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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 23 May 2016. The Shire President declared the meeting open at 7.01pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J Erren Presiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
J See
M Rich
B Urban

Officers: Mr A Hart Acting Chief Executive Officer
Mr G Allan Director Engineering
Mr A Schonfeldt Director Planning
Ms K Bartley Acting Director Corporate and Community
Ms K Peddie Executive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Mr R Gorbunow

Observers: Nil

Members of the Public –

Members of the Press –

2. Response to previous public questions taken on notice:

No questions were taken on notice at the Ordinary Council Meeting held on 9 May 2016.

3. Public question time:

Public question and statement time commenced at 7.03pm

Mrs L Bond, PO Box 44, Armadale, WA, 6112

Question 1

Has the ratepayer owned vehicle, credit card, fuel card and any other ratepayer owned equipment in the possession of Richard Gorbunow been returned to the Shire of Serpentine Jarrahdale, if not, why not, when will action be taken to have these items returned and who will be responsible for recovering these items?

Response:

Your question relates to the personal affairs or actions of an employee and is inappropriate and therefore will not be responded to

Question 2:

Did Tony Simpson direct Serpentine Jarrahdale Council to put the item on tonight's agenda re making the credit card information available to the public and explain in detail how you will police this and will the ratepayer see proof of all spending, not just something to shut us up?

Response:

No the Minister for Local Government did not direct the Shire to put this item on tonight's agenda. The Council is reviewing the Council Policy to increase the level of transparency of the Council to its community.

Question 3

Has any attempt been made to recover monies spent on personal items on the Shires credit cards, has Serpentine Jarrahdale Shire Council reported any of the personal spending to the appropriate authorities for investigation, if not, why no and are you going to report this to the appropriate authorities?

Response:

There has been no expenditure on personal items on the Shire's purchasing cards.

Mr D Houseman, 17 Clifton Street, Byford, WA, 6122

Question 1:

Is the Shire of Serpentine Jarrahdale aware that there are numerous lots in the Shire which are bound by two roads, with the name of the road that fronts the lot determining the property's address and if the Shire denies me the same rights as the owners of said properties it may be demonstrating discriminatory behaviour?

Response:

The Shire does not accept that, by not agreeing to exercising a discretion available to it, constitutes discriminatory behaviour.

Question 2:

What are the reasons as to why the Shire of Serpentine Jarrahdale is adamant that the lot can only be given the address of the named laneway if I apply for re-subdivision, bearing in mind that the Shire has discretionary power with regards to compliancy of some of the conditions in the structure plan regarding laneways e.g. lot on Mary Street and laneway being allowed to front Mary Street instead of named laneway, and both 16A Beenyup Road and 17A Clifton Street being given clearance despite the deposited plans showing portions of the lots with frontage to the primary streets?

Response:

There may be a number of reasons as to why the discretionary approval is not granted. In this instance it is important that land is easily identified from a formal road or dedicated lane. This is to allow service providers including Australia post, Fire and Emergency Services and others servicing agencies to rely on a formal street address when attending to emergencies, servicing or deliveries. If the address was to be changed to an undedicated lane this would create difficulties for these agencies to find the property and is also unlikely to be supported by Landgate.

In this instance in November 2015 Landgate agreed to dedicate Corbel Lane, however the Geographic Names Committee only approved the name in February 2016. Prior to this it would have been inappropriate to approve a change of address.

It appears that the opportunity may now exist for the address to be changed to Corbel Lane. Please contact the Manager of Subdivision at the Shire to assist with the administration of this.

Question 3:

Is the Shire of Serpentine Jarrahdale aware that if a re-subdivision application to create a lot that is unable to have power or water connected to it my application will be rejected by the Shire, thereby denying me the same opportunities as other people who wish to subdivide i.e. Shire may be demonstrating discriminatory behaviour toward me?

Response:

The Shire does not accept that by not agreeing to exercising a discretion available to it, constitutes discriminatory behaviour.

Presiding Member presented on behalf of:

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Question 1

Why did the Council not follow Policy G003 Clauses 13.1 and 13.2 following the last Council election?

Response:

A date for the function has not been set.

Question 2

In Standing Orders Local Law 2002 as amended in Part 8 Clause 8.7, what or who determines a Distinguished Visitor?

Response:

The presiding member.

Question 3

In Standing Orders Local Law 2002 as amended, in Business of the Meeting under Deputations Clause 3.13, it makes no allowance for the person making the deputation to produce documentation that may have an impact on the decision of the Councillors. In that it may provide evidence that a statement or other items in the report may be incorrect. Why is this? When is the Council going to amend this Local Law to ensure that members of the public can be assured that all the information is correct?

Response:

The Shire has identified that the Standing Orders need to be reviewed as a matter of priority. A timeframe to undertake this review has not yet been determined.

Mr W Robinson, Lot 4 Lawrence Way, Byford, WA, 6122

Question 1

The Byford District Structure Plan 2005 stated that Public Open Space and Drain would pass through the directly south of our property. The ABN Group who have purchased this property for future development have moved the Public Open Space onto our property. Can the Shire of Serpentine Jarrahdale Council please explain to me how they can allow this to happen? A total lack of integrity by the Shire & the ABN group.

Response:

It is acknowledged that the District Structure Plan 2005 (DSP) does propose a Multiple Use Corridor (MUC) to the south of the particular lot. However the DSP also indicates that the current drain / waterway runs to the north of the proposed MUC. It should be noted that District Structure Plans aim to coordinate the development of land in an orderly and proper manner over multiple land holdings and as a result provides a broad framework within which more detailed planning is required. Since the DSP was adopted the land to the west has been subjected to a detailed Local Structure Plan and subdivision application that realigned the MUC to run where the current drain runs. As a result the Doley Road Structure Plan needs to ensure that it ties in with what is being developed to the west. As such the proposal is for the MUC in the Doley Road precinct to also make use of the current drainage network rather than relocating this further to the south.

Question 2

The Shire of Serpentine Jarrahdale allowed us to build a substantial residents within 8 metres of the current drain which runs through the middle of our property. We have no plans on moving from our property in which we have spent a lot of money to develop. Can the Shire of Serpentine Jarrahdale Council please explain to me if this current Local Structure Plan goes ahead how will the Public Open Space be implemented on our land as this will encroach through our house?

Response:

A Local Structure Plan is a longer term plan that tries to provide certainty regarding major infrastructure provision and the other land use components. Local structure plans do not require immediate relocation of any houses / residences. A person is therefore

not obliged to subdivide or develop their land under a scheme or a structure plan. At a different point in time a person may chose to develop or subdivide the land and if the structure planning instruments catered for the orderly and proper planning of a place or locality as a whole, development of that site could be done seamlessly without expensive retrofitting. The detail of each subdivision will require an Urban Water Management Plan that finds interim solutions for the matters you raise in your question.

Mr V Vlasich, 4 Musulin Rise, Munster, WA, 6166

Question in reference to Local Structure Plan (LSP) Doley Road Precinct

Question 1

In reference to Public Open Space No 6 being there is no natural drainage alignment, my question is why does Public Open Space 6 (MUC) have to be so wide and why cant it be spread more evenly over adjoining land so we have equal opportunity to have higher density property?

Response:

The modification to the MUC, east of Lawrence Way, is to provide appropriate pedestrian linkages through to Briggs Park Oval, by connecting existing walking trails located in Brickwood Reserve via a network of landscaped spaces aimed at conserving existing mature Marri trees. Generally the width of the MUC is determined by hydraulic calculations and analysis which requires the MUC to be 32 metres in width.

Question 2

My property with the Public Open Space on the majority of my land will in the future years be worth considerably less than the land that is currently been purchase by ABN, therefore I strongly reject the size of the Public Open Space on my land, I requested the draft plan to be changed, so how is my property going to be worth the same as the properties being purchased?

Response:

Land required for Public Open Space and drainage is acquired in accordance with the rates specified in the Byford Development Contribution Plan (DCP) at the time of being acquired. Rates are determined on the unimproved value of the land taking into consideration its urban identification. The rates in the DCP are reviewed annually and are determined independently by a suitably qualified land valuer.

Question 3

How can the Shire of Serpentine Jarrahdale Planning department possibly allow to put so much Public Open Space across 2ha of land onto one land holder, consequently rendering the property worthless?

Response

The MUC is positioned in such a manner as to provide pedestrian access to Briggs Park Oval, connecting existing trails located within Brickwood Reserve via a proposed network of landscaped spaces. Land required for Public Open Space and drainage will be acquired in accordance with the rates specified in the Development Contribution Plan (DCP), the value of which would be determined on the unimproved value.

Mr K Whibley, 22 Cranbourne Way, Byford, WA 6122

Question 1

Please can I get a definite date I will be issued with a building permit, so I can start site works on the Community Garden as I have had to cancel contractors because I promised it was going to be all finished on 1st May when I returned from Malaysia? I have been waiting 5 months now.

Response:

The Shire is currently awaiting further information to be submitted by the applicant. Once all relevant information is received the application will be determined. Officers are hopeful this could occur by Friday the 27th of May should it be possible to address all concerns raised during the submission period.

4. Public statement time:

Mrs L Bond, PO Box 44, Armadale, WA, 6112

This Council has been dysfunctional for many years however the very worst is with the current Councillors. Although you have had ample opportunity to stop the behaviour you have chosen to continue with behaviour not acceptable in any terms. You have a responsibility to explain your drive for a hike in rates and it is not acceptable to claim as Councillor Hawkins did that if you don't raise the rates by 5% this year it will have to double next year. I am not alone in my belief that it is insulting that Councillors use the rates monies for their hairdressing, dry cleaning etc, will you be claiming finger nail treatments, clothing, make-up etc. There is nothing you can use that will improve your image in any way and this means any of you.

Quote from letter 21 March 2016 addressed to me: "The CEO is employed by the elected Council of the Local Government, in accordance with Section 5.36 of the West Australian Local Government Act and is therefore accountable to the Council". The short of all this is that Councillors are responsible to the ratepayer of this Shire and as we have advised you of serious matters you will be held responsible for the deterioration of the financial situation of this Council. You may not increase the rates to provide for financial direction because of your lack of propriety or concern for the overall state of this Shire. It is clear that your only concerns are with your needs, don't cry when you get caught out, you don't have the right to continue to act with smug disrespect to the ratepayer of this Shire.

You have a responsibility to report all matters regarding dishonesty, corruption, lies, deceit, manipulation and the list goes on, to the appropriate authorities. You are complicit if you fail to recognise and report the matters to the appropriate authorities for investigation. You should not believe the Minister for Local Government will save you as he has already said you are responsible. You will not be able to handball this mess to the ratepayer, we have acted responsibly all along.

Mr D Houseman, 17 Clifton Street, Byford, WA, 6122

At the end of last year the laneways in Byford were gazetted as public roads. For the sake of ease I will state "Brick Road" whenever I refer to the named laneway that my lot fronts or as the Shire states in its structure plan "addresses the laneway". I do this as I am unsure as to what name the Shire has picked from the list of names deemed suitable.

Sign posts have still not been erected despite the CEO stating that naming of the laneways is of the highest priority.

This year I asked Mr Hart, Acting CEO, as to the reason/reasons why the Shire decided to name the laneways. His reply was "the Shire acceded to a request from yourself as a ratepayer to the renaming of the laneway. The renaming was not required for any other reason." Mr Hart, surely you felt that my argument to name was valid, otherwise it would be reckless to accede to every request that a ratepayer put to the Shire. In fact contained in the council minutes from 7 December 2015 are reasons (plural) to why the Shire feels it is necessary. Under the heading "Background" it states "as public roads the laneways will be able to accommodate vehicle access for future subdivision. Names need to be provided in accordance with the Shires and Geographic Names Committee Policies to allow subdivided lots to be given an address to the laneways".

With regards to accommodating vehicle access for future subdivision, "Brick Road" is already being used to accommodate traffic – quite a lot in fact. "Brick Road" is the point of entry to the council approved car park and belonging to my next door neighbour the Anglican Church and community centre. "Brick Road" is also used by two properties

opposite and is also used to convey construction vehicles to a house under construction, ie bulldozers, cement trucks, cement pumping rigs and dump trucks.

When the Shire approved my subdivision application for 17 Clifton Street, the newly created lot was given the address of 17A Clifton Street. "Brick Road" was then unnamed. 17A Clifton Street is the point of connection for its service easement. This easement is to provide services that are unable to be provided by "Brick Road" to the building envelope of the lot. "Brick Road" is the only entry point for vehicle access to my property and will be the sole entry point to gain direct access to the front door. Clifton Street will not allow for direct access to the front door nor any portion of the lots frontage. The service easement will not be able to accommodate vehicular access either as it is only 1.5m wide.

Mail cannot be delivered to the front of the property via "Brick Road" as this is not the road recognised by Australia Post. Rubbish will not be collected via the front of the property. The bin will have to be taken to the verge on the corner of "Brick Road" and Mary Street where my next door neighbours is collected.

To demonstrate just how inappropriate it is to leave this address as 17A Clifton Street, consider this.... Emergency services are required to attend an incident at 17A Clifton Street. All personnel and vehicles will be directed by sat nav to 17 Clifton Street (not to 17A Clifton Street where the incident is occurring). It is highly likely that number 17 could be mistaken to be the dwelling where the incident is. At best the narrow service easement will be spotted. It is impossible for any police car, ambulance or fire truck to enter. It is a certainty that the easement will be well secured to keep people out, given that it leads directly to the rear of 17A Clifton Street. Security is a necessity. Time passes before it is realised that 17A Clifton Street is actually located on "Brick Road". Finally the incident will be attended to when everyone gets in their vehicles and drives there.

I have made the Shire acutely aware of this needless risk. Any tragedy that occurs because of delay would have been foreseeable.

On to another matter: Opposite my property on "Brick Road" is a newly built house which is approximately 10m away from my property's boundary. It too fronts "Brick Road". Its address, however, is 16A Beenyup Road because "Brick Road" was unnamed when the Shire approved the subdivision for 16 Beenyup Road so what we have is 17A Clifton Street, located on "Brick Road" facing (only 10m away) 16A Beenyup Road, also located on "Brick Road". Meanwhile on the corner of "Brick Road" and Mary Street we have a house under construction which has Mary Street as its address because the Shire used its discretion by allowing the owners lot to front Mary Street. This lot should have an address of "Brick Road". The Shire is inconsistent with applying conditions stipulated within the plan.

I have asked the CEO and Mr Hart to please effect change of address of 17A Clifton Street to that of 17 "Brick Street" for reasons I have outlined in my statement. The response I received was that in order to change the address to 17 "Brick Road" I must re-subdivide with no explanation as to why this is necessary.

The Shire repeatedly knocked back my request to have the laneways named as public roads in order for properties that are subdivided to be given an address that reflects their location. After years of asking Mr Gorbunow, he finally acknowledged that the naming was of the highest priority. They were finally deemed public roads last year.

"Brick Road" fronts my property and I want it to be afforded the same treatment as other properties that have two roads abutting their properties with the road that fronts it assuming the properties address.

Thank you.

Mr G Lewis, Gray and Lewis Planning Consultants, Suite 5, 2 Hardy Street, South Perth, WA, 6151

My name is Geoff Lewis from Gray and Lewis Planning Consultants. I represent Thomas Road Developments Ltd the developers of Redgum Brook Estate. The item being considered is the adoption of a Local Development Plan (LDP) for Stage 9 – Residential subdivision. The LDP has been prepared in accordance with the approved subdivision plan and Local Structure Plan.

The LDP is very straight forward with all variations in respect to private open space on the lots removed as recommended by Shire officers (despite being allowed in previous LDP's for Redgum). There is nothing controversial about this LDP. It basically just defines building setbacks and garage location on nominated lots. Construction is complete and all clearances issued by all Government agencies as well as individual Shire Departments except planning in relation to the endorsement of the LDP.

It should be noted that the LDP was originally submitted to the Shire for comments in September 2015, but due to some administrative confusion it only commenced being processed in February this year. LDP's have never has to be adopted by Council until just recently. This requirement has resulted in an additional delay of a month pending Council endorsement and was not anticipated.

We urgently require LDP to be endorsed as we can't obtain titles until the LDP is finalised. We have 30 settlements pending and considerable loads outstanding in a very difficult market. We have done everything possible to complete this stage of subdivision to a high standard including the preparation of the LDP. We therefore urge Council to approve the LDP tonight so that we can obtain the final Shire clearance and apply for titles. At the very worst if some modification to the LDP is required we request that the officers be given delegated authority to deal with it promptly. The Development Company simply can't afford to wait for another Council meeting to have the LDP endorsed.

Mr V Vlasich, 4 Musulin Rise, Munster, WA, 6166

I am very concerned that prior consultation by the Shire of Serpentine Jarrahdale was not extended to us as a land holder involved and I wonder why Local Government guidelines appear to have been ignored in this instance.

In reference to Public Open Space No 6 (well above 10% requirement) on our property together with the land requirement for road construction etc, clearly shows the land value has been rendered worthless. The way the draft plan has positioned the MUC together with the large area of POS on the northern side of the MUC it has totally destroyed the 2ha property. Therefore I strongly reject the amount of POS and MUC on out land.

I strongly reject the draft plan in its present form as it is grossly unfair and totally unjust. Therefore I request the draft plan to be changed and modified so Lot 45 reflects a much fairer design as other stake holders with the Doley Road Precinct.

I emphasize I do not oppose the MUC nor seek to have it removed totally from our property, however I feel strongly against the present draft concept plan and request to have the amount of MUC area on our property minimised. There is no natural drainage alignment, so reducing the MUC on our property can be achieved by redirecting and re-aligning the MUC south over the 3 adjoining boundaries in equal percentage and have equal opportunity to have higher density zoning.

In reference to the POS area (part of POS 6) located on the northern side of the MUC I oppose this excessive area of POS on a 2ha property and request to have it removed.

As a single land holder, lot 45 carries a huge POS burden, far in excess of the 10% requirement. The draft plan needs to be modified to allow more subdividable land to be available giving the property Lot 45 better value.

Mr K Whibley, 22 Cranbourne Way, Byford, WA 6122

On behalf of the Byford Glades Residents Association Inc. We would like to express our gratitude for two SJ Shire employees. Ms Sarah Farrance and Mrs Julie Samson of the Community liaison department.

For their diligence and good will in helping me to complete two government grant applications, one for Stronger Community's programme and one for Peel Commission Royalty for Regions, which both grants were on a dead line.

It was a laborious and tedious process which took us over six hours working through their lunch hour and staying back after work, however, I feel I could not have done this one my own, and would like to thank Ms Farrance and Mrs Samson, we truly appreciate your help and support.

Public question and statement time concluded at 7.35pm

5. Petitions and deputations:

5.1 Mr Jeremy Cordina from ABN Group to present a deputation in relation to item OCM084/05/16 relating to Doley Road Precinct – Local Structure Plan.

The Alcock Brown-Neaves (ABN) Group was formed in 1987 and has gained housing market prominence with the brands Webb and Brown-Neaves, Dale Alcock Homes, Celebration Homes, Homebuyers Centre and APG. The ABN Group also includes Dale Alcock Home Improvements, homes loads, construction services, regional residential building, commercial projects and land development businesses. Since 2004 the group has consistently completed over 3000 homes annually in WA and Victoria.

Why ABM Group undertook the structure plan for the entire Doley Road precinct rather than cell B as required by the DSP. Request from Council, to assist in delivering this highly fragmented precinct. Understanding that cell B needed to respond to the layout in cells A&C.

Key changes from the lodged LSP to concept plan. ABN generally supports all of the changes as long as they do not require modification of the District Structure Plan or the District Water Management Plan:

- 4ha school site. Meets DET's requirement and provides better access and parking.
- East west road to accommodate for bus route
- Realignment of Turner Road to allow straight through connection past school site.
- MUC alignment – need to maintain consistency with DWMS
- Removal of Recreation Road
- Retained vegetation area in cell D as per the State Government Green Growth Plan

Integration into the LWP structure plan surrounding the Doley Road Precinct.

5.2 Mr Stephen Carter from CLE Town Planning to present a deputation in relation to item OCM088/05/16 – Proposed Modification to The Glades Local Structure Plan.

We would like to thank the Shire President and Councillors for the opportunity to make this deputation on the proposed modification to The Glades Local Structure

Plan. We make this deputation on behalf of Richard Noble, the owner of Lot 33 Hopkinson Road, Cardup. With me is Alex Gregg, Managing Director of Richard Noble, one of Western Australian oldest and most well respected property developers.

We begin by stating that we fully support the recommendation put before the Council. By large, we take no issue with the proposed modification and do not want to stop a landowner refining their design to respond to current market trends. However we strongly object to the proposed road reconfiguration within the Cardup Brook Precinct, which removes any opportunity for a future crossing over Cardup Brook.

