planning policy will be required to guide the subdivision and development of land zoned Highway Commercial,

prior to the Shire providing support for a subdivision application or approving development.

#### **5.25 Mixed Business**

**5.25.1** The purpose and intent for the Mixed Business zone is to provide for a range of light and service industrial, wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within centre zones or industrial zones. This zone only applies in specialist locations where this type of development is either existing or strategically justifiable.

**5.25.2** Unless otherwise approved by the Shire, an approved detailed area plan or local planning policy will be required to guide the subdivision and development of land zoned Mixed Business, prior to the Shire providing support for a subdivision application or approving development.

#### **5.26 Mixed Use**

**5.26.1** The purpose and intent of the Mixed Use zone is to provide for a variety of commercial and residential land uses in a complimentary and co-located manner, often in a mixed-use format. Development in the zone may provide a transition between intense activity centre development and surrounding residential areas, or for the purposes of minor local commercial development sites in residential areas. Residential development should allow for future conversion into mixed use development.

**5.26.2** Unless otherwise approved by the Shire, an approved activity centre structure plan, detailed area plan or local planning policy will be required to guide the subdivision and development of land zoned Mixed Use, prior to the Shire providing support for a subdivision application or approving development.

- 3. Modifying the Scheme Map legend by inserting colours for the Rural Residential, Neighbourhood Centre, Town Centre, Highway Commercial, Mixed Business and Mixed Use zones, as indicated on the Scheme Amendment Map at attachment OCM067.3/10/12.**
- 4. Authorise the Shire President and the Acting Chief Executive Officer to execute the relevant Amendment No. 171 documentation pursuant to Regulation 22(1) of the Town Planning Regulations (1967) (as amended).**
- 5. Forward the schedule of submissions at attachment OCM067.2/10/12 to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment No. 171 documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations (1967) (as amended).**
- 6. Request the Western Australian Planning Commission and Honourable Minister for Planning to grant final approval to Amendment No. 171 to the Serpentine Jarrahdale Shire Town Planning Scheme No. 2.**
- 7. Inform all persons and parties who made a submission on Amendment No. 171 to the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 of its decision.**

**CARRIED 8/0**

**Cr Moore was not present and did not vote.**



*Cr Moore returned to the room at 8.15pm and resumed the chair.*

OCM068/10/12	SERPENTINE JARRAHDAL SHIRE LOCAL AREA BICYCLE AND SHARED PATH PLAN (SJ263)
Author:	Marius Vermeulen - Special Projects and Asset Officer
Senior Officers:	Uwe Striepe - Acting Director Engineering
Date of Report:	24 September 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

## EXECUTIVE SUMMARY

The Serpentine Jarrahdale Shire Local Area Bicycle Plan was adopted by Council in 2009. As the previously adopted plan has been revised to include pedestrian routes as well, the new plan is referred to as the Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan to distinguish from the previous version.

The Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan is considered to be the most appropriate solution to ensure that council can have a plan of sustainable objectives whilst providing guidance in relation to maintenance and improvement of existing paths, new paths and where end of trip facilities are required.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

Council approved the previous Serpentine Jarrahdale Shire Local Area Bicycle Plan in 2009 - CGAM 115/06/09.

## COMMUNITY / STAKEHOLDER CONSULTATION

Ongoing consultation took place with the major stakeholders, Main Roads Western Australia (MRWA) and the Department of Planning and Infrastructure in order to review the Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan.

## REPORT

### Proposal

The Serpentine Jarrahdale Shire Local Area Bicycle Plan was adopted by Council in 2009. It is important that the plan be revised at least every one to two years in order to align and keep pace with the rapid growth that the Shire is experiencing.

### The Revised Plan

The previous plan concentrated on establishing a bicycle network throughout the Shire. The new plan has been revised to include pedestrian routes, as well as various shared path routes between town sites and the connection of these to neighbouring councils and suburbs.

The detail scope of the various path projects was determined through:

- Information that was obtained from the previous bike plan;
- A desktop analysis to identify outstanding links;
- On site investigations; and
- Cycle routes as proposed by the Department of Transport (DoT).

