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- NOTE:**
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
 - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 23RD AUGUST 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

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

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
M Harris
C Buttfield
MJ Geurds
T Hoyer
A Lowry
E Brown
A Ellis
K Petersen

OFFICERS: Mrs J AbbissChief Executive Officer
Mr A Hart Director Corporate Services
Mr R Gorbunow Director Engineering
Mr B Gleeson Director Development Services
Mrs S van AswegenDirector Strategic Community Planning
Ms P Kursar Minute Secretary

APOLOGIES: C Randall

GALLERY: 5

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 7.01pm

2.1 Mrs Bond – 70 Stockman Close, Oakford

Q1 In 1996 State Treasury Funds of \$120,000 were provided for sealing the 1km long Jackson Road, Olbury. Only \$44,000 of this funding was used for this purpose. What happened to the other \$76,000?

Q2 Is it necessary to get permission to have a pool installed ?

Q3 If, so why is there one in Stockmans Close which has remained unfenced for some time now ?

Q4 Who paid for the markets to be held in the Recreation Centre on the 21st August 2010 ?

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

2.2 John Kirkpatrick – 16 Harris Place, Jarrahdale

When the Council approved the sub division of the portion of the Chestnuts estate abutting Harris Place, it took into consideration the past history of flooding at Harris Place caused by water running off this land. As a result it made the developers of the Chestnuts build a compensating Basin and associated pipe work at the rear of Lot 8 Carex Walk abutting the rear of Numbers 7 and 8 Harris Place.

Q1 Where was the excess water designed to go in the case of the water flowing into the compensating basin being greater than the design capacity of the Basin?

Q2 Where was the water designed to go when the flow of water was greater than the capacity of the pipe work to take the water from the compensating basin?

When the council approved the sub division of the portion of the Chestnuts Estate abutting Harris Place it took into consideration the past history of flooding of Harris Place caused by water running off this land. As a result it made the developers build a compensating basin at the rear of Lot 169 Marginata Road and levee bank along the rear of numbers 2,3,4 and 5 Harris Place to protect them. There is no evidence of the Council maintaining or causing the developer to maintain the levee bank prior to the March storm, only a concrete lid. (The Council has since had one fitted). This levee bank failed during the storm and caused flooding to Harris Place.

Q3 Why did the levee bank fail?

Q4 Why did no water go in to the compensating basin which was designed for this purpose?

In reply to question on notice I was informed that an architect was retained to design the footpaths in Forrest Green Park as the Council has no one available to do the job. It was also indicated to me that the person in question who did the job was Mr T Farrell.

Q5 If this is correct, why did this cost not appear on the list of payments for the years 2008-2009 and 2009-2010 to Mr Farrell given to me in reply to a previous question on notice?

Q6 If this is again correct, how many other payments may have been missed?

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

Public Question Time ended at 7.10pm

3. Response to Previous Public Questions Taken On Notice

3.1 Kay Spencer – 312 Lightbody Road, Mardella

We consider the answer to our prior question at the council meeting on the 9 July to once again be ambiguous and lacking in commitment to address the issue and again ask that council inform us:

Q What will be done to stop the dust pollution to residents on Lightbody Road caused by its use as a through road?

We further ask that Council give a meaningful answer this time as we have been asking for a solution for a number of years now.”

- A Council will endeavour to minimise the dust on Lightbody Road through its maintenance programme.

3.2 Loretta Oud – 301 Lightbody Road, Mardella

Let me recap Lightbody Road resident’s attempts to resolve the last bout of 9 months of atrocious dust pollution to our homes. In April 2009 we commenced communication with the Shire to discuss and resolve our dust issue but did not receive any response from the Shire for over six months.

By the time the issue was finally discussed we were well into the dry season and had already been subjected to months of extreme dust pollution. We were informed that there was no money in the maintenance budget to carry out any effective solution.

An attempt at applying dust suppressant was totally ineffective and we have been informed that there is not enough gravel surface left on the road for dust suppressant to bind with and gravel re-sheeting is necessary to achieve any result. Subsequently, we were subjected to horrendous dust pollution to our homes for that vast majority of the year.

In light of this and in light of the long history of broken promises, back flips and questionable politics surrounding Lightbody Road, we view Council’s response to Kay Spencer’s question unworthy of demonstrating any meaningful commitment to deal with our issue. Therefore we ask Council:

- Q1 Will the Shire make a meaningful commitment to resolve the dust issue to the residents of Lightbody Road?

- A1 There is no financial commitment in this financial year to upgrade Lightbody Road.

- Q2 Will the Shire allocate finances to carry out an effective solution to solve the dust pollution to residents before the onset of the dry months?

- A2 See answer to question 1.

3.3 Jackie Marsh – 340 Lightbody Road, Mardella

In the Examiner Newspaper on the 14 May 2009 Council stated in relation to traffic travelling on Lightbody Road that:

“...85% of drivers were travelling at over 85km/hour which is too fast for a gravel road.”

And that:

“Council will....request Main Roads Western Australia to install signs all the way along Lightbody Road indicating that the road is a 70km/hour speed zone.

Another Examiner article on 4 June 2009 stated:

Ms Needham said the safety of the road was the main concern. “Council will improve the condition and safety of the road and request Main Roads WA to install signs all

the way along Lightbody Road indicating that the road is a 70km an hour zone.” she said.

Our question to Council is:

Q Why has a 70km/hr speed zone not been applied to Lightbody Road as stated by Council and when will this be done?

A Main Roads does not speed zone or install advisory speed signs on unsealed roads.

In Main Roads’ “Application and Approval Guideline - Speed Zoning” under “1.2 Applicable Roads” reference is made to the fact that unsealed roads are not speed zoned.

This Guideline applies to all public roads in Western Australia

Reference in the Australian Standard AS 1742.4 -2008 “Manual of uniform traffic control devices Part 4: Speed Controls” in Section 2.1.2 General principles (paragraph (d)) Speed limits other than the default urban or default rural limits shall not be applied to unsealed roads.

Council will install advisory signs in Lightbody Road indicating a 60kmh zone.

3.4 John Kirkpatrick – 16 Harris Place, Jarrahdale

Will the Shire President please instruct the CEO to reply to all correspondence as per Council policies? I currently have four unanswered letters from March and April 2010. I asked a question on when a new sporting facility will be provided in the Shire. The reply was evasive and full of gobdddy-gook and spin. After reading the reply it would appear that the Shire has no intentions of providing any new facilities in the foreseeable future. Is this correct? If so, I repeat my question –

Q1 When will new facilities be provided considering that we have about 3 new families a day coming into the area?

A1 At the time the Community Facilities and Services Plan research was undertaken in 2007 it was envisaged that 2 new ovals may be required in Byford by 2009 and 2 ovals in Mundijong by 2011. These were anticipated to require change rooms, toilets, parking, clubrooms, lighting etc. However, all projects within the Community Facilities and Services Plan are subject to a number of factors including population growth, feasibility studies and funding.

There is currently a new oval that is being developed in Byford Central and the Shire hopes to have the oval operational for sporting use by the end of the year. The Shire is also working with a number of sporting clubs to develop a proposal for a Recreational Precinct in Mundijong but this is only in the very early stages.

At the June OCM I tabled a copy of a letter from the Minister for Emergency Services in which he indicated that there was to be a review of Shire local emergency Policies and Procedures by the Shire and FESA. This was following the events of the night of the 22 March 2010. My questions are:

- Q2 Has this review been undertaken?
- A2 The Manager of Emergency Services (Serpentine Jarrahdale Shire) and Quinta La Rosa (FESA) are reviewing all LEMAC documents for Serpentine Jarrahdale Shire.
- Q3 If not, when will it happen?
- A3 See answer to question 1.
- Q4 Were or will the public of Jarrahdale be invited to participate in any such review as they were the people impacted by the events of the night?
- A4 Upon completion of the draft documents, a comment and consultation process will be undertaken through LEMAC.
- Q5 Will the President instruct the CEO to reply to questions taken on notice to be replied to in a frank and non evasive manner? Not full of spin designed to confuse and mislead?
- A5 The Shire President will now sign responses to questions taken on notice.
- Q6 That these questions be answered in a reasonable time?
- A6 Questions will be responded to within the timeframes that resources permit.

3.5 Mrs Bond – 70 Stockmans Close, Oakford

- Q1 How can you justify an 8% increase in the rates of ratepayers who provide their own water and wastewater treatment?
- A1 Council Rates are to fund the services that the Shire provides its ratepayers, including the maintenance of roads, parks, sporting grounds, halls and recreation centres. Other services include but are not limited to; Strategic Planning, Community Development, Statutory Planning, Health and Emergency Services.
- The Shire has no control over water and waste water treatment as these are Water Corporation functions. The only role the Shire has in relation to waste water treatment is the enforcement of health regulations for the approval and compliance of septic and alternative waste water treatment units.
- Q2 It has been 77 days since I made a Freedom of Information application. It can reasonably be deemed as a refusal at this point. Why has this not been met within the 45 days?
- A2 A letter was forwarded to you on the 11th June 2010 advising you that your Freedom of Information request was completed and was at the front office waiting for your collection. The Freedom of Information application was completed within 42 days of lodging the request.

4. PUBLIC STATEMENT TIME:

4.1 John Kirkpatrick – 16 Harris Place, Jarrahdale

I find it disturbing the lack of consideration given to ratepayers in replying to questions on notice. Questions asked at the June OCM were not replied to me by the July meeting so there was no chance to read the replies prior to the June OCM.

The July questions were replied to on Friday 20th of August and make interesting reading.

It would appear that the review of the Local Emergency Plans will be done by the Shire and FESA prior to asking the people of Jarrahdale what they thought went wrong with policies at the time of the event and what actually happened on the night and the following week or so. So much for transparency of the way the Council does business.

There was no reply to the request that the Shire President instructs the CEO to reply to correspondence as per Council policies.

The reply to the question about sporting ovals does not take in consideration the previous question about sporting ovals as asked at the May OCM.

As ratepayers we do not get much of an opportunity to ask questions and would appreciate if the Council would reply in a manner that can be understood by the average layman.

Correspondence is not always replied to. I have four letters from March and April still awaiting a reply.

Will the Shire President and the CEO stop treating us as mushrooms and be frank and honest in the way it replies to us.

It would appear that the questions asked are either not read or not understood by the relevant Shire personnel. I always give a written copy of any questions asked so there is no misunderstanding in what I ask.

4.2 John Kirkpatrick – 16 Harris Place, Jarrahdale

I must protest at the budget allowance of \$500,000 for the up grading of George Street Byford. It would appear to be a direct subsidy of the owners and developers of the commercial properties that adjoin this street.

There are no private dwellings fronting this street, only properties with commercial value. The fact that main roads wish for all the exits from these properties to be on George Street and not South West Highway is the problem of the developers, not the Council or the ratepayers.

There is no evidence of a safety issue in that there is no history or evidence of crashes on the intersections of Larson Road/Pitman Way and the South West Highway. I am told of a petition of about 700 names supporting this action, so it means that about 14,500 ratepayers either do not agree with it or were not consulted. I am a ratepayer in Byford and I was not consulted by my local elected members. In fact my local members of Council rarely speak to me.

It would appear to be an ego trip on the part of a couple of Councillors who do not seem to act in the best interests of the whole shire. There are many other roads and footpaths in the shire that are more deserving of this money being spent on them.

As I state before the shire should not be subsidising these developers but they should be made to pay the full cost of their development. When one of the blocks of lands is on the market for in excess of \$10,000,000 the developers could clearly afford to pay for the road.

Copies of previous questions were provided by Mr Kirkpatrick.

4.3 Loretta Oud – 301 Lightbody Road, Mardella

In 1987 the previous owners of 340 Lightbody Road wrote to the Shire raising concerns about the amount of through traffic using the road and requested that attention be given to the road. Through traffic problems on the road were brought to the Shire attention 23 years ago.

We have the Shire's letter of response dated 1987 which states:
"It was resolved by Council to consider allocating funds in the 1988/89 budget to Lightbody Road."

Proposed budgets to deal with Lightbody Road's issues were again given in 1996 and yet again in 1999 with an intention to begin sealing 2000.

But now, 23 years later nothing has been done about the through traffic impact on the road and after countless approaches to Council highlighting concerns over the roads degradation, safety and dust issues caused by the through traffic residents are told:

"There is no financial commitment in this financial year to upgrade Lightbody Road."

Despite the fact that the Shire informed all Lightbody Road residents prior to purchasing their properties that the road would be sealed, this has not been done. We now find that Council is considering spending rate payer's money and obtaining grant funding to provide a secondary access to commercial development sites backing onto George Road. This is within the Byford town centre structure plan area and is a project which needs to be funded by developers.

Councillors, honour your commitments to ratepayers who have been requesting action be taken on their road for 23 years and stop ignoring the through traffic issue on Lightbody Road. It is not going to go away but is only getting worse and will worsen with issues becoming even more dangerous with further urban development in Serpentine. The shortest route for north bound traffic from Serpentine to the freeway is still past our homes on Lightbody Road! It is negligent for Council to leave it as a gravel through road.

Make a decision: close it or commit to sealing.

4.4 Mrs Bond - 70 Stockman Close, Oakford

In the budget edition of the SJ Update Council states rates are taken into account for the level and range of services provided to the different types of properties to reflect the cost of provision of services to those different rating categories. How does light industry, public purpose, intensive farming etc equate with our special rural category. We pay the same however we don't cost Council anything. There are many like me

who don't use the halls, too expensive. We look after Council's fire hazard on our bridge for our safety because you have no interest in doing it. We keep our verge at the front clean (about 200m of it) for our safety again. Although Shire staff pass road safety hazards on major intersections, once again it is residents who have to bring it to Council's attention.

While we experience yet another rate hike like this, Council is concerned about saving a white ant riddled pile of wood and this could be solved with a packet of red heads and an exercise for the local fire brigade.

Perhaps you should consider saving Percy's Place as long as the RSL are going to maintain it. Saving that at least makes sense.

5. PETITIONS & DEPUTATIONS:

Nil

6. PRESIDENT'S REPORT:

Friday 20th August was a momentous day for our Serpentine Jarrahdale Shire. It was the day where we celebrated the re-opening of four of our Shire Halls. Each hall has been given a 'make over' with additional meeting rooms being added, acoustic and insulation treatment installed, and many halls now have photo voltaic solar panels to help defray electricity costs and to ameliorate our carbon footprint.

Community members mingled with stakeholders and funding body representatives, in a journey of excitement to each refurbished venue. Displays and entertainment from Police and Citizens Youth Club, school students and our older residents were welcomed by participants. The celebrations were capped off with a lunch at Millbrook winery, incorporating a presentation and showing of a DVD. All participants were given a copy of our Plan for the Future.

Our thanks go to the Federal Government of Australia, the State Government and the Peel Development Commission who have partnered with the Shire to fund all of these improvements. Our thanks also go to the project team leaders and their staff who have worked so diligently to bring all these renovations to completion. Congratulations to you all.

My last accolade must go to the dedicated team who brought the whole celebration day together. This was a collaborative effort from the CEO's office, the Community Development team, our outside staff and many officers who simply added to their workload to make the day such a success.

This day, 20th August 2010, will stand out in our beautiful Shire's history, as the day when the unveiling of plaques has led to the significant improvement in community facilities for all our residents and their community groups. Thank you.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Petersen declared an interest of impartiality in item OCM007/08/10 as she is a member of the Jarrahdale Community Association. This will not affect the way Cr Petersen votes on this matter.

Cr Twine declared an interest of impartiality in item OCM007/08/10 as she is a member of the Jarrahdale Community Association. This will not affect the way Cr Twine votes on this matter.

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

7.1 Corporate Governance & Asset Management Committee Meeting – 20 July 2010

Moved Cr Brown, seconded Cr Geurds
That confirmation of previous minutes be carried en bloc.
CARRIED 9/0 EN BLOC

Moved Cr Geurds, seconded Cr Harris
The *attached minutes (E10/3673)* of the Corporate Governance & Asset Management Committee Meeting held on 20 July 2010 be confirmed.
CARRIED 9/0 EN BLOC

7.2 Sustainable Development Committee Meeting – 20 July 2010

Moved Cr Geurds, seconded Cr Harris
The *attached minutes (E10/3745)* of the Sustainable Development Committee meeting held on 20 July 2010 be confirmed.
CARRIED 9/0 EN BLOC

7.3 Special Council Meeting – 26 July 2010

Moved Cr Geurds, seconded Cr Harris
The *attached minutes (E10/3807)* of the Special Council Meeting held on 26 July 2010 be confirmed.
CARRIED 9/0 EN BLOC

7.4 Ordinary Council Meeting – 26 July 2010

Moved Cr Geurds, seconded Cr Harris
The *attached minutes (E10/3809)* of the Ordinary Council Meeting held on 26 July 2010 be confirmed.
CARRIED 9/0 EN BLOC

REPORTS OF COMMITTEES:

SD013/08/10 DETAILED AREA PLAN - THE GLADES RESIDENTIAL ESTATE STAGE 4 & 5, BYFORD (S136679)		
Proponent:	Taylor Burrell Barnett	In Brief Council is requested to endorse Detailed Area Plans (DAP's) lodged with Council, setting out design requirements for the future development of the subject site.
Owner:	LWP Byford Syndicate Pty Ltd	
Author:	Peter Varelis – Planning Officer	
Senior Officer	Brad Gleeson - Director Development Services	
Date of Report	22 July 2010	
Previously	Nil	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 6 July 2010
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential
 Local Structure Plans: The Glades Draft Local Structure Plan
 Date of Inspection: Various

Background:

Council has received Detailed Area Plans (DAPs) for the Glades Residential Estate Stage 4 and 5, Byford for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2).

A copy of the DAPs is with attachments marked SD013.1/08/10.

The DAPs set out design requirements for the development of lots associated with the respective Local Structure Plan (LSP) area. The requirements stipulated in the DAPs apply in addition to normal Scheme and State Planning Policy No. 3.1, Residential Design Codes (R-Codes) of Western Australia requirements and will permit particular variations related but not limited to dwelling placement, fencing, storage areas, and service locations. Stipulating modified provisions under a DAP facilitates optimal design outcomes.

This report provides Council with the opportunity to adopt the DAPs for the Glades Residential Estate Stage 4 and 5, Byford.

Sustainability Statement

Effect on Environment: The DAPs submitted to Council incorporates passive solar design principles through mandated provisions accompanied by those stipulated in the R-Codes and Building Code of Australia (BCA).

Use of local, renewable or recycled resources: The promotion of energy efficiency will result in reduced energy consumption and dependency upon resources.

Economic Viability: The proposed DAPs presented to Council covers an area of forty residential dwellings providing a mixture of residential densities to the local property market.

Social – Quality of Life: The DAPs provisions focus on an appropriate neighbourhood environment promoting the objectives and requirements of Liveable Neighbourhoods.

Statutory Environment: Planning and Development Act 2005
TPS 2
Liveable Neighbourhoods
Statement of Planning Policy No. 3.1 (R-Codes)

Policy/Work Procedure Implications: There are no work procedures/policy implications directly related to this application.

Financial Implications: There are no financial implications to Council related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Climate Change			
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
		31		Reduce the liberation of carbon into the atmosphere.
		32		Develop community ownership of climate change mitigation strategies.
		33	Adaptation	Develop and implement climate change adaptation strategies.
	Energy			
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
		38		Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.
	Land Use Planning			
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.

Community Consultation:

The LSP for the Glades was advertised for comment during 2009, providing an opportunity for all stakeholders to provide input into the planning for this area. The provisions of the DAPs will not impact on any existing landowners and as such advertising is not considered warranted.

Comment

There are a number of key considerations for Council with respect to the DAPs, as follows:

- Solar Passive Design
- Rear Setbacks Laneway Lots
- Fencing
- Front Setbacks Laneway Lots
- Private Open Space Laneway Lots
- Secondary Street
- Storage Area
- Policy Context

Each of these matters are discussed further in the following sections.

Solar Passive Design

The DAPs are designed to create an urban environment taking into consideration solar passive design. This is addressed through the following provisions:

“At least one major opening to an indoor living area is to be installed on the northern elevation of a dwelling in order to maximise solar orientation.

(Laneway lots only) Minimum 2m solar setback (non parapet side boundary), building part of the main residence within the 2m solar setback is limited to minor incursions to a maximum of 20% of the designated solar setback area, provided solar penetration to living areas is achieved.

(Laneway lots only) Minimum 1.6m side setback to upper storey to preserve solar penetration.”

Rear Setbacks Laneway Lots

The appropriateness of the setback to the rear boundary needs to be carefully considered. The applicant has advised that the proposed setback is necessary to achieve the lot connections to the rear laneway drainage system. It is important that this setback is retained

within the DAPs to facilitate the functionality of the drainage connections within private property. It would not be appropriate to have the drainage connections contained within the laneway reserve itself as issues surrounding the liability of these connections will arise.

Fencing

Fencing is a critical aspect of achieving suitable streetscapes, with style, height and material of fencing visible to the public realm requiring careful consideration. The DAPs for the Glades stipulate that fencing is strictly provided by the developer and any fencing erected (other than a dividing fencing) shall be in accordance with the developers requirements.

No provision within this DAP seeks to vary the requirements of fencing within the R-Codes. Provision 6.2.5 as stipulated in the R-Codes states that:

“Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.”

Solid style fencing to side boundaries in urban environments is generally proposed to ensure sufficient privacy in designated private open space areas. The further particulars of fencing within the Shire will be addressed in a future Local Planning Policy. The provisions of the DAPs and R-Codes seek to preclude solid style fencing within the primary street setback area.

Front Setbacks

The primary consideration in regards to front setbacks is streetscape. As stipulated in the Residential Design Codes the primary objective of Part 6.2 Streetscape requirements is to:

‘Contribute towards attractive streetscapes and security for occupants and passers-by, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings.’

Laneway Lots

The proposed front setback is to have a portion of the dwelling between the 2.5m minimum, 3.5m maximum setback lines. No maximum or average setback is proposed to apply. This differs from previously adopted DAPs for laneway lots within the Glades. The developer has provided the following justification for the variation:

“The requirement for only a portion of the dwelling to be sited between 2.5-3.5m from the front boundary will ensure at least one room will be provided up to the street, achieving the desired outcome of a greater street presence and an improved streetscape. Not requiring an average to be achieved provides purchasers with greater flexibility to site the balance of their home further back into the lot, should they desire.”

The objective of the R-Codes is adequately addressed through this provision. On balance the proposed 2.5m minimum, 3.5m maximum setback is considered reasonable and consistent with the objectives of the R-Codes.