Background

To begin, lot 33 is a 127ha site that is located immediately south of The Glades on the opposite side of Cardup Brook and strategically positioned between the Byford urban growth cell to the north and Mundijong-Whitby cell to the south. Lot 33 is identified by the Shire for urban development within its Rural Strategy, being set aside as 'future investigation' due to its proximity to the Byford and Mundijong-Whitby urban growth cells and the potential to link these areas. The Strategy confirms that this site will be considered as future urban land as part of the Shire's upcoming Local Planning Strategy review.

This has further been reinforced by the WAPC's 'Perth and Peel@3.5Million' and 'South Metropolitan Perth Peel Sub-regional Planning Framework' which allocates the site as 'Urban Expansion', making specific comment that the development of lot 33 will consolidate and 'round off' existing urban areas given the context of the Byford and Mundijong-Whitby urban growth cells. In realisation of this urban potential, the WAPC are looking to initiate an amendment to the MRS, rezoning lot 33 'Urban'. This will pave the way for subsequent structure planning, subdivision and development.

Cardup Brook Crossing in the Planning Framework

Tonight we are asking Council to support a strategic road connection that is identified in the current planning framework and which can be provided for under The Glades Local Structure Plan in its current form - as a southern extension to Doley Road.

The Cardup Brook crossing forms an important part of a strategic connection between Byford, Cardup and Mundijong-Whitby which will ultimately allow future residents of Mundijong and Cardup to move northwards to the Byford town centre and the future Orton Road interchange whilst also allowing Byford residents to move southwards to the Mundijong industrial estate and the primary school envisaged for Cardup – without the need for travelling west or east to the higher order roads of Soldiers Road or Tonkin Highway once it is constructed. This connection will also allow for future public bus routes to be established central to their catchments.

Tonkin Highway, when constructed, is unsuitable as a bus route given its higher speed limit and lack of stopping opportunities. Critically, this connection is identified as a future regional road within the WAPC's Perth & Peel and the Sub-regional Frameworks which discusses a link between the road networks proposed in the existing Byford and Mundijong structure plans and will include the extension of Doley Road. This is supported by an associated figure that clearly shows Doley Road extending over the Cardup Brook and through lot 33, connecting to Mundijong.

Furthermore, given that Orton Road will become an interchange with Tonkin Highway, which is a considerable level of road infrastructure investment within the Shire, and the range of mixed uses sleeved along this stretch of Orton Road,

surely it presents as common sense to not limit urban development only to the northern side of Orton Road. The Brook crossing will facilitate access from urban development to on the south side of Orton Road, allowing for the maximum potential catchment to access this infrastructure.

The Glades LSP

In response to our submission, it has been suggested by the proponent that a crossing is not, nor ever was considered as part of The Glades Structure Plan. Our opinion is that the road network of the Structure Plan clearly provides an opportunity for a crossing, showing Doley Road as a widened road reserve width of approximately 22m extending to the northern boundary of the Cardup Brook foreshore reserve towards an existing road reserve which spans the Brook. This makes an extension over the Brook an easy and logical step as the urban front develops southwards.

Current survey plans obtained from Landgate show an unconstructed road reserve crossing over the Brook. While the applicant has highlighted that this land is reserved under the MRS as foreshore and has this nothing to do with a future crossing, on that we disagree. The fact is there is an unconstructed road reserve crossing the Brook, shown on current survey plans, clearly acknowledges that a crossing over the Brook was envisaged at this location. This predates The Glades Local Structure Plan.

Planning Principles

We would also argue that deleting such a key connection is contrary to sound planning principles as this reduces legibility and connectivity as well as isolates a parcel of land identified for future urban development. For the sake of time, we will provide no further comment as we outlined in detail our stance within our submission to Council, and this has been adequately addressed and supported by the Shire's officers in the report before Council.

We will only say that we are pleased that the Shire's officers agree that this connection is an important planning consideration, providing important vehicle, pedestrian and emergency access. Deleting it would be contrary to sound long term planning outcomes for the area.

Subsequent Approvals

In closing, we would like to offer a brief response to the applicant's comment that any crossing would need to obtain all subsequent engineering, environmental and aboriginal heritage approvals before its construction. In this regard we freely acknowledge that these approvals must be obtained, but this is the normal order of planning. Just because subsequent approvals must follow is no reason to remove any opportunity for a connection at the strategic planning level.

While we do not have the time to provide all the details, it is fair to say that as part of its due diligence process, Richard Noble obtained advice from all of these relevant disciplines that indicated a crossing can be provided in a way that respects the natural, aesthetic and cultural environment and can be constructed in an economical manner. Again, these are all matters that will be addressed as ongoing planning in the region progresses and details are refined.

All we are asking is that the current structure planning framework retains the opportunity for the crossing. This in no way circumvents responsibility to undertake the subsequent work and obtain the necessary approvals in any way. We are happy to answer any question that the Councillors may have, but again thank you for the opportunity to present here tonight.

6. President's report:

On Friday 27 May we will be unveiling the Bill Hicks Reserve in Byford. Bill and Valma Hicks were dairy farmers on the land that the Bill Hicks Reserve now sits on. The unveiling will be at 10am and you're invited to attend.

A sponsorship and grant workshop was held on Wednesday 11 May, with support by the Department of Sport and Recreation. 17 different local organisations attended and received valuable information, including tips to write applications.

As part of the National Volunteer Week, the Library is hosting a morning tea to thank our volunteers on 31 May at 10am. You're invited to attend.

7. Declaration of Councillors and officers interest:

Councillor Atwell declared a Financial interest in item OCM084/05/16 as he leases property from one of the proponents and will leave the meeting while this item is discussed.

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

8.1 Ordinary Council Meeting – 9 May 2016

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 9 May 2016 be confirmed (E16/3765).

CARRIED UNANIMOUSLY

8.2 Special Council Meeting – 11 May 2016

COUNCIL DECISION

Moved Cr Urban, seconded Cr Hawkins

That the minutes of the Special Council Meeting held on 11 May 2016 be confirmed.

CARRIED UNANIMOUSLY

9. Motions of which notice has been given:

Councillor Atwell declared a financial interest in item OCM084/05/16 and left the meeting at 7.48pm while the item was discussed.

OCM084/05/16	Doley Road Precinct – Local Structure Plan (SJ1941)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	29 April 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: CLE Town Planning & Design
 Owner: Various (Majority Landowner - Delfina Properties Pty Ltd)
 Date of Receipt: 1 February 2016
 Area: 120.5 ha (approx.)
 Town Planning Scheme No 2 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

This report presents the submissions received on the submitted Doley Road Precinct Local Structure Plan (LSP) to Council and recommends that Council endorse the LSP report to the Western Australia Planning Commission (WAPC) recommend that the LSP should be approved subject to modifications to bring in line with the draft concept plan prepared by CLE under the instructions of the Shire’s Officer.

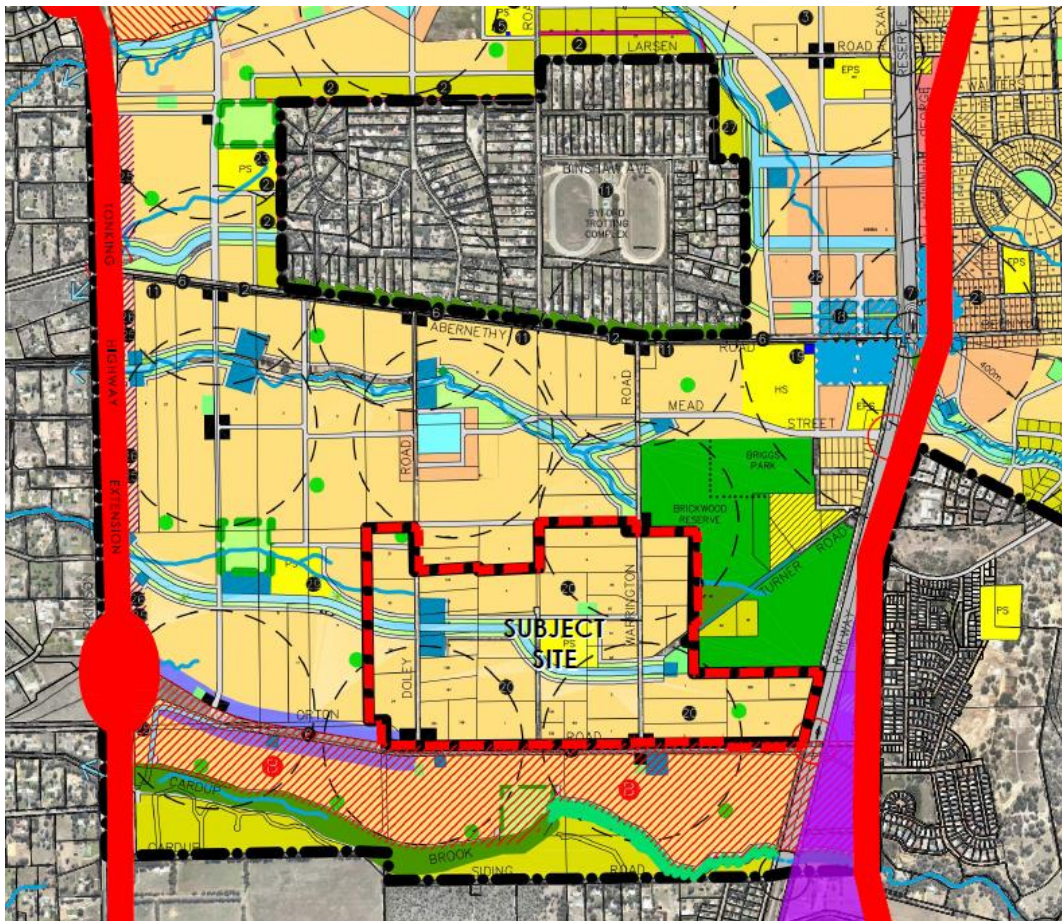


Figure 1: Subject Site

Background:

The LSP area is generally bound by Orton Road to the south; Brickwood Reserve and Soldiers Road to the east; as well as the Glades residential estate to the north, south and west.

The Doley Road Precinct comprises a total of 47 existing freehold lots covering 120.5 hectares. The LSP will provide a planning framework to guide the development of the Doley Road Precinct, facilitating subdivision and development, in a consolidated manner for approximately 1850 – 1950 lots.

The LSP proposes residential lots zoned Residential R25 to R60 inclusive, to accommodate, on average, lot sizes ranging from 120m² to 350m² in area. The base density will be R25, with R40 lots to be located adjacent to areas of public open space, in proximity to the school and neighbourhood centre, or at the end of street blocks, allowing the development of 'cottage' or 'compact style lots'. The R60 Code will be located in areas similar to that of the R40 density as well as any allocated grouped or multiple dwelling sites. Subsequently, the development has the potential to achieve 16.4 dwellings per gross urban zoned hectare, meeting the 15 dwelling target set out in Perth & Peel @ 3.5million.

Additionally, the LSP provides the following community benefits through the planning design:

- Approximately 13ha of open space distributed throughout the LSP area, meeting active and passive recreational needs, meeting the 10% minimum;
- Rehabilitation of the existing waterway that originates from the Brickwood Reserve, to accommodate local and district storm water drainage;
- Construction of a permeable movement network that connects into existing regional and local road networks and provides for pedestrian and cycling infrastructure, and future public transport services.
- Appropriate separation between Brickwood Reserve and all future dwellings to minimise potential risk from bushfire
- Creation of a 3.5ha primary school site co-located with a neighbourhood park;
- Provisions of a Neighbourhood Centre at the intersection of Orton and Doley Roads, providing residents with convenient access to retail.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application

Community / Stakeholder Consultation:

The proposed LSP was publicly advertised between the 4 February 2016 and 3 March 2016, inclusive, as required under Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application was referred to all landowners within the Doley Road Precinct as well as to two planning consultants, Urban Plan and Dynamic Planning, who represents land owners engaged in preparing an alternative LSP over sub precincts within the Doley Road Precinct.

A total of 8 stakeholder submissions were received, 6 of which objected or expressed dissatisfaction for the proposal or subsequently seeking modifications. Two submissions expressed support for the proposal. The key issues raised during the submission period are discussed in detail below.

Comment:**POS / MUC Allocations:**

- General concerns were raised by local residents regarding the allocation of Public Open Space (POS) and the Multiple Use Corridor (MUC) on their properties.

Specifically, it was identified that the MUC width is not realistic and should be reduced in size to 3m either side of the centre drain.

- Most residents sought to have the POS allocations reduced in size or reallocated to other allotments within the LSP area. One in particular, requested that the allocated POS does not exceed the 10% open space required for their lot area.
- A submission on behalf of the landowners contained within Cell D puts forward an argument to modify the eastern portion of the LSP to reflect the plan submitted in their submission and LSP application. The proposed modification seeks to conserve clusters of marri trees for cockatoo habitat and forage, based on research carried out by Bioscience.
- The Department of Planning have made recommendations for the LSP to be modified so as to reduce the number of lots directly abutting POS and to promote perimeter streets around areas of POS. The Department also suggests that proposed POS located in the north east of the LSP area, be separated from the Brickwood Reserve / Bush Forever via a road due to potential management concerns, public access issues and bushfire management requirements.

Officer Comment:

The officer recommend modification to the LSP to consolidate some POS with larger open space areas to provide opportunities for more suitable areas of conservation and recreation. In addition, the applicant has advised that each cell within the LSP area, has been designed to contain 10% open space in each, so as not to burden a single landholding or group of landholdings with the POS allocation.

The Shire has requested a modification to the MUC, east of Lawrence Way, to provide appropriate pedestrian linkages through to Briggs Park Oval, by connecting existing walking trails located in Brickwood Reserve via a network of landscaped spaces aimed at conserving existing mature marri trees. However, the width of the MUC is determined by calculations of historical rainfall events, requiring up to 1 in 100 year rainfall event volumes, which requires a large area for stormwater detention with a 1:6 gradient on either side, therefore determining the width of the MUC at 32 metres. It has also been confirmed by the Water Corporation that the MUC is satisfactory for accommodating such events.

Primary School Location:

One submission was received objecting to the proposed location of the primary school and seeks to have this relocated to its initial location identified in the Byford District Structure Plan, or completely removed. The submission outlines that the flow of traffic as proposed, surrounding the school site, is likely to cause congestion and access issues due to surrounding road network, as currently the issue at Byford West Primary School.

Officer Comment:

Officers recommend the LSP be modified to create an additional road between the proposed school site and the identified neighbourhood active open space. This will provide the school site with four road frontages to reduce the pressures on any one road for access and egress during peak drop-off and pick-up times.

It should be noted, the identified school site is generally consistent with the location illustrated in the Byford District Structure Plan. Additionally, the Department of Education has confirmed its support for the proposed location, being contained wholly within Lot 64 Lawrence Way, as well as the separation of the school site from the MUC.

Road Layout / Design:

Concerns were raised through submissions relating to the lack of an east-west neighbourhood connector through the LSP area. The Public Transport Authority have long-

term plans for a bus route aligned from Turner Road, traversing east-west more or less where the proposed POS is located, although constrained due to the lack of an east-west distributor, central to the LSP area, as a means of providing a bus service within a reasonable walking distance for most residents.

It was also identified that the proposed LSP incorrectly identified the design requirements for Orton Road as having a reservation of 25.2m, whereas the Glades LSP identifies Orton Road to have a reservation of a 30m wide road reserve. Additionally, LWP has commenced arrangements for the closure of part of Orton Road reserve in anticipation of Orton Road being constructed on its new alignment.

Officer Comment:

Officers recommend it appropriate to provide a direct east-west connector road through the centre of the LSP area to provide suitable access and traffic distribution between neighbourhoods, as supported under Liveable Neighbourhoods.

Orton Road is currently a 20m wide road reservation. Orton Road is identified to be constructed with a 30m wide road reserve under the Byford District Structure Plan. The Doley Road LSP area is required to contribute 5m towards the northern portion of Orton Road through subdivision and an additional 5m to be contributed from landholdings contained within the Glades LSP to the South of Orton Road, achieving an overall 30m wide road reservation. Reference in the report is just a technicality, as only 5m will impact on the Doley Road LSP. Subsequently, the Shire recommends that reference to Orton Road Reservation be amended to reflect the overall width being 30m.

Noise Assessment:

A number of submissions were received from Government Agencies requesting a noise assessment be submitted to understand noise and vibration issues surrounding the railway running along Soldiers Road, vehicle traffic noise for dwellings located in proximity to Orton and Soldiers Road, with any noise amelioration measures recommended in the report to be implemented and reflected in the LSP.

Officer Comment

The Shire has recommended the applicant to engage the services of an appropriate consultant to undertake a noise assessment in accordance with the submissions received. This has not yet been received by the Shire, however could be incorporated into the LSP Report prior to final adoption by the Department of Planning.

Bushfire Management / Brickwood Reserve:

Submissions received by the Shire from government agencies expressed concerns relating to the proximity of residential development to Brickwood reserve. The Department suggested that the area of lots adjacent to the reserve / Bush Forever site be increased to a lower density to ensure appropriate separation distances can be achieved.

It was also identified that the LSP does not appear to provide buffers to the Conservation Category Wetland and Threatened Ecological Communities located within the Brickwood Reserve, which should be considered as part of the LSP assessment, in accordance with the EPA Guidance Statement 33.

Through its submission, Department of Parks and Wildlife confirmed that the construction of the unmade Recreation Road Reserve not be supported, as the road reserve supports the Critically Endangers SCP 3a TEC, as well as supporting an interface between the residential development and bushland that is designed to minimize impacts to the conservation values of the reserve and local residents by implementing a hard road edge interface.

To carry out an assessment of the associated Bushfire Management Plan, the Shire engaged an independent consultant to carry out a bushfire assessment to class the existing

vegetation in the LSP area. The findings support the need to increase the separation distances of residential development from Brickwood Reserve.

Officer Comment:

The Shire confirms that Recreation Road serves an important drainage function and contains vegetation which is contained within Bush Forever Site 321, therefore the Shire is not supportive of the road to be constructed, and should therefore be excluded from the LSP boundary or reflected as a reserve other than a road reserve. This has been reflected in the Schedule of Modifications, with the applicant accepting of the proposal.

To appropriately address DPAW's concerns, the LSP should be modified to incorporate a hard edge between the Brickwood Reserve and future residents, by way of local access roads. As part of the Shire's recommendation, a Brickwood Reserve Management Plan has been requested to be implemented, detailing the appropriate interface and management provisions to further protect the reserve from deterioration.

Stormwater Drainage:

Submissions received from various stakeholders raised concerns surrounding water management. Water Corporation identified that the Local Water Management Strategy should be amended to include an indication of the storage volumes for the various storm events which will be contained within the MUC and rain gardens.

Reference to recent studies conducted to inform the stormwater catchment and drainage strategy was made, advising that drainage from the east of the LSP flows south of Orton Road's existing open unlined drain with a component flowing to the existing MUC in LWP's LSP. The submission from Urban Plan indicates that open space should be located to capture and conserve marri trees in the north eastern portion of the LSP area, adjacent to the Brickwood Reserve.

Officer Comment:

The Shire has advised the applicant of the comments received from Water Corporation and the Department of Water, advising of the recommended changes requested to the submitted LWMS. The applicant has since amended the LWMS and sought approval by both Department of Water and Water Corporation.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Western Australian Planning Commission Framework for Local Development Plans 2015
- State Planning Policy 3.1 - Residential Design Codes
- Liveable Neighbourhoods
- Perth and Peel @ 3.5 Million and South Metropolitan Perth Peel Sub-regional Planning Framework

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

Objective 1.1	Strong Leadership
Key Action 1.1.2	Facilitate cooperation between the Shire and its stakeholders while also considering community values.

Planning Assessment:

The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the WAPC Framework for Structure Plans, Liveable Neighbourhoods and the Byford District Structure Plan

The Shire has carried out a technical assessment of the proposed LSP, subsequently representing the majority of the modifications in a concept plan which is contained within the attachments. The modifications come as a result of the technical assessment and stakeholder submissions to ensure an appropriate outcome is achieved.

The major modifications recommended to the LSP is explained below:

1. Removal of Recreation Road from being constructed as part of the LSP.

The Shire's Environmental Services and comments received from Department of Parks and Wildlife indicates that the retention of Recreation Road as an unconstructed road to establish the protection of the Conservation Category Wetland (CCW) and Threatened Ecological Communities (TEC) contained within Brickwood Reserve. It is also identified that the road reserve contains an existing open drain and firebreak, of which, if recreation road were to be constructed, will require the clearing of potential TEC vegetation and impact on the CCW buffer requirements, with encroaching urban development.

2. Alignment of MUC, east of Warrington Road, in a 45 degree angle towards the north.

The MUC is in the order of 30m in width which provides ample land space to create a meandering 'living stream', which is the objective of the Byford Townsite Water Management Strategy, without undue engineering challenges in navigating the 45 degree corners.

The amendment to the MUC permits the establishment of a green corridor with shared paths, central to the Neighbourhood, to provide a direct linkage to the Shire's Town Centre via the network of walking trails contained within Brickwood Reserve, which foster a strong biodiversity linkage, suitable for the endangered Carnaby Cockatoo feeding and nesting habitat.