Routes indicated in the previous bike plan have been confirmed or revised and new routes have been added. The long term objective of the bicycle and shared path plan will be to provide a safe path network for all residents and to promote a healthier lifestyle and reduce traffic / emissions.

The Shire is committed to improving the cycle, pedestrian and shared path network throughout the entire Shire and to provide vital links with neighbouring Councils to complement the cycle routes as proposed by the DoT - Perth Bike Network.

As the previously adopted plan has been revised to include bicycle routes, the new plan is referred to as the Serpentine Jarrahdale Local Area Bicycle and Shared Path Plan to distinguish from the previous version.

### Options and Implications

The Serpentine Jarrahdale Local Area Bicycle and Shared Path Plan be adopted by Council to provide guidance with future bicycle and shared path construction.

### Conclusion

The Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan is considered to be the most appropriate solution to ensure that council can have a plan of sustainable objectives whilst providing guidance in relation to maintenance and improvements of existing paths, new paths and where end of trip facilities are required.

## **ATTACHMENTS**

- [OCM068.1/10/12](#) - Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan (IN12/15935)

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

The Forward Capital Works Plan emphasises all the vision categories in the Council's Plan for the Future. In particular the infrastructure items identified in the Forward Capital Works Plan aim to:

1. Plan and facilitate the provision of a range of facilities and services that meet community needs; and
2. Develop and adequately fund a functional road network and bridges based on the level of service set by Council.

## **STATUTORY ENVIRONMENT**

- "Guidelines for Preparing Bicycle Plans" in keeping with the Austroads Guide to Traffic Engineering Practice Parts 14 (Bicycles)
- Australian Standards relating to bicycles AS1742.9 and AS 2890.3
- Western Australian Planning Commission Liveable Neighbourhoods' (Western Australia Government sustainable cities initiative).

## **FINANCIAL IMPLICATIONS**

The Serpentine Jarrahdale Shire annually allocates funding in its Capital Works Program for the construction of path infrastructure. Most of these projects are supported through grant funding from either the Royalties for Regions or the DoT - Perth Bike Network Grants Program. To be eligible for grant funding it is expected of organizations to submit a plan which outlines the scope of the future network required as well as guideline estimates for each project.

**VOTING REQUIREMENTS** Simple Majority**OCM068/10/12 COUNCIL DECISION/Officer Recommendation**

Moved Cr Kirkpatrick, seconded Cr Harris  
That Council:

1. Adopt the Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan as per attachment OCM068.1/10/12.
2. Use the Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan as a guidance document for the construction of path infrastructure within the Shire subject to its incorporation into the fully costed Plan for the Future.
3. Include the Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan in Council's Asset Management Plan.
4. Include the Serpentine Jarrahdale Shire Local Area Bicycle and Shared Path Plan in Council's Integrated Public Transport Plan.

**CARRIED 9/0**

**COUNCIL NOTE:** Updated attachment received by Councillors as provided by the Acting Director Engineering.

OCM069/10/12	MONTHLY FINANCIAL REPORT - SEPTEMBER 2012 (A2092)
Author:	Kelli Hayward - Acting Executive Manager Finance
Senior Officer:	Alan Hart - Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

**RELEVANT PREVIOUS DECISIONS OF COUNCIL**

There is no previous Council decision relating to this application/issue.