Front Loaded Lots

The proposed front setback is 3m minimum to the dwelling and 4.5m minimum to the garage; this is consistent with other adopted DAPs. The objective of the R-Codes is adequately addressed through this provision. On balance the proposed 3m and 4.5m minimum setbacks are considered reasonable and consistent with the objectives of the R-Codes.

Private Open Space Laneway Lots

The primary consideration in regards to private open space as outlined in Part 6.4 (R-Codes) Open space requirements is to:

“Provide attractive settings to complement buildings, privacy, direct sunlight and the recreational needs of residents.”

The proposed DAPs predominantly provides for front loaded R20 lots and laneway lots with a private open space requirement of 45% and 40% respectively. This requirement is consistent with the DAP for the Glades Stage 1, 2, 2a and 3 adopted at 45% for R20 lots and 40% for laneway lots. The slight reduction in private open space is compensated for because laneway lots as identified in the LSP, are located in areas of high amenity and accessibility to public open space.

On balance, the proposed 5% reduction in private open space is considered reasonable and consistent with the adopted DAP for the Glades Stage 1, 2, 2A and 3.

Secondary Street

Due to their prominence in the neighbourhood, those buildings situated on a corner should address the secondary street in a manner consistent with the primary facade. The provisions outlined in the DAPs adequately address the secondary street.

Storage Area Laneway Lots

Given the nature of development associated with laneway lots, no additional outbuildings or sheds will be permitted. A storeroom of minimum 4m² floor area shall be provided within the dwelling (i.e. under the same roof) and constructed of the same materials.

Policy Context

In order to support and further Council's commitment to sustainable development, officers are currently making arrangements for the following policies to be established and progressed through statutory processes including stakeholder engagement:

- Residential development – to ultimately replace Local Planning Policy 17 and provide guidance on the use of performance criteria under the R-Codes;
- Streetscape – to address the public realm, effectively between property boundaries; and
- DAPs – to guide the content, structure and statutory operation of detailed areas plans.

Officers are committed to progressing these policies in a timely manner. The development of these policies will provide significant opportunities for Council to further improve the quality of the built environment for not only those properties covered by DAPs but for all residential development within the Shire.

It is not considered appropriate to defer consideration of the proposed DAP until the policy framework at the Shire is further developed. Applications that are lodged need to be assessed against the policy framework that exists at that point in time. Deferring consideration of the DAP would likely result in the proposals being referred to the State Administrative Tribunal (SAT) for a determination.

Options

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

- (1) adopt the proposed DAPs.

- (2) not adopt the proposed DAPs and provide reasons to the applicant.
- (3) adopt the proposed DAPs with modifications.

Option 1 is recommended.

Should an applicant be aggrieved by a determination of the Shire, the application may lodge an application for review with the SAT.

Conclusion

The DAPs proposed are considered to facilitate appropriate urban form outcomes and support Council's commitment to continuous improvement with respect to sustainability. Adoption of the DAPs is recommended.

Voting Requirements: Simple Majority

SD013/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

That Council:

- A. Approve the Detailed Area Plan for the Glades Residential Estate Stage 4 in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- B. Approve the Detailed Area Plan for the Glades Residential Estate Stage 5 in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- C. Advise the Western Australian Planning Commission accordingly.**

CARRIED 8/1

SD014/08/10 PROPOSED AMENDED SUBDIVISION GUIDE PLAN FOR LOT 1254 ABERNETHY ROAD, OAKFORD (P04118)		
Proponent:	Landvision	In Brief Request for Council to support an amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford. The purpose of the amendment is to provide for the future subdivision of the site into minimum 4,000m ² lots. It is recommended that the proposed amendment be supported subject to modification.
Owner:	S & J Kargotich	
Author:	Michael Daymond - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 July 2010	
Previously	SD149/06/10 SD120/06/07 SD041/10/08	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 26 February 2010
Advertised: Yes

Submissions:	Yes
Lot Area:	24.25 ha
L.A Zoning:	Rural Living A
MRS Zoning:	Rural
Rural Strategy Policy Area:	Rural Living A
Rural Strategy Overlay:	Roadsides Conservation Overlay

Background

Ordinary Council Meeting – June 2010

At the Ordinary Council meeting held 28 June 2010, a resolution was passed to defer consideration of this matter to allow the applicant and Shire staff to further liaise with Council regarding the issues of drainage impacts, lot sizes, and water provision. The applicant requested that the item be deferred to allow a briefing to be given to Council prior to a formal decision being made on the matter.

On 6 July, the applicant presented to Policy Forum with the aim of addressing the above concerns. Specifically, the issue of lot sizes was discussed in detail with the proponent agreeing to amend the modified SGP to remove the subdivision overlay boundaries from the plan if the further development of the land into 4,000m² lots is not supported by Council.

The proposal is now presented to Council for consideration.

Ordinary Council Meeting – October 2008

At the Ordinary Council Meeting held on 27 October 2008, Council resolved to adopt Amendment 157 to Town Planning Scheme No.2 (TPS 2) to rezone Lot 1254 Abernethy Road, Oakford from 'Rural' to 'Rural Living A'. This amendment was subsequently granted final approval by the Minister for Planning on 2 July 2009.

Scheme Provisions

Upon gazettal of the amendment, a number of special provisions were inserted into Appendix 4A of TPS 2. The provisions relate to the development and use of the land.

Subdivision Guide Plan

The SGP endorsed by Council on 27 October 2008 was progressed in parallel with Amendment 157. It is this SGP that is proposed to be modified.

A location plan, copy of the current adopted SGP (2008), copy of the proposed amended SGP (2010) showing the overlay into 4,000m² lots and a copy of the Special Provisions for Lot 1254 Abernethy Road are with attachments marked SD014.1/08/10.

Sustainability Statement

Effect on Environment: The proposed change to the SGP may increase the impacts on existing vegetation as a higher total lot yield is proposed. However, the requirement for the preparation of a Landscape /Revegetation Plan is still included within the Special Provisions in TPS 2 for this lot. Suitable revegetation will need to be undertaken to the satisfaction of the Shire.

Resource Implications: It is considered that there may be increased resource implications as a result of the modified SGP through the construction of additional roads to service the proposed lots. The current proposal is to service the 1 hectare lots with an alternative water

supply until subdivided into the minimum 4,000m² lots where upon the land will be connected to scheme water.

Economic Viability: Existing Special Provisions within TPS 2 for this estate will help to ensure that any future subdivision will preserve and enhance biodiversity (through revegetation and vegetation management) and reduce land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

Social – Quality of Life & Social Diversity: The proposed amendment to the SGP will enable future individual property owners to subdivide their properties once the land is connected to reticulated water.

Statutory Environment:

TPS 2
Rural Strategy 1994
WAPC Policy DC 3.4 *Subdivision of Rural Land*
State Planning Policy 2.5 *Agricultural and Rural Land Use Planning* (SPP 2.5)

Policy/Work Procedure Implications:

Local Planning Policy No.22 – Water Sensitive Urban Design (LPP 22)
Local Planning Policy No.4 – Revegetation (LPP 4)

Financial Implications:

There are no financial implications related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		23	Planning and Design	Enforce the adoption of "better urban water management".
BUILT ENVIRONMENT				
	Land Use Planning	9	Rural Land	Ensure the built form complements and enhances the rural environment.
	Infrastructure	35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		38		Ensure that bridge and road network planning and development considers community safety and emergency management.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
PEOPLE AND COMMUNITY				
	Places	36		Plan and develop safe communities and places.
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.

State Government Comments

Comments were sought from relevant agencies on the proposed modified SGP. The main issues raised in these submissions are summarised below:

Water Corporation

The Water Corporation indicated that they object to the proposal and provide the following comments:

- *According to the WAPC's SPP 2.5 lots ranging from 1 ha to 4 ha should have a reticulated potable water supply. The proposed amendment indicates that lots of 1 ha will be created initially. The subject area falls outside a planned Water Scheme and therefore a reticulated potable water supply is not immediately available.*
- *The subject area falls within the Birrega Main Drain Catchment in the Mundijong Drainage District.*
- *A Drainage and Water Management Plan (DWMP) has not been prepared for the Mundijong Drainage District west of Hopkinson Road by the Department of Water.*
- *Until the developer can arrange for Water Scheme Planning to be undertaken, and the result indicates that a reticulated potable water supply can be supplied, and a DWMP is undertaken the Water Corporation would be opposed to the proposed subdivision guide plan.*
- *If the above issues can be resolved, then the Water Corporation will be in a position to reconsider the objection.*

In the event that the subdivision guide plan is approved, notwithstanding the corporation's objection, then regard should be had for the following:

Drainage

- *The Birrega Sub D Drain traverses the subject area along the southern side. A 20m reserve should be provided to protect this drain.*
- *The Mundijong Drainage District is a rural drainage system. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. The Water Corporation maintains its existing drains to ensure they are capable of clearing*

water from adjacent rural properties within three days of a storm event - where contours and internal drainage make this physically possible.

- *Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site and discharge to the Water Corporation drains must be compensated to pre-development levels. The developer of this land should be advised to liaise with the Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding.*

Water & Wastewater

- *The subject area falls outside a planned Water Supply Scheme and therefore a reticulated potable water supply is not immediately available. If a reticulated water connection is required the development will need to undertake the planning and construction of the necessary head works infrastructure.*
- *The subject area falls outside a planned wastewater scheme catchment.*

General Comments

- *The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage head works may also be required.*
- *In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded by the developer.*
- *The Corporation may also require land being ceded free of cost for works.*

Officer Comment

- DC Policy 3.4 states that the WAPC can consider an alternative supply of water for lots between 1ha to 4 ha where it is not practical and reasonable for the land to be connected to a reticulated water supply. Therefore, there is no mandatory requirement to connect to reticulated water in order to create 1 ha lots.
- The proponent acknowledges that the creation of the proposed minimum 4,000m² lots (stage 2 of the proposal) will require connection to reticulated water. This is the also the requirement under the current SGP.
- With respect to Drainage and Water Management, there is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Local Water Management Strategy be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation.
- All relevant drainage issues can be addressed through appropriate conditions of subdivision approval.

It is considered that the comments provided by the Water Corporation will not impact on Council's ability to support the modified SGP.

Department of Water (DoW)

No objection but provides the following comments:

- *A Water Management Plan to be prepared and approved prior to the commencement of ground disturbing activities and thereafter implemented.*
- *Any groundwater abstraction for purposes other than domestic and/or stock watering is subject to licensing by the Department of Water.*
- *As the subject site is located within the Peel-Harvey catchment, the provisions of the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992 and SPP2.1 shall apply.*

- *The use of conventional effluent disposal systems will only be supported where it can be demonstrated that there is at least a 2 metre vertical separation between the base of the leach drain and the highest known ground water level and a 100m horizontal separation between the disposal system and the nearest water body.*

Fire & Emergency Services Authority (FESA)

No objection but provides the following comments:

- *Local Government is the Hazard Management Agency regarding fire protection matters in this instance and would be expected to apply a condition requiring compliance with WAPC Policy DC 3.7 and the associated Planning for Bushfire Protection document.*

Officer Comment

The comments provided by the DoW and FESA will be addressed at the subdivision application stage and are not applicable to the proposed amended SGP. Any application for subdivision will be referred by the WAPC to relevant service authorities for comment at which stage relevant conditions can be imposed on any approval.

Department of Planning (DoP)

The DoP advised that they have no objections in principle to the proposed modifications to the SGP, however, subject to formal adoption by the Shire, they have requested that the SGP be forwarded to the WAPC for acceptance.

Community Consultation

The modified SGP was referred to twelve (12) surrounding properties for comment, being the same properties that the original Amendment 157 was referred to.

As a result of the advertising one (1) letter of objection was received.

Affected Property	Summary of Submission	Officer's Comment	Action
#398397	Objects for the following reasons: There is no justification for increasing lot yields other than profit making. The original proposal fitted in with the surrounding rural 2ha lots, leaving a suitable buffer between rural activities. Problems with increased vehicular traffic as a result of the increase in lot numbers.	The proposed lot sizes comply with the 'Rural Living A' zoning of the property. Refer above comment. Given the existing traffic volumes along Kargotich and Abernethy roads, it is considered that the increase in traffic as a result of the modified SGP will not adversely impact on the surrounding environment.	Comments noted but no change required.

Affected Property	Summary of Submission	Officer's Comment	Action
	An increase in lots places more pressure on our dwindling water supply. All lots are to be on a 1.2m high sand pad, adding stress to the already decreasing amount of sand available in Perth. Drainage issues in the area have not been adequately addressed. The existing water bodies that have existed in the local area are being reduced significantly. This is due, in part, to the increasing use of bore water and lowering of the water table. I do not trust that the developers have the best interest of the area in mind. For example, the poor condition of Northerly Lane had to be repaired by Council. How can the Council expect to manage these extra lots when the Shire is developing out of their control? Have the developers committed to ensuring the homes have hot water systems, integrated insulation and window tinting packages, consideration to self supply electricity, the planting of more trees to offset the estimated 50% natural loss or to compensate for the extra lots that will be developed?	Any proposed subdivision of the land into minimum 4,000m² lots will require connection to a reticulated water supply. This is not a valid consideration for the current application. There is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Local Water Management Strategy be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. This will address any existing drainage issues. Groundwater extraction is controlled by the Department of Water and not the Shire. The condition of Northerly Lane has no relevance to this current proposal as it was undertaken by another developer. It is not the Shire's responsibility to manage the individual lots. The lots will be created by the subdivider with the management responsibility passing onto the owner at time of sale. The developers have not committed to any of these things yet. The current proposal at this stage is just to amend the existing SGP. Further discussions can be held with the developer regarding these issues.	

Affected Property	Summary of Submission	Officer's Comment	Action

Comment

Proposal

The proposed SGP is an amendment to the existing SGP for the site which was prepared at the time when the zoning of the land was changed from 'Rural' to 'Rural Living A'.

The amended SGP has been prepared to enable the utilisation of the current land zoning which allows subdivision to a minimum lot size of 4,000m² at the time when scheme water is available. In the interim the intention is to provide a subdivision design which is sustainable and responsive to the site characteristics at a 1 hectare density.

The development would not be staged other than the 1 hectare subdivision would occur by the proponent once the amended SGP was endorsed (and a subdivision approval issued by the WAPC), then the subdivision into minimum lot sizes of 4,000m² by the individual land owners would be determined at a future time after reticulated water is available.

A summary of the differences between the existing adopted SGP and the proposed amended SGP are detailed in the below table:

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Is there an improved outcome through revised 2010 SGP?	Other Comments (if applicable)	Objective
No. of lots	<u>Stage 1</u> 10 x >2ha lots <u>Stage 2</u> 3 x >2ha lots subdivided into 4,000m ² lots <u>Total Yield</u> 25 lots (7 x 2ha, 18 x 4,000m ²)	<u>Stage 1</u> 20 x 1ha lots <u>Stage 2</u> 17 x 1ha lots subdivided into 34 x min 4,000m ² lots <u>Total Yield</u> 37 lots (3 x 1ha, 34 x min 4,000m ²)	Neutral	The proposed 4,000m ² lots sizes under the modified SGP comply with the current Rural Living A zoning under TPS 2.	To ensure that the lot sizes proposed can achieve landscape protection, landscape capability and fire management objectives. ACHIEVED
Impacts on Vegetation	The proposed building envelope locations may result in the removal of existing vegetation.	The creation of the 4,000m ² lots and the future roads would result in the removal of existing vegetation. In addition, the proposed subdivision overlay boundaries on Lots 11, 12 and	No		To minimise impacts on the existing environment. NOT ACHIEVED

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Is there an improved outcome through revised 2010 SGP?	Other Comments (if applicable)	Objective
		18 will result in the removal of vegetation that was to be retained under the 2008 plan.			
Re-vegetation	Revegetation requirements are specified under special provision 7 of the scheme for this lot. Areas of revegetation are proposed along road frontages, internal lot boundaries and either side of the power line easement.	Revegetation requirements are specified under special provision 7 of the scheme for this lot. Areas of revegetation are proposed along all road frontages and lot boundaries.	Neutral	Detailed and specific vegetation requirements will be addressed as part of the subdivision works.	To ensure adequate and suitable revegetation is undertaken on the property. ACHIEVED
Traffic Movements	From the total lot yield of 25 lots, it is anticipated that there will be approximately 250 vehicle movements per day from the subdivision.	The increase in the total number of lots to 37 will increase the number of vehicle movements from the subdivision to approximately 370.	Neutral	All vehicles will enter/exit the development via Kargotich and Abernethy Road which already carry high traffic volumes.	To minimise the impacts that vehicle movements will have on adjoining properties. ACHIEVED
Access	The only road access is via a new 20m wide road reserve with one entry off Abernethy Road and one entry off Kargotich Road. 2 x 8m wide pedestrian access ways (PAW) are also proposed off Kargotich Road.	Access is still via a 20m wide road reserve with one entry off Abernethy Road and one entry off Kargotich Road.	Yes	The proposed SGP provides a better road layout.	To provide the most appropriate form of access into the development. ACHIEVED
Water Supply	The creation of lots below 2.0 hectares without scheme water	The WAPC's DC Policy 3.4 has been amended and it	Neutral		To ensure each lot has an adequate water supply.

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Is there an improved outcome through revised 2010 SGP?	Other Comments (if applicable)	Objective
	was not previously permitted. This is the reason why the current SGP indicates the initial creation of 2ha lots to be subdivided into 1ha lots upon connection to scheme water.	now provides for connection to an alternative water supply if the provision of a reticulated supply is not practical or reasonable. The proposed SGP proposes the initial creation of 1ha lots without scheme water and then subdivision into 4,000m ² upon connection to scheme water.			ACHIEVED.
Fire Management	Strategic fire access is located along the eastern and southern boundaries of the site	Strategic fire access is still located along the eastern and southern boundaries as per the 2008 plan.	Neutral	The requirement for the preparation of a FMP is still included under the scheme within Special Provision 9 for this lot. Specific detail to be included within the FMP will be determined at subdivision stage.	To ensure adequate fire protection measures are implemented through the development. ACHIEVED
Impacts on adjoining land owners	Impacts predominantly relate to vehicle movements along Kargotich Road and Abernethy Road. 7 x 2ha lots are proposed along the eastern side of the lot, immediately abutting the existing 2ha lots to the east (Mount Eden Lane).	When the land is fully developed, vehicle movements in and out of the development will increase. 6 x 1ha lots will be created initially along the eastern side of the lot. This will increase to 11 x 4,000m ² lots upon connection of the land to	No	Vehicle movements will increase together with there being an increase in the number of lots abutting the land to the east.	To minimise the impacts that the development will have on adjoining properties. NOT ACHIEVED

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Is there an improved outcome through revised 2010 SGP?	Other Comments (if applicable)	Objective
		reticulated water.			

Statutory Context

TPS 2

TPS 2 contains provisions that allow for adopted SGP's to be modified. With respect to SGP's within the 'Rural Living A' zones, clause 5.12.8 states:

- 5.12.8 *There shall be a plan of subdivision entitled Subdivision Guide plan for each specified parcel of land included in the Rural Living A and Rural living B zones endorsed by the Shire Clerk and approved by the State Planning Commission.*

The plan of subdivision referred to in the above clause refers to the SGP adopted as part of the scheme amendment. With respect to the potential for modifying adopted SGP's, clause 5.12.9(a) states:

- 5.12.9(a) *Subdivision shall be in accordance with the appropriate Subdivision Guide Plan endorsed by the Shire clerk but minor amendments to the plan of subdivision may be permitted subject to the approval of the Commission and Council, however, lot sizes will not generally be permitted to be reduced.*

The lot sizes under the proposed modified SGP have been reduced, however the lot sizes are still in keeping with the requirements of the 'Rural Living A' zone as per the following clause of TPS 2:

- 5.12.2 *The Rural Living A zone is intended to cater for rural residential development on a range of lot sizes between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.*

The proposed lot sizes under the modified SGP, which includes an overlay boundary demonstrating how the land can be subdivided into 4,000m² lots once the land is connected to scheme water, is entirely consistent with the current zoning of the land. The 'Rural Living A' zoning under TPS 2 allows for the creation of 4,000m² lots and this is what is being proposed.

Rural Strategy

The subject lot is identified within the 'Rural Living A' policy area under the Rural Strategy. As such the land was rezoned from 'Rural' to 'Rural Living A', in accordance with the Rural Strategy, in 2009. With respect to lot sizes, the 'Rural Living A' policy area allows for the creation of lots between 4,000m² and 1 hectare.

The lot sizes under the proposed modified SGP comply with the requirements of both TPS 2 and the Rural Strategy.

Impacts on Vegetation

The current 2008 SGP attempted to retain as much of the existing vegetation on site as possible. A majority of the vegetation to be retained was included within the larger 2 hectare lots on the east side of the lot.

Under the amended SGP, a significant amount of this vegetation is likely to be removed upon the further subdivision of proposed lots 11, 12 and 18. The future overlay boundaries dissect this vegetation meaning that it will need to be removed once landowners apply to develop the properties.

In order to preserve this vegetation, it is recommended that the proposed subdivision overlay boundaries be removed from proposed Lots 11, 12 and 18.

Water Supply

DC Policy 3.4

The WAPC's DC Policy 3.4 was updated in February 2008, after the final approval of Amendment 157. With respect to the provision of water, DC Policy 3.4 states the following:

"When approving lots for rural residential development (1-4ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical and reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC may consider the cost differential between a reticulated and alternative water supply and the reliability of an alternative water supply.

The reliability of alternative water supplies in different localities needs to be confirmed by available models".

The amended SGP proposes to create 1 hectare lots without a reticulated water supply. Rather they will rely on an alternative supply through the provision of rain water tanks.

As part of the application to Council, the proponent has indicated that the cost of providing a reticulated water main from Byford to the subject site is approximately \$4.34 million. It would appear that within at least the short-medium term and for the purpose of subdivision of the site, that a reticulated scheme water supply will not be physically or economically available.

In light of this, the proponent has provided case examples to demonstrate how rainwater alone can suitably provide for the proposed 1 hectare lots. The case examples take into account the following:

- Site characteristics;
- Average daily household water consumption;
- Rainfall data;
- Roof catchment supply; and
- Fire fighting requirements.

For new developments that do not have a reticulated water supply, the Shire requires water tanks to be installed with a minimum capacity of 120,000 litres. The data supplied by the proponent indicates that if each lot is provided with two tanks of 80,000 litres (total 160,000 litres) then adequate rainwater can be captured by each lot to be self sufficient.

The land will be required to be connected to a reticulated water supply to enable the future subdivision into 4,000m² lots.