3. Central east-west neighbourhood connector road.

An east-west connector road was requested as part of PTA's submission on the proposed LSP, identifying the need for an appropriate transport route that can accommodate a future bus service through the southern portions of Byford. The road has been identified to run across the northern boundary of the primary school site. The location of the proposed road is likely to provide better access to the school site during peak times, alleviating any potential traffic concerns raised during the submission period.

Officers also recommend that the east west connector be designed to ensure a direct connection through to Turner Road, providing the provision for more efficient public transport routes, servicing a greater population catchment area, within a walkable catchment. The through connection to Turner Road will also establish a movement network which provides a convenient linkage to the Byford Activity Centre and which is efficient by minimizing travel time for public transport. Subsequently, the existing road reserve can then be closed to square up the development in the Turner Road Reserve.

4. Consolidation of Public Open Space.

The Shire has taken into consideration the submissions received from stakeholders regarding the allocation and distribution of POS. The suggested modifications include the removal of all Public Access Ways (PAW's) due to potential anti-social issues; consolidate POS sites in a manner that appropriately protects identified vegetation and ensures the

provisions of effective space appropriate for active recreation. The reduction in POS sites will also reduce the maintenance cost and responsibility on the local government and provides a higher quality recreational space as opposed to quantity.

The LSP area contains a dominant MUC through the north of the LSP which could be designed to encourage nature play activities for young children, as well as a high amenity walking trail with shaded resting areas for the adult and elderly demographics as part of the public amenity. As a result, this green corridor has substituted the need to provide various small local parks and neighbourhood parks throughout the LSP and consolidate the required POS areas into usable active space for a range of recreational activities.

5. Primary School site.

Given the Shire's recommendation to provide an east – west road to the north of the school site, the minimum size of a government primary school, in accordance with Liveable Neighbourhoods and the Byford District Structure Plan, is required to be 4ha in area.

The Shire has also explored the suitability of the proposed location of the School site, in conjunction with the Department of Education. The identified location is generally consistent with the Byford District Structure Plan and is positioned in a location deemed acceptable by the Department of Education, which supports the separation between the school site and the MUC. The location of the school site on Lot 64 Lawrence Way is considered to be a central location, with an east-west connector road located to the north, ensuring easy accessibility to the site from all areas of the LSP area, through its road and pedestrian linkages.

6. Road Configuration: Cell D / Precinct 4

Following the consultation period, a concern was raised regarding the road configuration of lots east of Warrington Road. The request was for the roads to be designed to create more north-south connections.

Shire Officers have recommended that the road configuration in precinct 4 / Cell D, be designed predominantly in a north-south orientation to provide a product desirable for the landowners / developer to market.

In accommodating the stakeholder's request, it is advised that Orton Road is designated as an Integrated B Type Road given its direct linkage to the Future Tonkin Hwy Reserve, therefore the number of intersections shall be restricted and designed appropriately.

Discussion and Recommendations:

The following provides a summary of the modifications to the LSP which are recommended following the public consultation period and technical assessment:

LSP Map:

It is recommended that the following modifications be made on the allocation of public open space within the LSP as follows to apply orderly and proper planning principles that reflect outcomes for sustainable community development and increased public amenity:

- Incorporate an east-west neighbourhood connector central to the LSP area between the School site and neighbourhood POS, connecting through to Turner Road with a direct alignment. Subsequently, the associated traffic impact assessment should be amended to reflect the road design widths required to accommodate a bus service, in accordance with the Bus Planning and Design Guidelines of the PTA.

This is to ensure the LSP area appropriately facilitates a future bus service as per PTA's requirements and addresses potential traffic issues associated with school sites due to the lack of parking facilities.

- Incorporate Lot 131 Doley Road within the Doley Road Precinct LSP.

The site has not been included in the Glades LSP, however an opportunity exists for the site to be incorporated into the Doley Road LSP in order to provide more thorough guidance in relation to elements such as road connection, design and development potential rather than leaving the site isolated.

- Amend the alignment of the MUC, east of Lawrence Way, further north and connect the MUC to Brickwood Reserve, north of Turner Road.

Realigning the MUC in the recommended alignment will provide a green corridor through the centre of the LSP neighbourhood through to Byford's senior district reserve, Briggs Park Reserve, through an existing network of trails within the Brickwood Reserve. Additionally, it serves to retain remnant Marri trees located on Lot 45 Warrington Road.

- Identify increased densities along Lawrence Way, Doley Road and Soldiers Road, as well as around POS and the proposed School site, including any future public transport routes.

The increase in densities in the select locations is consistent with the principles of *Liveable Neighbourhoods* (LN), which encourages densities along roads identified as having a regional significance, around POS and schools sites and future public transport routes.

- Zone the south-western corner of LSP area for 'Mixed Use' with an R80 density coding.

The recommended zoning is to ensure a coordinated outcome is achieved with the surrounding LSP land use classifications.

- Redesign some intersection locations to space them apart in accordance with Liveable Neighbourhoods.

It is identified that some intersections seem to be located too closely together, as such the recommendation to modify some intersections is to satisfy potential traffic issues that may arise as a result.

- Remove Recreation Road from being constructed as part of the LSP.

Recreation Road contains infrastructure (firebreak and open drainage) which serves an important function to the surrounding locality. If Recreation Road were to be constructed as a road, it would consequently require the relocation of the infrastructure into Bush Forever Site 321, which contains a number of Threatened Ecological Communities. Therefore construction of this road reserve is not supported by the Shire.

- Separate lots directly abutting POS areas.

Liveable Neighbourhoods promotes perimeter streets around areas of POS, wherever possible. It seems that the reason for locating lots abutting POS is to avoid poor intersection outcomes and is evident that there is no obvious 'need' for such design.

- Relocate the POS locate east of Warrington Road to the north of the LSP, further south, incorporating the vegetation identified for retention under the *Draft Perth and Peel Green Growth Plan @ 3.5 million*.

The relocation of the said POS (POS 8 under the landscape masterplan) ensures appropriate separation is achieved from Brickwood Reserve as well as facilitates the protection of vegetation that is identified for Conservation from a state level. The Site incorporates a large cluster of existing marri trees spread over portions of lots 43 – 45 Warrington Road.

- Remove figures attributed to the POS areas on the LSP map.

Removal of figures from the LSP map removes any perception that the areas identified are statutory. Additionally clause 6.1 of Part 1 and the POS schedule in Part 1 of the LSP report is deemed sufficient.

- Remove all Public Access Ways (PAW's) from the LSP Plan.

It is considered that PAW's have the potential to foster anti-social behaviour and safety concerns if not designed and maintained correctly.

- Rationalise POS sites 2, 4, 5, southern part of POS 3 and the central neighbourhood POS, retaining 4,000sqm of the neighbourhood park in current location, on land west of Lawrence Way and on the southern side of the proposed east-west connector road.

By rationalizing a number of the pocket POS sites, it provides an area, in conjunction with the nearby primary school, to be developed in a regular shape suitable for recreational activities.

- Relocate POS 9 to the south-east corner of Warrington and Turner Road.

As Warrington Road is a north-south neighbourhood connector, the relocation of POS 9 to Warrington Road provides a better planning outcome in terms of amenity and streetscape. The relocation also ensures a reduced management issue for the POS site due to its separation from Brickwood Reserve.

- Rationalise POS 10 & 11 and relocate to the north west corner of proposed road 82 and Orton Road.

The relocation of POS sites 10 & 11 provides a desirable location for POS adjacent to Orton Road, breaking up the urban form, but also provides a recreational POS site that is complemented by a boulevard of trees from Brickwood Reserve to Orton Road.

- Reconfigure the road network, east of Warrington Road, to create predominantly north-south super blocks.

The orientation of the street network reduces access along Soldiers Road as it is a Regional Distributor Road, as well as provides for a desired design outcome for the developer / landowner of Cell D of the Doley Road Precinct, by providing better solar access to the future dwellings and achieving a street depth of 58m – 62m for the housing stock proposed.

Public Open Space:

It is recommended that the LSP reports be amended to include the following statements to ensure the appropriate consideration for healthier community design outcomes and provide opportunities for active lifestyle choices:

- Under 3.5.2 of Part 2 (Explanatory Report) include statement to ensure dual use paths are connected to the existing trails network located within the Brickwood Reserve to the east.
- Under 3.3 of Part 2 (Explanatory Report) include statement with the intent to apply initiatives to include street trees that bare edible fruits or planting edible plants within public open space
- Under 3.3 of Part 2 (Explanatory Report) include statement to ensure the allocation of space for the community to develop a community garden within local POS area/s.

Under the Landscape Master Plan, make the following changes:

- List as a component of landscaping 'street trees'
- Provide linked POS concept plans that show shared use pathways through MUC from Turner Road to the Glades LSP
- Concept design for POS adjacent to Brickwood Reserve to be provided showing consideration of the interface to Reserve, with northern, eastern, southern boundary cross-sections illustrating verge widths and any landscaping amendments being applied.

Vegetation Flora and Brickwood Reserve:

Table 7 of the Environmental Report - Implementation Strategy, is recommended be amended to reflect the following:

- Vegetation and Flora:

Action – Clearly delineate, in accordance with Australian Standard 4970 – Protection of Trees on Development Sites, POS areas and trees to be retained. Identify Bush Forever and ensure setbacks are fenced. No clearing of Bush Forever site is to occur.

Responsibility – Arboriculturist and Licensed Surveyor (Developer)

- **Brickwood Reserve:**

Action – Provide adjacent landowners with a copy of the management plan. Develop and provide adjacent landowners a “Living next to Brickwood Reserve” booklet outlining environmental issues of pet animals, garden weeds, reducing spread of plant disease and inappropriateness of certain air conditioning systems in fire hazard zones.

Responsibility – Developer / Essential Environmental.

Roads:

The traffic impact assessment is recommended be amended as follows:

- Reflect the road design widths required to accommodate a bus service, in accordance with the Bus Planning and Design Guidelines, for the recommended east-west neighbourhood connector road.
- Reflect roads 67 and 82 in the traffic impact assessment as being left-in, left-out at the intersection of Orton Road as Orton Road is designed to be centrally divided by a drainage swale.
- Under section 3.5.2 of Part 2 (Explanatory Report), amend reference to Orton road reservation to be 30m rather than 25m.

Under the Byford District Structure Plan, Orton Road is designated to be extended to link to South Western Highway, enabling it to perform a similar as Thomas Road. Therefore widening of 5m from the northern side of Orton Road, with a further 5m widening from the southern side in the Glades LSP s required.

- Under section 6 of Part 1 (Implementation Section) the following statement should be included:

Direct access is not permitted to lots abutting Doley Road and Soldiers Road. Rear laneway arrangements shall be provided.

The expected traffic volumes, as identified in the Traffic Impact Assessment, along Doley Road and Soldiers Road justify the need to ensure rear access arrangements are implemented, as it is supported by the standards contained within Liveable Neighbourhoods.

- A transport Noise assessment is to be undertaken and recommended measures incorporated into the Statutory Section (Part 1) of the LSP detailing any noise amelioration measures required for development in proximity to Soldiers Road, Orton Road and the railway to the east of the LSP area as per State Planning Policy 5.4 – Road and Rail Transport Noise and Fright Considerations in Land Use Planning, prior to approval.

This information has not been supplied by the applicant and therefore is required to be submitted. The rationale for the noise assessment is due to the passenger rail located in proximity to the development area, east of Soldiers Road, as well as the expected traffic volumes anticipated along Orton Road, having the potential to accommodate road freight vehicles servicing the Cardup Business Park and surrounding Industrial areas in the Byford District.

Cycling Facilities:

A Cycling plan be prepared by the applicant prior to adoption, in consultation with DoT.

The recommendation for a Cycling Plan is to ensure a suitable plan is prepared that details the infrastructure requirements to appropriately services all major activity attractors and beyond, as well as provisions to provide suitable end-of-trip facilities at key locations.

Bushfire Management Plan:

The Shire undertook a preliminary assessment of the submitted Bushfire Management Plan, prior to the lodgement of an LSP.

Subsequently, the comments raised have generally been reflected in the LSP submission that has been advertised. However, the recommendations have been included to reflect the requirements of the bushfire management plan to ensure consistency and accuracy of the LSP outcomes, these include:

- The Bushfire Management Plan to reflect the vegetation classification of Brickwood reserve to be classed as 'Low Open Forest'.

The amended classification of vegetation significantly changes the information provided, as well as the BAL levels identified. This is due to the bush forever site having unmaintained fuel loads, where the Shire cannot be held responsible for such maintenance.

- A 100m Hazard Separation Zone (HSZ) be designated around Brickwood Reserve

Brickwood Reserve is a Bush Forever Site with the removal of vegetation not supported by the Shire.

- Reference to 'Grassland' within the FMP should be amended to 'moderate' risk, as opposed to a 'low' risk as stated in the FMP.

Alternative Modifications:

As part of the Western Australian Planning Commissions consideration on the LSP, the Shire proposes alternative modifications for the location of the School site, alignment of the MUC and location of the east-west road connector, whereby Option A is the current option, as previously stated in the report.

Option B: locate the east-west connector road as a continuation of Turner Road, ultimately shifting the primary school site further south, over three land holdings (Lot 136 & 64 Lawrence Way and Lot 63 Orton Road).

Align the MUC to continue its westerly direction on the same alignment at Warrington Road, only deviating north-east from the rear boundary of Lot 3 Lawrence Way.

Option C: Locate the east-west connector road as a continuation of Turner Road.

Relocate the School site south east of its proposed location over Lot 20 & 21 Warrington Road.

Align the MUC to continue its westerly direction on the same alignment at Warrington Road, only deviating north-east from the rear boundary of Lot 3 Lawrence Way.

These two alternative options provide valid responses to landowner concerns and are the site constraints associated with the fragmented landownership and existing road network.

Options and Implications:

In making a recommendation to the WAPC pursuant to Clause 20 (2) (e) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council has the following options:

Option 1: Council may resolve to recommend approval of the LSP with modifications.

Option 2: Council may resolve to recommend approval of the LSP.

Option 3: Council may resolve to recommend refusal of the LSP.

Option 1 is recommended.

Conclusion:

The Doley Road Precinct Local Structure Plan provides a coordinated approach to bookend the Byford Urban precinct in an orderly manner. Following an assessment and community consultation on the proposal, the proposed concept plan is expected to achieve a desired outcome for the greater community in the context of the urban built form, environmental sustainability and community planning. It is recommended that Council resolve to recommend approval of the LSP subject to the modifications contained within **OCM084.3/05/16**.

Attachments:

- [OCM084.1/05/16](#) – Doley Road Precinct Local Structure Plan – Submitted / Advertised Plan (IN16/1790)
- [OCM084.2/05/16](#) - Doley Road Precinct Local Structure Plan – Schedule of Submissions (E16/1416)
- [OCM084.3/05/16](#) – Doley Road Precinct Local Structure Plan – Schedule of Modifications (E16/2410)
- [OCM084.4/05/16](#) - Concept Plan Incorporating Modifications (IN16/8166)
- [OCM084.5/05/16](#) – Addendum to Council Report (E16/3915)

Voting Requirements: Simple Majority

Officer Recommendation:**That Council:**

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council endorse the schedule of submissions and comments contained within attachment OCM084.2/05/16.
2. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission approval of the Doley Road Precinct Local Structure Plan with modifications as outlined in the Schedule of Modifications contained within attachment OCM084.3/05/16 and illustrated in attachment OCM084.4/05/16 and forward to the Western Australian Planning Commission the following:
 1. A list of the submissions considered by the local government and any comments by the local government in respect of those submissions OCM084.2/05/16;
 2. A schedule of any proposed modifications to address issues raised in the submissions OCM084.3/05/16 and OCM084.4/05/16;
 3. This Council Report as the local government's assessment of the proposal based on appropriate planning principles;
 4. Council's resolution recommending to the Western Australian Planning Commission to approve the local structure plan with modifications.

OCM084/05/16 COUNCIL DECISION / New Motion:**Moved Cr Rich, seconded Cr Piipponen**

- 1. Receives the memo from Shire officers in response to questions raised as attachment OCM084.5/05/16**
- 2. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the schedule of submissions and comments contained within attachment OCM084.2/05/16.**
- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the Doley Road Precinct Local Structure Plan with modifications as outlined in the Schedule of Modifications contained within attachment OCM084.3/05/16 and illustrated in attachment 1 of OCM084.5/05/16 and forward to the Western Australian Planning Commission the following:**
 - a. A list of the submissions considered by the local government and any comments by the local government in respect of those submissions OCM084.2/05/16;**
 - b. A schedule of any proposed modifications to address issues raised in the submissions OCM084.3/05/16 and OCM084.5/05/16;**
 - c. This Council Report as the local government's assessment of the proposal based on appropriate planning principles;**
 - d. Council's resolution recommending to the Western Australian Planning Commission to approve the local structure plan with modifications.**
 - e. A copy of the memo and relevant attachments contained within OCM084.5/05/16.**

CARRIED UNANIMOUSLY**Councillor Atwell returned to Chambers at 7.56pm**

OCM085/05/16	Lot 2 (#865) South Western Highway, Byford – Proposed Signage (P00462/24)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	22 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: G Raphael
 Owner: Lenz Corporation Pty Ltd
 Date of Receipt: 28 April 2016
 Lot Area: 0.23ha
 Town Planning Scheme No 2 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

A planning application has been received for proposed signage for a fast food/takeaway outlet (Pasta Cup) at Lot 2 (#865) South Western Highway, Byford. The premises received planning approval for this use on 27 April 2016 under delegated authority as it was compliant with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire’s Town Planning Scheme No. 2 and associated local planning policies.

The subject lot is zoned ‘Urban Development’ under the Shire’s Town Planning Scheme No. 2 (TPS 2). The site is within the Byford Town Centre Local Structure Plan and is zoned Town Centre.

The proposal is reported to Council for determination as officers do not have delegation to determine planning applications that propose variations to Council policies. The proposal seeks minor variations to Local Planning Policy LPP05 – Advertising Signs and Local Planning Policy LPP31 – Byford Town Centre Built Form Guidelines with regard to the location and size of the proposed fascia sign. The window signs are compliant with the local planning policies.

This report recommends that the proposed signage be approved subject to conditions.



Locality Plan

Background:

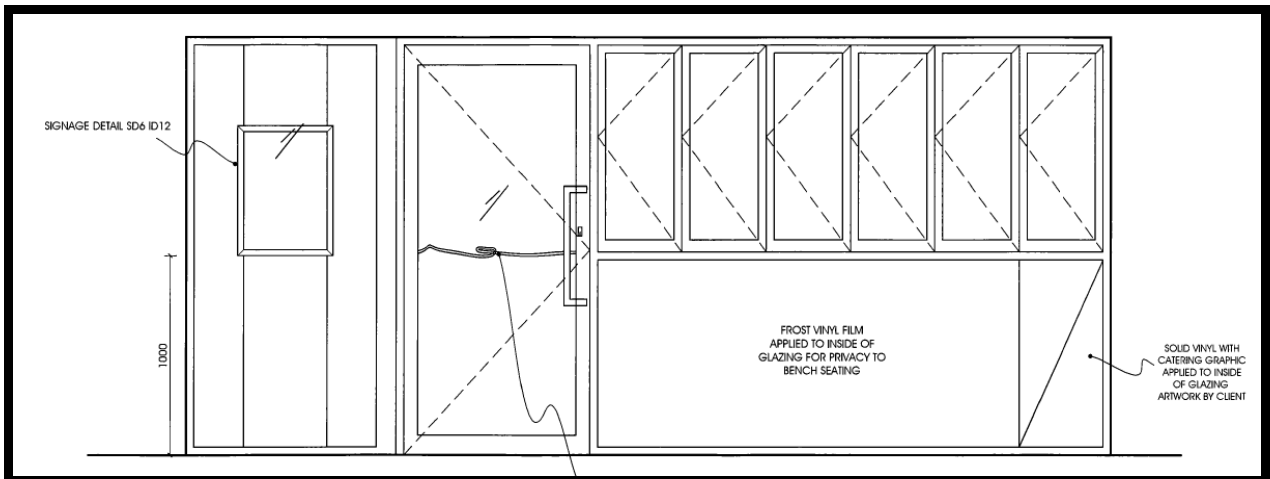
The application site lies within the town centre of Byford with South Western Highway running alongside the eastern boundary and George Street to the west. The site comprises of five units that form part of Byford Shopping Centre which also occupies Lots 1 and 50 South Western Highway. The unit to which the application relates is unit 9 which is located towards the south of the subject site adjacent to Byford Pet Centre and Byford Hair and Body. The site currently has approval for a fast food / takeaway (Pasta Cup) which was approved under delegation on 29 April 2016 as the use was a ‘P’ use within the Local Structure Plan (LSP). The car parking was compliant as the previous use of shop required 4 car bays under TPS2 and 3 bays under the LSP and the fast food / takeaway use only requires 3 car bays under LPP056 – Fast Food Premises.