**COMMUNITY / STAKEHOLDER CONSULTATION**

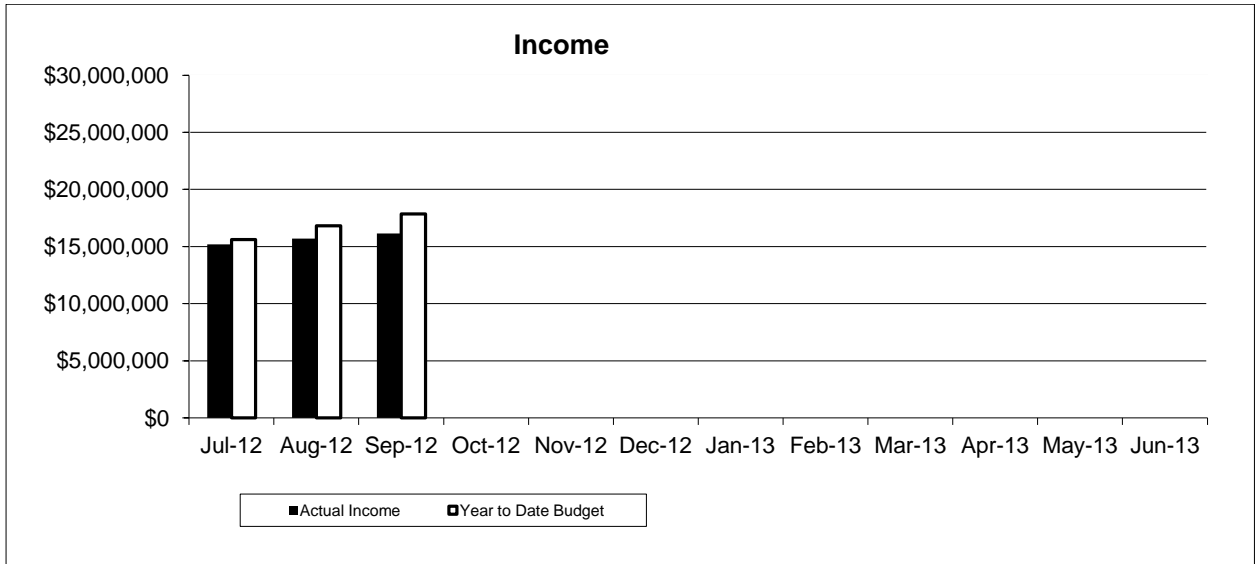
No community consultation was required.

**REPORT**

The period of review is September 2012. The municipal surplus for this period is \$12,997,321 compared to a budget position of \$9,991,625. This is considered a satisfactory result for the Shire for this time of the year.

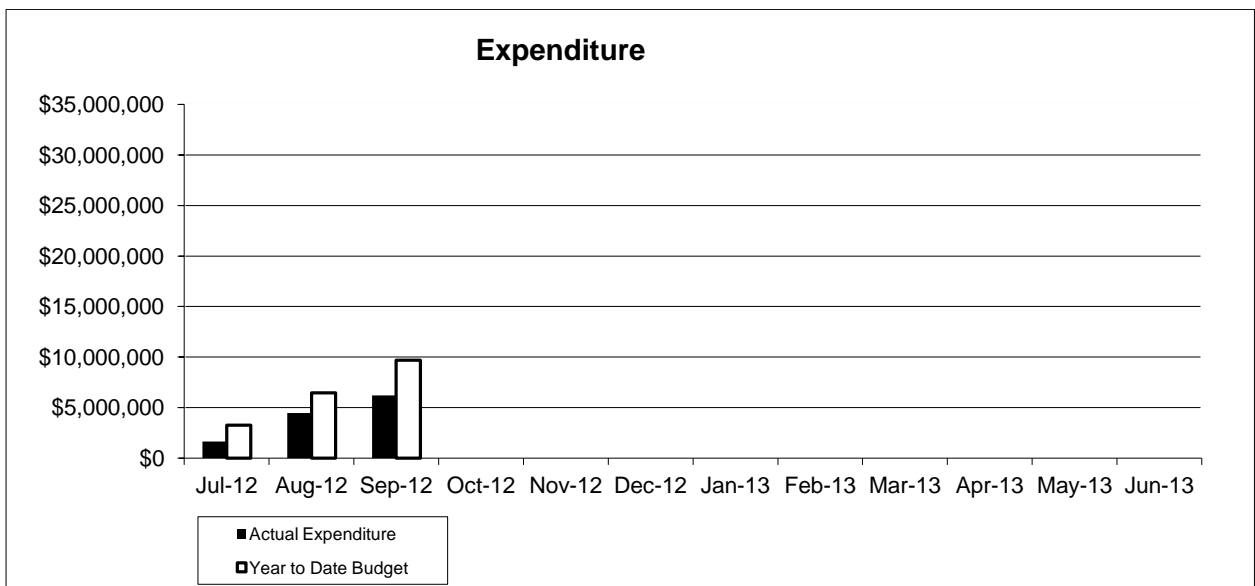
Income for the September 2012 period, year-to-date is \$16,147,316. The budget estimated \$17,845,371 would be received for the same period. The variance to budget is (\$1,698,055).