Potential Risks

As DC Policy 3.4 states that “the WAPC may consider an alternative water supply”, there is no guarantee that the proposed development of 1 hectare lots without a reticulated water supply will be supported by the WAPC upon the lodgement of a formal subdivision application.

Therefore, there are potential risks in approving the amended SGP for the following reasons:

- If the amended SGP is endorsed by the Shire on the basis that the 1 hectare lots can be created without connection to a reticulated water supply, the WAPC could refuse the subdivision application as the alternative supply is not suitable.
- Once the SGP is amended, and if a subdivision application is refused, the Shire could not support subdivision in accordance with the previous SGP as this plan would have been superseded.
- As the amended SGP is not required to be formally adopted by the WAPC, the WAPC's formal position will not be known until the subdivision stage.

Preliminary discussions with the DoP have indicated that they have no objections in principle to the proposed modifications to the SGP, resulting in the creation of 1 hectare lots without a reticulated water supply. However, this cannot be guaranteed until a subdivision application (in the long term) is determined by the WAPC. The DoP advised, however, subject to formal adoption by the Shire, they have requested that the SGP be forwarded to the WAPC for consideration.

Proposed Overlay Boundary

As previously mentioned, the proposed modified SGP indicates that the land will be subdivided into 1 hectare lots in the first instance, with the proposed overlay boundaries indicating how the land can be subdivided into 4,000m² lots upon connection of the land to scheme water. The future creation of the 4,000m² is consistent with both the ‘Rural Living A’ policy area under the Rural Strategy and the zoning under TPS 2.

There is an option available to Council to support the proposed modified SGP subject to the removal of the overlay boundaries from the plan. This would then result in a SGP which demonstrates the creation of 1 hectare lots with no possibility under the SGP to subdivide into smaller lots of 4,000m². This option is not supported as the current zoning of the land as ‘Rural Living A’ under TPS 2 allows for the creation of 4,000m² lots once scheme water is provided to the land. If the subdivision of Lot 1254 Abernethy Road into 4,000m² was deemed to be unsuitable by the Shire, then the Shire should not have supported the inclusion of the subject land into the ‘Rural Living A’ policy area under the Rural Strategy or supported Amendment 157 to TPS 2 which rezoned the land to ‘Rural Living A’. As both of these processes were supported by Council then the future creation of 4,000m² lots, via this proposed modified SGP, should also be supported.

Required Amendments to Modified SGP

It is considered that there are few minor modifications required to the amended SGP. These are as follows:

- Removing the proposed subdivision overlay boundaries from proposed Lots 11, 12 and 18.
- Replacing the terms ‘PAW’ and ‘Bridle Trail’ with ‘Multiple Use Trail’ as these trails provide access for pedestrians, horses and emergency vehicles.

Options Available to Council

There are 3 main options available to Council in dealing with this proposal.

Option 1: Support the proposed modified SGP (including the overlay boundaries)

This is the option recommended to Council.

The current zoning of the land allows for the creation of 4,000m² lots once the land is connected to scheme water.

Option 2: Support the proposed modified SGP subject to the removal of the overlay boundaries

This option is not recommended as it does not provide the opportunity for the land to be subdivided further in the future in accordance with the current zoning under TPS 2.

Option 3: Not support the proposed modified SGP

This option is not recommended as the proposed modified SGP represents a much better planning outcome for the Shire and the locality,

Conclusion

It is considered that the proposed amended SGP for Lot 1254 Abernethy Road represents a better outcome for the estate. Although the final total lot yield will be increased by 12 lots (once the land is connected to reticulated water in the long term), the size of the lots will still be in accordance with TPS 2 and the Rural Strategy.

All relevant revegetation, fire management, drainage and land use controls will still be imposed for the new SGP as detailed within the Special Provision for this lot within TPS 2.

As the proposed modified SGP represents a much better planning outcome for the Shire and the locality, it is recommended that the proposed modified SGP be adopted by Council subject to modification.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That:

- A. The proposed amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford being modified as follows:
 - (1) Removing the proposed subdivision overlay boundaries from proposed Lots 11, 12 and 18; and
 - (2) Replacing the term 'ROW/Bridle Trail' with 'Multiple Use Trail'.
- B. Subject to part A. above being undertaken to the satisfaction of the Director Development Services:
 - (1) Council endorse the amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford in accordance with Clause 5.12.9(a) of Council's Town Planning Scheme No 2.
 - (2) The Western Australian Planning Commission be advised of Council's decision and be requested to adopt the amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford.

- C. The submitters (including Government Agencies) being advised of Council's decision.

SD014/08/10 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Brown, seconded Cr Geurds

- A. The proposed amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford being modified as follows:**

- (1) Removing the proposed subdivision overlay boundaries from proposed Lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20.**
- (2) Replacing the term 'ROW/Bridle Trail' with 'Multiple Use Trail'.**
- (3) Including 'Indicative Building Envelopes' on all lots.**

- B. Subject to part A. above being undertaken to the satisfaction of the Director Development Services:**

- (1) Council endorse the amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford in accordance with Clause 5.12.9(a) of Council's Town Planning Scheme No 2.**
- (2) The Western Australian Planning Commission be advised of Council's decision and be requested to adopt the amended Subdivision Guide Plan for Lot 1254 Abernethy Road, Oakford.**

- C. The submitters (including Government Agencies) being advised of the Council's decision.**

Committee Note: The Committee resolved to remove the future overlay boundaries from the amended Subdivision Guide Plan due to concerns regarding the creation of small lot sizes and the potential impacts on site drainage and filling of the landscape. The ability to consider alternative planning options would give confidence to Council given Council's current experience with alternative treatment units for sewerage.

CARRIED 9/0

Council Note: The Council resolved to remove the future overlay boundaries from the amended Subdivision Guide Plan due to concerns regarding the creation of small lot sizes and the potential impacts on site drainage and filling of the landscape. Given Council's experience with alternative treatment units for sewerage, the delineation of future lot sizes without further investigation is not currently supported.

SD015/08/10 PROPOSED AMENDED SUBDIVISION GUIDE PLAN FOR LOT 224 ORTON ROAD, OAKFORD (P04619)		
Proponent:	Allerding & Associates	In Brief Request for Council to support an amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford. The purpose of the amendment is to provide for the future subdivision of the site into 4,000m ² lots. It is recommended that the proposed amended Subdivision Guide Plan
Owner:	Robert Da Prato	
Author:	Michael Daymond - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	22 July 2010	
Previously	SD148/06/10 SD117/03/06 SD011/07/05	

Disclosure of 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	be supported.
Delegation	Council	

Date of Receipt: 28 July 2009
Advertised: Yes
Submissions: Yes
Lot Area: 39.92 ha
L.A Zoning: Rural Living A
MRS Zoning: Rural
Rural Strategy Policy Area: Rural Living A
Rural Strategy Overlay: Roadsides Conservation Overlay

Background

Ordinary Council Meeting – June 2010

At the Ordinary Council meeting held 28 June 2010, a resolution was passed to defer consideration of this matter to allow the applicant and Shire staff to further liaise with Council regarding the issues of drainage impacts, lot sizes, and water provision. The applicant requested that the item be deferred to allow a briefing to be given to Council prior to a formal decision being made on the matter.

On 6 July, discussion was held at Policy Forum relating to the above issues within the 'Rural Living A' zone. Specifically, the issue of lot sizes was discussed in detail with regard to a similar proposal for the adjoining lot to the north, being Lot 1254 Abernethy Road.

The proposal is now presented to Council for consideration.

Ordinary Council Meeting – March 2006

At the Ordinary Council Meeting held on 27 March 2006, Council resolved to adopt Amendment 149 to Town Planning Scheme No.2 (TPS 2) to rezone Lot 224 Orton Road, Oakford from 'Rural' to 'Rural Living A'. This amendment was subsequently granted final approval by the Minister for Planning on 26 July 2007.

Scheme Provisions

Upon gazettal of the amendment, a number of special provisions were inserted into Appendix 4A of TPS 2. The provisions relate to the development and use of the land.

Subdivision Guide Plan

The SGP endorsed by Council on 27 March 2006 was progressed in parallel with Amendment 149. It is this SGP that is proposed to be modified.

A location plan, a copy of the current adopted SGP (2007), a copy of the proposed amended SGP (2010) and a copy of the Special Provisions for Lot 224 Orton Road are with attachments marked SD015.1/08/10.

Sustainability Statement

Effect on Environment: The proposed change to the SGP may increase the impacts on existing vegetation as a higher total lot yield is proposed. However, the requirement for the preparation of a Landscape /Revegetation Plan is still included within the Special Provisions in TPS 2 for this lot. Suitable revegetation will need to be undertaken to the satisfaction of the Shire.

Resource Implications: It is considered that there may be increased resource implications as a result of the modified SGP through the construction of additional roads to service the future 4,000m² lots. The proposed 2 hectare lots will need to be serviced by an alternative water supply until subdivided into 4,000m² lots where upon the land will be connected to scheme water.

Economic Viability: Existing Special Provisions within TPS 2 will ensure that any future subdivision will preserve and enhance biodiversity (through revegetation and vegetation management) and reduce land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

Social – Quality of Life & Social Diversity: The proposed amendment to the SGP will enable future individual property owners to subdivide their properties once the land is connected to reticulated water.

Statutory Environment:

TPS 2
Rural Strategy 1994
WAPC Policy DC 3.4 Subdivision of Rural Land

Policy/Work Procedure Implications:

Local Planning Policy No.22 – Water Sensitive Urban Design (LPP 22)
Local Planning Policy No.4 – Revegetation (LPP 4)

Financial Implications:

There are no financial implications related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		23	Planning and Design	Enforce the adoption of “better urban water management”.
BUILT ENVIRONMENT				
	Land Use Planning	9	Rural Land	Ensure the built form complements and enhances the rural environment.
	Infrastructure	35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		38		Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
PEOPLE AND COMMUNITY				
	Places	36		Plan and develop safe communities and places.
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.

State Government Comments

Comments were sought from relevant service authorities on the proposed modified SGP. The main issues raised in these submissions are summarised below:

Water Corporation

The Water Corporation indicated that they object to the proposal and provide the following comments:

Drainage

- *The subject area falls within the Birrega Main Drain Catchment in the Mundijong Drainage District.*
- *A Drainage and Water Management Plan (DWMP) has not been prepared for the Mundijong Drainage District west of Hopkinson Road by the Department of Water. Until a DWMP is undertaken the Water Corporation would be opposed to any further subdivision of the 2 ha lots into 4,000m² lots.*

In the event that the subdivision guide plan is approved, notwithstanding the Corporation's objection, then regard should be had for the following:

- *The Birrega Sub D Drain traverses the subject area along the northern and western sides. A 20m reserve should be provided to protect this drain.*
- *The Mundijong Drainage District is a rural drainage system. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. The Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event - where contours and internal drainage make this physically possible.*
- *Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site and discharge to the Water Corporation drains must be compensated to pre-development levels. The developer of this land should be advised to liaise with the Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding.*

Water & Wastewater

- *The subject area falls outside a planned Water Supply Scheme and therefore a reticulated potable water supply is not immediately available. If a reticulated water connection is required the development will need to undertake the planning and construction of the necessary head works infrastructure.*
- *The subject area falls outside a planned wastewater scheme catchment.*

General Comments

- *The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage head works may also be required.*
- *In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded by the developer.*
- *The Corporation may also require land being ceded free of cost for works.*

Officer Comment

- Under DC Policy 3.4, the creation of lots between 1 to 4 hectares generally requires connection to a reticulated water supply where it is practical and reasonable to do so. However, the Department for Planning has previously advised that the requirement for reticulated water for lots under 4 ha in size is not applicable to this lot as the subject land had already been identified in Council's Rural Strategy as having rezoning potential to 'Rural Living A'. Any local strategy that was previously approved by the WAPC is not subject to the requirement for reticulated water under 4 ha.
- The proponent acknowledges that the creation of the proposed 4,000m² lots (stage 2 of the proposal) will require connection to reticulated water. This is the also the requirement under the current SGP.
- The subdivision of the land into 2 hectare lots can occur without reticulated water, whereas any further subdivision into smaller lots will require a water connection.
- With respect to drainage and water management, there is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Drainage Management Plan be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation.
- All relevant drainage issues can be addressed through appropriate conditions of subdivision approval.

The comments provided by the Water Corporation will not impact on Council's ability to support the modified SGP.

Department of Water (DoW)

No objection but provides the following comments:

- *An Urban Water Management Plan to be prepared and approved prior to the commencement of ground disturbing activities.*
- *Any groundwater abstraction for purposes other than domestic and/or stock watering is subject to licensing by the Department of Water.*
- *As the subject site is located within the Peel-Harvey catchment, the provisions of the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992 and SPP2.1 shall apply.*
- *The use of conventional effluent disposal systems will only be supported where it can be demonstrated that there is at least a 2 metre vertical separation between the base of the leach drain and the highest known ground water level and a 100m horizontal separation between the disposal system and the nearest water body.*

Fire & Emergency Services Authority (FESA)

No objection but provides the following comments:

- *Local Government is the Hazard Management Agency regarding fire protection matters in this instance and would be expected to apply a condition requiring compliance with WAPC Policy DC 3.7 and the associated Planning for Bushfire Protection document.*

Western Power

No objection but provides the following comments:

- *We request that the developers contact us to discuss any planned works within our easement corridor including any proposed ground level changes or works near structures.*
- *Western Power also require information as to the plans for the drain realignment where it crosses our easement.*

Officer Comment

The comments provided by the DoW and FESA will be addressed at the subdivision application stage and are not applicable to the proposed amended SGP. Any application for subdivision will be referred by the WAPC to relevant service authorities for comment at which stage relevant conditions can be imposed on any approval. The applicant has been advised of the comments from Western Power.

Community Consultation

The modified SGP was referred to fourteen (14) surrounding properties for comment, being the same properties that the original Amendment 149 was referred to.

As a result of the advertising one (1) letter of objection, one (1) letter of no objection and one (1) letter of general comment were received.

Affected Property	Summary of Submission	Officer's Comment	Action
#398397	Objects for the following reasons:		Comments noted but

Affected Property	Summary of Submission	Officer's Comment	Action
	There is no justification for increasing lot yields other than profit making. The original proposal fitted in with the surrounding rural 2ha lots, leaving a suitable buffer between rural activities. Problems with increased vehicular traffic as a result of the increase in lot numbers. An increase in lots places more pressure on our dwindling water supply. All lots are to be on a 1.2m high sand pad, adding stress to the already decreasing amount of sand available in Perth. Drainage issues in the area have not been adequately addressed. The existing water bodies that have existed in the local area are being reduced significantly. This is due, in part, to the increasing use of bore water and lowering of the water table. I do not trust that the developers have the best interest of the area in mind. For example, the poor condition of Northerly Lane had to be repaired by Council. How can the Council expect to	The proposed lot sizes comply with the Rural Living A zoning of the property. Refer above comment. Given the existing traffic volumes along Kargotich and Orton Roads, it is considered that the increase in traffic as a result of the modified SGP will not adversely impact on the surrounding environment. Any proposed subdivision of the land into 1 acre lots will require connection to a reticulated water supply. This is not a valid consideration for the current application. There is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Drainage Management Plan be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. This will address any existing drainage issues. Groundwater extraction is controlled by the Department of Water and not the Shire. The condition of Northerly Lane has no relevance to this current proposal and was on an adjoining subdivision. It is not the Shire's	no change required.

Affected Property	Summary of Submission	Officer's Comment	Action
	manage these extra lots when the Shire is developing out of their control? Have the developers committed to ensuring the homes have hot water systems, integrated insulation and window tinting packages, consideration to self supply electricity, the planting of more trees to offset the estimated 50% natural loss or to compensate for the extra lots that will be developed?	responsibility to manage the individual lots. The lots will be created by the subdivider with the management responsibility passing onto the owner at time of sale. The developers have not committed to any of these things yet. The current proposal at this stage is just to amend the existing SGP. Landowners building homes must comply with the energy efficiency rules under the Building Code of Australia.	
#398394	Provides the following general comments: As our lot backs onto the low lying wetland sump, it is our request that suitable drainage be implemented along the eastern boundary of Lot 224 to ensure no increase in runoff into our property. We ask that due consideration be given to our requirements during any environmental or flood plain management work conducted during the life of the development and that we be notified of the planning and execution of these activities. The wire fence along the eastern boundary of Lot 224 requires replacement. As the bridle trail extends along the eastern boundary we would request that the fence be replaced to ensure adequate animal containment. We request access to this bridle trail network at a point 60m from the southern boundary of our	There is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Drainage Management Plan be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. This will address any existing drainage issues. The notification of these works is a responsibility of the developer. This is a dividing fence issue and is not an issue that the Shire can get involved with. There is no intention to provide access from the submitter's lot into the future	Comments noted but no change required.

Affected Property	Summary of Submission	Officer's Comment	Action
	Lot.	bridle trail.	
#202418	No objection to the proposal.	Noted.	Noted.

Comment

Proposal

The proposed SGP is an amendment to the existing SGP for the site which was prepared at the time when the zoning of the land was changed from 'Rural' to 'Rural Living A'.

The amended SGP has been prepared to enable the utilisation of the current land zoning which allows subdivision to a minimum lot size of 4,000m² at the time when scheme water is available. In the interim the intention is to provide a subdivision design which is sustainable and responsive to the site characteristics at a 2 hectare density.

It is intended that the development would not be staged other than the 2 hectare subdivision would occur by the proponent once the amended SGP was endorsed (and a subdivision approval issued by the WAPC), then the subdivision into minimum lot sizes of 4,000m² by the individual land owners would be determined at a future time after reticulated water is available.

A summary of the differences between the existing adopted SGP and the proposed amended SGP are detailed in the below table:

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
No. of lots	<u>Stage 1</u> 18 x 2ha lots <u>Stage 2</u> Each 2ha lot subdivided in half <u>Total Yield</u> 36 x 1ha lots	<u>Stage 1</u> 14 x >2ha lots <u>Stage 2</u> 8 x >2ha lots subdivided into 50 x 4000m ² lots <u>Total Yield</u> 56 lots (6 x >2ha, 50 x 4000m ²)	Neutral	The proposed 4000m ² lots sizes under the modified SGP comply with the current Rural Living A zoning under TPS 2.	To ensure that the lot sizes proposed can achieve landscape protection, landscape capability and fire management objectives. ACHIEVED
Impacts on Vegetation	The proposed building envelope locations would result in the removal of some existing vegetation.	The creation of the 4000m ² lots and the future roads would result in the removal of some existing	Neutral	The proposed 4000m ² lots sizes under the modified SGP comply with the current Rural Living A zoning under TPS 2.	To minimise impacts on the existing environment. NOT ACHIEVED (however was

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
		vegetation.			not achieved under the current SGP)
Re-vegetation	Revegetation requirements are specified under special provision 12 of the scheme for this lot. Areas of revegetation are proposed along Orton & Kargotich Road, the new internal round and along the power line easement.	Revegetation requirements are specified under special provision 6 of the scheme for this lot. Areas of revegetation are proposed along Orton & Kargotich Road, the new internal round and along the power line easement.	Neutral		To ensure adequate and suitable revegetation is undertaken on the property. ACHIEVED
Traffic Movements	From the total lot yield of 36 lots, it is anticipated that there will be approximately 360 vehicle movements per day from the subdivision.	The increase in the total number of lots to 56 will increase the number of vehicle movements from the subdivision to approximately 560 when fully developed. .	Neutral	In the short term, stage 1 of the development will result in fewer lots created compared to the current SGP, resulting in fewer traffic movements. This will increase upon further subdivision of the land (once connected to scheme water). All vehicles will enter/exit the development via Kargotich and Orton roads which already carry high traffic volumes.	To minimise the impacts that vehicle movements will have on adjoining properties. ACHIEVED
Access	The only road access is via a new 20m wide	Access is via a new 20m wide road	Yes	The proposed SGP provides a better access	To provide the most appropriate

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
	road reserve off Orton Road. 2 shared crossovers are also proposed off Kargotich Road.	reserve off Orton Road and a future road off Kargotich Road upon creation of the 4000m² lots. 2 pedestrian access ways (PAW) are also proposed. The 2 shared crossovers off Kargotich Road are located in the same position as the 2007 plan.		network for emergency management.	form of access into the development. ACHIEVED
Water Supply	The creation of lots below 2.0 hectares without scheme water was not previously permitted. This is the reason why the current SGP indicates the initial creation of 2ha lots to be subdivided into 1ha lots upon connection to scheme water.	The WAPC's DC Policy 3.4 has been amended and it now provides for connection to an alternative water supply if the provision of a reticulated supply is not practical or reasonable. The proposed SGP still proposes the initial creation of 2ha lots with subdivision into 4000m² upon connection to scheme water.	Yes	In the initial stage only 14 lots will be reliant on an alternative supply (eg 120,000 litre rainwater tank), compared to 18 under the current SGP.	To ensure each lot has an adequate water supply. ACHIEVED.

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
Fire Management	Strategic fire access is located along the eastern boundary and extending from north from the cul-de-sac head.	Strategic fire access is still located along the eastern boundary and extending from north from the cul-de-sac head as per the 2007 plan. Additional access is provided via the 4 future east-west roads and the 2 PAW's onto Kargotich Road.	Yes	The requirement for the preparation of a Fire Management Plan (FMP) is still included under the scheme within Special Provision 8 for this lot. Specific detail to be included within the FMP will be determined at subdivision stage. An additional portion of PAW is recommended to be included on the revised SGP along the south side of proposed Lot 9, linking the future PAW to the east with the future access road off Orton Road.	To ensure adequate fire protection measures are implemented through the development. ACHIEVED
Impacts on adjoining land owners	Impacts predominantly relate to vehicle movements along Kargotich Road and Orton Road. 12 x 1ha lots are proposed along the eastern side of the lot, immediately abutting the existing 2ha lots to the east (Northerly Lane).	When the land is fully developed, vehicle movements in and out of the development will increase. The 2ha lots along the eastern side of the lot are being retained as a buffer between the land to the east (Northerly Lane) and the	Neutral	Vehicle movements will increase however fewer lots will be created on the east side of the property.	To minimise the impacts that the development will have on adjoining properties. ACHIEVED

Issue	Current Adopted 2007 SGP	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
		future 4000m ² lots.			

Statutory Context

TPS 2

TPS 2 contains provisions that allow for adopted SGP's to be modified. With respect to SGP's within the 'Rural Living A' zones, clause 5.12.8 states:

5.12.8 There shall be a plan of subdivision entitled Subdivision Guide plan for each specified parcel of land included in the Rural Living A and Rural living B zones endorsed by the Shire Clerk and approved by the State Planning Commission.