Proposal:

The application seeks approval to display signage for a fast food / takeaway outlet (Pasta Cup). The signage proposed includes an illuminated fascia sign formed using painted acrylic lettering displaying ‘pastacup’ coloured orange and white. The total width of the lettering is 2.25m and with its decorative line, the width would be 5.4m with a height of 0.5m at its highest point.



Internally applied vinyl graphics are also proposed within the shop front window measuring 0.4m x 0.9m and a poster to be fixed in the window reveal / frame the dimensions of which are 0.4m x 0.55m.



Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

The proposed signage was originally included as part of the planning application to change the use of the premises to a fast food / takeaway (P00462/23). This application was advertised to adjacent tenancies and no submissions were received. The application was subsequently amended to split the change of use aspect of the application from the signage. No further advertising has taken place.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): the site is zoned 'Urban' under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Byford Town Centre Local Structure Plan
- Byford Townsite Detailed Area Plan
- Local Planning Policy LPP56 – Fast food premises (LPP56)
- Local Planning Policy LPP05 – Advertising Signs (LPP05)
- Local Planning Policy LPP31 – Byford Town Centre Built Form (LPP31)

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

3.1	Urban Design with Rural Charm
3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs, and encourage social interaction.
3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.

The signage is located within an urban context and considered appropriate within the streetscape. The signage would not adversely impact the rural charm of the area.

Planning Assessment:

The Shire's officers have completed a comprehensive assessment of the proposal in accordance with section 67 of the *Planning and Development Regulations (Local Planning Schemes) 2015*, the assessment can be viewed as part of attachment; **OCM085.1/05/16 - Section 67 Table (E16/3362)**.

Design and Amenity:

Local Planning Policy No. 56 – Fast Food Premises (LPP56) states that fast food premises will need to demonstrate site responsive architecture and design. The policy provides development requirements in relation to the design and built form of fast food outlets but does not require specify development requirements for signage.

Fascia Sign:

The proposed fascia sign would be located above the eaves of the building and illuminated. Table 1 of Local Planning Policy No. 05 – Advertising Signs (LPP05) lists all sign types that can be permitted within the Town Centre. The policy defines a 'created roof sign' as '*an advertising sign which is fixed to or painted on a fascia, or to the roof itself, or which forms part of a projection above the eaves, or ceiling, of the subject building*'. The policy states that this type of sign shall '*be fixed parallel to the fascia*' and '*not project more than 300mm from the portion of the building to which it is attached*'. It also states that where the maximum height above ground level is less than 7.5m the maximum area of the sign shall be 3m².

The fascia sign proposed is considered to fall within the definition of a 'created roof sign' due to the location of the fascia of the building being above the eaves of the building. The fascia sign comprises of individually illuminated letters covering an area of approximately 3.5m² as illustrated below, exceeding the policy requirement by 0.5m².

The objectives of LPP05 is to *'prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size'* and *'to reduce and minimise clutter'*. In this case the proposed signage is standard corporate signage for the franchise. Although it is larger in area than the policy recommends it would not appear unduly prominent or incongruous within the streetscape and is considered to enhance the façade of the existing elevation.

Local Planning Policy 31 - Byford Town Centre Built Form Guidelines (LPP31) also provides guidelines for signage within the town centre to ensure it contributes positively to the overall streetscape and is not excessive or obtrusive. *'Signage which is creative, individual, handcrafted, unique and drawing from local character is strongly encouraged'*. The guidelines state that signage *'shall be integrated into the building design and shall not adversely impact visual amenity or conflict with architectural features'*. It states that the ground floor façade of a building is an appropriate location for signage and *'signage on the front face or on top of an awning fascia is not permitted'*. The guidelines also state that *'illuminated signs may be permitted and when suitable the use of LED lighting is strongly encouraged however their use shall be limited between the hours of 8am and 9pm'*.

In this case it is acknowledged that the sign would be located on top of an awning fascia which is a variation to the LPP31, however the existing building has a modest awning with the fascia located above this on a parapet wall. Although the guidelines do not permit signage on top of an awning, due to the design of the building the fascia is located above the awning. Signage on these fascia's, above the awnings, are commonplace within the Byford shopping precinct and it is considered that the signage is in accordance with the objective of the policy and would not *'appear obtrusive or excessive'* in this location.

It is also acknowledged that the guidelines require the limitation of illuminated signs from 8:00am to 9:00pm. The proposed signage is to be illuminated from 11:00am until 9:30pm, 30 minutes more than the guidelines recommend. Due to the premises being located in a commercial area and not in close proximity to any residential properties it is not considered that having the fascia sign illuminated until 9:30pm, as per the opening hours of the premises, would unduly harm the amenity of the surrounding area or of neighbouring residents. For this reason a condition is recommended to ensure that the illumination of the sign is restricted after 9:30pm to ensure the variation to the guidelines is minimal.

Window Signs:

The proposal includes an advertising frame within the shop front that would be used for a corporate advertising poster and a frosted vinyl film would be applied inside of the windows with a panel for signage graphics.

LPP05 states that window signs *'shall not cover more than 50% of the glazed area of any one window or exceed 10sqm in area in aggregate per tenancy on a lot'*. The window signage would be located to the bottom corner of the window and measure 1.62m² taking up approximately 14% of the window where it is located, compliant with the policy requirements of LPP05. The advertising poster would be located within a frame in the adjacent window and measure 0.3m² which would result in 15% of the window being covered by the sign which is also policy compliant.

It is considered that the proposed signage although seeks a variation to LPP05 by way of the size of the fascia sign and LPP31 by way of the location of the fascia sign, it is considered that the signage makes a positive contribution to the streetscape and would not have an adverse impact on the character or amenity of the area in line with the objectives of LPP05 and LPP31.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council may resolve to approve the application subject to conditions.

Approval of the application will result in variations to LPP05 and LPP31 however this would not have an adverse impact on the amenity of the area.

Option 2: Council may resolve to approve the application unconditionally.

Approval of the application will result in variations to LPP05 and LPP31 however this would not have an adverse impact on the amenity of the area.

Option 3: Council may resolve to refuse the application subject to reasons.

Refusal of the application may be contemplated by Council if consideration is given that the proposed variations to LPP05 and LPP31 would have an adverse impact on the amenity of the area.

Option 1 is recommended.

Conclusion:

The proposed signage is incidental to the recently approved fast food/takeaway outlet (Pasta Cup) at Lot 2 (#865) South Western Highway, Byford. It is considered that its design is site responsive and in line with the character of the area. It would contribute to the visual appearance of the existing streetscape. The variations to LPP05 and LPP31 are not considered so significant as to harm the character or amenity of the area and therefore the proposal is supported.

Attachments:

- [OCM085.1/05/16](#) – Development Application (IN16/8093)

OCM085/05/16 COUNCIL DECISION / Officers Recommendation:

Moved Cr Gossage, seconded Cr Urban

That Council:

1. Approves the application submitted by Raphael Design Australia on behalf of the landowner Lenz Corp Pty Ltd on Lot 2 (#865) South Western Highway, Byford subject to the following condition:
 - a. The illumination of the fascia sign shall only operate between 11:00am and 9:30pm.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED UNANIMOUSLY

OCM086/05/16	Lot 9029 Thomas Road, Byford – Proposed Local Development Plan (S151965)
Author:	Helen Maruta - Senior Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	29 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gray & Lewis Land Use Planners
 Date of Receipt: 3 February 2016
 Lot Area: 29 279m² (2.9ha)
 Town Planning Scheme No. 2 Zoning: Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

A Local Development Plan (LDP) dated 5 October 2015 and received 3 February 2016 has been received for consideration pursuant to clause 5.18.5.1(a)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

The subject land is identified within the Redgum North Local Structure Plan being Lot 9029 Thomas Road, Byford. The plan sets out design requirements for the future development of the 'Residential R25 and R30' zoned lots within the Redgum North Brook subdivision.

The proposed LDP identifies the location of garages, includes variations to lot boundary setbacks and primary street setbacks and how proposed dwellings should be design when abutting Public Open Space.

The purpose of this report is for Council to consider a Local Development Plan as Shire Officers do not have delegation to determine LDPs in accordance with P033D and P033S – Local Development Plans.

The report recommends that the Local Development Plan submitted be approved. The subject provisions within the LDP are appropriate, taking into the account the current zoning, and the predominant use of land within the approved subdivision.



Locality Plan

Background:

Existing Development:

The subject land is currently vacant. The Western Australian Planning Commission (WAPC) issued a conditional subdivision approval on 25 August 2015, and the developer has undertaken works in accordance with the subdivision approval which includes the connection of water, sewerage, underground power and gas to the proposed lots.

The formation of lots and roads associated with the land have been approved in accordance with the conditional subdivision approval.

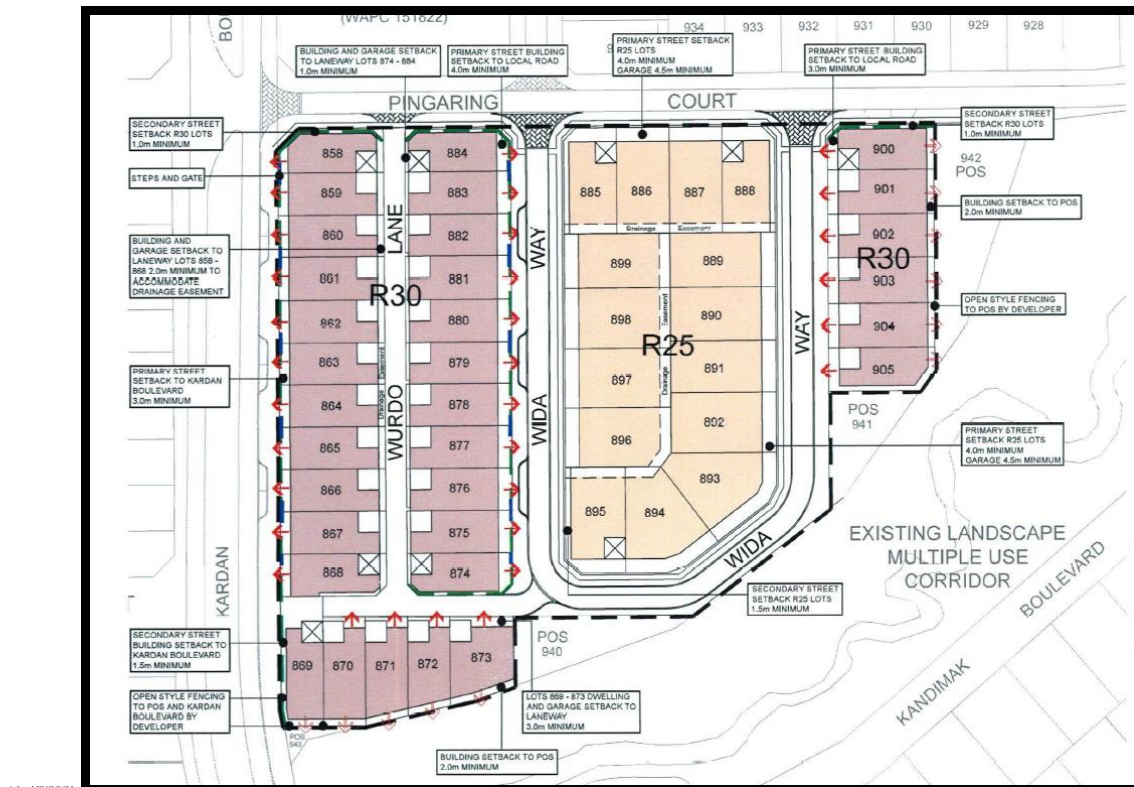
Proposed Development:

The Local Development Plan has been prepared in accordance with a condition of subdivision approval, which states the following:

“27. Detailed Area Plan(s) being prepared and approved for those lots abutting the proposed public open space sites to the satisfaction of the Western Australian Planning Commission.”

The applicant initially proposed an open space variation to the R-Codes requires for lots zoned R25 and R30, however has since modified the LDP to exclude the variations upon advice from the Shire and the WAPC. In addition, the applicant has made further modifications to address the formatting of the LDP and requirements relating to the interface of proposed dwellings that abut the public open space reserves.

The LDP includes lots zoned residential R25 and R30. The proposed lots zoned R25 illustrated on the LDP are proposed to vary the primary street setback and the location of garages for lots 885, 888 and 895. The proposed lots zoned R30 illustrated on the LDP are proposed to vary setbacks to laneways, primary street setbacks, secondary street setbacks and lot boundary setbacks and also includes addition provisions relating to the location of garages and the orientation of outdoor living areas that abut the public open spaces reserve.



Site Plan

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 'Advertising of Local Development Plans' subclause 3 states that:

“despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.”

The proposed LDP is considered to be acceptable to facilitate proper and orderly planning by providing consistent streetscapes and good amenity of future residents and therefore officers deemed that advertising was not required in accordance with subclause 3 of the *Planning and Development (Local Planning Schemes Regulations 2015)*.

Statutory Environment:

- *Planning and Development Act 2005*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Western Australian Planning Commission Framework for Local Development Plans 2015
- State Planning Policy 3.1 - Residential Design Codes
- Residential Medium Density (RMD) Codes – Planning Bulletin 112/2015

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

The Shire's Strategic Community Plan defines rural charm by maintaining the localities rural character and providing facilities that serve the community's needs.

The proposed local development plan is not in conflict with the Shire's Strategic Community Plan as the proposal will benefit the community by providing additional affordable housing products on the market and diversity in dwelling types.

Furthermore, the proposed LDP will not impact the rural charm of the Shire area as the proposal is within an urban context.

Planning Assessment:

The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the WAPC Framework for Local Development Plans, Residential and Medium Density Planning Bulletin and the State Planning Policy 3.1 Residential Design Codes.

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework.

The proposed LDP has been assessed with regards to clauses 7.3.1 and 7.3.2 of the R-Codes, which outline the scope of changes which LDPs can facilitate. Clause 7.3.1 of the R-Codes permits variations to primary street setbacks, lot boundary setbacks and location of garages to the R-Codes requirements.

Further to the above, the Department of Planning released the R-MD Codes in 2015 which allow significant variations to the deemed-to-comply requirements of the R-Codes for LDPs. The R-MD Codes requires local government to endorse the codes through a local planning policy to enable the provisions to have statutory weight and accordingly applied to LDPs. The Shire does not have a local planning policy endorsing the provisions of the R-MD codes and can therefore only refer to them to justify variations that are considered acceptable.

Statutory Provisions:

The applicant proposes the following additional clauses to the R-Codes for the LDP area, discussed as follows:

R25 – Primary street setback to be a minimum of 4.0m and the garage to be setback a minimum of 4.5m.2.R30 – Primary street setback to be a minimum of 3m.

The proposed variations vary the primary street setback requirement of the R-Codes to 4 metres in lieu of 6 metres for lots zoned residential R25 and 3 metres in lieu of 4 metres for lots zoned residential R30. The proposed LDP falls within an area that does not have an existing streetscape. Therefore, allowing a 2 metre and 1 metre reduction respectively, will permit a consistent streetscapes and allow the dwellings to have a better interface with the street. The reduction in the front setback requirement also allows dwellings to have larger outdoor living areas to the rear of the properties, creating a higher level of amenity for future residents. Accordingly, the proposed variations are supported.

R30 – Setbacks to laneways be reduced to 1m to 3m

The proposed variation relates to reduced laneway setbacks for various lots within the LDP. The R-Codes require dwellings facing laneways to have a setback of 2.5 metres, resulting in the LDP proposing variations up to 1.5m. Laneways are predominately used for vehicle access and do not contribute to primary street streetscapes. The reduced laneway setbacks will not adversely impact the future streetscape of the LDP area, rather it provides consistency for the laneway streetscapes. Similarly, to the primary streetscape variations, the reduced laneway setbacks will allow dwellings to have a larger outdoor living area to the rear of the property, creating higher level of living amenity for future residents. Accordingly, the proposed variations are supported.

R30 – Secondary street setbacks to be a minimum of 1m

The variation proposes a 0.5 metre variation to the secondary street setback requirements of the R-Codes, for corner lots. The 0.5m variation is not considered to detrimentally impact the future streetscapes of the LDP area, as the side of a dwelling that faces a secondary street is ordinarily screened by a 1.8 metre high fence, resulting in the variations being unrecognisable. Accordingly, the proposed variation is supported.

R30 – “buildings built up to second side boundary are permitted for purposes garage / store only.”

The variation proposes to include a provision above the R-Codes requirements relating to lot boundary setbacks (boundary walls). The R-Codes only permits boundary walls to one side boundary only. This requirement proposes to allow boundary walls on both side boundaries, however one side boundary is only permitted to have a boundary wall that is for the garage or store. This requirement is considered to allow for more effective use of space for future dwelling designs. It also enhances the privacy of adjoining residents by permitting boundary walls. The addition of the provision to permit a boundary wall on the second side boundary is

considered not to undermine the future streetscape of the area as the boundary walls are only permitted behind the primary street setback area. It is therefore considered that the additional boundary wall provision is acceptable and is supported accordingly.

R30 – Building abutting the public open space reserve shall be setback a minimum of 2m

The proposed variation relating to a minimum setback of 2 metres to the public open space reserve is supplemented by the additional LDP provisions (4c) which requires outdoor living areas for all lots abutting the public open space (POS) to be located at the rear adjacent to the POS. The provisions are above the requirements of the R-Codes and do not propose a variation. The provisions are included to facilitate better interaction between the dwellings and the POS reserve, as required by the condition of subdivision. The orientation of the outdoor living area to the rear and the addition of a major opening to the dwelling facing the reserve will allow for passive surveillance over the POS reserve. It is considered that the proposed additional requirements to the LDP to support the interaction of the future dwellings and the POS reserve be supported accordingly.

Garages are to be accessed from the primary street

The proposed variation relates to the location of garages on the proposed lots. The Shire's Engineering Services have approved the proposed location of services in accordance with the conditional subdivision approval. This has ultimately dictated the location of the proposed garages. Notwithstanding, lots 885, 888 and 895 propose to vary the R-Codes as the garages face the primary street in lieu of the secondary street. These lots are subject to a drainage easement along the rear of the boundaries, which undermines the feasibility of constructing garages to face the secondary street. As such, it is considered that the variation to the three garages will not undermine the character of the streetscape, as the other dwellings within the primary streets will have garages fronting the respective primary streets. Furthermore, the Shire's Engineering Department supports the location of the garages. Accordingly, the variations are supported.

Options and Implications:

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to approve the application subject to conditions.

The approval of the application is considered not to result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to refuse the application.

Refusal of the application may be contemplated by Council if consideration is given that the LDP does not comply with aspects of State Planning Policy 3.1 – Residential Design Codes or Western Australian Planning Commission Framework for Local Development Plans 2015.

Option 1 is recommended.

Conclusion:

As discussed within the report, the LDP proposes to vary requirements of the R-Codes relating to primary street setback, garage setbacks, lot boundary setbacks, interaction with the POS reserve and garage location. Therefore, the proposed LDP has been assessed with regards to the WAPC Framework for Local Development Plans 2015 and the R-Codes.

In light of the above assessment of the proposed LDP, the subject provisions within the LDP are appropriate, taking into the account the current zoning, built form and the predominant

use of land within the approved subdivision. The proposal satisfies the overall design principles of the R-Codes and the Framework for LDPs and is supported by the Department of Planning.

Accordingly, the proposed LDP is recommended to be supported.

Attachments:

- [OCM086.1/05/16](#) - Local Development Plan (E16/3556)

Voting Requirements: Simple Majority

OCM086/05/16

COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Atwell

That Council pursuant to Clause 52 Part 6 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the Redgum Brook Estate Stage 9 Local Development Plan as outlined in attachment OCM086.1/05/16 and forward to the Western Australian Planning Commission the following:

- 1. This Council Report as the local government's assessment of the proposal based on appropriate planning principles;**
- 2. Council's resolution recommending to the Western Australian Planning Commission to approve the local structure plan**

CARRIED UNANIMOUSLY

OCM087/05/16	Lots 1 and 2 Rowley Road, Darling Downs – Amendment to Local Structure Plan (SJ1041-02)
Author:	Haydn Ruse – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	27 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Whelans Australia Pty Ltd
 Owner: Deneva Pty Ltd
 Date of Receipt: 24 August 2015
 Lot Area: 114,474m² (11.4474ha)
 Town Planning Scheme No. 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

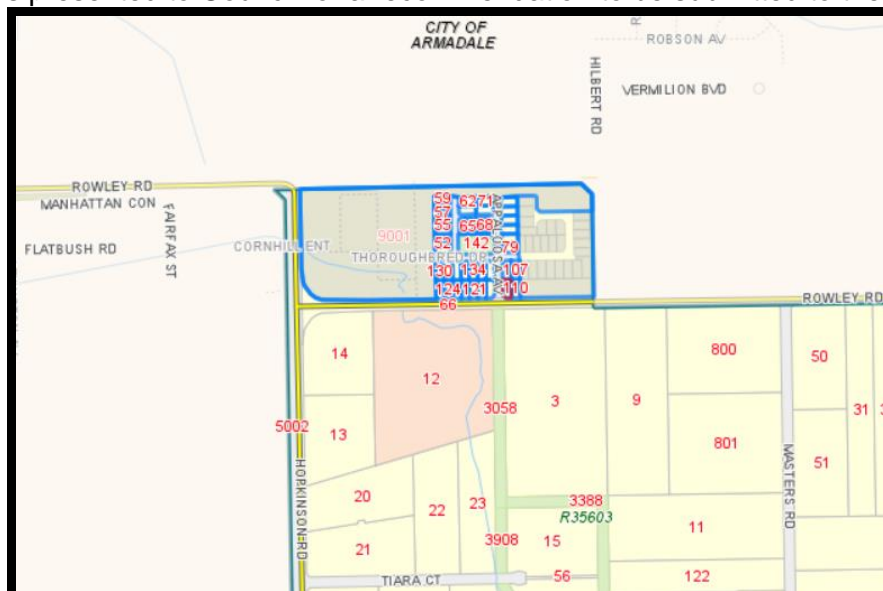
An application was received by the Shire on 24 August 2015 for an amendment to the Local Structure Plan (LSP) for Lots 1 and 2 Rowley Road, Darling Downs.