The following graph illustrates actual income to-date compared to the year-to-date budget.



Expenditure for the September 2012 period, year-to-date is \$6,210,357. The budget estimated \$9,640,257 would be spent for the same period. The variance to budget is \$3,429,900, details of all significant variances are provided in the detailed business unit reports.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.



**ATTACHMENTS**

- [OCM069.1/10/12](#) - Monthly Financial Report (E12/6295)

**ALIGNMENT WITH OUR PLAN FOR THE FUTURE**

This report is a tool for evaluating performance against recognized standards and best practice and meets the needs of the community, elected members, management and staff. It helps the Shire to exercise responsible financial and asset management cognizant of being a hyper-growth council in line with the Plan for the Future.

**STATUTORY ENVIRONMENT**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

## FINANCIAL IMPLICATIONS

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the annual budget are detailed in this report.

**VOTING REQUIREMENTS**            Simple Majority

### **OCM069/10/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Urban, seconded Cr Piipponen**

**That Council receives the Monthly Financial Report for September 2012, in accordance with Section 6.4 of the *Local Government Act 1995*.**

**CARRIED 9/0**

OCM070/10/12	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Author:	Erin Noble - Finance Officer
Senior Officer:	Kelli Hayward - Acting Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

## EXECUTIVE SUMMARY

The *Local Government (Financial Management) Regulations 1996* requires the Local Government to prepare a list of accounts paid by the Chief Executive Officer each month.

## RELEVANT PREVIOUS DECISIONS OF COUNCIL

There is no previous Council decision relating to this issue.

## COMMUNITY / STAKEHOLDER CONSULTATION

No community consultation was required.

## REPORT

### Proposal

In accordance with the *Local Government (Financial Management) Regulations 1996* 13(1), Schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

Invoices supporting all payments are available for the inspection of Council. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

### Conclusion

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 September 2012 to 30 September 2012, as per attachment OCM070.1/10/12 - Creditor List of Accounts 1 September 2012 to 30 September 2012 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

### **ATTACHMENTS**

- [OCM070.1/10/12](#) - A copy of the vouchers numbered Cheque 42741 to Cheque 42811 and EFT28061 TO EFT28322 totalling \$1,774,702.27 for the period of 1 September 2012 to 30 September 2012.

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

Council's Plan for the Future has placed an emphasis on exercising responsible financial management.

### **STATUTORY ENVIRONMENT**

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the Local Government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare a list of accounts paid by the Chief Executive Officer each month, showing:

- (a) The payee's name;
- (b) The amount of the payment;
- (c) The date of the payment; and
- (d) Sufficient information to identify the transaction.

### **FINANCIAL IMPLICATIONS**

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

### **VOTING REQUIREMENTS**          Simple Majority

### **OCM070/10/12 COUNCIL DECISION/Officer Recommendation**

#### **Moved Cr Harris, seconded Cr Piipponen**

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 September 2012 to 30 September 2012, as per attachment OCM070.1/10/12 - Creditor List of Accounts 1 September 2012 to 30 September 2012 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED 9/0**



**10. INFORMATION REPORTS:**

OCM071/10/12	ACTING CHIEF EXECUTIVE OFFICER INFORMATION REPORT
Author:	Trish Kursar - Personal Assistant to the Acting Chief Executive Officer
Senior Officer:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	24 September 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