The plan of subdivision referred to in the above clause refers to the SGP adopted as part of the scheme amendment. With respect to the potential for modifying adopted SGP's, clause 5.12.9(a) states:

5.12.9(a) Subdivision shall be in accordance with the appropriate Subdivision Guide Plan endorsed by the Shire clerk but minor amendments to the plan of subdivision may be permitted subject to the approval of the Commission and Council, however, lot sizes will not generally be permitted to be reduced.

The lot sizes under the proposed modified SGP have been reduced, however the lot sizes are still in keeping with the requirements of the 'Rural Living A' zone as per the following clause of TPS 2:

5.12.2 The Rural Living A zone is intended to cater for rural residential development on a range of lot sizes between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.

The proposed lot sizes under the modified SGP, which includes an overlay boundary demonstrating how the land can be subdivided into 4,000m² lots once the land is connected to scheme water, is entirely consistent with the current zoning of the land. The 'Rural Living A' zoning under TPS 2 allows for the creation of 4,000m² lots and this is what is being proposed.

Rural Strategy

The subject lot is identified within the 'Rural Living A' policy area under the Rural Strategy. As such the land was rezoned from Rural to Rural Living A, in accordance with the Rural Strategy, in 2007. With respect to lot sizes, the 'Rural Living A' policy area allows for the creation of lots between 4,000m² and 1 hectare.

The lot sizes under the proposed modified SGP comply with the requirements of both TPS 2 and the Rural Strategy.

DC Policy 3.4

The WAPC's Development Control Policy 3.4 *Subdivision of Rural Land* was updated in February 2008, after the final approval of amendment 149. Under DC Policy 3.4, the creation of lots between 1 to 4 hectares generally requires connection to a reticulated water supply where it is practical and reasonable to do so. Therefore, the creation of 2 hectare lots, as proposed under stage 1 of the amended SGP, would require a water connection. However, the Department for Planning has previously advised that the requirement for reticulated water for lots between 2 hectares and 4 hectares in size is not applicable to this lot as the subject land had already been identified in Council's Rural Strategy as having rezoning potential to 'Rural Living A'. Any local strategy that was previously approved by the WAPC is not subject to the requirement for reticulated water under 4 hectares.

The land will be required to be connected to a reticulated water supply to enable the future subdivision into 4,000m² lots.

Proposed Overlay Boundary

As previously mentioned, the proposed modified SGP indicates that the land will be subdivided into 2 hectare lots in the first instance, with the proposed overlay boundaries indicating how some of the land can be subdivided into 4,000m² lots upon connection of the land to scheme water. The future creation of the 4,000m² is consistent with both the 'Rural Living A' policy area under the Rural Strategy and the zoning under TPS 2.

There is an option available to Council to support the proposed modified SGP subject to the removal of the overlay boundaries from the plan. This would then result in a SGP which demonstrates the creation of 2 hectare lots with no possibility under the SGP to subdivide into smaller lots of 4,000m². This option is not supported as the current zoning of the land as 'Rural Living A' under TPS 2 allows for the creation of 4,000m² lots once scheme water is provided to the land. If the subdivision of Lot 224 Orton Road into 4,000m² was deemed to be unsuitable by the Shire, then the Shire should not have supported the inclusion of the subject land into the 'Rural Living A' policy area under the Rural Strategy or supported Amendment 149 to TPS 2 which rezoned the land to 'Rural Living A'. As both of these processes were supported by Council then the future creation of 4,000m² lots, via this proposed modified SGP, should also be supported.

Required Amendments to Modified SGP

It is considered that there are few minor modifications required to the amended SGP. These are as follows:

- The 6.0 metre wide PAW, which also serves as an emergency services access, should be extended along the southern boundary of proposed Lot 9, to connect the PAW along the eastern boundary of the property to the new internal road off Orton Road.
- The inclusion of a PAW, linking the top of the cul-de-sac head with the northern property boundary for emergency access, as per the current adopted SGP.
- Building envelopes should be identified for proposed Lots 1 to 14. With respect to Lots 1 to 8, the location of the building envelopes will need to be appropriately sited so as to avoid any conflict with the 'future subdivision overlay' boundaries.
- Replacing the terms 'PAW' and 'Bridle Trail' with 'Multiple Use Trail' as these trails provide access for pedestrians, horses and emergency vehicles.

Options Available to Council

There are 3 main options available to Council in dealing with this proposal.

Option 1: Support the proposed modified SGP (including the overlay boundaries)

This is the option recommended to Council.

The current zoning of the land allows for the creation of 4,000m² lots once the land is connected to scheme water.

Option 2: Support the proposed modified SGP subject to the removal of the overlay boundaries

This option is not recommended as it does not provide the opportunity for the land to be subdivided further in the future in accordance with the current zoning under TPS 2.

Option 3: Not support the proposed modified SGP

This option is not recommended as the proposed modified SGP represents a much better planning outcome for the Shire and the locality,

Conclusion

It is considered that the proposed amended SGP for Lot 224 Orton Road represents a better outcome for the estate. Although the final total lot yield will be increased by 20 lots (once the land is connected to reticulated water in the long term), the size of the lots will still be in accordance with TPS 2 and the Rural Strategy. In addition the road network will be modified to provide alternative road access into the development resulting in better emergency access.

All relevant revegetation, fire management, drainage and land use controls will still be imposed for the new SGP as detailed within the Special Provision for this lot within TPS 2. As the proposed modified SGP generally represents a much better planning outcome for the Shire and the locality, it is recommended that the proposed modified SGP be adopted by Council subject to modification.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. The proposed amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford being modified to:
 - 1. Replace the terms 'Bridle Trail' and 'PAW' with 'Multiple Use Trail'.
 - 2. Extend the 6.0 metre wide Multiple Use Trail along the southern boundary of proposed Lot 9 to connect the Multiple Use Trail along the eastern boundary of the property to the new internal road off Orton Road.
 - 3. Include a Multiple Use Trail to link the top of the cul-de-sac head with the northern property boundary.
 - 4. Identify building envelopes for proposed Lots 1 to 14. The location of the building envelopes on Lots 1 to 8 will need to have due regard for the 'future subdivision overlay' boundaries.
- B. Subject to part A. above being undertaken to the satisfaction of the Director Development Services:
 - 1. Council endorse the amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford in accordance with Clause 5.12.9(a) of Council's Town Planning Scheme No 2.
 - 2. The Western Australian Planning Commission be advised of Council's decision and be requested to adopt the amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford.

- C. The submitters (including Government Agencies) be advised of Council's decision.

Committee Recommended Resolution

- A. That Council resolve not to endorse the amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford for the following reasons:

1. The applicant has not satisfactorily demonstrated to Council that the land can support the development of 4,000m² lots as indicated by the proposed subdivision overlay boundaries on Lots 1, 2, 3, 4, 5, 6, 7 and 8.
2. The applicant has not demonstrated how the potential impacts on site drainage and filling of the landscape will be adequately addressed through the creation of the 4,000m² lots.

- B. The submitters (including Government Agencies) being advised of the Council's decision.

Committee Note: The Committee resolved not to endorse the amended Subdivision Guide Plan due to concerns regarding the creation of small lot sizes, and the potential impacts on site drainage and filling of the landscape. The ability to consider alternative planning options would give confidence to Council given Council's current experience with alternative treatment units for sewerage.

SD015/08/10 COUNCIL DECISION/New Motion

Moved Cr Buttfield, seconded Cr Hoyer

That Council defer consideration of the proposed modified Subdivision Guide Plan for Lot 224 Orton Road, Oakford to a future Council Meeting to allow for the applicant and Shire staff to enter into further discussion to address issues associated with the proposed subdivision overlays, lot sizes and effluent disposal.

CARRIED 9/0

Council Note: Council deferred the item to allow further discussions to address issued associated with the proposed subdivision overlays, lot sizes and effluent disposal.

SD016/08/10 PROPOSED OVERSIZE AND OVERHEIGHT SHED WITH LEAN-TO - L18 LANG ROAD, MUNDIJONG (P03590/04)		
Proponent:	Outdoor World Rockingham	In Brief Application for the construction of overheight and oversize outbuilding. Approval subject to conditions is recommended.
Owner:	M Oldfield	
Officer:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 July 2010	
Previously	Nil	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 25 May 2010
Lot Area: 2.07 hectares
MRS Zoning: Urban
TPS Zoning: Urban Development
Use Class & Permissibility: Single Residence – incidental development (P use)

Background

An application was received for an outbuilding on a large urban development zoned property at 28 Lang Road Mundijong. The proposed new shed will result in the total combined floor area of outbuildings being 81m² in lieu of 60m² allowable under both LPP17 and the Residential Design Codes of Western Australia. The existing shed on the property is currently the only storage area and used to store a boat, horse tack and other domestic garden equipment.

The location plan, an aerial photo, site, floor and elevation plans are contained in the attachments marked SD016.1/08/10.

Variations requested

The addition of the new shed would result in a total combined floor area of enclosed outbuildings measuring 81m² in lieu of 60m² in the urban development zone.

Sustainability Statement – Outbuildings

Sustainable Element		Comment
Native Vegetation	Is there remnant native vegetation on site or adjoining verge?	Some existing mature vegetation exists on site.
	Is remnant native vegetation to be retained or removed as a result of this proposal?	The landowners have already removed several eucalyptus trees without prior approval.
Landscape and Streetscape	Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Unlikely. The existing strip of vegetation between the neighbouring properties is remnant and adequately matured.
	Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will be consistent with nearby properties and partially screened by existing vegetation.
	Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. The surrounding urban development properties are also large in size and contain similar structures.
Rainwater tanks, water conservation, and stormwater management	Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	Yes. An existing rainwater tank on the property can be used to capture stormwater runoff from the roof of the new outbuilding.

Statutory Environment:

Planning and Development Act 2005

Serpentine Jarrahdale Town Planning Scheme No. 2
Serpentine Jarrahdale Rural Strategy 1994

**Policy/Work Procedure
Implications:**

LPP17 Residential and Incidental Development

Financial Implications:

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

Strategic Implications:

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Community Consultation:

Required–Yes. No submissions received.

Planning Assessment:

Policy Requirements

LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street	6m	Approx 200m	Complies

Rear Side	6m 1m	1.8m 6.1m	Variation (for default R10 density) Complies
Floor Area (combined total floor area of all outbuildings)	Max. 60m ²	81m ²	Variation – supported as the combined floor area is relative to property size
Wall Height	Max. 2.4m	3.5m	Variation
Roof Height	Max. 4.2m	5.1m	Variation

The proposal is generally consistent with other larger parcels of urban development zoned land in Mundijong that have been used for lifestyle and semi rural activity prior to the Scheme amendment and subsequent preparation of the MWDS. Issues of visual impact, screening and rain water reuse have been detailed in the Sustainability Statement – Outbuildings table listed earlier in this report.

Policy requirements for development ahead of a local structure plan

Local Planning Policy No. 29 – Mundijong Whitby Planning Framework (LPP29) sets a planning framework for the Mundijong Whitby development area, requiring that district and local structure plans be approved to guide future subdivision and development. Where development is proposed ahead of an approved local structure plan, LPP29 requires such development to be in accordance with cl. 5.18.7 of Town Planning Scheme No. 2, specifically:

5.18.7.3 Council may approve the development ... subject to Council being satisfied that the ... development ... will not have an adverse effect on:

- (a) The preparation of a Structure Plan for, or*
- (b) The orderly and proper planning of, or*
- (c) The health, amenity, safety or convenience of the future occupants of,*

the area intended for the preparation of a Structure Plan, and subject to the proposed development of use being advertised for public inspection in accordance with Clause 6.3.

The proposal meets the requirements of TPS2 as they relate to development ahead of a structure plan. The development has been advertised in accordance with scheme requirements and the proposed additional shed is not likely to impact on long term future development or the future amenity of the locality.

Options:

There are primarily two options available to Council in considering the proposal:

- (1) to approve the application, with or without conditions; and
- (2) to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Conclusion

The proposed shed is intended to provide a domestic workshop to be utilised for general property maintenance and also craft activities. The size of the proposed shed is comparative to other Mundijong properties located on the perimeter of the future urban cell and as such it is not expected the overheight and oversize shed will impact on amenity.

Voting Requirements: Simple Majority

SD016/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Ellis

**That Items SD016/08/10, SD017/08/10 and SD018/08/10 be carried en bloc.
LOST 6/3**

Moved Cr Harris, seconded Cr Hoyer

That the Application for Approval to Commence Development for an overheight and oversized outbuilding on, Lot 18 Lang Road, Mundijong be approved subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. The outbuilding is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.**
- 3. A building licence is required to be issued for the development.**
- 4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

Advice Note:

The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.

CARRIED 9/0

SD017/08/10 PROPOSED OVERSIZE AND OVERHEIGHT OUTBUILDING (SHED) – LOT 379(3) SUMMERFIELD ROAD, SERPENTINE (P02816/05)		
Proponent:	Brendan Wardle	In Brief Application for the construction of overheight and oversize outbuilding (shed). Approval subject to conditions is recommended.
Owner:	Boomerang Tag	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 July 2010	
Previously	None	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 31 May 2010
Advertised: Yes
Submissions: 1 submission
Lot Area: 19.83 ha
L.A Zoning: Rural
MRS Zoning: Rural
Use Class & Permissibility: Single Residence – incidental development (P use)
Rural Strategy Policy Area: Rural

Background

An application was received for the construction of an oversize and overheight shed. The proposed shed is to be 288m² (12m x 24m) in total floor area, have a wall height of 5.0m and a ridge height of 6.28m and to be constructed entirely out of zincalume.

The subject land contains an existing dwelling, a rural worker's dwelling under construction and three outbuildings (being a hay shed, storage shed and garage). In addition to the existing outbuildings with a total floor area of 296m², the proposed shed, being 288m² would result in a total combined floor area for outbuildings of 584m² being, 84m² greater than the as of right 500m² acceptable outbuilding combined total floor area for the Rural Zone. The proposal however, falls within the 20% variation (600m²) prescribed in the Local Planning Policy 17 (LPP17).

The roof height of the proposed shed being 6.28m is 280mm greater than the as of right 6.0m acceptable outbuilding height for the Rural Residential zone, and still within the 20% variation (7.0m) prescribed in the LPP17.

The proposal is presented to Council for consideration as a submission was received from the neighbouring property owner during the consultation period and as such as officers have no delegation to determine the proposal in the instance of an objection been received.

The location plan, an aerial photo, site and elevation plan and a schedule of materials and finishes are with attachments marked SD017.1/08/10.

Variations requested

Construction of an overheight outbuilding with a roof height of 6.28m exceeding the 6.0m roof height limit acceptable for outbuilding height for the Rural zone, prescribed in Council's LPP17.

Construction of an oversize shed which would result in a total combined floor area of outbuildings measuring 584m², being 84m² greater than the as of right 500m² acceptable outbuilding combined total floor area for the Rural Zone, prescribed in the (LPP17).

Sustainability Statement – Outbuildings

Sustainable Element		Comment
Native Vegetation	Is there remnant native vegetation on site or adjoining verge?	Yes. The subject land contains sparse and scattered remnant vegetation most of it concentrated on the eastern portion of the property.
	Is remnant native vegetation to be retained or removed as a result of this proposal?	No vegetation is proposed to be removed as the shed will be located in an area already

		cleared of any vegetation.
Landscape and Streetscape	Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Existing mature vegetation on the subject lot and on the adjoining eastern and southern boundaries enables adequate screening. Additional landscaping will be required on the eastern boundary to ensure that the shed does not visually impact on the neighbouring lot.
	Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will not be adversely visible at all from the streetscape. It is in the opinion of the Officers that the shed will not have any adverse effect on the character and general visual amenity of the locality.
	Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. The height and size variation are considered very minimal and not likely to result in any adverse effect on the visual amenity of the locality. Both variations fall within the 20% variation acceptable under LPP17.
Rainwater tanks, water conservation, and stormwater management	Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	No proposals were submitted at this stage but the size of the shed will require stormwater retention/re-use methods such as rainwater tanks to capture stormwater runoff.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Serpentine Jarrahdale Rural Strategy 1994

Policy/Work Procedure Implications:

LPP17 Residential and Incidental Development

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Community Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period one letter of objection was received.

Affected Property	Summary of Submission	Action (Condition/ Support/ Dismiss)
A398439	<i>Position of the shed. I feel if the shed site was moved closer to the main driveway, its visual impact on my property will be lessened.</i> <i>The orientation of the shed. It would be preferable that the back of the shed be towards my property. I assume that the shed will also be used as a workshop to repair the bobcat and truck, so any noise will be directed away from my property,</i> <i>I also breed thoroughbred horses and we educate the horses in the adjacent paddock and any loud noises can easily startle them, causing injury,</i> <i>The colour of the proposed shed should blend into the landscape</i>	Dismiss. The side back of 25 metres is consistent with the provisions prescribed in Local Planning Policy 17 (LPP 17). Officers have confirmed (with the applicant) that the back of the shed faces the adjoining neighbouring property. Commercial vehicle parking is considered a permitted use in the rural zone. Any anticipated and assumed noise issues from the proposal can be dealt with by the Shire's compliance department. Dismiss. Planning decisions cannot be based on assumptions. Support. The applicant proposes to build a zincalume shed. A landscape condition will be recommended in the report to ensure that the shed does not cause any adverse visual impacts.

Affected Property	Summary of Submission	Action (Condition/ Support/ Dismiss)
	<i>Dust from the extra traffic down the driveway could affect the quality and quantity of my Shiraz wine grapes.</i> <i>I am a bit concerned about the size of the shed for two reasons:</i> <i>As mentioned previously, I also breed thoroughbreds and raise them on the property and do not require such a large structure to store the required hay. I also hope this is not the first step in making the property a depot for even larger earth moving equipment</i>	Shire officers would not have the expertise to determine the impact of dust on the quality of grapes. However, the submitter could contact the Shire's compliance department if this assumption becomes a cause for concern. Noted Dismiss. The applicant provided information that the shed was for the parking of a truck and bobcat and generally storage including hay. This proposal is common practice in a rural zone. A Transport depot is SA use in the rural zone and would require planning approval from the Shire.

External Government Agency Comments

The application was referred to Department of Planning – Bush Forever as the site abuts the Serpentine River, containing Bush Forever 371. The following comments were submitted to the shire;

The subject lot is located within Bush Forever area 371, Serpentine River, Peel Estate to Serpentine. The vegetation at this location is representative of the Guilford complex of which 6% is remaining and 3% is proposed for protection. For complexes with as little as representation as the Guilford complex there is a general presumption against any clearing.

As the proposed development does not appear to require any clearing State Strategic Policy has no objection to the proposal and recommends the following conditions be imposed as part of development approval:

- The construction shall not result in the clearing and/or disturbance of existing vegetation within Bush Forever Area 371.*
- No development rubbish, including fill, construction materials or any other deleterious matter shall be deposited in Bush Forever Area 371.*

Officers considered the submission and the recommended conditions will be included in this report as reasonable and will incorporate them as a condition of approval.

Planning Assessment:

Town Planning Scheme Requirements

Extract from TPS 2 objectives for Rural zones:

5.10 Rural Zone

5.10.1 *The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.*

The proposed oversize and overheight shed is to be constructed on a block with an area of 19.83 hectares and is intended for the storage of hay and parking of a commercial truck including a bobcat. The use of the shed can be considered to be in support of rural pursuits prescribed in a rural zone. Given the size of the property, officers are of the view that it is reasonable to allow larger blocks to potentially be suitable for outbuildings with a larger floor area. The proposed location of the shed, in relation to other buildings on the lot, will result in a cluster of buildings forming together.

Policy Requirements

Policy: LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	Minimum 20 metres 20 metres 10 metres	430 metres 350metres 25 metres	Complies Complies Complies
Floor Area (combined total floor area of all outbuildings)	Max. 500m ²	584m ²	Variation – supported as it falls within the 20% acceptable variation prescribed in the Local Planning Policy 17 (LPP17).
Wall Height	Max. 5.0 metres	5.0 metres	Complies
Roof Height	Max. 6.0 metres	6.28 metres	Variation – supported as it within the 20% acceptable variation of the roof height required in a rural zone under Local Planning Policy 17 LPP7).

Comment

The applicant provided the following information regarding the justification of the shed being over height and oversize:

- *As horse breeding and racing is not profitable, to remain sustainable we also have a small earth moving business;*
- *We are planning to park a truck in the shed and the total height with a bobcat on the back is 4m therefore we need adequate clearance in order to do this and also any maintenance that is needed to be done can be carried out undercover;*
- *As we are a horse stud we have a lot of feed and hay for the horses this allows us to store this in a way that doesn't take up the whole shed. Leaving room to store other farm equipment inside rather than scattered around the farm which can be dangerous to our horses if they were to get out of the paddocks;*
- *The additional shed is proposed near the rural workers dwelling which allows us to keep machinery and other private equipment in the other locked sheds so that they remain secure; and*
- *Additional space allows us to use the stables as stables and not as storage areas, which means that we can stable the horses when the need occurs.*

Under the Shire's Rural Strategy the land falls within the Rural Policy Area which significantly protects the rural lifestyle of agricultural production without necessarily overriding objectives in the use and development of land. The construction of a shed for the purposes of storage of hay, farming materials and equipment including other private equipment, is considered to be consistent with the general locality comprising of rural zoned properties used for a variety of rural pursuits including grazing, equestrian activities, market gardens and rural lifestyle lots.

The proponent would be required to obtain the Shire's written approval to use the shed for the purposes associated with the commercial vehicle parking.

Options for Council

There are a number of options available to Council in determining the application, namely:

- (1) to approve the application, subject to conditions;
- (2) to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Conclusion

It is considered reasonable to support the variation as officers have considered that the shed will not adversely affect the amenity of neighbouring lots and the general amenity of the locality given the size of the property. The size of the proposed shed is comparative to other existing sheds in rural properties.

It is recommended that the application be conditionally approved.

Voting Requirements: Simple Majority

SD017/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Ellis, seconded Cr Hoyer

That the application for approval to commence development for oversize and overheight shed on Lot 3 (379) Summerfield Road, Serpentine be approved subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. Construction of the shed shall not result in the clearing and/or disturbance of existing vegetation within Bush Forever Area 371.**
- 3. No development rubbish, including fill. Construction materials or any other deleterious matter shall be deposited in Bush Forever Area 371.**
- 4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**
- 5. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2011 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.**
- 6. The shed is not to be used for any commercial or industrial purpose (including transport depot and earth moving business), unless the written approval of the Shire has first been obtained.**

Advice Notes:

1. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
2. A building licence is required to be issued prior to the commencement of development including earthworks.