The purpose of the report is to consider submissions received on the proposed amendments to the Lots 1 and 2 Rowley Road, Darling Downs LSP and make a recommendation to the Western Australian Planning Commission (WAPC) on whether the LSP amendment should be approved.

The proposal seeks to increase land designated for public open space for drainage purposes. As a result there will be a decrease in land allocated for residential land and public open space for recreation and the realignment of an internal road. The amendments also seek to adopt the WAPC *Planning Bulletin 112/2015 Medium-Density Single House Development Standards – Development Areas (R-MD Codes)* which will vary the requirements of the Residential Design Codes (R Codes) for future development.

Clause 20(2)(e) of Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

This report is presented to Council for a recommendation to be submitted to the WAPC.



Locality Plan

Background:

The site has received clearance of conditions for the subdivision of the first stage of the development. This stage consists of 43 lots most of which have been built on. There is a subdivision approval for stage 2 which consists of a further 26 lots and a grouped housing site. The clearance of conditions for this stage are currently undergoing State Administrative Tribunal (SAT) proceedings. The appeal is in relation to road upgrade requirements set by the WAPC at subdivision stage, the proposed amendments will not impact this appeal.

The LSP provides planning framework to guide the future subdivision and development of the remaining three (3) stages of development which consist of a significant amount of public open space and higher density development to the initial stages.

The LSP area is bound by Rowley Road to the North and South, Hopkinson Road to the West and Hilbert Road to the East.

Proposal:

The amendments to the LSP entail five (5) key changes:

1. An increase of 2,831m² to the area allocated to public open space for drainage purposes.
2. A decrease of 67m² to the area allocated to public open space for recreation.
3. A decrease of 2,764m² to the area allocated to residential land.
4. Relocation of an internal road to account for the changes to the area allocated for public open space and residential land.
5. The adoption of WAPC *Planning Bulletin 112/2015 Medium-Density Single House Development Standards – Development Areas* (R-MD Codes).

The site is approximately 11.45 hectares and forecasts 185 residential lots, which will be reduced to 179 under the proposed amendments.

The reduction in lots is a result of an increase in the amount of public open space for drainage purposes. The increased public open space for drainage has required the reduction in area for public open space for recreation and in area for residential land.

The amendments also seek to adopt the R-MD Codes. It has been noted that under WAPC *Planning Bulletin 112/2015 Medium-Density Single House Development Standards – Development Areas* the R-MD Codes can only be adopted as a council policy or through a Local Development Plan.

Relevant Previous Decisions of Council:

SD084/04/08 - On 28 April 2009 Council resolved to endorse amendment no. 155 to Town Planning Scheme without modification and recommend approval to the Western Australian planning Commission.

OCM167/06/12 – On 18 June 2012 Council resolved to endorse the Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs

Community / Stakeholder Consultation:

Pursuant to Clause 18(2) of the Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed LSP was publicly advertised between 22 January 2016 and 4 March 2016, inclusive.

The application was referred to all landowners within a 500m radius and key government agencies. A total of 14 submission were received from following government agencies:

- Department of Water
- Water Corporation

- Main Roads WA
- State Heritage Office
- Telstra
- Department of Aboriginal Affairs
- ATCO Gas
- Department of Education
- Office of the Environmental Protection Authority
- Department of Environment Regulation
- Department of Transport
- Department of Health
- Department of Parks and Wildlife
- Department of Mines and Petroleum

No submissions were received from surrounding landowners.

Of the 14 submissions 11 were no objection and 3 raised concerns, the main concerns are as follows and addressed within the planning assessment section of this report:

- The current Local Water Management Plan is not current and should be updated prior to final approval of amendments.
- Intersection design for Hopkinson road and Rowley Road North

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): the site is zoned ‘Urban’ under the MRS
- Town Planning Scheme 2 (TPS2): the Shire is zoned ‘Urban Development’ under the TPS 2

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

3.1	Urban Design with Rural Charm
3.1.1	Maintain the area’s distinct rural character, create village environments and provide facilities that serve the community’s needs, and encourage social interaction.
3.1.2	Provide appropriate amenities and accommodation for the Shire’s growing population of youth and seniors.

Well integrated public open space provides an opportunity to create rural character in an urban environment. The proposed modifications will increase the amount of public open space available to future residents. The additional public open space will provide a vital amenity to the future and current residents of the development and surrounding areas and will support and encourage social interaction. As such, the amendments are considered to meet the objectives of the Strategic Community Plan.

Planning Assessment:

The Shire’s officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the WAPC Framework for Structure Plans and Liveable Neighbourhoods.

The four (4) relevant amendments proposed which directly relate to elements of liveable neighbourhoods. The adoption of the R-MD Codes cannot be considered as part of the LSP as they are specifically for use in Council policies or Local Development plans.

In terms of public open space, even with the reduction in area of land for the purpose of recreation the LSP still provides 10.2% of the total sub dividable area for public open space for recreation. This is consistent with the required 10% public open space under liveable neighbourhoods.

The table below shows the required and provided breakdown of public open space under liveable neighbourhoods:

Public Open Space Type	Required	Provided
Unrestricted (for recreation)	Minimum 80%	80.4%
Restricted (for drainage purposes)	Maximum 20%	19.6%

The resulting reduction in residential land will reduce the overall lot yield from 26 to 22 dwellings per site hectare, which is still consistent with the required 20 – 30 dwellings per site hectare.

Proposed road network modifications changes do not include any alteration to road reserve width or the function of the road. As such there is not conflict between this amendment and liveable neighbourhoods.

Submissions received through advertising identified that the amendments to the LSP do not include an updated Local Water Management Strategy, which forms part of the LSP. The purpose of the amendment is to allow more public open space for drainage purposes, however the lack of an updated Local Water Management Strategy will create an inconsistency within the LSP document. The Shire requests that modifications be made to the LSP to incorporate relevant concerns raised by these submissions in relation to the Local Water Management Strategy.

In light of the above assessment the following modifications are proposed:

1. Removal of the R-MD Codes from the Structure Plan document.

WAPC *Planning Bulletin 112/2015 Medium-Density Single House Development Standards – Development Areas* states that the R-MD Codes can be adopted as a Council policy or incorporated in Local Development Plans. The R-MD Codes cannot be adopted under a LSP.

2. Update of the Local Water Management Strategy.

As noted by the Department of Water and Water Corporation this supporting document should be updated to reflect changes in the Local Structure Plan.

Shire officers also note future intersection upgrade designs for the following intersections:

- Rowley Road North and Hilbert Road – Future roundabout, subject to design
- Rowley Road South and Hilbert Road – Future roundabout, subject to design
- Rowley Road North and Hopkinson Road – Traffic signal intersection or roundabout, subject to further studies and design.

The final design for these intersections are currently undetermined. The Hilbert Road intersections are being contested at the SAT and may not result in a final design being determined in the near future. The Rowley Road North and Hopkinson Road intersection is subject to future traffic modelling and design and similarly may not be determined in the near future. It is therefore recommended that a condition be placed on the LSP approval requiring the final intersection designs to be represented on the LSP once finalised.

Options and Implications:

In making a recommendation to the WAPC pursuant to Clause 20 (2) (e) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council has the following options:

Option 1: Council may resolve to recommend approval of the LSP with modifications.

Approval subject to modifications will allow for better urban water management and provide more area for public open space.

Option 2: Council may resolve to recommend refusal of the LSP.

Refusal will prevent the developer from being able to provide adequate drainage for the area and may result in an appeal to the State Administrative Tribunal which may not be argued successfully.

Option 1 is recommended.

Conclusion:

The proposal consists of four (4) relevant amendments to the current approved Local Structure Plan for lots 1 and 2 Rowley Road, Darling Downs. The proposal to adopt the R-MD Codes into the LSP is not relevant as it can only be adopted through a Council policy or included in a Local Development Plan. The relevant amendments will benefit the future of the development area by creating the opportunity for additional amenities in public open space areas and allowing better urban water management. Furthermore, the schedule of modifications includes a recommendation for the WAPC to approve the LSP subject to a condition requiring the illustration of future intersection upgrades surrounding the site.

Accordingly, the amendment is supported by the Shire subject to modifications.

- [OCM087.1/05/16](#) – Proposed modifications (IN15/17534)
- [OCM087.2/05/16](#) – Summary of Submissions (E16/834)
- [OCM087.3/05/16](#) – Schedule of Modifications (E16/3376)
- [OCM087.4/05/16](#) – Updated Local Structure Plan Map (E16/3701)

OCM087/05/16 COUNCIL DECISION / Officers Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the schedule of submissions and comments contained within attachment OCM087.2/05/16.
2. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission approval of the Lots 1 and 2 Rowley Road, Darling Downs Local Structure Plan Amendment with modifications as outlined in the Schedule of Modifications contained within attachment OCM087.3/05/16 and illustrated in attachment OCM087.4/05/16 and forward to the Western Australian Planning Commission the following:
 - a. A list of the submissions considered by the local government and any comments by the local government in respect of those submission OCM087.2/05/16;
 - b. A schedule of any proposed modifications to address issues raised in the submissions OCM087.3/05/16 and OCM087.4/05/16;
 - c. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and
 - d. Council's resolution recommending to the Western Australian Planning Commission to approve the local structure plan amendment with modifications.

CARRIED 6/3

OCM088/05/16 Modification to Local Structure Plan – The Glades (SJ1915)	
Author:	Regan Travers – Senior Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	22 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Luke Montgomery (Taylor Burrell Barnett)
 Owner: Various
 Date of Receipt: 26 November 2015
 Lot Area: Various
 Town Planning Scheme No. 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is for Council to consider the proposed Modification to the existing Local Structure Plan known as 'The Glades' and the submissions received during the Community Consultation process. Clause 20(2)(e) of Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires a recommendation by the Local Government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

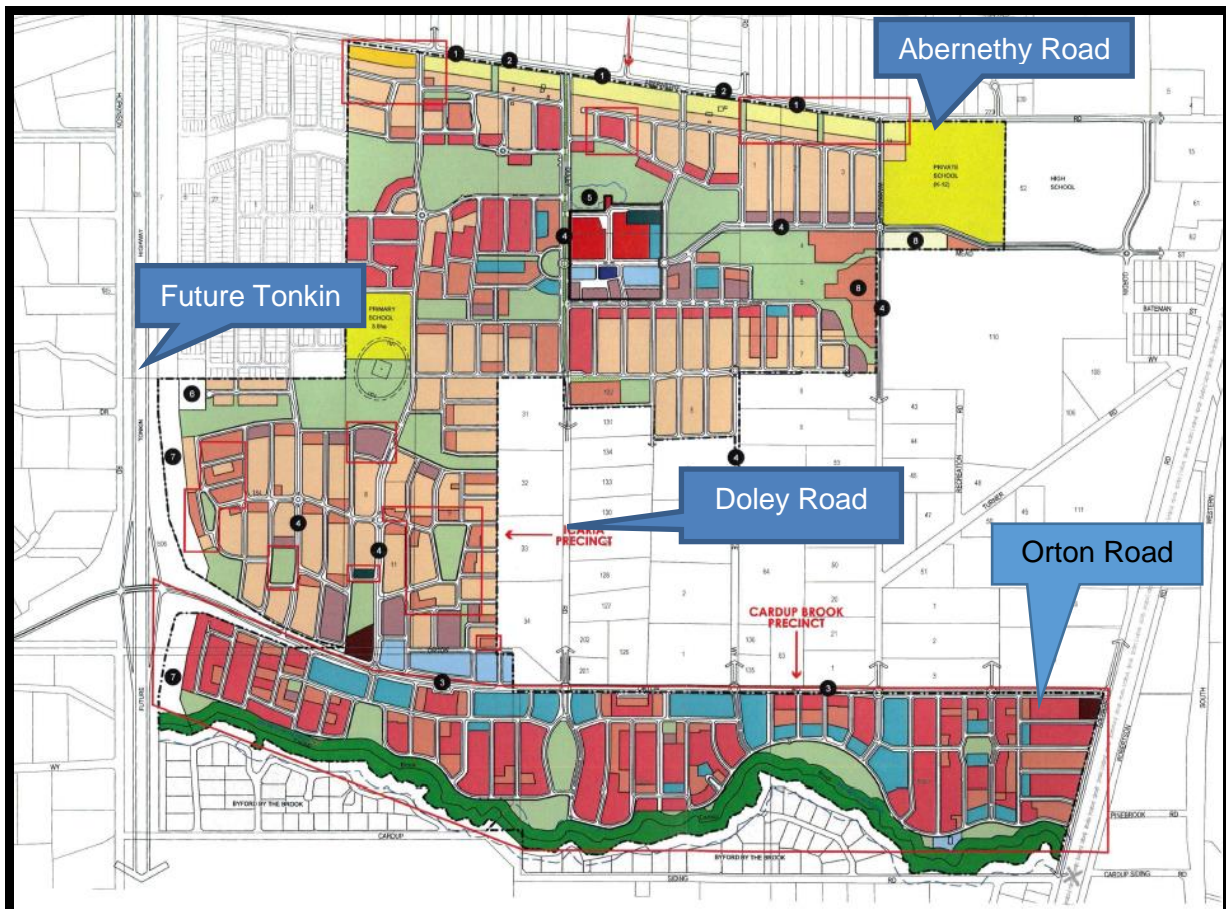


Figure 1: Locality Plan

The Modified Structure Plan has been assessed with regard to the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Western Australian Planning Commission Structure Plan Framework August 2015*. Clause 20(2)(e) of Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires a

recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

The purpose of this report is for Council to consider a Structure Plan for Byford Main Precinct (Glades), as Shire Officers do not have delegation to determine Structure Plans in accordance with P032D and P032S – Structure Plans.

The report recommends that the Modified Structure Plan submitted be recommended for approval subject to modifications as discussed within the report.

Background:

Existing Local Structure Plan:

Following the advertising of the Byford Local Structure Plan in late 2009, Council adopted the Local Structure Plan subject to modifications on 9th June 2010 and then referred the modified Local Structure Plan to the WAPC for its consideration. The WAPC reviewed the Local Structure Plan with a view to make a determination as to whether to approve the Local Structure Plan with or without modifications. The WAPC referred the Local Structure Plan with modifications to the Shire for consultation with a formal position being adopted by the Council at the Ordinary Council Meeting held 12th December 2010.

The Local Structure Plan along with Council's recommendation was presented to the Statutory Planning Committee Meeting of the WAPC on 22nd February 2011, with the WAPC giving notice of its decision to approve the Local Structure Plan on 28th February 2011.

At the Ordinary Council Meeting held 27th April 2011, Council resolved to finally adopt the Local Structure Plan.

Since the original adoption in April 2011 there has been seven modifications approved for 'The Glades Local Structure Plan,' with the current modification being the eighth.

Proposed Modifications to Existing Local Structure Plan:

The modifications to the Existing Local Structure Plan have been split into five areas:-

- Stage 7 Coral Gardens,
- Western Street cell adjacent to Abernethy Road,
- Eastern Street cell adjacent to Abernethy Road,
- Icaria Precinct and
- Cardup Brook Precinct.

Stage 7 Coral Gardens

The Local Structure Plan Modification in Stage 7 Coral Gardens reflects a revised subdivision layout which was approved by the WAPC (S146392) which reduced the number of lots with a direct interface with the Public Open Space area which is an outcome consistent with lot layout principles of Liveable Neighbourhoods. Lots which have a direct interface with Public Open Space offer poor built form outcomes due to house designs for lots rarely reflecting a true 'dual frontage'.



Figure 2: Revised Subdivision Approval



Figure 3: Original Subdivision Approval

Western Street cell adjacent to Abernethy Road

The Local Structure Plan Modification in this area increases the density code from R12.5 to R15 to accommodate lot sizes below 700m². It affects seven lots on the subdivision plan. The increase in residential density accommodates a transition in lot size from The Glades Local Structure Plan area to the existing Special Residential lots on the northern side of Abernethy Road. The increase in density is proposed to offset additional road widening and drainage from Abernethy Road, within The Glades Local Structure Plan Area. The original subdivision approval for this areas was issued by the WAPC on 11 December 2015 (S152171).

Eastern Street cell adjacent to Abernethy Road

The Local Structure Plan Modification in this area increases the density code from R10 to R12.5. The increase in density allows for shallower lots which are suited to the area due to a part closure of Abernethy Road. The original subdivision approval for this areas was issued by the WAPC on 11 December 2015 (S152171).

Icaria Precinct

The Local Structure Plan Modification reflects changes approved through WAPC subdivisions S148604 and S150178. Modifications in this area will bring the Local Structure Plan into alignment with the approved plans of subdivision.

In addition to the changes through subdivision, an area to the north of the south-central park is proposed to be increased in density from R40 to R60 to accommodate a change in lot design. An R40 density allows for lot dimensions of 7.5 metres width and 30 metres depth, while an R60 density allows for 6 metre widths and 25 metre depth. The intention is to facilitate the development of two storey single dwellings which provides for a housing choice not commonly available in the Byford urban development area.

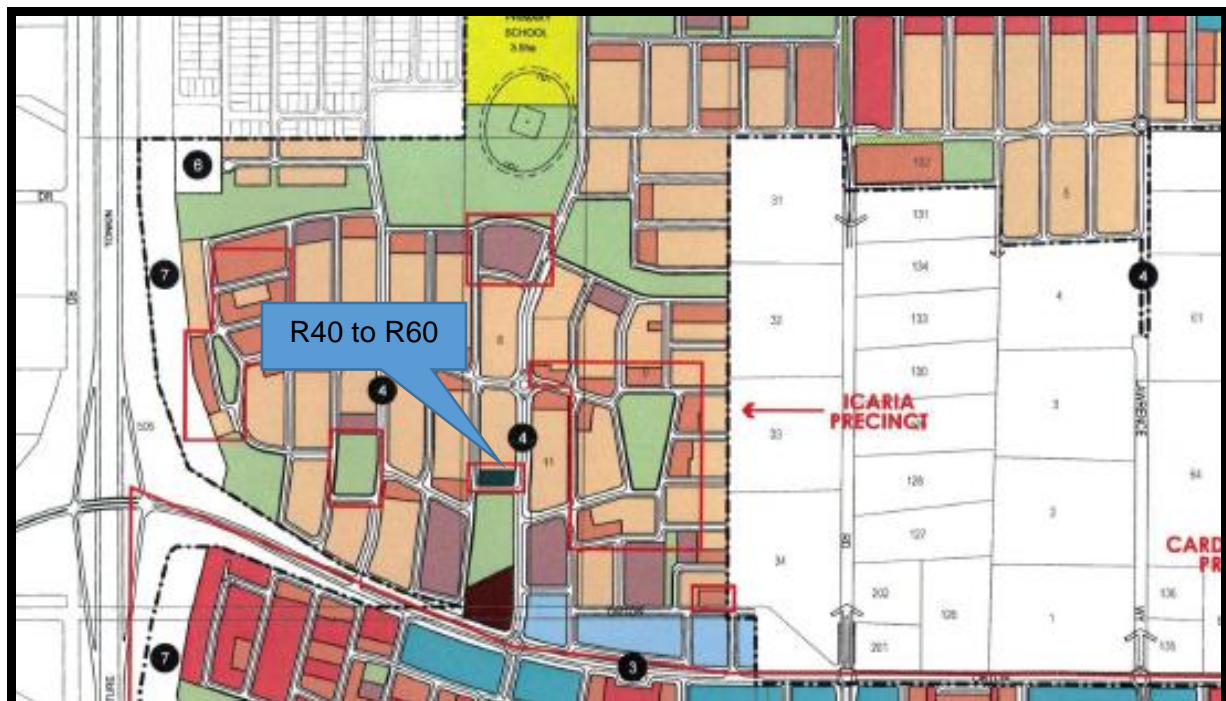


Figure 4: Icaria Precinct

Cardup Brook Precinct

The Local Structure Plan Modification proposes changes to the subdivision and land use layout for the Cardup Brook area, which is located to the south of Orton Road. The design review has been undertaken by the Applicant due to the age of the current design and a new direction in lot types and market demand.