**ATTACHMENTS**

- [OCM071.1/10/12](#) - Policy Forum Agenda September 2012 (E12/4425)
- [OCM071.2/10/12](#) - Seal Register Report August 2012 (E02/5614)
- [OCM071.3/10/12](#) - Minutes of the Western Australian Local Government Association (WALGA) South East Metropolitan Zone Meeting for 29 August 2012 (IN12/14202)
- [OCM071.4/10/12](#) - Minutes of the WALGA Peel Zone Meeting for 30 August 2012 (IN12/15558)
- [OCM071.5/10/12](#) - Minutes of the WALGA State Council Meeting for 5 September 2012 (IN12/14866)

**VOTING REQUIREMENTS**          Simple Majority

**OCM071/10/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Kirkpatrick, seconded Cr Urban**  
**That Council accept the Acting Chief Executive Officer Information Report to 24 September 2012.**  
**CARRIED 9/0**

OCM072/10/12	DEVELOPMENT SERVICES INFORMATION REPORT
Author:	Jodie Evans - Personal Assistant to the Director Development Services
Senior Officers:	Tony Turner - Manager Health, Rangers and Compliance Louise Hughes - Manager Statutory Planning Brad Gleeson - Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

**ATTACHMENTS**

- [OCM072.1/10/12](#) - Building - Delegated Authority (E12/6632)
- [OCM072.2/10/12](#) - Health, Rangers and Development Compliance - Delegated Authority (E12/6748)



- [OCM072.3/10/12](#) - Planning - Delegated Authority (E12/6744)
- [OCM072.4/10/12](#) - Statutory Planning Report tabling Scheme Amendments, Local Planning Policies and Local Structure Plans (E12/3985)

**VOTING REQUIREMENTS**          Simple Majority

**OCM072/10/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Urban, seconded Cr Piipponen  
That Council accept the Development Services Information Report for October 2012.  
CARRIED 9/0**

OCM073/10/12	ENGINEERING SERVICES INFORMATION REPORT
Author:	Mary-Ann Toner - Personal Assistant to the Acting Director Engineering
Senior Officers:	Craig Wansbrough - Project Manager - Water Sensitive Urban Design Strini Govender - Manager Infrastructure and Design Dave Gossage - Manager Emergency Services Uwe Striepe - Acting Director Engineering
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.

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

**ATTACHMENTS**

- [OCM073.1/10/12](#) - Local Emergency Management Committee meeting minutes

**VOTING REQUIREMENTS**          Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Wilson, seconded Cr Piipponen  
That Council accept the Engineering Services Information Report for September 2012.  
LOST 1/8**

**OCM073/10/12 COUNCIL DECISION/Council Recommendation**

**Moved Cr Harris, seconded Cr Wilson  
That the Local Emergency Management Committee meeting minute recommendations as per attachment OCM073.1/10/11 be presented to Council at the 26 November 2012 Council Meeting.  
CARRIED 9/0**

**COUNCIL NOTE: Officer Recommendation lost as Local Emergency Management Committee meeting minutes provided in attachment OCM073.1/10/12 included actions that are required to be brought to Council.**

OCM074/10/12	STRATEGIC COMMUNITY PLANNING INFORMATION REPORT
Author:	Janice Ferguson - Community Development Officer - Community Safety
Senior Officers:	Carole McKee - Manager Community Development Suzette van Aswegen - Director Strategic Community Planning
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

### ATTACHMENTS

- [OCM074.1/10/12](#) - Community Safety and Crime Prevention Steering Committee Meeting minutes - 30 August 2012 (E12/6782)

### VOTING REQUIREMENTS Simple Majority

### **OCM074/10/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Harris, seconded Cr Piipponen  
That Council accept the Strategic Community Planning Information Report for September 2012.  
CARRIED 9/0**

OCM075/10/12	CORPORATE SERVICES INFORMATION REPORT
Author:	Erin Noble - Finance Officer (Accounts Payable) Kathleen Duncan - Finance Officer (Payroll) Melissa Armitage - Finance Officer (Special Projects)
Senior Officers:	Kelli Hayward – Acting Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