CARRIED 8/1

SD018/08/10 PROPOSED OVERSIZE AND OVERHEIGHT SHED - LOT 12 (11) BATEMAN STREET, BYFORD (P04198/02)		
Proponent:	Coastline Sheds	In Brief Application for the construction of an oversize and overheight outbuilding. Approval subject to conditions is recommended.
Owner:	Douglas Patulny	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	21 July 2010	
Previously	None	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 13 May 2010
 Advertised: Yes
 Submissions: Yes
 Lot Area: 1,515m²
 MRS Zoning: Urban
 L.A Zoning: Urban Development
 Use classification: Single House - Incidental development (P use)
 Byford Structure Plan: Residential (R20)
 Date of Inspection: 21 July 2010

Proposal

An application was lodged for the construction of an oversize and overheight shed Lot 12 Bateman Street in Byford. The proposed shed has a floor area of approximately 92m² with a wall height of 3.1m and roof height of 3.6m. The shed is proposed to be constructed entirely out of colourbond materials.

In addition to the existing shed with a floor area of approximately 23m², the proposed shed will bring the total combined floor area for outbuildings to 115m² being 40m² greater than the 20% variation (72m²) to the 60m² acceptable outbuilding size for the Urban Development zone, prescribed in Local Planning Policy 17 (LPP 17).

The proposal is presented to Council for consideration as officers have no delegation to determine the variation.

A location plan, aerial photograph, site and elevation plan are with attachments marked SD018.1/08/10.

An aerial photograph supplied by the applicant indicating proposed location of the shed is with attachments marked SD018.2/08/10.

Variations requested

Construction of an overheight and oversize shed of 92m² which would result in a total combined area for outbuildings (115m²) exceeding the 60m² floor area limit acceptable for outbuilding size for the Urban Development Zone, prescribed in Council's LPP17.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The subject lot does not contain any remnant native vegetation.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Existing mature vegetation on the eastern adjoining property boundary and solid fencing on the western boundary is considered adequate screening. Some additional landscaping will be required on the northern boundary.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will not be visible from the street. The general locality is heavily vegetated and as such Officers are of the view that this proposal will not adversely affect the amenity of the locality.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. The shed is to be located at the back of the property which is common with similar sheds in this locality. Trees along the boundaries have reduced the visual impacts from the neighbours.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	Yes, the applicant has provided information that a 4500 litre tank will be installed to capture runoff from the additional roof. This will provide an opportunity for water capture and reuse onto the outdoor lawn and garden areas.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications:

LPP17 - Residential and Incidental Development

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
BUILT ENVIRONMENT				
	Land Use Planning			
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period one letter of concern detailed below was received from adjacent neighbours.

Affected Property	Summary of submission	Officer's Comment
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A208900	<i>As you may or may not be aware, the area around our part of Byford has quite severe drainage problems due to the type of soil and subsoil (coffee rock) and most drains around us are of the "open drain" type. As an older area we are not connected to deep sewerage and soak wells are quite useless.</i> <i>A shed of the size proposed will create quite a large amount of water runoff and we have considerable concerns about where this water will end up, particularly as it is quite close to our side fence and rain water has previously undermined sections of our fence.</i> <i>We would like to see the shed located more to the centre of the property, i.e. the same distance in from both side boundary fences rather than the 3 metres proposed.</i> <i>By locating the shed more centrally, it will be less of an eyesore from our back yard taking into consideration the height of the completed shed. It will also cause less of a problem to us as far as stormwater runoff is concerned.</i> <i>We would also like to see the run off from the shed diverted to a rainwater tank of at least 5,000 gallons (approx 19,000 litres). The water from this tank could be used on the property over the drier months. If the above points are addressed, we have no other concerns with the size of the proposed shed.</i>	Noted Noted. It is a condition of approval for all developments that stormwater is to be disposed of within the property. The applicant has provided that a 4500 litre tank will be installed to capture runoff from the additional roof. Dismiss. The proposed side and rear setbacks are actually consistent with the provisions stipulated in an Urban Development Zone and in accordance with the Residential Design Codes of Western Australia. Noted. A landscaping plan will be recommended as a condition of approval to reduce the visual impact of this shed from the neighbouring property owners. As discussed above.
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Planning Assessment:

LPP17 Residential and Incidental Development

Table 3.1 Setbacks Dwellings, outbuildings, swimming pools, carports patios gazebos verandahs etc.

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks			

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Primary Street Rear Side	6m 1.5m 1m	55m 3.0m 3.0m	Complies Complies Complies
Floor Area (combined total floor area of all outbuildings)	Max. 60m ²	115m ²	Variation - Supported. The proposal is considered to have sufficient merit, having had regard to the size of the lot being 1115m ² . It is reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties. It is envisaged that if the current proposal were approved, it would not create any precedence because of the factors peculiar to the proposal.
Wall Height	Max. 2.4m	3.0	Variation – supported, it is anticipated that additional screening will reduce the visual impact as the overall apex height of the shed is below the as of right height under the LPP17.
Roof Height	Max. 4.2m	3.6	Complies

The location of the shed extension in relation the existing dwelling and neighbouring outbuildings is such that a cluster of buildings will be formed. A landscaping condition is included to further screen the shed from neighbouring properties on the northern boundary.

The Shire has previously found it reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties among other factors. The proposed additional construction shed of 92m² resulting in a total floor area of 115m² in lieu of 72m² is considered to have sufficient merit, having had regard to the size of the property, the peculiar need and justification provided by the applicant and the existing and proposed vegetation screening.

It is envisaged that if the current proposal were approved, it would not create any precedence because of the factors peculiar to the proposal.

Comment:

The applicant provided the following information regarding the justification for the oversize and over height shed:

- *"The existing dwelling that we currently live in is relatively small, and the small original shed that is located close to our house is currently only used for storage and for tools and garden equipment. This existing older shed is too small to be used for vehicles;*
- *As members of the Byford Classic Car Club we currently own" ...a number of vehicles... "and also have one car and one motorbike for daily use. It is important that these vehicles, which are for personal use only, are securely garaged and protected. From a visual amenity point of view, it is far better having these vehicles housed in an enclosed colourbond garage, as opposed to having them out in the open yard covered with all weather car covers; and*
- *Our block is relatively large in comparison with other new residential areas, and hence a shed of this size is not out of proportion, nor is it out of proportion with other similar shed sizes in our street."*

Options

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

- (1) approve the application, with or without conditions
- (2) refuse the application and provide reasons for refusal.

In the instance that an applicant is aggrieved by a determination of Council, an application for review could be lodged with the State Administrative Tribunal.

Conclusion

It is anticipated that construction of an additional shed will not cause an adverse visual effect to the amenity of the locality. The proposed shed is similar development to other existing properties within the locality and will not detrimentally affect the amenity of the area. It is recommended the proposal be conditionally approved.

Voting Requirements: Simple Majority

SD018/08/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Ellis

That the proposed overheight and oversize outbuilding shed at Lot 12 (11) Bateman Street, Byford be approved subject to the following conditions:

1. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
2. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.
3. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2011 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.

Advice Notes:

1. A building license is required to be issued prior to the commencement of development including earthworks.

Committee Note: The motion lapsed due to no mover of the motion.

CARRIED 8/1

SD019/08/10 FINALISATION OF SCHEME AMENDMENT NO. 162 – REZONING OF VARIOUS LOTS IN THE SERPENTINE URBAN DEVELOPMENT AREA (A1640)		
Proponent:	Serpentine Jarrahdale Shire	In Brief This proposal involves the rezoning of various portions of land in the Serpentine Urban Development area to the “Urban Development” zone. That Council resolves to finalise Scheme Amendment No. 162.
Owner:	Not applicable	
Author:	Heleen Muller - Senior Strategic Planner	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	16 June 2010	
Previously	SCM003/09/08 SD009/07/10	
Disclosure of 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	
Delegation	Council	

Background

The Shire, at a Special Council Meeting on 8 September 2008, recommended that the subject properties in the Serpentine urban development area be rezoned to “Urban” to align the Shire’s Town Planning Scheme No. 2 (TPS2) with the Metropolitan Regional Scheme (MRS).

A copy of the plan showing the subject property and current zoning under Town Planning Scheme No. 2 is with attachments marked SD019.1/08/10.

	Area	Zoning under MRS	L.A. Zoning under TPS2
Lot 1 Richardson Street	1.0743Ha	Urban	Residential R10
Lot 82 Richardson Street	0.9257Ha	Urban	Residential R10
Lot 84 Richardson Street	0.5053Ha	Urban	Residential R10
Part of Lot 10 Richardson Street	Approximately 1.4353Ha based on MRS.	Urban	Rural
Part of Lot 12 Richardson Street	Approximately 3.6817Ha based on MRS.	Urban	Rural
Part of Lot 13 Richardson Street	Approximately 0.1264Ha based on MRS.	Urban	Rural
Part of Lot 14 Richardson Street	Approximately 3.7112Ha based on MRS.	Urban	Rural
Lot 111 Wellard	0.4397Ha	Urban	Residential R10

	Area	Zoning under MRS	L.A. Zoning under TPS2
Street			
Lot 113 Wellard Street	0.1992Ha	Urban	Residential R10
Part of Lot 17 Karnup Road	Approximately 0.7712Ha based on MRS.	Urban	Rural
Part of Lot 18 Karnup Road	Approximately 1.2912Ha based on MRS.	Urban	Rural
Part of Lot 15 Karnup Road	Approximately 2.1167Ha based on MRS.	Urban	Residential R10
Lot 1 Leslie Street	0.19996Ha	Urban	Residential R5
Lot 123 Leslie Street	2.1659ha	Urban	Residential R5
Lot 124 Leslie Street	1.9651Ha	Urban	Residential R5
Lot 125 Leslie Street	2.1623Ha	Urban	Residential R5
Lot 94 Lefroy Street	2.0248Ha	Urban	Residential R5
Lot 95 Lefroy Street	2.0248Ha	Urban	Residential R5
Lot 96 Lefroy Street	2.0246Ha	Urban	Residential R5
Lot 97 Lefroy Street	2.5400Ha	Urban	Residential R5
Lot 109 Lefroy Street	3.0906Ha	Urban	Residential R5
Lot 110 Lefroy Street	2.9447Ha	Urban	Residential R5
Lot 98 Rudall Street	2.4749Ha	Urban	Residential R5
Lot 99 Rudall Street	1.9332Ha	Urban	Residential R5
Lot 100 Rudall Street	1.9735Ha	Urban	Residential R5
Lot 101 Rudall Street	2.0144Ha	Urban	Residential R5
Lot 93 Rudall Street	1.9396Ha	Urban	Residential R10
Lot 102 Rudall Street	3.5889Ha	Urban	Rural
Lot 103 Rudall Street	3.0368Ha	Urban	Rural
Lot 104 Rudall Street	4.0490Ha	Urban	Rural
Lot 105 Rudall Street	4.0489Ha	Urban	Rural
Lot 106 Rudall Street	4.0479Ha	Urban	Rural

Sustainability Statement

Effect on Environment:

Rezoning of these properties to “Urban Development” may ensure preservation, rehabilitation and enhancement of the properties. The areas of remnant vegetation, Threatened Ecological Communities (TEC’s), Resource Enhancement Wetlands and Conservation category wetlands can be protected through detailed studies at District Structure Plan level. These studies include a detailed wetland assessment, a wetland buffer assessment, site specific wetland buffers, wetland management plans, a survey of TEC’s and a study indicating the impact of development on TEC’s.

The proposal will also enable controls to be places on land uses able to be carried out on the land which will provide additional protection for groundwater and the Peel Harvey Coastal Plain Catchment.

Resource Implications:

There will be no additional cost to the Shire. Energy Use; Water Use; Land; Non renewable Resources and Waste issues will be addresses as part of a District Structure Plan in future.

Use of Local, Renewable or Recycled Resources:

The proposal does not require resources as the proposal is only aligning the Shire's Town Planning Scheme No. 2 (TPS2) with the Metropolitan Regional Scheme (MRS) as per statutory requirements.

Economic Viability:

The proposal does not impact on the natural, social or economic environment as the proposal is only aligning the Shire's Town Planning Scheme No. 2 (TPS2) with the Metropolitan Regional Scheme (MRS) as per statutory requirements.

Future economic, social and environment implications will only arise once District Structure Planning is done for the Serpentine Development Area

Economic Benefits:

At this stage, the proposal does not create additional economic benefits for the community, but does however rezone the land in order to conduct future structure planning in the area which will address economic benefits for the community.

Social – Quality of Life:

At this stage, the proposal does not create additional social benefits for the community, but does however rezone the land in order to conduct future structure planning in the area which will address social aspects and strive to improve the quality of life for all residents.

Social and Environmental Responsibility:

The rezoning requires that significant environmental issues to be addressed at District Structure Plan level before development commences which will address environmental aspects and strive to improve the quality of life for all residents.

Statutory Environment:

Local Planning Policy No. 29
Town Planning Scheme No. 2
Planning and Development Act 2005
Town Planning Regulations 1967

**Policy/Work Procedure
Implications:**

State Planning Policy 2.1 – Peel-Harvey Coastal Plain
Catchment

Financial Implications:

The Shire to pay the amendment fees.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use	2	Rural	Ensure land use planning accommodates

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Planning		Villages	a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		30	General	Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail development.
PEOPLE AND COMMUNITY				
	Wellbeing	5	Happy	Promote respect, responsibility and resilience in our community.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
OUR COUNCIL AT WORK				
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

The Amendment was advertised for public comment and referred to relevant government authorities for 42 days with the advertising period closing on 18 September 2009. Advertising was undertaken in the following manner:

- All land owners, surrounding land owners (Serpentine Development Area residents) and relevant government agencies were advised in writing of the proposal;
- Notices were placed on Council's notice board and Library;
- The proposal was made available on the Shire's website; and
- An advertisement was placed in the Examiner newspaper.

Resulting from the advertising, five (5) submissions from government referral authorities and five (5) public submissions were received. No major issues or concerns were raised regarding the amendment, however various recommendations and requirements were identified which should be addressed at District and Local Structure Plan level.

A schedule of submissions is with the attachments marked SD019.2/08/10.

A map showing wetlands is with attachments marked SD019.3/08/10.

A list of Threatened Ecological Communities (TEC's) is with the attachments marked SD019.4/08/10.

Comment:

Proposal

The subject land comprises of various portions of land in the current Serpentine Town site which has been zoned "Urban" under the Metropolitan Regional Scheme (MRS). "Urban" zone under the MRS are defined as "areas in which a range of activities are undertaken, including residential, commercial, recreation and light industry". The Shire has a statutory obligation to align their Town Planning Scheme No. 2 (TPS2) with the MRS. This amendment serves to align TPS2 with the MRS.

The Shire has also developed Local Planning Policy No. 23 (LPP23) which is a planning framework for Serpentine Development Area. This planning framework requires various requirements to be address to ensure development in Serpentine will occur in an orderly and proper manner these planning requirements include the preparation of a District Structure Plan (DSP), Local Structure Plans (LSP's) and applications for subdivision and development. LPP23 was adopted by Council at its Council meeting on 27 April 2010.

Matters raised by the Department of Environment and Conservation and Water Corporation will be addressed at the DSP and LSP stages and do not impact on the scheme amendment specifically.

Six submissions provided suggestions that should be considered when drafting a District Structure Plan for Serpentine. These are submissions 2, 4, 7, 8, 9 and 10 of the attached schedule. The submissions were considered in some detail and although no modifications to Amendment No. 162 are suggested, the drafting of a DSP should consider addressing these.

Main Issues

- **Time frame and allocation of resources:**
With Amendment 162, the Shire is aligning its TPS 2 with the Metropolitan Regional Scheme, as per statutory requirements and to ensure an orderly process, not to determine a timeline for development. However, at this stage, the Shire currently does not have an estimated timeframe for development of a DSP for Serpentine. The development of a DSP for Serpentine will be considered when the Shire's fully costed Plan for the Future is prepared.
- **Interim Development Policy:**

In order to ensure progress, the Shire is in the process of drafting an Interim Development Policy for the Serpentine Area. This policy will guide development until such a time as a DSP has been prepared and adopted for Serpentine. All applications received under the Interim development policy will be assessed against its merits.

- Environmental Impacts:

The Shire, before drafting further Structure Plans for the area, should request the development of:

- a) A Local Water Management Strategy;
- b) A detailed wetland assessment;
- c) A wetland buffer assessment, including site specific wetland buffers;
- d) A wetland management plan;
- e) A Survey of remnant native vegetation that may be subject to or impacted by clearing to determine the floristic community types (FCT's) present; and
- f) Occurrence of TEC's that may be subject to impacts from development.

Conclusion

The proposed scheme amendment proposes to align TPS2 with the MRS. The Serpentine Townsite and Urban Development Area to be subject to structure planning as per LPP23, before any development and or subdivision applications will be considered by the Shire. It is therefore recommended that scheme amendment No. 162 be adopted without modification.

Council, at its Ordinary Council Meeting on 26 July 2010, resolved to defer Amendment No. 162 to the August Sustainable Development Committee Meeting. The deferral was due to letters informing submitters that the item was to be presented at the July Sustainable Development Committee Meeting were inadvertently posted out after the event, thereby not providing submitters sufficient time to prepare for the Sustainable Development Committee or Ordinary Council Meeting.

Council is committed to due process and the right of submitters and stakeholders to be able to attend Council meetings when an item affecting them is tabled and therefore at the Ordinary Council Meeting on 26 July 2010 Council moved to defer item **SD010/07/10** to the August 2010 Sustainable Development Meeting in order to allow all stakeholders sufficient time to review the proposal.

Voting Requirements: Simple Majority

SD019/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Ellis

That Council:

- A. Notes the schedule of submissions and the officer comment in relation to the Attachment SD019.2/08/10 prepared in respect of Amendment No. 162 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2**
- B. Pursuant to Section 72 of the Planning and Development Act amends the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:**

1. Rezoning Lots 1, 82 and 84 Richardson Street, Serpentine from 'Residential R10' to 'Urban Development'.
 2. Rezoning Part of Lots 10, 12, 13 and 14 Richardson Street, Serpentine from 'Rural' to 'Urban Development'.
 3. Rezoning Lots 111 and 113 Wellard Street and Lot 121 Turner Street, Serpentine from 'Local Roads' and 'Residential R10' to 'Urban Development'.
 4. Rezoning Part of Lot 17 and 18 Karnup Road, Serpentine from 'Rural' to 'Urban Development'.
 5. Rezoning Part of Lot 15 Karnup Road, Serpentine from 'Residential R10' to 'Urban Development'.
 6. Rezoning Lots 1, 123, 124 and 125 Leslie Street, Serpentine from 'Residential R5' to 'Urban Development'.
 7. Rezoning Lot 94, 95, 96, 97, 109 and 110 Lefroy Street, Serpentine from 'Residential R5' to 'Urban Development'.
 8. Rezoning Lots 98, 99, 100 and 101 Rudall Street, Serpentine from 'Residential R5' to 'Urban Development'.
 9. Rezoning Lot 93 Rudall Street, Serpentine from 'Residential R10' to 'Urban Development'.
 10. Rezoning Lots 102, 103, 104, 105 and 106 Rudall Street, Serpentine from 'Rural' to 'Urban Development'.
- C. Amends the Scheme Map accordingly.
- D. Submits the amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning.
- E. Advises the submitters of Council's decision.

CARRIED 9/0

SD020/08/10 PROPOSED AMENDMENT NO. 170 TO THE SHIRE OF SERPENTINE JARRAHDALE TOWN PLANNING SCHEME NO. 2 – REZONING OF COMMERCIAL AND SHOWROOM/WAREHOUSE ZONED LAND TO URBAN DEVELOPMENT WITHIN BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN (A1901)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council is requested to initiate Amendment No. 170 to Shire of Serpentine Jarrahdale Town Planning Scheme No.2. This Amendment will rezone Commercial and Showroom/Warehouse zoned land to Urban Development, allowing the Structure Plans and associated land use classifications to prevail.
Owner:	N/A	
Officer:	Louise Howells – Senior Planner Projects	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	19 July 2010	
Previously	Nil	
Disclosure of 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	
Delegation	Council	

Background

The Byford Town Centre Local Structure Plan was adopted by Council at a Special Council Meeting on 8 June 2010. The Byford Town Centre Local Structure Plan proposes different zonings to that contained within the Town Planning Scheme No.2.

The Shire of Serpentine Jarrahdale has identified the need to undertake a minor amendment to Town Planning Scheme No. 2 (TPS 2) to address the different zonings depicted within BTCLSP and TPS 2. There are a number of ways to address the inconsistent zonings which are contained within this report.

Sustainability Statement

Effect on Environment: N/A

Economic Viability: N/A

Statutory Environment: Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)
Town Planning Scheme No.2

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue.

Financial Implications: Advertising costs – newspaper and Government Gazette

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning	2	Rural Villages	Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		30	General	Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
SUSTAINABLE ECONOMIC				

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail development.
PEOPLE AND COMMUNITY				
	Wellbeing	5	Happy	Promote respect, responsibility and resilience in our community.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
OUR COUNCIL AT WORK				
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

If Council resolves to initiate the new Amendment No. 170, the Amendment is to be referred to the Environmental Protection Authority (EPA) and Western Australian Planning Commission in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

If Amendment No. 170 complies with the provisions of the EPA Act, the Shire is to advertise the Amendment for a period of at least 42 days. The Amendment will be advertised in the local newspaper and displayed in the Shire Offices. On completion of the advertising the Council is to consider the submissions and resolve to forward the Scheme Amendment documentation to the Commission or resolve not to continue and provide the Commission written notice. Once a Scheme Amendment has been initiated then the Minister has the ability to progress the Amendment through the adoption process.

Comment:

Most of the area contained within the Byford Town Centre Local Structure Plan (BTC LSP) is zoned Urban Development under the Shire's TPS 2. The Urban Development zone requires that structure planning be undertaken to guide future subdivision and development.

Where a structure plan has been prepared for land zoned Urban Development, the land use classifications of the structure plan become de facto zones and reservations, under which development is assessed.

Although most of the BTC LSP area is zoned Urban Development, a number of lots are currently zoned 'Warehouse/Showroom' and 'Commercial' along South Western Highway. These lots are now either designated as 'Town Centre' or 'Highway Commercial' in the BTC LSP, which is inconsistent with the current zoning under TPS 2.

A copy of the proposed Amendment No. 170 is provided as attachment SD020.1/08/10.