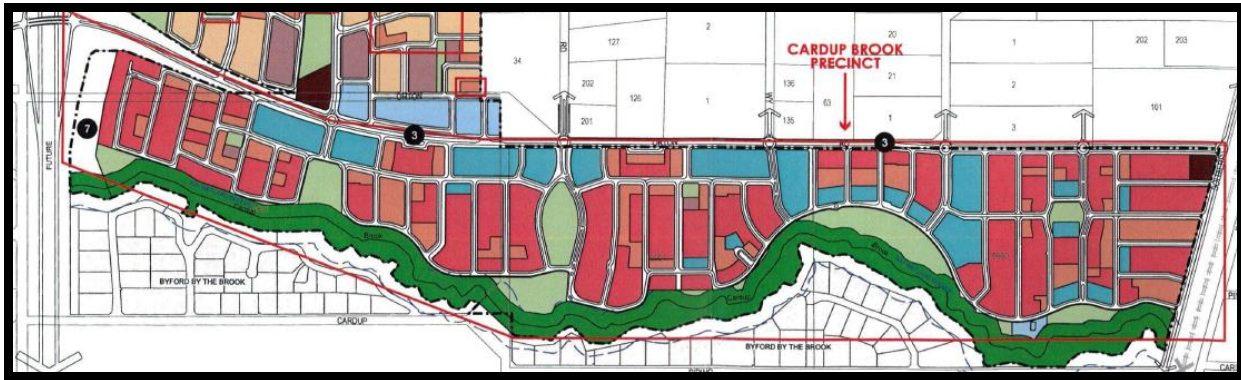


Figure 5: Cardup Brook Precinct

Relevant Previous Decisions of Council:

OCM098/12/13 – Modification No.7 to Byford Main Precinct (Glades) Structure Plan 9/12/13 – Adopted by Council and forwarded to WAPC for consideration (SJ1561).

OCM144/02/13 – Modification No.6 to Byford Main Precinct (Glades) Structure Plan 25/2/13 – Adopted by Council and forwarded to WAPC for consideration (SJ1463).

OCM103/12/12 – Modification No.5 to Byford Main Precinct (Glades) Structure Plan 10/12/12 - Adopted by Council and forwarded to WAPC for consideration (SJ1436).

OCM103/12/12 – Modification No.4 to Byford Main Precinct (Glades) Structure Plan 26/11/12 - Adopted by Council and forwarded to WAPC for consideration (SJ1413).

OCM103/6/12 – Modification No.3 to Byford Main Precinct (Glades) Structure Plan 11/06/12 - Adopted by Council and forwarded to WAPC for consideration (A2088).

SD053/10/11 - Modification No.2 to Byford Main Precinct (Glades) Structure Plan 24/10/11 - Adopted by Council and forwarded to WAPC for consideration (A2061).

SD093/04/11 – Final Adoption of Byford Main Precinct (Glades) Structure Plan 27/4/11 (A1654)

Community / Stakeholder Consultation:

Pursuant to Clause 18(2) of the Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed LSP was publicly advertised between the 28 January 2016 and 25 February 2016, inclusive.

The application was referred to all landowners within the Byford Main Precinct (Glades) and all landowners within 500 metres of the Structure Plan area.

A total of four (4) stakeholder submissions have been received, all of which have objected or expressed concerns with the proposed modifications, subsequently seeking modifications. No submissions were received expressing support for the proposal. The key issues raised during the submission period are discussed in the Schedule of Submissions attached to this report and can be summarised as:

- Lack of Doley Road connection to the south, across Cardup Brook;
- Structure Plan design is contrary to principles of sound planning;
- Design not supported by a transport assessment;
- Lack of consideration of ecosystems and urban heat soak; and
- Change in R-Code from R40 to R60 (within Icaria Precinct).

Government Agencies:

Pursuant to Clause 18(1) (b) of the Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, comment on the proposed Structure Plan was sought from the following public authorities and service providers:

- Alinta Gas
- ATCO Gas Australia
- Department of Aboriginal Affairs
- Department of Agriculture and Food WA
- Department of Environment Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife
- Department of Planning
- Department of Transport
- Department of Water – Peel Region
- Environmental Protection Authority
- Heritage Council of WA
- Main Roads WA
- Peel Harvey Catchment Council
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Eleven submissions were received from agencies and service providers as noted in the Schedule of Submissions attached to this report.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Western Australian Planning Commission Framework for Local Development Plans 2015
- State Planning Policy 3.1 - Residential Design Codes
- Liveable Neighbourhoods
- Perth and Peel @ 3.5 Million and South Metropolitan Perth Peel Sub-regional Planning Framework

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

The Shire’s Strategic Community Plan defines rural charm by maintaining the localities rural character and providing facilities that serve the community’s needs.

Planning Assessment:

The Shire’s officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the WAPC Framework for

Structure Plans, Liveable Neighbourhoods, State Planning Policy 3.1 – Residential Design Codes, Local Planning Policies.

WAPC Framework for Structure Plans:

The WAPC Framework for Structure Plans provides guidance as to how Structure Plans should be formatted and designed.

Part 10 notes the density ranges which are to be used in structure plans, as shown below.

Low density	Medium density	High density
R2 – R5	R25 – R40	R80 – R100
R5 – R10	R40 – R60	R160
R10 – R20		

The applicant has shown a mix of methodologies, providing specific R-code densities for some lots, and a density range for others as shown below.

R-Code Densities Shown on Glades Structure Plan
R10
R12.5
R15
R20
R20-30
R25
R30
R40
R50
R60

Shire officers recommend the R20-30 lots be incorporated into the R30 density code to avoid confusion and to ensure consistency with the WAPC Framework for Structure Plans.

While the applicant has provided a package of information to support the proposed modifications to the Glades Structure Plan to facilitate advertising of the proposal, the applicant has not provided an amended Structure Plan document in accordance with the WAPC Framework for Structure Plans. Shire officers recommend the revised Structure Plan document be included in the Schedule of Modifications to be forwarded to the WAPC for consideration.

Liveable Neighbourhoods:

Liveable Neighbourhoods has been prepared to implement the objectives of the State Planning Strategy which aims to guide the sustainable development of Western Australia to 2029. Liveable Neighbourhoods operates as a development control policy, or code, to facilitate the development of sustainable communities. Liveable Neighbourhoods reviews and draws together separate policy aspects such as lot size, movement systems, activity centres, public open space, school sites, urban water management and development adjacent to transit stations. Each element is discussed below:

Element 1: Community Design

This element sets out the intent of Liveable Neighbourhoods with respect to how towns and neighbourhoods should be structured, the layout of street networks and block structures, the mixing of uses and facilitation or employment opportunities, the range of residential densities and other urban design issues.

The proposed modifications to the Glades Structure Plan are consistent with the community design objectives of Liveable Neighbourhoods. The modifications provide a safe, convenient and attractive neighbourhood that is likely to meet the diverse and changing needs of the community with regards to housing. The range of R-Code densities provides choice, housing affordability and the possibility of ageing in place. Employment opportunities are afforded by the mixed use area, however it is noted that the amount of mixed use has been significantly reduced. The reduction in mixed use lots is not consistent with the Byford District Structure Plan and given the need for employment opportunities for the growing Byford population, is not considered to be consistent with the principles of orderly planning.

Other elements of community design are relevant to the Structure plan, however, they are not proposed to be modified.

Element 2: Movement Network

This element sets out the Liveable Neighbourhoods approach to determining movement networks, street design and construction, and public transport. The emphasis is upon connectivity, amenity, and integration to achieve safe, efficient and attractive street networks. The priority is to develop a street network that not only works for vehicles and public transport but also specifically aims to attract a high level of use by pedestrians, cyclists and the disabled.

The proposed amendments to street layout are generally consistent with the objectives of Liveable Neighbourhoods. Objective O4 aims to establish a movement network which provides convenient linkages to activity centres and local facilities either in or adjoining the development.

As noted in the responses to submissions, the proposed modified Structure Plan does not give regard to a southern extension of Doley Road which is depicted in the draft 'Perth and Peel @ 3.5 Million' and 'Southern Metropolitan and Peel Sub-Regional Planning Framework'. The absence of a southern connection to an area identified in the draft document for urban expansion is not consistent with the objectives of Liveable Neighbourhoods. Shire officers recommend the Structure Plan be modified to allow for a potential future connection across Cardup Brook to the possible

Element 3: Lot Layout

This element outlines the requirements for residential lots in a planning context where a mixture of compatible uses is encouraged. There is an emphasis on lot size variety, establishing higher densities and site responsive design among others. Medium density (R40-R60) and small lot development should be made more appealing by being located in high amenity areas such as close to town and neighbourhood centres or overlooking parks.

While some R60 lots are located in close proximity to the mixed use area, the majority are located away from mixed use along Orton Road. This is not consistent with Liveable Neighbourhoods which indicates the R60 lots should focus on high amenity areas such as abutting Cardup Brook, which instead has lower densities of the R20-R30 range.

The north easterly public space features R60 lots directly abutting it which is a poor urban design outcome due to dual-frontage lots resulting in poor built form outcomes. Shire officers recommend a road frontage be provided for the lots shown below.



Element 4: Public Parkland

Public parkland that can be used by a wide range of people living or working in urban areas, contributes significantly to quality of life.

The proposed Structure Plan modification proposes open space variations in the Icaria Precinct to reflect minor changes which have been applied through the subdivision process, while the majority of changes occur in the Cardup Brook Precinct. A 'teardrop' open space area is shown abutting the southern extension of Doley Road, open space in the eastern part of the Cardup Brook Precinct appears to be regularised in shape and also reduced in size. The Applicant has not provided an updated Public Open Space Schedule in its application package, however a Public Open Space rationale plan has been provided. Shire officers recommend an updated Public Open Space schedule be included on the schedule of modifications to be forwarded to the Western Australian Planning Commission. Shire officers are not supportive of a reduction in the overall contribution to Public Open Space across the developed and undeveloped parts of the Byford Main Precinct (Glades) Structure Plan.

Element 5: Urban Water Management

The achievement of appropriate urban water management in a well-structured urban environment is one of the key challenges in Liveable Neighbourhoods. It seeks to promote opportunities for linking water management infrastructure with the urban built form and landscape design aims at achieving a more sustainable development through:

- Reducing the amount of water transported between catchments, both in water supply and wastewater export;
- Optimising the use of rainwater that falls in urban areas;
- Achieving appropriate quality and quantity targets with respect to storm water run-off; and
- Achieving sustainable urban structure and form.

The Applicant has provided an Urban Water Management Plan prepared by JDA for the Cardup Brook Precinct. As noted in the submission responses, the Department of Water is satisfied that the revised Urban Water Management Plan reflects the proposed modifications.

Element 6: Utilities

This element covers contemporary subdivision servicing requirements and emphasises the need to predetermine, through design, the most appropriate way in which to provide utility services in a sustainable and land-efficient manner.

The Applicant has not provided any information regarding utilities and servicing related to the proposed modification. Shire officers do not expect requirements for servicing to have changed since the current Structure Plan was approved. As noted in the submission responses, a servicing plan is recommended to be part of the schedule of modifications forwarded to the Western Australian Planning Commission.

Element 7: Activity Centres and Employment

Structure Plans and subdivision plans should provide indicative layouts and massing for centres and other employment generating areas. Some benefits of street based mixed use areas include:

- Better urban and streetscape amenity;
- Support for sustainable transport nodes;
- Catalyst of mixed use, jobs, service businesses, commercial and complementary uses;
- Capacity to incrementally evolve and adapt to changing economic and social conditions over time; and
- Support of higher density housing in close proximity.

The Applicant proposes to remove approximately 50% of the mixed use area, resulting in too mixed use being provided on the southern side of Orton Road, with the exception of an isolated site in the eastern part of the Cardup Brook Precinct.

As previously discussed in this report, Shire officers are not supportive of a reduction in mixed use area of the Structure Plan due to the increasing need for employment generators in the growing Byford area.

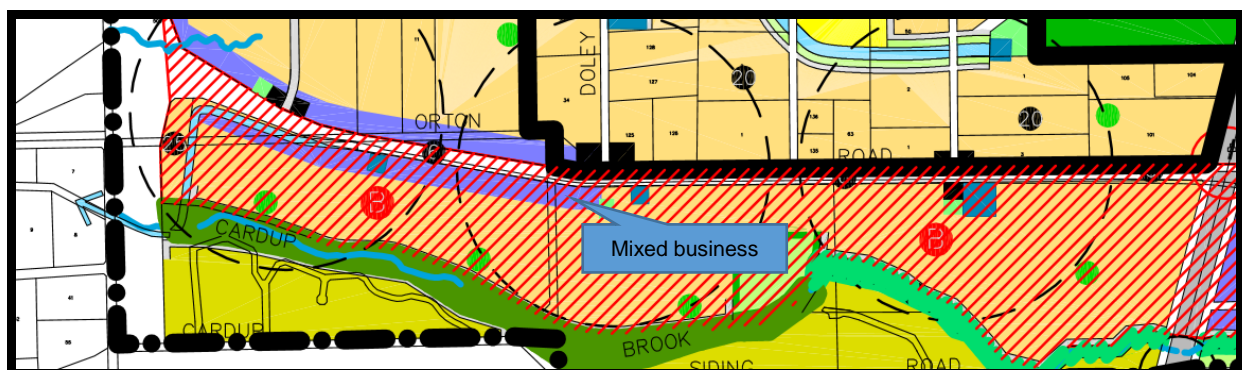
Element 8: Schools

The proposed modified Structure Plan does not affect any school sites. The Primary School site on Kokoda Boulevard has received development approval.

Byford District Structure Plan

The Byford District Structure Plan provides the broad district level planning framework for development of the Structure Plan area. It provides the broad disposition of land use, major roads, rail and other community infrastructure.

The proposed modified Structure Plan is consistent with the Byford District Structure Plan, with the exception of the provision of the 'mixed business' area, which, as discussed previously in the report has been removed from the southern side of Orton Road.



The intent of the 'mixed business' area was to provide a targeted commercial area in close proximity to a major future transport connection, being Tonkin Highway. The proposed Structure Plan indicates a 50% reduction in the business and employment sectors for local Byford resident than was anticipated under the District Structure Plan.

The Applicant has not provided a detailed explanation for the removal of mixed use from the Byford Main Precinct (Glades) Structure Plan, other than stating it is a 'rationalisation'.

Shire officers highlight the importance of employment and service generators within urban developments. Smaller developments typically serve local residents and specialised visitors, while the Byford Town Centre will account for a significant portion of local employment and business opportunities. With a growing population, Shire officers insist that no reductions in mixed use areas are supported and that they are reinstated on the proposed Structure Plan.

Local Planning Policy No.24 – Designing Out Crime

The objectives of the Shires Designing out crime policy are to encourage urban development within the Shire to incorporate designing out crime principles, provide guidance in relation to built form outcomes to support the actual and perceived crime and anti-social behaviour and offer guidance on design and assessment of planning proposals.

Shire officers consider the proposed Structure Plan modifications to be consistent with the principles of designing out crime. The subdivision layout does not create any antisocial enclaves, nor does it include Public Access Ways with limited or no passive surveillance.

Local Planning Policy No.57 – Housing Diversity

Housing diversity is the achievement of a mix of dwellings that meet the different needs of a wide range of people in the community.

The proposed Structure Plan modification is consistent in this objective, providing lots from residential densities of R10 to R60.

Local Planning Policy No.60 – Public Open Space

The Shire of Serpentine Jarrahdale's Plan for the Future aims to rationalise existing and responsibly plan new public open spaces to ensure the sustainable provision of recreation sites. It recognises the need to provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.

Shire officers consider the changes to Public Open Space to reflect Policy aspirations, with the exception of the central 'teardrop' Public Open Space which could be a more usable space if it was a regular rectangle shape. Shire officers believe the current shape is to facilitate a meandering entry to the Cardup Brook Precinct rather than a primarily functional and useable open space for local residents.

Options and Implications:

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to recommend approval of the amended Structure Plan subject to a schedule of modifications.

Option 2: Council may resolve to recommend refusal of the amended Structure Plan.

Conclusion:

The Applicant proposes an updated Structure Plan to reflect market trends for development in the Byford area. Subject to modifications, Shire officers consider the amended Structure Plan to be suitable to recommend for Western Australian Planning Commission approval.

Attachments:

- [OCM088.1/05/16](#) – Structure Plan and attachments (IN15/25105)
- [OCM088.2/05/16](#) – Schedule of Modifications (E16/3398)
- [OCM088.3/05/16](#) – Schedule of Submissions (E16/3647)
- [OCM088.4/05/16](#) - Addendum to Council Report (E16/4184)

Voting Requirements: Simple Majority

**Officer Recommendation:
That Council:**

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the schedule of submissions and comments contained within attachment OCM088.3/05/16.**
- 2. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the amended Byford Main Precinct (The Glades) Structure Plan with modifications as outlined in the Schedule of Modifications contained within attachment OCMxxx.2/05/15 and forward to the Western Australian Planning Commission the following:**
 - a. A list of the submissions considered by the local government;**
 - b. Any comments by the local government in respect of those submissions;**
 - c. A schedule of any proposed modifications to address issues raised in the submissions;**
 - d. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and**
 - e. Council's resolution recommending to the Western Australian Planning Commission to approve the amended local structure plan with modifications.**

OCM088/05/16 COUNCIL DECISION / New Motion:

Moved Cr Rich, seconded Cr Ellis

- 1. Receives the memo from Shire officers in response to questions raised as attachment OCM088.4/05/16**
- 2. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the amended schedule of submissions and comments contained within attachment OCM088.3/05/16 and attachment OCM088.4/05/16.**
- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the amended Byford Main Precinct (The Glades) Structure Plan for all proposed amendments north of Orton Road as outlined the Schedule of Modifications contained within attachment OCM088.2/05/16 and recommends to the Western Australian Planning Commission not to support the amendments proposed south of Orton Road for reasons as contained in attachment OCM088.4/05/16 and forward to the Western Australian Planning Commission the following:**
 - a. A list of the submissions considered by the local government;**
 - b. Any comments by the local government in respect of those submissions;**
 - c. A schedule of any proposed modifications to address issues raised in the submissions;**
 - d. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and**
 - e. Council's resolution recommending to the Western Australian Planning Commission to approve the amended local structure plan with modifications.**
 - f. The memo included within attachment OCM088.4/05/16**

CARRIED UNANIMOUSLY

OCM089/05/16	Byford Skate Park – Proposed Change to Scope of Works (SJ2010)
Author:	Evian Elzinga – Strategic Community Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	5 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is for Council to support the scope of works for the Byford Skate Park and to consider an allocation in the 2016/17 financial budget. The population of the Byford precinct justifies the need for a skate park. Several strategic documents have identified the scale of this project as a regional facility.

Background:

This project (BYP900) has been approved by Council for construction in the 2015/16 financial year. The current budget allocation is \$ 100,000 (excluding GST) for the entire project to completion.

The scope of works for this project was the feasibility study, complete design of the skate park, and the construction of stage 1. The tender process has displayed significant interest from contractors, however, due to the relatively small budget allocation, only one submission was received for the project. The submission was made by a local skate park design and construction company, who demonstrated appropriate experience to be awarded the contract. The full budget was allocated to the consultants in order to maximise the construction potential for the initial stage and to meet community expectations.

During an initial geotechnical survey, two existing underground services were discovered in the proposed skate park area. The necessary relocation of underground services is additional to the expected budget and this initiated the requirement for a budget request. Additional to the scope would also be landscaping, electrical lighting plans, amenities and lighting.

The current budget would compromise the design and construction of the skate park, and therefore additional funding is requested for the new financial year to allow the construction of stages 1 and 2 to commence simultaneously. This would ultimately lower the construction costs, and maximise the outcome potential of the Byford Skate Park. The current budget allocation would be allocated for an improved design outcome, as well as the remaining budget funds to be carried forward for landscaping and amenities.

The total amount requested, additional to the current budget, is \$200,000 (excluding GST).

Relevant Previous Decisions of Council:

OCM053.09.14 – Council resolved to endorse the Briggs Park Recreation Precinct Master Plan.

Community / Stakeholder Consultation:

Community consultation was held at Byford Secondary College and at Briggs Park Pavilion on 7 April, 2016. This was a workshop that engaged youth to influence the design, with a successful turnout and response.

Comment:

The proposed budget amount for consideration in 2016/17 is \$200,000 (excl. GST). Table 1 provides the cost overview of the items for transparency.