### DELEGATED AUTHORITY (A0039-02)

04/09/2012	CG07	Payment of EFT28061 to EFT28063	5,704.41	KH & AH
04/09/2012	CG07	Payment of EFT28064	50.00	KH & BG
06/09/2012	CG07	Payment of Cheque 42741 to 42763	8,296.53	KH & BG
06/09/2012	CG07	Payment of EFT28065 to EFT28115	598,878.58	KH & BG
10/09/2012	CG07	Payment from Municipal Bank Account to Trust Bank Account for the Month of August	29,945.71	AH & KH
10/09/2012	CG07	Payment from Municipal Bank Account to Trust Bank Account for the Month of June	141,542.87	AH & KH
10/09/2012	CG07	Payment from Municipal Bank Account to Trust Bank Account for the Month of July	75,302.91	AH & KH
10/09/2012	CG07	Payment of EFT28116	5,704.41	KH & AH
13/09/2012	CG07	Payroll	234,605.19	KH & AH
13/09/2012	CG07	Payment of EFT28117 to EFT28176	254,450.30	KH & AH
13/09/2012	CG07	Payment of Cheque 42764 to 42772	16,998.95	KH & AH



17/09/2012	CG07	Payment of EFT28177 to EFT28178	259.22	KH & SvA
18/09/2012	CG07	Payment of EFT28179	7,265.84	KH & SvA
19/09/2012	CG19	Reinvestment of Investment Account Number 9830-22496 for the purpose of Restricted Funds – Byford Youth Forum	8240.43	BG & SVA
20/09/2012	CG07	Payment of EFT28181 to EFT28264	493,572.15	KH & SvA
20/09/2012	CG07	Payment of EFT28180	5,325.11	KH & SvA
20/09/2012	CG07	Payment of Cheque 42773 to 42799	49,482.98	KH & SvA
24/09/2012	CG07	Payment of EFT28265 to EFT28266	35,173.01	KH & SvA
27/09/2012	CG07	Payroll	240,895.76	KH & BG
27/09/2012	CG07	Payment of EFT28267 to EFT28322	219,937.21	KH & SvA
27/09/2012	CG07	Payment of Cheque 42800 to 42811	20,722.33	KH & SvA

**VOTING REQUIREMENTS**          Simple Majority

**OCM075/10/12 COUNCIL DECISION/Officer Recommendation**

**Moved Cr Wilson, seconded Cr Urban  
That Council receive the Corporate Services Information Report for September 2012.  
CARRIED 9/0**

**11. URGENT BUSINESS:****COUNCIL DECISION**

**Moved Cr Kirkpatrick, seconded Cr Wilson  
That Council accept item OCM076/10/12 as urgent business.  
CARRIED 9/0**

OCM076/10/12	RFT010/12 - CIVIC CENTRE REFURBISHMENT WORKS (SJ551)
Author:	Alan Hart - Director Corporate Services
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	16 October 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

**EXECUTIVE SUMMARY**

In accordance with the *Local Government Act 1995*, tenders are called to ensure that the suppliers of materials and services comply with Council's requirements and that the best market price is received to meet the budgeted works program as approved by Council.

This Request for Tender forms part of Serpentine Jarrahdale Shire's approved budget for the 2011/2012 financial year.

The Request for Tenders RFT 010/12 was called for works to specify the design for amenities:-

- (a) Recognise and accommodate the operations and activities of the Shire's Executive Services department;
- (b) Accommodate Council Chambers and associated hospitality arrangements;
- (c) Design to focus on multifunctional use of redesigned space to add value to the local community;
- (d) Provide a meaningful and cohesive multiuse work environment; and
- (e) Factor in disability access to all workspaces

Tender RFT 010/12 was advertised in the West Australian on 14 September 2012 and closed on 14 October 2012 at 4.00pm. Four tenders were received. Tenders were assessed by a panel overseen by Espace Design Manager "the Assessor" in accordance with the Serpentine Jarrahdale Shire's "Evaluation Panel Guide".