Options available to Council:

The Council has 3 possible options relating to the inconsistent zoning which are outlined and discussed below in detail:

1. **Option 1 – Rezone the entire BTCLSP area to Urban Development**

Matters to Consider

- Resources will be required to progress a Scheme Amendment.
- All land within a structure plan area should be zoned 'Urban Development' to properly enact the Scheme structure planning provisions.
- This approach will ensure that the LSP classifications are consistent with the TPS zoning of the land.
- Failure to rezone the land will result in the Scheme provisions prevailing over the LSP zoning classifications.

Officers Conclusion

This option resolves the issue though requires staff resources in progressing the Scheme Amendment.

2. **Option 2 – Modify the BTCLSP to ensure that its land classifications are consistent with TPS 2 where the land is not zoned Urban Development.**

Matters to Consider

- Many of the development outcomes envisaged by the land use classifications of the BTCLSP are not otherwise provided for by existing zones of TPS 2, especially that of mixed-use development. A zone to achieve a similar development outcome may not be available under TPS 2.
- This option is not in accordance with standard structure planning process.

Officers Conclusion

This option would address the inconsistency, however, does not deliver the preferred outcome for land use classification.

3. **Option 3 – Establish a Policy position to identify how the Shire will deal with any inconsistencies between the Scheme and structure plans in this regard.**

Matters to Consider

- Resources will be required to progress a new Local Planning Policy (LPP)
- This approach will not directly address the issue, but will rather establish a formal position on how the issue will be dealt with. This is not considered effective or necessary.

Officers Conclusion

This option is resource intensive and does not result in the desired outcome.

Conclusion:

Option 1 is considered the most appropriate means of resolving the inconsistency between TPS 2 and Structure Plans within the Byford Area.

It is therefore recommended that Council initiate Amendment No. 170 to:

1. Amend the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 map by rezoning:
 - a. Lot 12 South Western Highway, Byford from 'Showroom/Warehouse' to 'Urban Development'
 - b. Lots 1, 3, 15 and Pt lots 21, 50 and 202 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford from 'Commercial' to 'Urban Development'.

for the following reasons:

- All land within a structure plan area should be zoned 'Urban Development' to properly enact the Scheme structure planning provisions.
- This approach will ensure that the LSP classifications are consistent with the TPS zoning of the land.
- Failure to rezone the land will result in the Scheme provisions prevailing over the LSP zoning classifications.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That:

- A. Amendment No. 170 documentation be prepared in accordance with the standard format prescribed by the Town Planning Regulations 1967.**
- B. Council, pursuant to Section 75 of the Planning and Development Act 2005 (the Act), amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:**
 - 1. Rezoning Lot 12 South Western Highway, Byford from 'Showroom/Warehouse' to 'Urban Development';**
 - 2. Rezoning Lots 1, 2, 3, 15 and Pt lots 21, 50 and 202 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford from 'Commercial' to 'Urban Development'.**
 - 3. Amending the Scheme Map by delineating Lots 1, 2, 3, 12, 15 and Pt lots 21, 50 and 202 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford within the Urban Development zone.**
- C. The amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.**
- D. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of not less 42 days.**

LOST 3/4 Presiding Member used her casting vote.

Committee Note: Point A was amended by adding the words No. 170. The Committee would like it to be known that there were concerns about the clarity for the reasons for this motion and wish for further information to be made available before consideration at the August Ordinary Council Meeting.

Supplementary Information

The Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (hereon referred to as the 'Scheme) designates zonings for land within the Shire of Serpentine Jarrahdale. These zoning can include zonings such as 'Residential', 'Commercial', and 'Warehouse/Showroom'. In predominantly urban settings where development potential has been identified and a development process has been initiated an 'Urban Development' zone is applied to the land. Land zoned for 'Urban Development' requires a Local Structure Plan to be prepared to designate land uses. The Byford Town Centre Local Structure Plan, for example, designates various land uses including 'Town Centre' and 'Highway Commercial'.

There are however, also instances where a Local Structure Plan (LSP) covers land that is not zoned 'Urban Development'. This has occurred within the Byford Town Centre Local Structure Plan area where some lots in the LSP area are zoned 'Commercial' and 'Warehouse/Showroom' under the Scheme. This results in the land having two different zonings, one zoning under the Scheme and one zoning under the Local Structure Plan. A lot however, cannot have two different zonings and therefore one of the zonings must prevail. In terms of statutory hierarchy, the Scheme always prevails over any Local Structure Plan and therefore the zoning within the Scheme prevails. The clause within the scheme that enforces this is 5.18.6.5 which states:

5.18.6.5 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Planning Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

The only way to allow the zoning within a Local Structure Plan to apply to lots with a zoning that conflicts with the Scheme, is if the zoning within the Scheme is changed to 'Urban Development'. This is done through an amendment to the Scheme. In the case of the Byford Town Centre, Amendment 170 proposes to rezone lots zoned 'Commercial' and 'Showroom/Warehouse' to 'Urban Development'.

At the Sustainable Development Committee Meeting it was noted by Cr Geurds that Lot 12 South Western Highway, Byford is not located within the Local Structure Plan area. It has also been noticed that Lot 202 South Western Highway, Byford is also located outside of the Local Structure Plan area. It is therefore proposed that the resolution be modified to remove inclusion of these lots within the Amendment. An amended officers recommendation has been drafted.

SD020/08/10 COUNCIL DECISION/Alternate Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Harris

That:

- A. Amendment No. 170 documentation be prepared in accordance with the standard format prescribed by the Town Planning Regulations 1967.**
- B. Council, pursuant to Section 75 of the Planning and Development Act 2005 (the Act), amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:**
 - 1. Rezoning Lots 1, 2, 3, 15 and Pt Lots 21 and 50 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford from 'Commercial' to 'Urban Development'.**
 - 2. Amending the Scheme Map by delineating Lots 1, 2, 3, 15 and Pt Lots 21 and 50 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford within the Urban Development zone.**

- C. The amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.**
- D. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of not less 42 days.**

CARRIED 9/0

SD021/08/10 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report to 20 July 2010.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 July 2010	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Council	

BUILDING

In accordance with the Delegated Authority vested in the Manager Building Services, the following report is provided:

DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of June 2010 were numbers 09/991, 09/1003, 09/1083, 10/52, 10/75, 10/96, 10/138, 10/139, 10/145, 10/151, 10/157, 10/161, 10/169, 10/171, 10/173, 10/176, 10/190, 10/194, 10/207, 10/214, 10/220, 10/235, 10/236, 10/242, 10/250, 10/251, 10/255, 10/262, 10/269, 10/273, 10/277, 10/283 – 10/285, 10/291, 10/295, 10/298, 10/304 – 10/307, 10/316 – 10/318, 10/320, 10/321, 10/324, 10/325, 10/327, 10/329, 10/330, 10/333, 10/336, 10/338, 10/339, 10/341 – 10/343, 10/345, 10/346, 10/348 – 10/351, 10/353, 10/356 – 10/359, 10/361, 10/363, 10/365, 10/367, 10/370, 10/372, 10/374, 10/375, 10/380, 10/383, 10/385, 10/389 – 10/401, 10/404 – 10/408, 10/410, 10/413, 10/417, 10/418, 10/420, 10/426, 10/429 (95 approvals).

Month of June	2009/2010	2008/2009
Value of permits issued	\$10,317,626	\$6,642,585
Cumulative total for period	\$100,755,949	\$72,967,721
Number of permits issued	95	79
Number of dwellings approved	43	25
Number of applications received	115	76
Number of fast track applications	N/A	9

On 6 July 2010, 116 applications were pending.

Financial Period	2009/2010	2008/2009
Value of permits issued	\$100,755,949	\$72,967,721
Number of permits issued	1,003	807
Number of dwellings approved	404	262
Number of applications received	1,129	821

HEALTH

In accordance with the Delegated Authority vested in the Manager Health and Ranger Services the following report is provided:

DS21 – Effluent Disposal Applications

L36 Karbro Drive, Cardup
L18 Rose Road, Mundijong
L6 South Western Highway, Serpentine
L105 Kentucky Drive, Darling Downs
L21 Echoveld Close, Mardella
L20 Tuart Road, Oakford
L588 Harwood Pass, Darling Downs
L71 Baigup Loop, Cardup
L216 Learmouth Turn, Byford
L202 Learmouth Turn, Byford
L66 Gloaming Way, Darling Downs
L118 Kargotich Road, Oakford
L226 Mardja Loop, Mardella
L139 Coral Vine Loop, Jarrahdale
L515 Bruns Drive, Darling Downs
L164 Yangedi Road, Hopeland
L73 Karbro Drive, Cardup
L108 Downs Court, Serpentine
L203 Homestead Place, Byford
L72 Rangeview Loop, Serpentine
L250 Kingsbury Drive, Serpentine
L220 Homestead Place, Byford
L12 Egerton Drive, Serpentine

DS21 – Permit to Use Apparatus

L215 Learmouth Turn, Byford
L57 Jackson Road, Oldbury
L58 Elliott Road, Keysbrook
L13 Soldiers Road, Cardup
L243 Cardup Siding Road, Byford

DS22 – Health Act Administration, Enforcement and Prosecution

21/6/10 – Assessment No A399074 – Contravention of the Health Act – Occupation of a building not classified as a dwelling.

RANGERS & DEVELOPMENT COMPLIANCE

Enforcement – July (to 20th July)

Notices issued CG05	16 x Dog, 7 x Sign, 5 x Livestock, 11 x Off road vehicle,	
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	32 x Compliance, 9 x Parking	
Fines and Infringements issued CG05	3 x Litter, 6 x Dog, 1 x Livestock, 5 x Parking, 2 x ORV	\$2,050
Other (LG Act activities) CG02	Registration and impound fees (dog, livestock and off road vehicle). Recovery of costs.	\$2,956
In reported, legal or investigative process CG02	Dog Act Off Road Vehicle Act Litter Act Local Government Act Development Compliance	13 2 15 24 (in process) 71 (in process)
Matters resolved in consultation or mediation	Dog Act Local Government Act DA Form 2 Compliance Audit Other	8 11 2 (compliant) 47

PLANNING

In accordance with the Delegated Authority vested in the Executive Manager Planning AND Senior Planners the following report is provided:

SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is contained in the attachments marked SD021.1/08/10.

DELEGATED AUTHORITY DETERMINATIONS – DEVELOPMENT APPLICATIONS, SUBDIVISIONS, DETAILED AREA PLANS

Date Issued	Authority Ref.	Property & Development	Decision
28/05/10	DS-15	L91 Lefroy Street, Serpentine – Shed	Approved
14/06/10	DS-06	L722 Selkirk Road, Serpentine - Shed	Approved
15/06/10	DS-15	L803 Dalray Court, Darling Downs – Shed, Lean To and Carport	Approved
15/06/10	DS-09	L219 South Western Highway, Byford – Change of Use	Approved
16/06/10	DS-08	L605 Nettleton Road, Jarrahdale - Patio	Approved
16/06/10	DS-08	L245 Bren Close, Byford – Single Dwelling	Approved
16/06/10	DS-08	L131 Beenyup Road, Byford – Retrospective patio	Approved
17/06/10	DS-08	L137 Howitzer Turn, Byford - Patio	Approved
21/06/10	DS-15	L130 Ghost Gum Heights, Jarrahdale – Relocate Envelope / Single Dwelling / Shed	Approved
23/06/10	DS-08	L2 Jarrahdale Road, Jarrahdale – Dam & Revegetation	Approved
24/06/10	DS-15	L578 Bruns Drive, Darling Downs – Swimming Pool	Approved
24/06/10	DS-08	L204 Mardja Loop, Mardella – Swimming Pool	Refused
24/06/10	DS-08	L167 Quiberon Link, Byford – Patios x 2	Approved
25/06/10	DS-06	L320 Coleman Close, Cardup – Shed	Approved
28/06/10	DS-12	L9502 Lampiter Drive, Mardella – Clearance of Conditions	Approved
29/06/10	DS-05	L512 Araucaria Boulevard, Byford – Patio	Approved
29/06/10	DS-08	L11 Nettleton Road, Karrakup - Shed	Approved
01/07/10	DS-08	L603 Bruns Drive, Darling Downs – Swimming Pool	Approved

Date Issued	Authority Ref.	Property & Development	Decision
02/07/10	DS-08	L60 Barge Drive, Byford – Sea Container	Refused
05/07/10	DS-09/DS-05	L107 Keirnan Street, Mundijong – Shed / Lean To / Water Tank	Approved
05/07/10	DS-12	L3 Larsen Road, Byford (Marri Park Stage 2A) – Clearance of Conditions	Approved
05/07/10	DS-12	L69 Linton Street North, Byford – Clearance of Conditions	Approved
05/07/10	DS-12	L69 Linton Street North, Byford (Survey Strata) – Clearance of Conditions	Approved
06/07/10	DS-05	L634 Colesbrook Drive, Byford – Single Dwelling	Approved
06/07/10	DS-08	L48 Jersey Road, Oakford – Keeping of Two Sheep	Approved
06/07/10	DS-08	L154 Hicks Street, Mundijong – Patio	Approved
06/07/10	DS-08	L594 Mead Street, Byford – Single Dwelling	Approved
06/07/10	DS-08	L226 Ballagar Road, Byford – Shed	Approved
06/07/10	DS-15	L612 Tuart Road, Oakford – Shed / Water Tank / Swimming Pool / Driveway	Approved
07/07/10	DS-05	L654 Portwine Avenue, Byford – Single Dwelling	Approved
07/07/10	DS-08	L438 Clondyke Drive, Byford – Single Dwelling	Approved
07/07/10	DS-08	L102 Jarrahdale Road, Jarrahdale – Patio	Approved
08/07/10	DS-15	L702 Eurythmic Road, Byford – Shed	Approved
12/07/10	DS-15	L150 Coral Vine Loop, Jarrahdale – Shed / Lean To	Approved
13/07/10	DS-15	L239 Abernethy Road, Byford – Swimming Pool	Approved
13/07/10	DS-08	L79 Paterson Street, Mundijong – Swimming Pool	Approved
13/07/10	DS-08	L137 Coral Vine Loop, Jarrahdale – Single Dwelling	Approved
14/07/10	DS-08	L220 Homestead Place, Byford – Dam	Approved

Application Type	Authority	Number
Development Applications Received	N/A	45
Development Applications Approved	Delegated Authority Committee/Council Total	32 5 37
Development Applications Refused	Delegated Authority Committee/Council Total	2 0 2
Subdivision Referrals Received (Applications)	N/A	4
Subdivision Approval Recommendation to WAPC	Delegated Authority	0
Subdivision Refusal Recommendation to WAPC	Delegated Authority	0
Subdivision Deferral Recommendation to WAPC	Delegated Authority	1
Subdivision Condition Clearances issued	Delegated Authority	4

On 20 July 2010, 82 applications were pending

SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
S340-10	L71 Catherine Street, Byford	3	Residential	Approval	Approval
S141815	L9500 Keenan Street, Darling	5	Rural	Approval	Approval

	Downs				
S141341	L7 Warrington Road, Byford	169	Residential	Deferral	Approval

DEVELOPMENT APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	Type	Council Recommendation	WAPC Decision
P00404/02	L3 South Western Highway, Byford	Showroom	Approval	Approval

SUBDIVISION CLEARANCES ISSUED

WAPC Ref	Property	Type	No. of Lots
S136097	L9502 Lampiter Drive, Mardella	Farmlet	2
S133493	L3 Larsen Road, Byford (Marri Park Stage 2A)	Residential	32
S135210	L69 Linton Street North, Byford	Residential	2
S119-07	L69 Linton Street North, Byford (Survey Strata)	Residential	2

DECISIONS OF THE STATE ADMINISTRATIVE TRIBUNAL

Nil

Voting Requirements: Simple Majority

SD021/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Hoyer , seconded Cr Buttfeld

That Council accept the Information Report.

CARRIED 9/0

CGAM005/08/10 MONTHLY FINANCIAL REPORT – JUNE 2010 (A0924/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the June 2010 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Casey Mihovilovich – Executive Manager Finance Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	22 July 2010	
Previously	Not Applicable	

Disclosure of 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	
Delegation	Council	

Background

The Local Government (Financial Management) Regulations 1996 requires monthly financial statements to be presented to Council for their consideration. The Council has resolved to receive these statements according to business unit classification.

Sustainability Statement

This review provides an indication of current allocation of resources to provide services as adopted in the 2009/2010 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

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.

Policy/Work Procedure Implications:

There are no work procedure/policy implications directly related to this application/issue.

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
OUR COUNCIL AT WORK	Strategy and Planning	29	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.	
	Success and Sustainability	35	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.	35.2 - Encourage a culture of continuous improvement that is supported by regular debriefs past the completion of projects and document the improvements

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
					necessary for incorporation in the development of the next project and any new innovations on a standard template that is stored in a continuous improvement register.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.	36.1 - We constantly assess our capacity to deliver and communicate to our stakeholders any slippage utilising efficient reporting systems.
		38	Achieving Sustainability	Projects and goals are realistic and resourced.	38.1 - All services are reviewed against statutory requirements, financial constraints and community need. 38.3 - Develop effective milestone monitoring systems for major projects and address slippage promptly.
		39		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.	39.1 - Staff will observe strict cost control and accurately budget.

Community Consultation:

Required: No

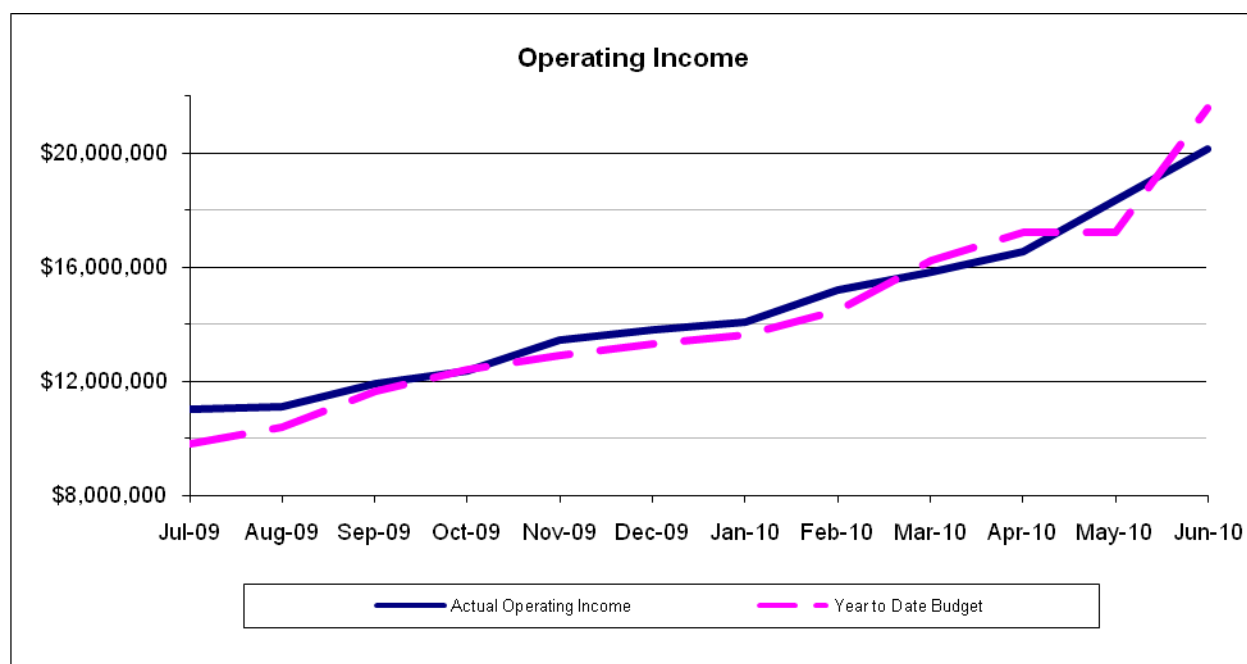
Comment:

Council adopted the 2009/10 Budget at its Meeting held on 21 July 2009 (SCM002/07/09). The figures provided in this report are compared to the year-to-date budget.

The period of review is June 2010. The municipal surplus for this period is \$1,128,555 compared to a budget position of \$0. This is considered a satisfactory result for the Shire, however end of year adjustments have not been performed and this surplus is an estimate only, at 30 June 2010. The Shire also received its first instalment for 2010/2011 from the State Government for the untied financial assistance grant in June 2010 of \$577,178, and the estimated surplus that was included in the 2010/2011 budget was \$520,860.

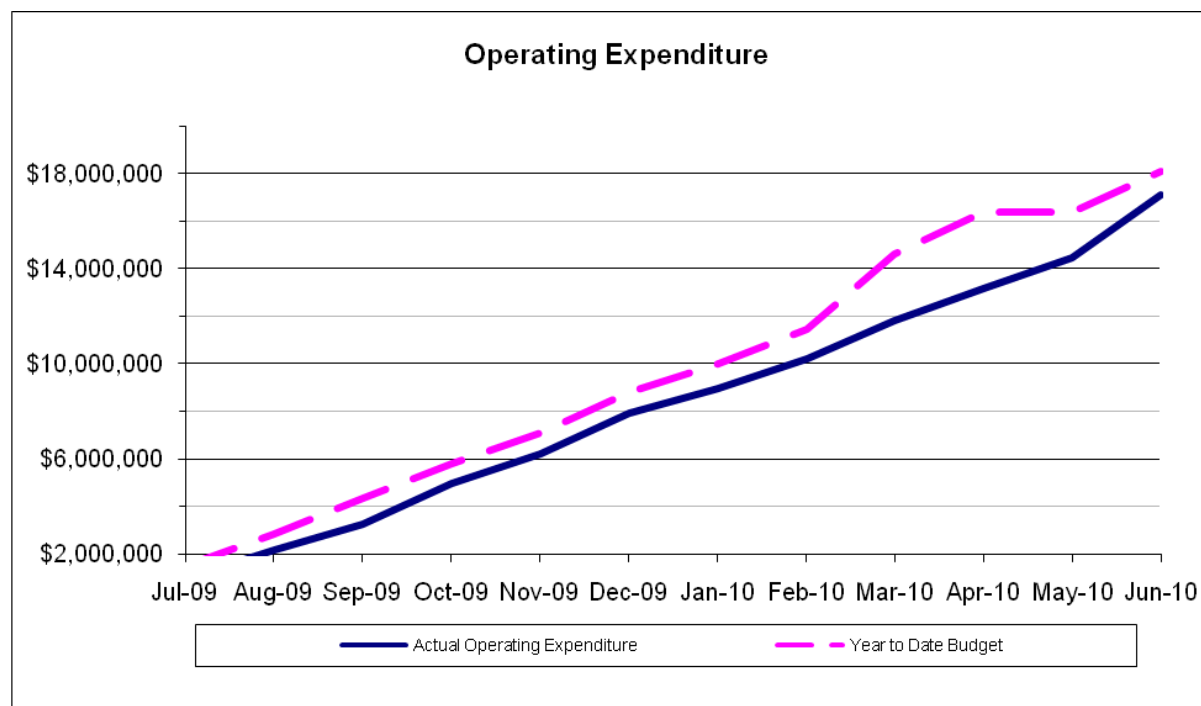
Income for the period June 2010, year to date is \$20,120,865. The budget estimated \$21,560,068 would be received for the same period. The variance to budget is (\$1,439,203) and details of all significant variances are provided in the detailed business unit reports.