Table 1: Cost Overview

Description	Cost (Excl. GST)	Status	Comment
Relocation of underground services	\$20,000	Required	2015/16 Financial Year (Existing Budget)
Feasibility Study	\$8,400	Paid	2015/16 Financial Year (Existing Budget)
Complete Detailed Design	\$18,150	Required	2015/16 Financial Year (Existing Budget)
Construction of Stages 1 and 2	\$200,000	Required	2016/17 Financial Year
Landscaping and Amenities	\$53,450	Required	2016/17 Financial Year (Carried forward from existing budget)
Construction Stage 3	\$100,000	Required	At a future date

Proposal:

The proposal is for Council to consider allocating \$200,000 in the 2016/17 financial year in order to complete Byford Skate Park stage 1 and 2 construction.

Conclusion:

It is recommended that Council consider allocating \$200,000 in the 2016/17 financial year to construct a quality skate space for the Byford community.

Attachments:

- [OCM089.1/05/16](#) – Briggs Park Recreation Precinct Master Plan (IN14/17497)

Alignment with our Strategic Community Plan:

The proposal aligns with the following specific objectives outlined in the Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

Nil

Financial Implications:

There are no financial implications.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council considers a budget item of \$200,000 for the construction of stages of 1 and 2 of the Byford Skate Park in Briggs Park, Byford for the 2016/17 budget.

Councillor Hawkins foreshadowed she would move the officers recommendation if the motion under debate is lost.

OCM089/05/16 COUNCIL DECISION / New Motion:

Moved Cr Urban, seconded Cr Gossage

That Council defer consideration of a budget item until the 2016/17 budget is being presented to Council and request the Chief Executive Officer to undertake detailed design in order to determine more detailed costings for the Byford Skate Park in Briggs Park, Byford.

LOST 4/5

OCM 089/05/16 COUNCIL DECISION / Foreshadowed Motion:

Moved Cr Hawkins, seconded Cr See

That Council considers a budget item of \$200,000 for the construction of stages of 1 and 2 of the Byford Skate Park in Briggs Park, Byford for the 2016/17 budget.

CARRIED 5/4

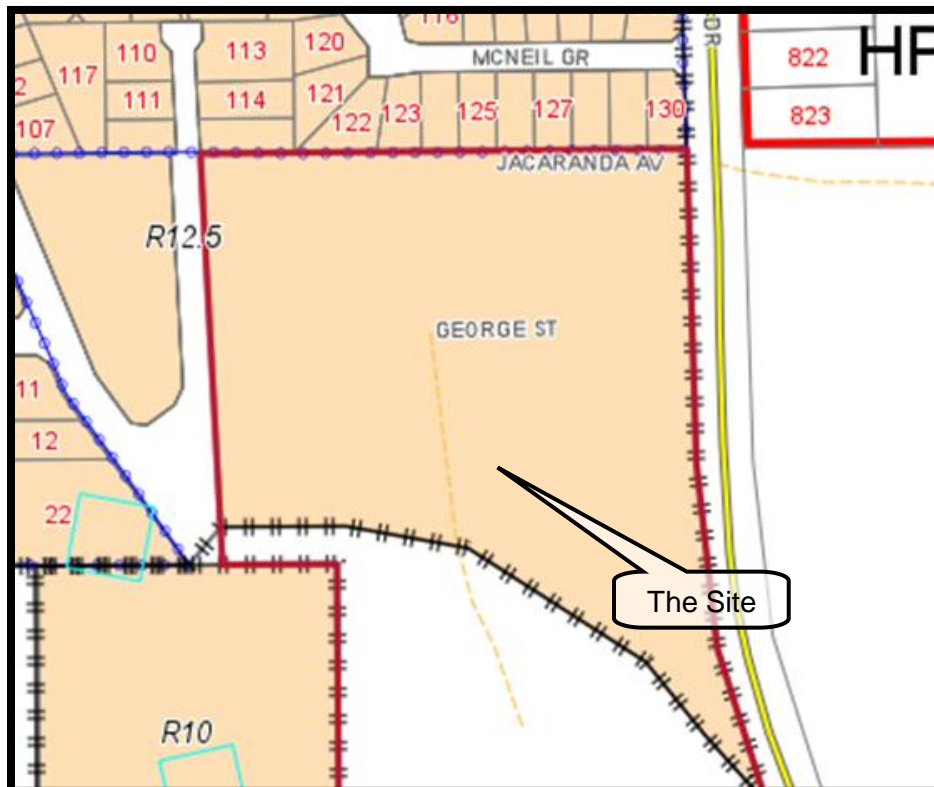
OCM090/05/16 Lot 3,5,9,13,19 Forest Avenue & Lot 360 & Lot 361 Jacaranda Avenue, Jarrahdale – Proposed Demolition (P03269/01)	
Author:	Marcel Bridge – Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	22 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Department of Housing
 Date of Receipt: 2 February 2016
 Lot Area: 115275.074m²
 Town Planning Scheme No. 2 Residential
 Zoning:
 Metropolitan Region Scheme Zoning: ‘State Forests ,Urban’

Introduction:

The purpose of this report is for Council to provide comments on the proposed demolition at Lot 3,5,9,13,19 Forest Avenue, Jarrahdale and Lot 360 & Lot 361 Jacaranda Ave, Jarrahdale.

A referral dated 19 January 2016 has been received from the Department of Housing for the proposed demolition of seven (7) houses within Jacaranda and Forest Avenue, Jarrahdale. The Department of Housings referral has been assessed with regard to the Shire’s Municipal Heritage Inventory List and upon advice received from the Stage Heritage Office. Two properties namely L3 Forest Avenue, Jarrahdale and L19 Forest Avenue, Jarrahdale are category 1B Conservation Essential on the Shires Municipal Inventory List.



Locality Plan

Background:Existing Development:

L360 Jacaranda Avenue Jarrahdale:

Construction Year 1927

Single Detached House Three Bed x One Bathroom

L361 Jacaranda Avenue Jarrahdale

Construction Year 1937

Single Detached House Three Bed x One Bathroom

L19 Forest Avenue Jarrahdale

Construction Year 1937

Single Detached House Three Bed x One Bathroom

L3 Forest Avenue Jarrahdale

Construction Year 1917

Single Detached House Three Bed x One Bathroom

L13 Forest Avenue Jarrahdale

Construction Year 1957

Single Detached House Three Bed x One Bathroom

L9 Forest Avenue Jarrahdale

Construction Year 1927

Single Detached House Three Bed x One Bathroom

L5 Forest Avenue Jarrahdale

Construction Year 1937

Single Detached House Three Bed x One Bathroom

The subject lots are located south of Jarrahdale Road, adjacent to Kingsbury Drive within the suburb of Jarrahdale. The properties are currently owned by the Department of Housing and the lots are not located within the heritage and townscape precincts identified within the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS 2).

Proposed Development:

The proposal includes the demolition of the properties referred to within the existing development section of the report.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this referral.

Community / Stakeholder Consultation:

The application was referred externally to the State Heritage Office as properties 3 Forest Avenue, Jarrahdale and 19 Forest Avenue, Jarrahdale are located within the Shire's Municipal Inventory List, as category 1B Conservation Essential. Comments received by the State Heritage Office can be viewed as part of attachment: **OCM090.9/05/16** – Submission – State Heritage Office (IN16/5054).

Based on the advice received from the State Heritage Office, it has been ascertained that removal of the subject properties is likely to not have an adverse impact on the identified cultural significance of the place.

Statutory Environment:

- *Planning and Development Act 2005*

- *Planning and Development Regulations (Local Planning Schemes) 2015*
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas*
- Shire of Serpentine Jarrahdale Municipal Heritage Inventory (Part 1).
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

The Shire’s Strategic Community Plan defines rural charm by maintaining the localities rural character and providing facilities that serve the community’s needs. The proposal will result in the loss of seven (7) dwellings, whereby 3 Forest Avenue, Jarrahdale and 19 Forest Avenue, Jarrahdale are located within the Shire’s Municipal Inventory List, as category 1B Conservation Essential.

Given that historically the dwellings for demolition were as a result of a relocation in the 1960’s, it is likely that the lots were part of state forest, the proposed demolition will allow for the reinstatement of the vegetation that was cleared.

Therefore, the proposed demolition is considered to be not in conflict with the Shire’s Strategic Community Plan.

Planning Assessment:

The Shire’s officers have completed a comprehensive assessment of the proposal in accordance with *Planning and Development Regulations (Local Planning Schemes) 2015*, the assessment can be viewed as part of attachment **OCM090.8/05/16** – CL67 Table – (E16/3227)

Delegation of Municipal Heritage Inventory and Referral:

The lots are zoned ‘Residential’ under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2. The subject lots are zoned State Forests, Urban under the Metropolitan Regional Scheme (MRS).

The application was referred to the Shire by the Department of Housing as comments are required in accordance with the requirements clauses 28 and 29 of the Metropolitan Regional Scheme.

The Department of Housing has the authority to determine the demolition of the subject lots under section 16: “Power to determine applications for approval of the development of public housing made pursuant to the Metropolitan Region Scheme, the Peel Region Scheme or the Greater Bunbury Region Scheme, where such applications— (a) are made by, or on behalf of, the Department of Housing; and (b) are in strict compliance with the applicable local planning scheme; and (c) propose the construction of no more than 10 dwellings of a height of two storeys or less” of the *Planning and Development Act 2005*.

In accordance with CL 7.12 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 the places described in Appendix 13 are considered by the Council to be of historic, architectural, scientific, scenic or other value and should be retained in their present state or restored.

CL 7.12.2 states that “A person shall not without the approval of Council at or on a place described in Appendix 13 carry out any development including, but without limiting the generality of the foregoing”:

- a) “The erection, demolition or alteration of any building or structure (not including farm fencing, wells, bore or troughs and minor drainage works ancillary to the general rural pursuits in the locality;”.

The proposed demolition falls within this clause as the proposal falls within the demolition of buildings which means that Council may at its discretion, permit the demolition.

Impact on Character and Amenity:

With regard to the historical value of the existing cottages, the cottages consist of architectural features of an ‘Australian Homestead’ known as workers cottages in Western Australia of the late nineteenth and early twentieth century. “The typical Australian homestead has “four-square plan of Georgian derivation: a wide central hall is flanked by living, dining and bedrooms with three to four metre high ceilings. The house is usually covered with a large hipped roof gambrel, gablet or sheet metal ventilators. This roof is extended out over two to four metre wide verandahs” (Australian House Styles, 2010).

The subject dwellings to be demolished feature construction materials of Jarrah weatherboard, corrugated iron, asbestos walls and also consist of various colours, gable roofs, front verandahs and picket fencing. Modifications have been made to the properties over time, with extensions to Nos. 13 Forest Avenue and Lot 361 Jacaranda Avenue that now feature corrugated steel balustrade to the verandahs, brick retaining of the front verandah and brick chimneys. Following a site visit undertaken it was determined that the condition of the houses had become dilapidated overtime.

In accordance with the Shire’s Municipal Heritage Inventory, April 2000 (Part 1) under Place SJ5-13 Nos. 3 and 19 Forest Avenue are “significant because the cottages are typical of the workers cottages provided for the people who worked in the timber industry. Significant for their association with the opening of the timber industry in Jarrahdale which was the basis for the development of the Jarrahdale townsite. Part of the group of historic buildings in the historic Jarrahdale townsite”.

In advice received from the State Heritage Office it was advised that the properties are located within a heritage precinct known as P8488 Jarrahdale Townsite. The Jarrahdale Townsite has not been entered into the State Heritage Places, however is included in the Heritage Council’s Assessment program. The State Heritage Office also advised that the proposed cottages were relocated to Jarrahdale in the 1960’s and that their removal would not have an adverse impact on the wider townsite precinct.

The removal of the cottages is considered not to impact on the wider Jarrahdale townsite precinct established in the 19th century as it comprises of various groups of former timber workers cottages. For example No. 7 Forest Avenue will remain as one of the earliest former timber worker’s houses and is not proposed to be demolished. A Mill Managers Residence, Former Nurses’ Quarters and Doctors Residence; together with numerous other town buildings including the Anglican and Roman Catholic Churches, Jarrahdale Tavern, War memorial and civic buildings will also remain and positively contribute to the character of the Jarrahdale Townsite.

Following an investigation by shire officers, the subject lots are located within a Bushfire Attack Level – Flame Zone area in accordance with the State Planning Policy 3.7 Planning in Bushfire Prone Areas. As such the restoration of the properties to their original state may not be possible as the construction of external walls may not be permitted to be timber.

Accordingly, the provided advice from the State Heritage Office and a review of the Shires Municipal Inventory (Part 1) and a review of the condition of the properties it is deemed that the removal of the seven (7) properties is not considered to unduly impact on the character and amenity of locality of Jarrahdale.

Options and Implications:

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to recommend approval of the referral subject to conditions.

The approval of the referral is considered not result in a negative impact on the amenity of character of the area.

Option 2: Council may resolve to refuse the referral.

Option 1 is recommended.

Conclusion:

The proposed demolition has been assessed with regards to *Planning and Development Act 2005*, *Planning and Development Regulations (Local Planning Schemes) 2015*, Shire of Serpentine Jarrahdale Municipal Heritage Inventory (Part 1), *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the Shire of Serpentine Jarrahdale Scheme No.2.

As discussed within the report, the proposed demolition of Lot 3,5,9,13,19 Forest Avenue & Lot 360 & Lot 361 Jacaranda Avenue, Jarrahdale will not have an adverse impact on the identified cultural significance of the Jarrahdale Townsite & Heritage Park or streetscapes of Forest and Jacaranda Avenue.

Accordingly, the proposed demolition is recommended to be endorsed by council with recommendations.

Attachments:

- [OCM090.1/05/16](#) – Development Application (IN16/1858)
- [OCM090.2/05/16](#) – Development Application (IN16/1859)
- [OCM090.3/05/16](#) – Development Application (IN16/1860)
- [OCM090.4/05/16](#) – Development Application (IN16/1861)
- [OCM090.5/05/16](#) – Development Application (IN16/1862)
- [OCM090.6/05/16](#) – Development Application (IN16/1863)
- [OCM090.7/05/16](#) – Development Application (IN16/1864)
- [OCM090.8/05/16](#) – CL67 Table – (E16/3227)
- [OCM090.9/05/16](#) - Submission – State Heritage Office (IN16/5054)

Voting Requirements: Simple Majority

OCM090/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council:

- 1. Recommends approval referred by Department of Housing for ‘demolition’ of Lot 3,5,9,13,19 Forest Avenue & Lot 360, 361 Jacaranda Avenue, Jarrahdale Subject to the following conditions:**

- a. A photographic record is to be made of the existing buildings and digital copies of the photographs to be provided to and to the satisfaction of the Shire of Serpentine Jarrahdale
- b. Measures to be taken to protect any vegetation on the site that is not within the immediate demolition area.
- c. All asbestos must be removed by either a licensed or restricted or unrestricted asbestos removalist approved by Work Safe.
- d. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any storm water disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

Advice Notes:

1. No activities associated with the site works causing nuisance and/or inconvenience shall be carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays.
2. Burning of cleared vegetation on-site is not supported.
3. A planning consent is not an approval to commence any works. A demolition permit must be obtained prior to the commencement of any demolition works.

CARRIED 5/4
Councillors Gossage, Rich and Urban voted against
the motion and request their votes be recorded

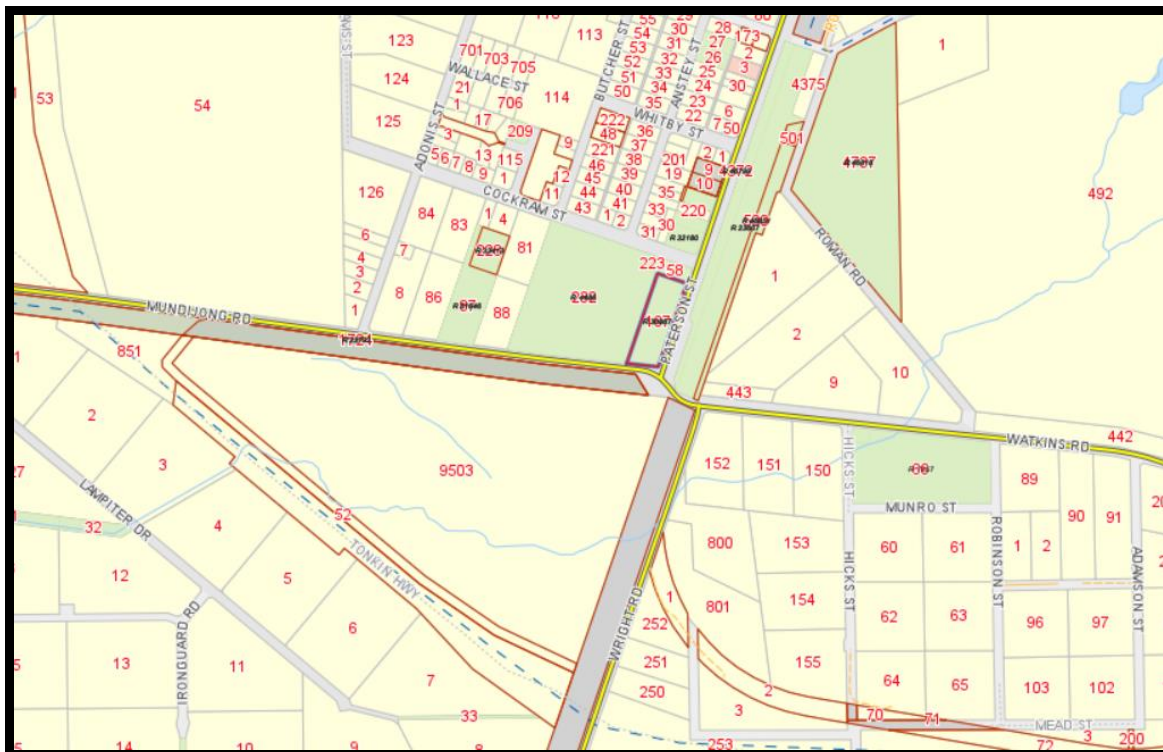
OCM091/05/16	Lot 167 (#2) Paterson Street, Mundijong – Proposed Shed (P03836/19)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	6 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Serpentine Jarrahdale Community Resource Centre
 Owner: Shire of Serpentine Jarrahdale
 Date of Receipt: 26 October 2015
 Lot Area: 1.2ha
 Town Planning Scheme No 2 Zoning: ‘Public and Community Purposes’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

The purpose of this report is to consider a shed and associated leasing options on Lot 167 #2 Paterson Street, Mundijong. A planning application was approved under delegated authority for a shed at Lot 167 (#2) Paterson Street, Mundijong on 11 November 2015. The land is vested to the Shire and zoned for public and community purposes under the Shire’s Town Planning Scheme No. 2 (TPS2).

The Shire has since reviewed the application and noted that the development application form was not authorised by Council. This report is informational to advise Council that despite not authorizing the signing of the development application form the approval is still valid. The report recommends that a lease agreement be entered into addressing the ownership and maintenance of the shed.

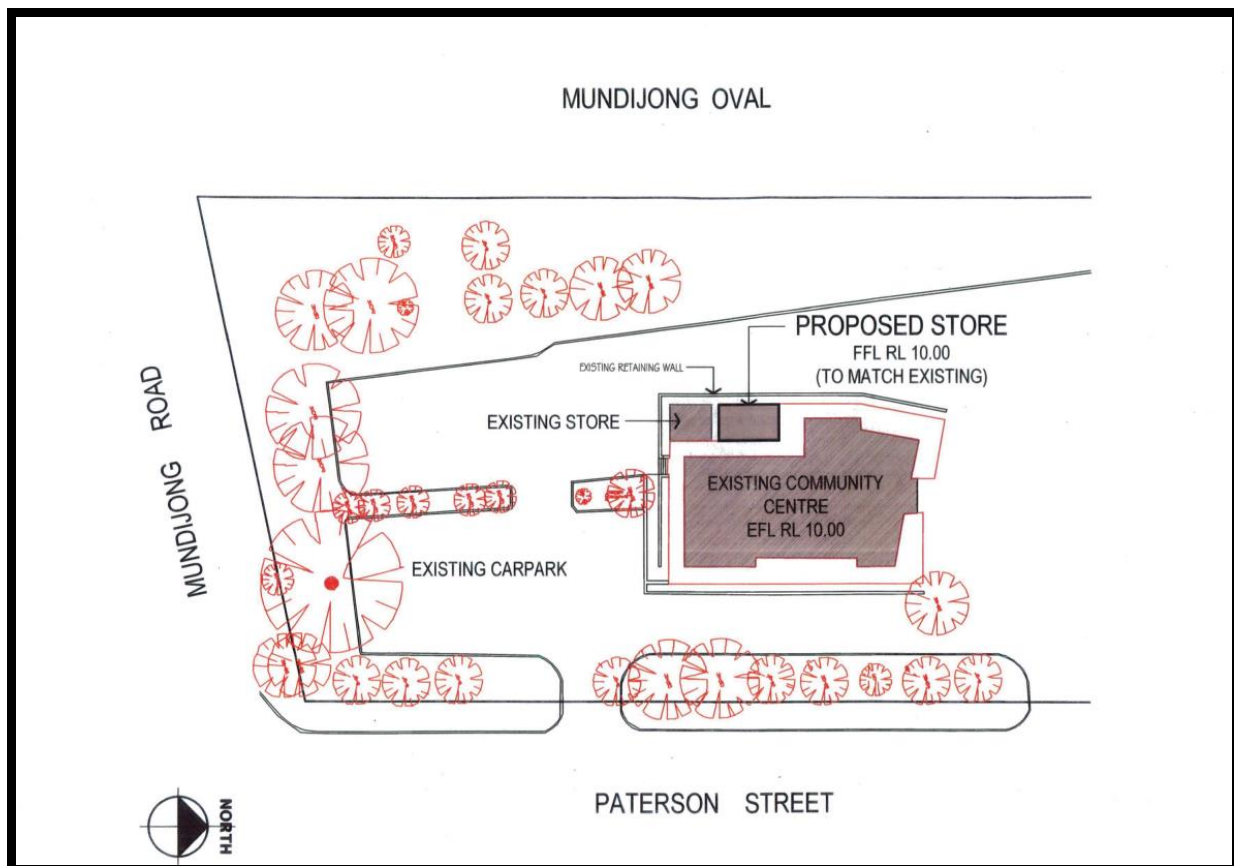


Locality Plan

Background:

The application site lies within the main street of Mundijong with Paterson Street running alongside the eastern boundary and Mundijong Road to the south. The site comprises of the Shire's offices and the Resource Centre.