It is recommended that Council accept the tender submitted by Interite Corporate Interiors for RFT 010/12 - Civic Centre Refurbishment Works.

**RELEVANT PREVIOUS DECISIONS OF COUNCIL**

Council resolved at its Ordinary Council Meeting on 22 November 2010 to proceed with investigating preliminary design options to incorporate the Administration Centre and Mundijong Hall into a Civic Centre precinct in light of increasing staff and community requirements with the design options to be flexible in order to accommodate community use.

**COMMUNITY / STAKEHOLDER CONSULTATION**

Not applicable.

**REPORT**

The Community Facilities and Services Plan identified the need for Council to have new Civic facilities. The fully costed Plan for the Future has allocated funds towards this project.

In accordance with the *Local Government Act 1995*, tenders were called to enable the project to proceed.

Tender RFT 010/12 - Civic Centre Refurbishment Works was advertised in the West Australian on 14 September 2012 and closed on 8 October 2012 at 4.00pm. At the close of tenders, four tenders were received from the following registered companies:

- Interite Corporate Interiors;
- CPD Group;
- Classic Contractors; and
- Adesa Services.

The tenders were reviewed by the Assessor and following the review the tenders were ranked according to the criteria outlined in the Request for Tenders. The weighted selection criteria tendering process follows the guidelines, in principle, as agreed with industry peak bodies. The weighted criteria used to assess the tenders were based on the following;

- Relevant experience;
- Past performance;
- Technical skills;
- Management skills;
- Financial;
- Insurance;
- WA based;
- Resources;
- Timeline program work;
- Project appreciation; and
- Price.

Scores were allocated accordingly by the Assessor. The table in the confidential attachment indicates the scores and overall rankings of the respective requests received.

### Conclusion

That Council award the tender submitted by Interite Corporate Interiors for RFT 010/12 – Civic Centre Refurbishment, based on the confidential attachments.

### **ATTACHMENTS**

- **Confidential - OCM076.1/10/12** - Design Concept Report (E12/7375)
- **Confidential - OCM076.2/10/12** - Quantity Surveyor Cost Estimate (TBA)

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

Council's Plan for the Future places an emphasis on People and Community, in terms of enabling the provision of a broad range of facilities and services that include the development of sustainable, multipurpose facilities. Our Council at Work realises the importance of equipping our staff to fulfil their roles, striving to create a unique work environment and working hard to continually improve customer satisfaction and stakeholder involvement.



## STATUTORY ENVIRONMENT

In accordance with the *Local Government Act 1995*, tenders are called to ensure that the suppliers of materials and services comply with Council's requirements and that the best market price is received to meet the budgeted Capital and Operational works program as approved by Council.

## FINANCIAL IMPLICATIONS

The total budget for this project in 2012/13 financial year is \$1,650,000. The recommended tendered price is within budget.

## VOTING REQUIREMENTS ABSOLUTE MAJORITY

### **OCM076/10/12 COUNCIL DECISION/Officer Recommendation**

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

- 1. Accept the evaluation criteria as contained in confidential attachment OCM076.1/10/12 Request for Tender RFT 010/12.**
- 2. Accept the tender submitted by Interite Corporate Interiors for RFT 010/12 – Civic Centre Refurbishment.**

**CARRIED BY ABSOLUTE MAJORITY 7/2  
Cr Harris voted against the motion.**

*Cr Kirkpatrick declared a financial interest in item OCM077/10/12 and left the room at 8.55pm.*

### **COUNCIL DECISION**

**Moved Cr Wilson, seconded Cr Piipponen  
That Council accept item OCM077/10/12 as urgent business.  
CARRIED 8/0  
Cr Kirkpatrick was not present and did not vote.**

OCM077/10/12	SPECIFIED AREA RATING - THE GLADES RESIDENTIAL ESTATE (LOCAL STRUCTURE PLAN) AND THE GLADES VILLAGE CENTRE (SJ1370)
Author:	Alan Hart - Director Corporate Services
Senior Officers:	Richard Gorbunow - Acting Chief Executive Officer
Date of Report:	18 October 2012
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

## EXECUTIVE SUMMARY

In the 2012/13 Annual Budget, Council resolved to charge a Specified Area Rate for residents of the Glades Residential Estate (Local Structure Plan) and Glades Village Centre in Byford.