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



Expenditure for the period June 2010, year to date is \$17,119,516. The budget estimated \$18,107,632 would be spent for the same period. The variance to budget is (\$988,116) and 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.



These results are subject to end of year adjustments as the annual financial statements at 30 June 2010 have not been finalised. The final result will be only be known after the Annual Audit, which is scheduled to occur in September 2010.

A copy of the Financial Report is included with the attachments and marked CGAM005.1/08/10 (E10/3771).

Voting Requirements: Simple Majority

CGAM005/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

That Council receives the Monthly Financial Report for June 2010, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 9/0

CGAM006/08/10 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period of 21 June 2010 to 20 July 2010.
Owner:	Not Applicable	
Author:	Joanne Egitto - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 July 2010	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Council	

Comment:

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 the Committee and 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
- d) Sufficient information to identify the transaction

Invoices supporting all payments are available for the inspection of the Committee and Council. All invoices and vouchers presented to the Committee and 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.

Summary of creditor accounts paid and payable for the period of 21 June 2010 to 20 July 2010.

A copy of the vouchers numbered Chq 40260 – Chq 40347 and EFT 20509 - 20801 totalling \$2,379,482.10 for the period of 21 June 2010 to 20 July 2010 is included with the attachments and marked CGAM006.1/08/10 (E10/3722).

Voting Requirements: Simple Majority

CGAM006/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown , seconded Cr Buttfield

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 June 2010 to 20 July 2010, presented as per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 9/0

CGAM007/08/10 INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the information report to 27 July 2010.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	27 July 2010	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Council	

CGAM007.1/08/10 DELEGATED AUTHORITY (A0039-02)

Date used	Delegated Authority Reference No.	Details	Amount	Officers Signature
22/06/2010	AF-8	Payment of EFT 20509 - 20602	947,905.10	CM & AH
22/06/2010	AF-8	Payment of Cheque 40260 - 40274	48,343.31	CM & AH
23/06/2010	AF-8	Payment of EFT 20603 - 20604	19,515.64	CM & AH
24/06/2010	AF-8	Payroll	178,475.80	CM & AH
24/06/2010	AF-8	Payroll	754.36	CM & AH
24/06/2010	AF-8	Payment of EFT 20605	1,962.63	CM & AH
24/06/2010	AF-8	Payment of Cheque 40275 - 40281	68,483.89	CM & AH
24/06/2010	AF-8	Payment of EFT 20606 - 20667	334,543.42	CM & AH
24/06/2010	AF-8	Payment of Cheque 40282	491.95	CM & AH
30/06/2010	AF-8	Payment of EFT 20668 - 20670	24,905.35	CM & AH
30/06/2010	AF-8	Payment of Cheque 40282 - 40304	11,609.14	CM & AH
01/07/2010	AF-8	Payment of Cheque 40305 - 40326	12,205.15	CM & AH
01/07/2010	AF-8	Payment of EFT 20671 - 20705	212,791.93	CM & AH
06/07/2010	AF-8	Payment of EFT 20706	114.05	CM & AH
06/07/2010	AF-8	Payment of EFT 20707	75.90	CM & AH
08/07/2010	AF-8	Payroll	177,178.31	CM & AH
08/07/2010	AF-8	Payment of Cheque 40327 - 40333	24,785.53	CM & AH

08/07/2010	AF-8	Payment of EFT 20708 - 20765	276,583.74	CM & AH
08/07/2010	AF-8	Payment of EFT 20800	5,000.00	CM & AH
13/07/2010	AF-8	Payment of EFT 20766	2,381.82	CM & AH
13/07/2010	AF-8	Payment of EFT 20767	159.22	CM & AH
14/07/2010	AF-8	Payment of Cheque 40334 - 40347	71,586.23	CM & AH
14/07/2010	AF-8	Payment of EFT 20768 - 20798	280,456.24	CM & AH
15/07/2010	AF-8	Payment of EFT 20799	31,173.62	CM & AH
20/07/2010	AF-8	Payment of EFT 20801	4,408.24	CM & AH
05/07/2010	Eng 22	L374 D'Vitale Loop – Crossover Subsidy	150.00	US
16/07/2010	Eng 22	L593 Hoffman Way – Crossover Subsidy	150.00	US
16/07/2010	Eng 22	L19 Jersey Road – Crossover Subsidy	150.00	US

CGAM007.2/08/10 OPERATIONS ACTIVITY REPORT (A0897/02)

A copy of the Operations Activity Report for 19 June 2010 to 16 July 2010 is with attachments marked CGAM007.2/08/10 (E10/3674).

CGAM007.3/08/10 RESERVES ADVISORY GROUP MINUTES (A1216)

A copy of the minutes from the meeting held on 25 May 2010 is with attachments marked CGAM007.3/08/10 (OC10/6344).

CGAM007/08/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Brown

That the Information Report to 27 July 2010 be received.

CARRIED 9/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM006/08/10 PROPOSED ADDITIONS TO THE SERPENTINE JARRAHDAL GRAMMAR SCHOOL – LOT 1 BISHOP ROAD, MUNDIJONG (P07536/11)		
Proponent:	Serpentine Jarrahdale Grammar School Inc.	In Brief Applicant seeks approval for six (6) new classrooms and associated development at the Serpentine Jarrahdale Grammar School. It is recommended that the proposal be conditionally approved.
Owner:	As Above	
Author:	Senior Planner	
Senior Officer:	Director Development Services	
Date of Report	13 August 2010	
Previously	OCM018/01/08 OCM030/04/08 SD008/07/08 SD062/01/09	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 27 May 2010
 Advertised: Yes (Government Agencies only)
 Submissions: Yes
 Lot Area: 7 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Bush Forever: Site abuts Bush Forever Site No.350
 Date of Inspection: 19 July 2010

Background

Council granted planning approval for the Serpentine Jarrahdale Grammar School (SJGS) at the Ordinary Council Meeting held on 29 January 2008. This approval was subsequently amended at the April 2008, July 2008 and January 2009 Council Meetings to deal with modifications to the noise attenuation bund, the school master plan and fencing respectively.

The proponent now seeks approval for an extension to the Grammar School through the development of six (6) new classrooms and associated development.

This current proposal was presented at the August policy Forum for general discussion purposes, where issues associated with building design and orientation were raised. These issues are discussed within this report.

Sustainability Statement

Effect on Environment: The location of the proposed classrooms used to contain three (3) mature *Corymbia Calophylla* that were removed without Shire approval. The removal of this vegetation is currently being investigated by the Department of Environment and Conservation (DEC). Should the proposed application be supported, conditions are recommended requiring the preparation of a Landscape Management Plan and replacement of this vegetation elsewhere on site.

The existing effluent disposal system has been designed and installed to cater for the maximum predicted number of students. No amendments to the system are required.

Resource Implications: There is the potential for additional rainwater collection via the disposal of rainwater from the additional roof catchment into the existing rainwater tanks.

Economic Benefits: The school has the potential to both directly and indirectly provide employment opportunities in the community.

Social and Environmental Responsibility: It is not considered that the additional classrooms will have any negative impacts on the quality of life of any nearby residents as no residences abut the school site. The proposal also allows local children in years 5 and 6 to remain in the Shire for their education.

Statutory Environment: Town Planning Scheme No. 2 (TPS 2)
Metropolitan Region Scheme (MRS)
Western Australian Planning Commission's (WAPC)
Development Control Policy DC 2.4 School Sites

Policy/Work Procedure Implications: There are no work procedures/policy implications directly related to this application.

Financial Implications: There are no financial implications to Council related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
		11	Manage	Develop active partnerships with stakeholders.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
BUILT ENVIRONMENT				
	Land Use Planning	9	Rural Land	Ensure the built form complements and enhances the rural environment.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
	Infrastructure	40	Water Manageme	Promote, implement and celebrate best practice integrated water cycle management.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			nt	
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		9		All decisions by staff and elected members are evidence based, open and transparent.

Government Agency Referral

The proposal was referred to the Public Transport Authority (PTA) and the Department of Planning – State Strategic Policy (DoP), as the subject site abuts an MRS ‘Railways’ Reservation and Bush Forever Site No.350.

PTA

The PTA advised that they have no objections to the proposal but have suggested that appropriate measures are taken into consideration in the construction of the classrooms to reduce the freight rail noise.

Officer Comment

It is considered that additional noise mitigation measures are not required as the existing earth bund, which runs along the north side of the railway, was constructed specifically to ameliorate noise impacts.

DoP

The DoP advised that they have no objections to the proposal but have recommended conditions to be imposed to ensure that development does not encroach within Bush Forever site No.350.

Officer Comment

The conditions recommended by the DoP are included within the officer recommendation.

Community Consultation

Community consultation was not required in respect of this proposal.

Comment

Statutory Context

The subject site is zoned ‘Rural’ under the Shire’s TPS 2. Within the Rural zone, an ‘Educational Establishment’ is identified as a discretionary (AA) use.

It is considered that the proposed additional classrooms are consistent with the current approved use of ‘Educational Establishment’ and therefore can be approved by Council.

Proposal

The applicant seeks approval from Council for additions to the SJGS in the form of six (6) new classrooms to cater for years 5 and 6. Three (3) separate buildings will be constructed with each building consisting of the following:

- Two (2) classrooms;
- Two (2) storerooms;
- Two (2) staff offices;
- Two (2) wet areas;
- A girls toilet;
- A boys toilet; and
- A covered area (veranda's etc)

The new buildings will be constructed out of 'cream' brick with a 'shale grey' colorbond roof.

A copy of the aerial photograph, site, floor and elevation plans are with attachments marked OCM006.1/08/10.

As part of the application to Council, the proponent has provided the following information:

"The overall plan for the school is a road along which there is a housing development, a village, a service area, a resort, a light industrial area and a town square.

The proposal is to build the housing area, essentially a cul-de-sac with a group of 'town house' classrooms as per the plan. The end result should look like a residential area. Whilst it is acknowledged that this is not a traditional approach to building a school, it fits in with the community concept originally planned".

SJ Grammar School believes that what they have achieved demonstrates their commitment to environmentally friendly design and building appropriate to the area.

Tree Removal

As previously mentioned, three (3) mature *Corymbia Calophylla* were removed from site without Council approval. It is considered that these trees would have been a valid consideration in the context of the current application as it may have influenced the location of the proposed classrooms.

The removal of the trees will be addressed via a separate process through relevant compliance and environmental channels. The illegal removal of the trees is also being investigated by the Department of Environment and Conservation (DEC).

Policy Forum Discussion

The current proposal was presented to the August Policy Forum for general discussion purposes. At this meeting a number of Councillors indicated their desire for the following issues to be addressed:

- Veranda's to be extended around all sides of all the proposed classrooms. Given that the trees have been removed without any approval, it was deemed necessary to include other forms of shade for students.
- Buildings should be north facing to maximise solar efficiency.
- The design of the building should marry in with the environment.
- Architectural features should be incorporated into the design of the back walls of the classrooms. This is especially more relevant for classrooms 5-6 which have their back walls facing Soldiers Road and only 6m from the eastern property boundary.

In response, the applicant has advised that they do not wish to redesign the proposal for the following reasons:

- *“When designing schools the following issues need to be taken into account; student safety, supervision requirements, functionality and sustainability.*
- *The buildings have been placed as they are for the following reasons:*
 - *To maintain the original integrity of the design and purpose of the site;*
 - *To create a cul de sac that fits into the overall plan of the school;*
 - *To maximise the space available;*
 - *To create a safe playing area for junior students; and*
 - *To maximise the placement of solar panels on the roof of the buildings.*
- *The proposal for verandas does not fit in with the architectural design of the school. The buildings and insulations, as with our previous designs, are designed to be energy efficient in the design and be an integral part of the town landscape we have built.*
- *With all our buildings, every attempt has been made to ensure our designs are sympathetic to the environment now and in the future when we are likely to be on the edge of a township and residential developments.*
- *The design takes into account the safety features required to ensure that there are no hiding places for students and that junior students are separated from senior students. The new classrooms are designed to look like a residential cul de sac, to offer children the whole journey of education – from home to village, to resort to town square. From an educational perspective, studies have shown that this is an important enhancement to children’s learning.*
- *The designs of the building do marry with the environment, now and in the future. This design has already been accepted and approved by Councillors previously and has been praised for its ability to fit in with the environment.*
- *Buildings facing Soldiers Road. As Councillors are aware, the area along Soldiers Road is a Bush Forever site and is heavily wooded. There are buildings already facing the road similar in appearance to what is planned. In the last 18 months the school has planted over 2,000 trees including regenerating the areas along the fence line of the school. The presentation of our environment is important to us as is regeneration to encourage bird and animal life. We have already erected bat breeding boxes as well as breeding boxes for the red tail cockatoo”.*

Comment

The comments provided by the SJGS in response to the issues raised are supported. The design of the new classrooms will complement the existing built form of the SJGS and are compatible with the surrounding area.

Although proposed classrooms 5 and 6 are only setback 6.0 metres from Soldiers Road, the visual amenity from Soldiers Road is unlikely to be compromised given that the existing year 7 classroom is currently setback 9.0 metres from Soldiers Road.

Given that the proposal is for 6 new classrooms for years 5 and 6 at the SJGS, it is recommended that the proposed additions be supported.

Voting Requirements: Simple Majority

OCM006/08/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, Seconded Cr Hoyer

The proposed additions to the Serpentine Jarrahdale Grammar School at Lot 1 Bishop Road, Mundijong be approved subject to the following conditions:

- 1. A Landscape Management Plan and maintenance schedule for the replacement vegetation shall be submitted to the Shire and approved prior to the commencement of site works.**
- 2. Once approved, the Landscape Management Plan is to be implemented in its entirety by 30 September 2011 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.**
- 3. Lodgement of a bond, in the form of a bank guarantee, to the value of \$3,000 to the Shire prior to commencement of site works for the additions to ensure that the Landscape Management Plan is implemented. Such bond shall be released by the Shire back to the landowner once the replacement trees have survived three (3) summers after planting to the satisfaction of the Director Strategic Community Planning.**
- 4. The additions are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.**
- 5. Only the colours and materials identified on the Schedule of Materials and Finishes, attached to and forming part of this approval, are to be used in the construction of the additions unless the prior written approval of the Shire is obtained for an alternative.**
- 6. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.**
- 7. The proposed development, including construction, access drainage and ongoing maintenance, shall not result in the clearing and/or disturbance of the existing native vegetation within Bush Forever site No.350.**
- 8. No development, including fill, construction materials, rubbish or any other deleterious matter shall be deposited in Bush Forever site No.350.**

Advice Notes:

- 1. In relation to condition 1, the Landscape Management Plan shall address, but shall not be limited to, the following:**
 - a) The replacement of removed vegetation at a ratio of 10:1 with *Corymbia Callophylla*.**
 - b) The trees planted to be maintained by the school and the same species to be replaced if diseased or damaged.**
 - c) Vegetation to have educational signage describing the value of the species and the reasons for planting and maintaining them in the long term.**
- 2. An application to connect the proposed additions into the existing effluent disposal system must be lodged with and approved by the Shire, prior to the issue of a building licence.**

CARRIED 8/1

OCM007/08/10 COMMUNITY SPORT AND RECREATION FACILITIES FUND SUBMISSION (A0141)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To endorse a Community Sport and Recreation Facilities Fund (CSRFF) application with the Department of Sport and Recreation (DSR) for the design phase of the Jarrahdale Skate Park Project in anticipation of a site still to be chosen.
Owner:	Not Applicable	
Author:	Luke Tressler, Community Planning Officer	
Senior Officer:	Suzette van Aswegen Director Strategic Community Planning	
Date of Report	9 July 2010	
Previously	Not applicable as this is a new Small Grants Program	
Disclosure of 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	
Delegation	Council	

Background

The Department of Sport and Recreation (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, high quality, well-designed and well-utilized facilities.

The CSRFF has recently undergone some changes which includes an increase in annual funding from \$9 million to \$20 million. There are now a series of new grant options:

- Small Grants, given out biannually, with the grant rounds opening in February and July, for projects costing between \$7,500 and \$150,000;
- Annual Grants for projects between \$150,001 and \$500,000 (which is an increase from \$300,000);
- Forward Planning Grants for projects worth \$500,001 or more.

There are also grants given for Sustainable Initiatives. While these grants provide only up to a third of the total project cost, it is possible to apply for the Development Bonus, which will contribute up to 50% of funds for the project. This is assessed based on the project's location, sustainability, ability to increase participation and if the facility is to be co-located.

Officers have identified the Small Grants round which closes on 31 August 2010, as an opportunity to seek a funding contribution towards the design stage of the Jarrahdale Skate Park Project. This funding application is based on the quote received from Convic Design.

Sustainability Statement

Effect on Environment: Convic Design is a skate park consultancy/builder who has designed over 400 parks around Australia and a number in other countries. Convic has been engaged to undertake the consultation and site selection process and could be engaged to undertake the design phase. They pride themselves on working with the community to create multiuse skate parks that are designed to fit in with the surrounding environment and also mesh with the culture and heritage of the area. They also have a keen interest in minimizing the impact on the environment.

Resource Implications: Convic Design specialise in designing and building sustainable skate parks that have a minimal impact on the surrounding environment.

Use of Local, Renewable or Recycled Resources: While Convic Design is a Melbourne based company they have worked on a number of skate park projects in Western Australia and as part of their process work closely with the youth, stakeholders and local community to get the best outcome possible.

Where possible they will also use local resources to build the skate park once it has been designed.

Economic Viability: Skate Parks are a specialist area when it comes to design and construction as it uses very different methods than those of the traditional construction industry. If poorly designed or constructed it may lead to serious injury of the users. It is therefore in the Shire's best interest to ensure that a qualified and experienced skate park consultant/builder designs the Jarrahdale Skate Park.

A budget has been drawn up which takes into account the quote provided by Convic Design as well as Contingency and Project Management costs.

Economic Benefits:

A skate park that is designed to reflect the environment and heritage of Jarrahdale, could act as a tourism generator for Jarrahdale and also will act as an area activator, boosting the patronage of nearby facilities.

As the skate park will be designed to reflect the area it will be necessary to use local materials and services and initial inquiries have already been made on availability.

Social – Quality of Life: Designing a quality, multipurpose skate park which is close to town and reflects the environmental and heritage values of the area will be an enormous benefit to the community and the quality of life for Jarrahdale youth.

A permanent skate park will also be a great asset for Jarrahdale and the Shire as it will be the first permanent skate park built in the Shire and it could attract skate park users from throughout the Shire and possibly neighbouring Shires as well.

Social and Environmental Responsibility: The skate park feasibility study is at its core a community inclusive process. Shire staff and Convic have met and consulted with the young people, stakeholder interest groups and have received the results of the wider Jarrahdale community survey, in order to involve them in the process and collect their views. A community workshop is scheduled for September. Convic, if engaged for the design phase would design the skate park with input from the young people who will be using the park.

Social Diversity: Convic Design specialise in designing multipurpose skate parks which can be used by a wide variety of users, other than the traditional skaters and BMX riders. This will ensure that the skate park will be used by as many people as possible.

Statutory Environment:

Not applicable as this is only a grant application

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue.

Financial Implications:

The cost for this project is \$13,671 (Excl GST). The CSRFF may contribute up to 1/3 of the project cost and the Shire would be required to allocate \$9,114 towards the project. The Shire's contribution will come from CFS572 in Council's 2010/11 Budget.

Should the grant application be unsuccessful an alternative source of funding will need to be sourced to cover the balance required to enable the design phase of the project. In addition, the shire has commenced discussions with the Jarrahdale Community Association (JCA) about the possibility of accessing funding opportunities towards this phase of the project.



Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		11		Develop active partnerships with stakeholders.
BUILT ENVIRONMENT				
	Land Use Planning			
		20	Landscape	Prioritize the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		28	General	Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		31		Encourage innovative solutions, technology and design.
	Infrastructure			
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		56		Continue to work with funding agencies to secure grants for projects.
		57		Develop and support key sponsorship programs for community and Council projects.
		59		Interact with professional and industry bodies to keep abreast of best practice.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Assistance			
		18	Information	Provide support and guidance for local activities, events and community groups.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
PEOPLE AND COMMUNITY				
	Wellbeing			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		9	Happy	Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		11		Actively engage youth in local decision making.
		12		Encourage youth participation in community activities, groups and networks.
		14	Safe	Develop and implement crime prevention strategies.
	Relationships			
		20	Empower	Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and "breaking new ground".
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		27	Celebrate	Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	Places			
		30	Vibrant	Develop well connected neighbourhood hubs and activity centres.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		36		Plan and develop safe communities and places.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
OUR COUNCIL AT WORK				
	Leadership			
		5	Leadership throughout the organisation	We have effective meetings.
		9		All decisions by staff and elected members are evidence based, open and transparent.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		26	Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.
	Success and Sustainability			
		34	Measuring and Communicating Organisational Performance	Identify and measure key performance indicators and project milestones.
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
		39		Projects and goals are realistic and resourced.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
	Knowledge and Information			
		45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		47		Understand the needs of stakeholders.
		48		Develop systems for data capture and analysis.
		49	Creating value through applying knowledge	Ensure evidence based decision making
	Customer and Market Focus			
		53	Gaining and using knowledge of customers and markets	Improve the communication and sharing of information internally.
		54		Improve the communication and sharing of information externally.
	Process Management, Improvement and Innovation			
		89	Identification Management Processes and of	Improve ownership, co-ordination and co-operation on cross functional projects

Community Consultation:

The Jarrahdale community has been consulted through a variety of methods including a community survey, stakeholder/interest group interviews and a youth consultation session. While these were primarily about where the skate park should go the youth session did go into what kind of skate park the youth were interested in. A community consultation session is scheduled for September.