The purpose of raising the Specified Area Rate was to put funds aside for future expenditure requirements to fund the maintenance and asset renewal of the lakes and Public Open Space (POS) in the Glades Village Centre, Byford.

The construction of the lakes and POS in the Glades Village Centre, Byford has not yet commenced, therefore implementation of the Specified Area Rate is considered premature, giving Council the opportunity to review the levying of the Specified Area Rate in the current financial year.

There are currently two matters before the State Administrative Tribunal (SAT) in relation to the construction of the lakes and POS in the Glades Village Centre, Byford and in the interests of finalising these matters, it is recommended that Council consider reversing the Specified Area Rate for the residents of the Glades in Byford and look at an alternative method for funding the maintenance and asset renewal of the lakes and POS in the Glades Village Centre, Byford.

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

OCM177/06/12 – Adoption of 2012/2013 Statutory Budget

### **COMMUNITY / STAKEHOLDER CONSULTATION**

All ratepayers that have been charged the Specified Area Rate will be advised that the amount charged will be credited against their assessment.

### **REPORT**

The Shire approved the structure plan for the Glades, which included the Glades Village Centre incorporating an artificial water body, a focal point of the Glades Village Centre.

Council approved this subject to a suitable financial arrangement being put in place to ensure the maintenance and asset renewal costs were funded, so in the future, ratepayers were not burdened by what can be significant expenditure on maintaining the infrastructure in its as constructed condition.

At the time of making this decision, the Shire considered this item in isolation and in recent times, with the preparation of Asset Management Plans, consideration has been given to the wider issue of infrastructure renewal across the Shire and as such this approach to targeting specific residents may be inappropriate.

Options will be further explored as part of the annual budget process and an alternative funding model will be proposed in the 2013/14 Annual Budget.

It is therefore recommended that Council reverse the Specified Area Rate for the residents of the Glades and Council consider as part of the 2013/14 Annual Budget creating a general infrastructure maintenance reserve which will fund the asset renewal cost of major infrastructure constructed as part of the overall development of the Shire.

### **STATUTORY ENVIRONMENT**

The Local Government Act provides for local authorities to charge Specified Area Rates. It also prescribes the requirements to ensure that the funds raised are only spent for the purpose that they were raised.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications on Council if the Specified Area Rate is credited as the infrastructure in question is not yet constructed or maintained by the Shire. The Shire will still need to address the issue of maintenance of infrastructure that is constructed by the property developer as part of their development to ensure that ratepayers in the future are not unfairly burdened with expenditure on infrastructure maintenance as the infrastructure gets toward the end of its life and requires replacement/renewal.



**VOTING REQUIREMENTS**

Simple Majority

**OCM077/10/12 COUNCIL DECISION/Officer Recommendation**

Moved Cr Wilson, seconded Cr Piipponen  
That Council:

1. Credit all assessments that were charged the Specified Area Rate in the 2012/13 Financial Year for the properties located in the area designated as the Glades Residential Estate (Local Structure Plan) and the Glades Village Centre.
2. Advise all ratepayers that were charged the Specified Area Rate that it has been credited against their assessment.

**CARRIED 6/2**

**Cr Harris and Cr Randall voted against the motion.**

**Cr Kirkpatrick was not present and did not vote.**

*Cr Kirkpatrick returned to the room at 9.15pm.*

**12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Cr Kirkpatrick asked about the legal advice that was received regarding the drainage in the Chestnuts Estate. A list of the questions and responses is to be provided to Cr Kirkpatrick.

**13. CLOSURE:**

There being no further business the meeting closed at 9.16pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 12 November 2012.

.....  
Presiding Member

.....  
Date