Comment:

The Jarrahdale Skate Park Project is currently in the the feasibility study stage of the project regarding site selection (including community consultation). Convic Design will be producing a report and a basic diagrammatic plan/footprint on the three sites they deem to be most appropriate for a skate park. The Design phase of the project will proceed once a site has been selected and endorsed by Council. In the interest of maximising funding opportunities to enable the design phase of the project once a site is endorsed, officers have been proactive in identifying and preparing this funding application. CSRFF guidelines require the Councils pledge to underwrite projects should there be any short fall.

Voting Requirements:

ABSOLUTE MAJORITY

OCM007/08/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

- 1. Council endorses the grant application to the Community Sport and Recreation Facilities Fund (Small Grants August 2010 round) for \$4,557 towards the Jarrahdale Skate Park Design project which has a total estimated cost of \$13,671. The Shire will fund \$9,114 toward this project from CFS572 in the 2010/11 Budget.**
- 2. Should the grant application be unsuccessful an alternative source of funding will be sourced to cover the balance required to enable the design phase of the project.**

CARRIED 9/0

OCM008/08/10 ACCEPTANCE OF THE DEED OF AGREEMENT BETWEEN THE LANDOWNERS GROUP OF MUNDIJONG AND THE SHIRE OF SERPENTINE JARRAHDAL (A0858)		
Officer:	D van der Linde Executive Manager Strategic Planning	In Brief It is recommended that Council accept the terms and conditions of the Deed of Agreement between the Mundijong Landowners and the Shire regarding funding for the Mundijong District Structure Plan and authorise the Shire President and Chief Executive Officer to sign the agreement.
Senior Officer:	S van Aswegen Director Strategic Community Planning	
Date of Report	12 August 2010	
Previously	SD69/11/09 SCM16/12/09 OCM038/05/10	
Disclosure of 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	
Delegation	Council	

Background

A process to prepare a District Structure Plan for the Mundijong-Whitby Development Area was endorsed by Council in April 2006. This process included a Community Enquiry Workshop Process (CEWP) (now referred to as the Mundijong-Whitby Enquiry by Design (EBD) workshop) which was proposed to establish a coherent vision for the area and inform the subsequent planning of the urban expansion areas surrounding the existing Mundijong townsite. This process also included the preparation of a District Structure Plan (DSP) for the area to be considered and endorsed by Council and the Western Australian Planning Commission (WAPC). Council, at its Special Council meeting on 1 December 2009 resolved to appoint consultants to complete the DSP for Mundijong-Whitby as a matter of urgency. On 24 May 2010 the Mundijong District Structure Plan was deemed satisfactory for advertising.

The Landowner Group of Mundijong (comprising Urban Pacific Limited, Qube Mundijong Ltd, Qube Adams Street Ltd, Peet Mundijong Syndicate Ltd, Mundella Farms Pty Ltd, Wellstrand Pty Ltd and Investa Residential Group Pty Ltd) and the Shire of Serpentine Jarrahdale have been negotiating to draft a Deed of Agreement that will allow for funding to be provided by the Landowner Group which will enable the Mundijong District Structure Plan to be progressed to final adoption

A copy of the Draft Deed of Agreement is with attachments marked OCM008.1/08/10

Sustainability Statement

Resource Implications: The agreement will provide funding to pay for a number of items including consultants and contractors fees to progress the Mundijong DSP.

Economic Viability: The Deed will allow the Shire to progress the Mundijong DSP to final adoption.

Economic Benefits: The Deed will allow the Shire to progress the Mundijong DSP to final adoption which will provide for economic development within this urban cell.

Statutory Environment:

Draft Mundijong Whitby District Structure Plan
Local Government Act 1995 s5.42, s5.43 and s9.49A

5.42 *Delegation of some powers and duties to CEO*

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Section 5.43 is quoted below:

5.43 *Limits on delegations to CEO*

A local government cannot delegate to a CEO any of the following powers or duties -

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;***
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

9.49A *Execution of documents*

- (1) *A document is duly executed by a local government if -*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer,**each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) ***A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.***
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown."*

The Local Government Act provisions outlined above mean that Council cannot have a permanent delegation in place for the signing of documentation on behalf of the local government. The rationale being that Council needs to be aware of contracts and agreements entered into on its behalf. As such agreements need to be presented to Council and authorisation then given for the signing of them.

Policy/Work Procedure

Implications:

Nil

Financial Implications:

Signing the agreement will allow funding to be provided by the Landowner Group to allow the Mundijong Whitby District Structure Plan to be progressed.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK	Leadership	26	Society, community and environmental responsibility	The Shire is focused on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		38	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		44		Address the barriers to doing business in a positive way.
		59	Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
		65		Strive to continually improve customer satisfaction and stakeholder relationships.
	Process Management, Improvement and Innovation	92	Process Improvement and Innovation	Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.

Community Consultation:

Community consultation is not required as the signing of the Deed of Agreement will not impact on the specifics of the DSP.

Comment:

Officials from the Shire have been having regular meetings with representatives from the major landowners in the Mundijong development cell to progress the Mundijong Whitby DSP.

The Deed of Agreement is the result of various deliberations between the Landowner Group, Leadership Team and Shire Officers to provide funding to progress the finalisation of the Mundijong DSP.

The Deed has been scrutinised by the solicitors of the Landowners group (Minter Ellison) and the solicitors of the Council (McLeods).

Conclusion

It is recommended that the Council authorise the Chief Executive Officer and the Shire President to sign the Deed of Agreement between Landowners Group and the Shire of Serpentine Jarrahdale.

Voting Requirements: ABSOLUTE MAJORITY

OCM008.1/08/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Brown

- 1. Council accept the terms and conditions of the Deed of Agreement with the Landowner Group as attached at OCM008.1/08/10.**
- 2. That Council authorise the Chief Executive Officer and Shire President to sign the Deed of Agreement as attached at OCM008.1/08/10.**

CARRIED 9/0

OCM009/08/10 APPOINTMENT OF COMMITTEES, MEMBERS & DEPUTIES (A0429)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To fill the vacancy that exists on Council's Jarrahdale Heritage Park Committee & Corporate Governance & Asset Management Committee following the resignation of Councillor Kirkpatrick.
Owner:	N/A	
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	16 August 2010	
Previously	N/A	
Disclosure of 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	
Delegation	Council	

Background

Following the resignation of Cr Kirkpatrick, an extraordinary election was held on Thursday 22nd July 2010.

The following person was elected to Council to represent the Central Ward:

Councillor Kim Petersen

The resignation of Cr Kirkpatrick resulted in a vacancy on the following Standing Committees of Council:

- Jarrahdale Heritage Park Committee (member)
- Corporate Governance & Asset Management Committee (third deputy)

Council is now requested to consider the appointment of the Councillor, by resolution, to the Standing Committees, to fill the vacancies that exists.

A copy of the Committees – Members and Deputies 2009-2011 is with attachment marked OCM009.1/08/10 (E10/3503).

Sustainability Statement

Not applicable

Statutory Environment:

Local Government Act 1995, Councils Standing Order
Local Law 2002.

S5.10 (2) "Appointment of committee members" states - *at any given time each council member is entitled to be a member of at least one committee referred to in section 5.9 (2) (a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.*

S5.10 (4) "Appointment of committee members" further states – *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

Policy/Work Procedure Implications:

CSWP11 – Disclaimer & Terms of Reference for use of
Delegation by Committee – Committee Meetings

Council Delegation CG17 – Jarrahdale Heritage Park
Committee

Financial Implications:

Annual sitting fee allowances will be incurred by Council
in relation to the members appointed and attending
Committee meetings, in accordance with Local
Government Act 1995.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
	Success and Sustainability	38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
	Knowledge and	45	Generating, collecting and	Ensure the full costs are known before decisions are made.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Information		analysing the right data to inform decision making	

Community Consultation:

Not required.

Comment:

The Jarrahdale Heritage Park Committee is a committee of Council consisting of the following members:

- 2 Members of Council
- 2 Directors
- 2 Community Representatives

Council is required to consider the appointment of an elected councillor to the standing committee of Council.

Corporate Governance & Asset Management is a committee of Council consisting of the following members:

- 7 Members of Council
- 3 Deputies

Council is required to consider the appointment of an elected councillor as deputy to the standing committee of Council.

Voting Requirements:

ABSOLUTE MAJORITY

Officer Recommended Resolution:

That in accordance with Section 5.10 of the Local Government Act 1995, Council makes the following appointments to Council's Standing Committee:

Jarrahdale Heritage Park Committee

Member:

Corporate Governance & Asset Management Committee

Deputy:

OCM009/08/10 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Twine

That in accordance with Section 5.10 of the Local Government Act 1995, Council makes the following appointments to Council's Standing Committee:

Jarrahdale Heritage Park Committee

Member: Cr Petersen

Corporate Governance & Asset Management Committee

Deputy: Cr Petersen

CARRIED 9/0

OCM 010/08/10 LOCALITY FUND – MILLBRACE RAILWAY BRIDGE (A1860)		
Proponent:	Cr Geurds	In Brief Councillor recommendation is that \$10,000 be transferred from the Byford Locality Funding Reserve to be used as seed funding for the restoration of the Millbrace Railway Bridge.
Owner:		
Author:	Joanne Abbiss – Chief Executive Officer	
Senior Officer:		
Date of Report	19 August 2010	
Previously	OCM005/07/10 CGAM083/06/10	
Disclosure of 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	
Delegation	COUNCIL	

Background

At the March 2010 Ordinary Council Meeting the Council resolved to overturn the Officer Recommended Resolution to demolish Millbrace Railway Bridge and instead requested that staff conduct further investigation and community consultation into its future.

Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Kirkpatrick

That:

Council adopts the Bridges Asset Management Plan 2010 – 2013.

Council resolves to demolish the old railway pedestrian bridge located in the Old Brickworks Reserve, and considers the costs for the demolition in the 2010/2011 budget deliberations.

LOST 0/6

CGAM057/03/10 COUNCIL DECISION/ Committee Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

That:

Council adopts the Bridges Asset Management Plan 2010 – 2013.

Further investigation and community consultation is to take place within 2 months so that Council may consider the future of the old railway bridge.

CARRIED 8/0

Committee note: The Officer Recommended Resolution was changed by adding a new Part 2.

A public meeting was held on the 10 May 2010 where a presentation was given outlining the history and social significance of the Millbrace Railway Bridge.

The presentation highlights all of the values of the bridge and was presented to the community in an unbiased manner.

A copy of the presentation is with attachments marked OCM010.1/08/10 (OC10/4501)

A summary of the outcomes of the community consultation is provided below in the community consultation section of this report.

At the June 2010 Ordinary Council Meeting the Council resolved to overturn the Officer Recommended Resolution to consider allocating funds in the 2011/2012 financial year toward the restoration of Millbrace Railway Bridge and instead requested that Council investigate funding and partnership opportunities and the cost of applying corrective works to the old railway bridge for the purposes of making it safe and to stop ongoing decay.

Officer Recommended Resolution:

That Council:

- 1. Consider allocating \$100,000 in the 2011/2012 financial year for the reconstruction of the Old Railway Bridge located at Millbrace Glen, Byford.*

Committee Recommended Resolution:

Moved Cr Geurds, Seconded Cr Randall

That Council;

- 1. Notes its desire to restore and retain the Old Railway Bridge located at Millbrace Glen, Byford.*
- 2. Consider allocating \$100,000 in the 2011/2012 financial year for the reconstruction of the Old Railway Bridge located at Millbrace Glen, Byford.*
- 3. Advise the community of this decision.*

LOST 3/6

During debate Cr Hoyer foreshadowed that he would move a new motion if the motion under debate is defeated.

CGAM083/ 06/10 COUNCIL DECISION/New Motion:

Moved Cr Hoyer, Seconded Cr Buttfeld

- 1. Council notes its desire to restore and retain the Old Railway Bridge located at Millbrace Glen, Byford.*
- 2. Council investigate funding and partnership opportunities and the cost of applying corrective works to the old railway bridge for the purposes of making it safe and to stop ongoing decay.*
- 3. Should funds become available, Council proceed with the restoration works.*
- 4. Advise the community of the decision.*

CARRIED 5/4

At the July 2010 Ordinary Council Meeting an urgent business motion was put forward by Cr Geurds to put in an application to the current round of the Byford Locality Funding Program to try and secure \$10,000 to be used as seed funding for the restoration of the Millbrace Railway Bridge. The motion was withdrawn before being put to the vote.

OCM005/07/10 Councillor Recommended Resolution

Moved Cr Geurds, seconded Cr Randall

Council request that an application of \$10,000 be considered within the current round of applications for the Byford Locality Funding to be used as seed funding for the restoration of the railway bridge at Millbrace. A report considering all applications, including this application, will be presented to Council for their formal determination.

The purpose of this report is to consider a motion of which notice has been given from Cr Geurds which seeks to allocate \$10,000 from the Byford Locality Funding Reserve into a Millbrace Railway Bridge Preservation Reserve to be used as seed funding to try and secure grants to restore Millbrace Bridge and reopen it as a public accessway.

Statutory Environment:

Local Government Act 1995

**Policy/Work Procedure
Implications:**

A copy of the Locality Funding Policy for Townscape Projects is attached at OCM010.2/08/10.

A copy of the Locality Funding Work Procedure for Place Making in Serpentine Jarrahdale Shire (Guidelines and Criteria) are attached at OCM010.3/08/10.

A copy of the Locality Funding Program Guidelines are attached at OCM010.4/08/10.

Financial Implications:

There are several options available to Council, each having differing financial implications:

- 1) To restore the bridge in a single financial year is in the order of \$90,000
- 2) To remove or demolish the bridge is approximately \$75,000
- 3) If external funding is available Council will generally need to provide a contribution toward the grant which may need to be in the order of \$45,000 if a 50% contribution is required.

The ongoing maintenance costs associated with the structure would include a nominal amount of \$5,000 per year for White Ant treatment and maintenance to the structure.

The Byford Locality Funding Reserve currently has a balance of \$109,133. If all projects received in this current round are funded the balance would be \$64,133. Should Council resolve to transfer \$10,000 to a Millbrace Railway Bridge Preservation Reserve then obviously the balance remaining would be \$54,133.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Landscape	Safeguard	Restore and preserve the visual amenity of our landscapes.
		Restore	Establish and enhance waterways and bush corridors.
		Manage	Promote and develop appropriate tourism, recreation and educational opportunities.
			Develop active partnerships with stakeholders.
BUILT ENVIRONMENT			
	Land Use Planning	Urban Villages	Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
			Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.

Vision Category	Focus Area	Objective Summary	Objective
			Preserve, enhance and recognise heritage values within the built form.
			Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
			Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
			Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		General	Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	Infrastructure	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		Roads and bridges	Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Proactively and positively negotiate mutually beneficial outcomes with the development industry.
			Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
			Continue to work with funding agencies to secure grants for projects.
			Develop and support key sponsorship programs for community and Council projects.
PEOPLE AND COMMUNITY			
	Wellbeing	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			Promote a variety of recreation and leisure activities.
			Enable the provision of a range of facilities and services for families and children.
		Happy	Improve access and inclusion for all.
	Relationships	Encourage	Foster positive working relationships with and between volunteers.
			Identify opportunities for people to work together for their mutual benefit.
		Empower	Grow and sustain our strong community spirit.
			Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
			Empower people to represent their community of interest.
			Achieve a sense of belonging through active networks and community groups.
			Foster ownership and commitment within partnerships in order to achieve shared visions.
		Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
			Actively engage, and value the contribution of all stakeholders in better decision making.
			Engage existing and new residents in sharing neighbourly

Vision Category	Focus Area	Objective Summary	Objective
			and community values.
	Places	Vibrant	Create vibrant urban and rural villages.
			Develop well connected neighbourhood hubs and activity centres.
			Ensure community spaces and places are accessible and inviting.
			Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.
OUR COUNCIL AT WORK			
	Leadership	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are aligned with the Plan for the Future.
			We are realistic about our capacity to deliver.
			The Council and Leadership Team drive Strategy and Policy development.
			Elected members and staff have a clear understanding of their roles and responsibilities.
			Elected members provide a clear and consistent strategic direction.
			All decisions by staff and elected members are evidence based, open and transparent.
			The Shire will set policy direction in the best interests of the community.
		Leadership through organisational culture	Elected members and staff live our values and lead by example.
			The organisational culture of elected members and staff is one of inspiration, inclusion and innovation.
			Elected members and staff operate in an environment of trust, respect, openness and transparency.
			The elected members and staff have a relationship of unity and work together to achieve goals.
			The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.
		Society, community and environmental responsibility	The elected members provide bold and visible leadership.
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
	Strategy and Planning	The Planning Process	Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success and Sustainability	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
			Projects and goals are realistic and resourced.
			The culture, decision making and work systems need to be readily adaptable to change.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	Generating, collecting and	Ensure the full costs are known before decisions are made.

Vision Category	Focus Area	Objective Summary	Objective
		analysing the right data to inform decision making	
			Understand current and future costs of service delivery.
		Creating value through applying knowledge	Ensure evidence based decision making
			Improve service delivery through the application of knowledge.
			Critically examine the efficiency and effectiveness of service delivery
	Process Management, Improvement and Innovation	Identification and Management of Processes	Develop dynamic cross functional teams providing exposure to a range of job prospects
			Improve ownership, co-ordination and co-operation on cross functional projects
		Process Improvement and Innovation	Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.
			Achieve outcomes whilst minimising use of Council resources.
		Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.

Community Consultation:

A public meeting was held on 10 May 2010, questionnaires were distributed to the community for comment also.

47 survey responses were received, of those 45 supported repair of the bridge, 1 did not support it and 1 did not answer the question.

Overall the community would like the bridge to be repaired and maintained for its historic significance and tourism potential.

A copy of the Survey Results are with attachments marked OCM010.5/08/10 (E10/2701)

Officer Comment:

There are strong arguments that can be mounted either for or against this proposal.

The arguments against include that there may be a public perception that Council has not applied the same application criteria to itself as community groups have had applied to them. That community groups have invested a huge amount of time and resources in preparing their grant applications and Council has not. That Council could be seen to be “raiding the community’s pot”. It could be said that deviating from the current policy platform undermines the integrity of the policy and the perception of Council.

The arguments in support of the motion are that the community has responded that they wish the bridge to be preserved. Council has resolved not to demolish it. In the absence of a community champion or community group willing to take on the project is it right to let the bridge fall into further decay? The initial intent of the Locality Funding Program was so that Council could deliver visible townscape projects in our towns that were of benefit to the

community. Council will need to go through a funding application process in order to use the funds as seed capital whatever program they try and access.

The Locality Funding Program Policy and Procedure are currently under review as it is a new policy and will need to be refined as learnings from its first year of operation are gained. However this proposal can only be considered in terms of the current policy framework.

There is some ambiguity as the current policy framework does not clearly address the criteria to be applied to a Council initiated proposition such as this, or the recent Serpentine Jarrahdale Community Resource Centre proposal. However the work procedure does entertain the submission of council initiated projects as under the Locality Funding Work Procedure for Place Making in Serpentine Jarrahdale Shire (Guidelines and Criteria) Section 3.1 Eligibility it states that “Generally Clubs, organisations, Community Groups, a Group of Residents, Council initiated projects, as defined in this policy are eligible to apply for funding support.”

There are sufficient finances within the Byford Locality Funding Reserve to fund all current applications received from the community, should they all be assessed as being compliant, as well as transfer \$10,000 into the Millbrace Bridge Preservation Reserve. This would leave a balance in the account of \$54,133.

Voting Requirements: ABSOLUTE MAJORITY

OCM 010/08/10 COUNCIL DECISION/Councillor Recommended Resolution:

Moved Cr Geurds, seconded Cr Ellis

That Council:

- 1. Resolve to create a “Millbrace Bridge Preservation Reserve” with the purpose of the reserve being to attract additional grant funding to restore Millbrace Bridge and reopen it as a public accessway.**
- 2. Amend the 2010/2011 budget by reallocating a sum of \$10,000 from the Byford Locality Funding Reserve to the Millbrace Bridge Preservation Reserve.**
- 3. Give 30 days local public notice of its intention to transfer \$10,000 from the Byford Locality Funding Reserve to the Millbrace Bridge Preservation Reserve.**

CARRIED 8/1

10. CHIEF EXECUTIVE OFFICER'S REPORT

OCM011/08/10 INFORMATION REPORT		
Proponent	Joanne Abbiss – Chief Executive Officer	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	17 August 2010	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM011.1/08/10 COMMON SEAL REGISTER REPORT – JULY 2010

The Common Seal Register Report for the month of July 2010 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM011.1/08/10**

OCM011.2/08/10 POLICY FORUM – 3 AUGUST 2010

The following items were discussed at the 3 August 2010 Policy Forum:

Topic / Subject
• Report on progress of Council and Committee resolutions • Report on Councillor correspondence
Ward and Delegate update
Policy Development Work Procedure
Presentations
Byford Enhancement Committee Presentation
Additional classrooms at SJ Grammar School
Update on planning appeals before the SAT
Glades Lake Management Plan
Briggs Road Retirement Village
Consultant presentation on new concepts in Skate Park design.
Community Funding Program
Locality Funding Program
Presentation from fire officers and environment officers regarding tree clearing prosecutions and fire enforcement prosecutions
Update on Byford Town Centre LSP implementation and update on submissions received from advertising of the Mundijong Whitby District Structure Plan
Pharmacy proposal in Mundijong
Hester Property Solutions

OCM011.3/08/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 28 JULY 2010 (A1164-02)

In the attachments marked OCM011.3/08/10 (IN10/11930) is the minutes of the South East Metropolitan Zone Meeting held on 28 July 2010.

OCM011.4/08/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 2 AUGUST 2010 (A1164-02)

In the attachments marked OCM011.4/08/10 (IN10/12000) is the minutes of the Peel Zone Meeting held on 2 August 2010.

OCM011.5/08/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING MINUTES – 7 AUGUST 2010 (A1164-02)

In the electronic attachments marked OCM011.5/08/10 (IN10/12395) is the minutes of the WALGA Annual General Meeting held on 7 August 2010 as part of the Local Government Convention.

OCM011.6/08/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL SUMMARY MINUTES – 8 AUGUST 2010 (A1164-02)

In the electronic attachments marked OCM011.6/08/10 (IN10/12394) is the summary minutes of the WALGA State Council meeting held on 8 August 2010 as part of the Local Government Convention.

OCM011/08/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Hoyer

The Information Report to 17 August 2010 is received.

CARRIED 9/0

11. URGENT BUSINESS:

Nil

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

Nil

There being no further business, the meeting closed at 8.50pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 28 September 2010.

.....
Presiding Member

.....
Date

- NOTE:
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
 - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.