An application was received by the Shire on 26 October 2015 submitted by the Serpentine Jarrahdale Resource Centre seeking development approval for a shed (P03836/19).



The shed would be located to the rear of the Resource Centre and measure 4.5m x 7.7m. It would have a wall height of 2.5m and an overall height of 3.7m. The shed would be used by the SJ Seniors Group for storage.

Clause 2.3 of the Shire's TPS2 states that '*Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.*'

The proposal was assessed against the requirements of TPS2 and it was deemed that the reserve is designated to be used for public and community purposes. It was considered that the storage shed is in accordance with the ultimate purpose of the reserve and therefore approval was granted under delegated authority on 11 November 2015.

Since the approval was issued, it has been noted that the development application form was not signed by the Council. The *Local Government Act 1995* is silent on the provision of signing development applications forms for land owned or vested with the Shire, resulting in the requirement for Council to sign development application forms. The Shire sought legal advice which concluded that despite the development application form not being signed by Council, the approval issued under delegated authority is valid and can be acted upon. It was also noted that Council are not required to retrospectively sign the form.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No consultation is required.

Statutory Environment:

- *Local Government Act 1995*
 - Clause 3.58(5)d *“This section does not apply to – any other disposition that is excluded by regulation from the application of this section.”*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Government (Functions and General) Regulations 1996*
 - Regulation 30(2)b *“A disposition of land is an exempt disposition if – the land is disposed of to a body, whether incorporated or not – (i) the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions”*
- Metropolitan Regional Scheme (MRS): the site is zoned ‘Urban’ under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

Financial Implications:

There will be cost implications associated with the preparation of a lease agreement.

Alignment with our Strategic Community Plan:

3.1	Urban Design with Rural Charm
3.1.2	Provide appropriate amenities and accommodation for the Shire’s growing population of youth and seniors.

The proposal will provide for a storage shed for the SJ Seniors Group in line with the Strategic Community Plan.

Planning Assessment:

The proposed shed has been assessed by Shire Officer’s and is deemed compliant with the requirements of TPS2 as set out in the background section of the report.

Clause 3.58(1) of the *Local Government Act 1995* states that the definition of “dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not” and allows for the regulations to exclude certain dispositions. *Local Government (Functions and General) Regulations 1996* regulation 30(2) b further allows the exemption of disposition of land that is disposed of to a charitable body. The SJ Seniors Group is a not-for-profit Seniors Association and considered a charitable body. As such, the Shire is able to dispose of the property, or part thereof, as an exemption under the *Local Government (Functions and General) Regulations 1996*.

Currently the Shire does not have a lease agreement with the SJ Seniors Group or the Community Resource Centre with respect to the shed. It is considered appropriate that Council enter into a lease agreement to address the ownership and responsible authority for the shed as it would be located on Shire owned land but used by the SJ Seniors Group. Furthermore, matters relating to public liability and indemnity insurance should also be contemplated within the lease agreement.

Options and Implications:

With regard to the planning approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council may resolve to have a lease agreement prepared and entered by the Chief Executive Officer and Shire President in relation to the shed.

The authorisation of undertaking a lease agreement will define who is responsible for the shed and associated maintenance.

Option 2: Council may resolve to not have a lease agreement for the shed.

To not authorise a lease agreement could result in the responsibility of the shed being questionable.

Option 1 is recommended.

Conclusion:

The shed, as approved, provides for required storage for the SJ Seniors Group who meet at the Community Resource Centre. The shed has undergone a planning assessment and is deemed compliant with the Shire's TPS2 and the approval under delegated authority is still valid, despite Council not signing the planning application form.

Given the shed has been approved and can be disposed of in accordance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* it is recommended Council acknowledge the construction of the shed, the disposition of the property and allow the Chief Executive Office to prepare a lease and enter into negotiations with the Community Resource Centre and/or the SJ Seniors Association.

Attachments:

- [OCM091.1/05/16](#) – Development Application (IN15/22503)

Officers Recommendation:

That Council:

1. **Agrees to the shed being constructed on Lot 167 (#2) Paterson Street, Mundijong;**
2. **Notes that the disposition of property is exempt under clause 3.58 of the *Local Government Act 1995* in accordance with the *Local Government (functions and General) Regulations 1996* regulation 30(2)b as the outbuilding will be used by a not-for-profit seniors association; and**
3. **Request the Chief Executive Officer to prepare a lease and enter into negotiations with the Community Resource Centre and/or SJ Seniors Association.**

OCM091/05/16 COUNCIL DECISION / New Motion:

Moved Cr Rich, seconded Cr Piipponen

That Council:

1. **Agrees to the shed being constructed on Lot 167 (#2) Paterson Street, Mundijong;**
2. **Notes that the disposition of property is exempt under clause 3.58 of the *Local Government Act 1995* in accordance with the *Local Government (functions and General) Regulations 1996* regulation 30(2)b as the outbuilding will be used by a not-for-profit seniors association.**

CARRIED UNANIMOUSLY

Council Note: The Chief Executive Officer to enter into negotiations to prepare a lease with the Community Resource Centre.

OCM092/05/16 2015/16 Budget Adjustment (SJ514-07, SJ1968)	
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Kellie Bartley – Acting Director Corporate and Community Services
Date of Report:	10 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is to seek Council approval to adjust the 2015/16 Budget to reflect revenue and expenditure variations.

Background:

With changing circumstances throughout the financial year it is necessary for Council to make adjustments to the adopted budget.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community/stakeholder consultation is required.

Comment:

The following budget adjustments are outside of the delegated authority of the Chief Executive Officer and requires Council approval.

CAPITAL EXPENDITUREFunded from Municipal Funds

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
SBS013	Hopkinson/Thomas – Improve Cross Sectional Width of Bridge	\$260,000	\$460,000	\$200,000

This project is in progress and is forecast to run over budget. The main reason for this is additional labour due to a change in scope and design. This project had an original budget of \$260,000 and the final expected costs will be approximately \$460,000. It is recommended that this budget adjustment be funded from general savings identified in the Road Maintenance budget (\$200,000).

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
MPT900	Mundijong Public Toilets	\$59,700	\$64,300	\$4,600

Additional funds required to repaint the Mundijong Public toilet block in a more aesthetically pleasing manner to blend in with the natural surrounding environment, and to cover with an anti-graffiti coat for easier ongoing maintenance.

OPERATING EXPENDITUREFunded from Municipal Funds

Transport

GL Account	Description	Revised Budget	Proposed Adjusted Budget	Variation
BRT730	Bridle Trails Maintenance	\$142,569	\$122,569	(\$20,000)
MOR793	Kerb/Path Repairs	\$177,199	\$147,199	(\$30,000)
MOR794	Bitumen Repairs & Maintenance	\$253,037	\$233,037	(\$20,000)
MOR795	Road Shoulder Maintenance	\$417,024	\$397,024	(\$20,000)
MOR796	Road Pavement Failures	\$117,428	\$107,428	(\$10,000)
MOR800	Road Investigations	\$27,047	\$7,047	(\$20,000)
MOR802	Resheeting	\$103,520	\$93,520	(\$10,000)
MOR805	Reseals	\$142,267	\$97,267	(\$45,000)
MOR806	Bridge Maintenance	\$51,981	\$41,981	(\$10,000)
MOR810	Chestnuts Drainage	\$21,125	\$6,125	(\$15,000)
MOR850	Local Roads Traffic Management	\$32,505	\$27,905	(\$4,600)

These variations represent budget savings which have been identified. Road Maintenance costs have decreased due to labour and plant costs attributed to capital projects.

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.

Statutory Environment:

Section 6.8 of the Local Government Act 1995 requires a local government not to incur expenditure from municipal funds where an estimate has not been provided for in the Annual Budget without prior authorisation by Absolute Majority.

Financial Implications:

The financial implications are detailed in this report.

Voting Requirements:

Absolute Majority

OCM092/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr See

That Council:

1. Approve the adjustments to the 2015/16 Capital and Operating Budget as listed below:

Funded from Municipal Funds

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
CAPTAL PROJECTS				

SBS013	Hopkinson/Thomas – Improve Cross Sectional Width of Bridge	\$260,000	\$460,000	\$200,000
MPT900	Mundijong Toilets Upgrade	\$59,700	\$64,300	\$4,600
OPERATING EXPENDITURE				
BRT730	Bridle Trails Maintenance	\$142,569	\$122,569	(\$20,000)
MOR793	Kerb/Path Repairs	\$177,199	\$147,199	(\$30,000)
MOR794	Bitumen Repairs & Maintenance	\$253,037	\$233,037	(\$20,000)
MOR795	Road Shoulder Maintenance	\$417,024	\$397,024	(\$20,000)
MOR796	Road Pavement Failures	\$117,428	\$107,428	(\$10,000)
MOR800	Road Investigations	\$27,047	\$7,047	(\$20,000)
MOR802	Resheeting	\$103,520	\$93,520	(\$10,000)
MOR805	Reseals	\$142,267	\$97,267	(\$45,000)
MOR806	Bridge Maintenance	\$51,981	\$41,981	(\$10,000)
MOR810	Chestnuts Drainage	\$21,125	\$6,125	(\$15,000)
MOR850	Local Roads Traffic Management	\$32,505	\$27,905	(\$4,600)
	Total	\$1,805,402	\$1,805,402	(\$0)
Budget Surplus		54,200	\$54,200	(\$0)

CARRIED ABSOLUTE MAJORITY 9/0

OCM093/05/16	Proposed Adoption of Amended Council Policy G917 – Corporate Purchasing Cards (SJ526-02)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Alan Hart - Acting Chief Executive Officer
Date of Report:	5 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is for Council to consider adopting amended Council Policy G917 – Corporate Purchasing Cards.

Background:

This policy has incorrectly been referred to as Corporate Credit Cards. The cards that the Shire operate with are ANZ Purchasing Cards. They are an important tool in managing many of the Shire's low value business purchases and provide a streamlined procure to pay process. Often when such cards are referred to as credit cards it may be misconstrued that they may be used for personal spending, this is not the intention of the Shire's purchasing card and the policy sets out the guidelines and responsibilities expected of all cardholders and employees involved in the procure to pay process.

Relevant Previous Decisions of Council:

There are no previous decisions relating to this matter.

Community / Stakeholder Consultation:

There is no requirement for Community or stakeholder consultation.

Comment:

Proposal

Amend policy G917 – Corporate Credit Cards to reflect the correct title and terminology to Corporate Purchasing Cards.

It is also proposed to report the individual transactions of all cardholders on a monthly basis as part of the monthly financial reporting to Council. The policy has been amended to reflect this reporting provision.

Conclusion

The discussion and subsequent proposed changes to this policy should provide Council with a level of confidence that the Shire has and maintains a sound process in regards to all dealings with purchasing cards and that Council is committed to ensuring sound reporting that is relevant, transparent and accessible by all, including our community.

Attachments:

[OCM093.1/05/16](#) – Current Policy G917 – Corporate Credit Cards (E15/5096)

[OCM093.2/05/16](#) – Proposed Amended Policy G917 – Corporate Purchasing Cards (E16/3564)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.

Statutory Environment:

Local Government Act – Section 2.7(2)(b)

Financial Implications:

There are no direct financial implications of undertaking a review on this policy.

Voting Requirements: Simple Majority

OCM093/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Hawkins

That Council adopts amended Council Policy G917 – Corporate Purchasing Cards as contained in attachment OCM093.2/05/16 in accordance with section 2.7(2)(b) of the Local Government Act.

CARRIED UNANIMOUSLY

OCM094/03/16	Reschedule the Review of Council Policy PC001 – Natural Disaster Recovery Management Account Expenditure (SJ526-02)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Alan Hart - Acting Chief Executive Officer
Date of Report:	4 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is for Council to reschedule the review of Council Policy PC001 – Natural Disaster Recovery Management Account Expenditure to the Ordinary Council Meeting on 22 August 2016.

Background:

Council made a note in the resolution of agenda item OCM016/02/16 as follows:

Council Note: Council requests to review Policy PC001 and have it brought before Council at the Ordinary Council Meeting on 26 April 2016.

It has been the Shire's preferred practice to meet with Elected Members and work through policies and discuss proposed changes before putting an amended Council policy to an Ordinary Council Meeting, this ensures all Elected Members have an opportunity for input. Due to some other high priority commitments at Policy Forum in recent weeks, the first available opportunity to workshop this with the Elected Members was the evening of 3 May 2016. Significant changes were requested to this policy at the Policy Forum on 3 May and it was also discussed that additional time may be considered to research and amend the policy before bringing it back to Council at a future Ordinary Council Meeting.

Relevant Previous Decisions of Council:

OCM016/02/16 – Council made a note to request a review of Council Policy PC001 – Natural Disaster Recovery Management Account Expenditure

Community / Stakeholder Consultation:

There is no requirement for Community or stakeholder consultation.

Comment:

Proposal

It is proposed to request Council to allow further time to research and amend this policy in accordance with the issues that were discussed at the Policy Forum on 3 May 2016.

Conclusion

It is requested that the date the amended policy is to be brought back to Council be rescheduled to be presented at the Ordinary Council meeting on the 22 August 2016. The amended policy will be workshopped with Elected Members prior to the August Ordinary Council Meeting.

Attachments:

There are no attachments to this item.

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements

Statutory Environment:

Local Government Act – Section 2.7(2)(b)

Financial Implications:

There are no direct financial implications of undertaking a review on this policy.

Voting Requirements: Simple Majority

OCM094/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Gossage

That Council:

- 1. Grants additional time for the review of Council Policy PC001 - Natural Disaster Recovery Management Account Expenditure.**
- 2. Requests Council Policy PC001 - Natural Disaster Recovery Management Account Expenditure be presented to Council by the 22 August 2016 Ordinary Council Meeting.**

CARRIED UNANIMOUSLY

COUNCIL DECISION**Moved Cr Hawkins, seconded Cr Piipponen**

That the meeting be closed to members of the public at 8.49pm to allow Council to Discuss OCM095/05/16 Confidential Item – Lot 99 (#62) Rowe Road, Serpentine – Retrospective Use Not Listed (Storage Facility) and Two (2) Sea Containers as per section 5.23(2) of the Local Government Act 1995.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting while confidential item OCM095/05/16 was discussed. The doors were closed at 8.49pm.

Councillor Ellis, Director Engineering and Director Planning left Chambers at 8.51pm

Councillor Ellis, Director Engineering and Director Planning returned to Chambers at 8.55pm

OCM095/05/16	CONFIDENTIAL ITEM - Lot 99 (#62) Rowe Road, Serpentine – Retrospective Use Not Listed (Storage Facility) and Two (2) Sea Containers –(P07921/06)
Author:	Regan Travers – Senior Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	14 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority

Officer Recommendation:

That Council Approve the amended application seeking Planning Approval for a ‘use not listed’ (storage facility) and two 20 foot sea containers at Lot 99 (#62) Rowe Road, Serpentine, subject to the following conditions:

1. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
2. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
3. A maximum of 30 caravans associated with the storage facility are permitted to be stored at Lot 99 (#62) Rowe Road, Serpentine at any one time in accordance with the approved plan.
4. Storage facility customers are only permitted to visit the site between 7.00am to 7.00pm Monday to Saturday and 9.00am to 7.00pm on Sundays and Public Holidays.
5. A maximum of two (2) 20 foot long sea containers are permitted to be stored on the property in the locations shown on the approved site plan.
6. Sea containers located on the site that do not form part of this approval must be removed from the site within 90 days from the date of this approval.
7. Signage must be erected on Lot 99 (#62) Rowe Road, Serpentine showing:-

- a. **Maximum internal speed limit of 20kph**
 - b. **Warning Rowe Road traffic in both west and east directions that long vehicles will be turning into and out of the subject site to the satisfaction of the Shire.**
8. **The crossover to Rowe Road must be constructed to the Shire of Serpentine Jarrahdale specifications for standard Industrial crossovers to the satisfaction of the Shire, within 90 days from the date of this approval.**

Advice Note:

The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant legislation and is encouraged to contact the Shire to confirm any additional requirements.

OCM095/05/16 COUNCIL DECISION / New Motion

Moved Cr Hawkins, seconded Cr See

That Council:

1. **Refuse the amended application seeking Planning Approval for a 'use not listed' (storage facility) at Lot 99 (#62) Rowe Road, Serpentine, for the following reasons:**
 - a. **The 'use not listed' (storage facility) is not consistent with the objectives of the 'Rural' zone in accordance with clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and is considered more suitable within an 'Industrial' zoned area.**
 - b. **The 'use not listed' (storage facility) is not consistent with the objectives of the 'Farmlot' policy area of the Shire of Serpentine Jarrahdale Rural Strategy Review 2013 and is contrary to orderly and proper planning.**
2. **Approve the amended application seeking Planning Approval for two 20 foot sea containers at Lot 99 (#62) Rowe Road, Serpentine, subject to the following conditions:**
 - a. **All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
 - b. **A detailed landscape plan shall be submitted to and approved by the Shire, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce the visual impact of the use not listed (Storage facility) to the primary street and adjoining properties and show the following:**
 - i. **A 5m wide landscape buffer around the perimeter of the area used for the 'use not listed' (storage facility).**
 - ii. **The size and number of new plants to be planted.**
 - iii. **Those areas to be reticulated or irrigated.**
 - iv. **Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan within 60 days of the date of this approval and thereafter maintained to the satisfaction of the Shire.**
 - c. **Sea containers located on the site that do not form part of this approval must be removed from the site within 90 days from the date of this approval.**

Advice Note:

1. **The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant legislation and is encouraged to contact the Shire to confirm any additional requirements.**

CARRIED UNANIMOUSLY

OCM096/05/16	CONFIDENTIAL ITEM - Section 31 Reconsideration - Lot 99 (#1908) South Western Highway, Mardella – Proposed Extension to Existing Plant Nursery and Retrospective Earthworks / Land Fill (P00033/06)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	27 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority

Councillor Gossage foreshadowed he would move a new motion to defer the item if the motion under debate is lost.

OCM096/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council approve the amended application seeking Planning Approval for an extension to the existing 'Plant Nursery' on Lot 99 (#1908) South Western Highway, Mardella, subject to the following conditions:

- 1. This approval relates only to the proposed 'plant nursery', as indicated on the approved plans. It does not relate to any other development on this lot.**
- 2. If the development referred to in condition 1 above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- 3. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- 4. A Landscape and Vegetation Management Plan, including rehabilitation of the cleared part of the Bush Forever area shall be prepared, submitted and approved by the Shire prior to the submission of a building permit application. Vegetation must be of the same species as that found within the South Western Highway reserve and Bush Forever Site No. 71.**
- 5. Upon approval of the Landscape and Vegetation Management Plan, the Plan shall thereafter be implemented to the satisfaction of the Shire.**
- 6. No earthworks are permitted to encroach onto the South Western Highway reserve.**
- 7. No stormwater drainage shall be discharged onto the South Western Highway reserve.**
- 8. All vehicle access shall be restricted to the existing driveway.**
- 9. Fill must be certified dieback free by a suitably qualified consultant prior to fill being imported to the site.**

10. Trucks importing fill to the site must not arrive prior to 7.00am or after 7.00pm Monday to Saturday and not before 9.00am or after 7.00pm on Sundays and Public Holidays.

Advice Notes:

- 1. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant legislation and is encouraged to contact the Shire to confirm any additional requirements.**
- 2. The storage, use and disposal of all chemicals including, but not limited to, fertilisers, pesticides, herbicides and hydrocarbons is to comply with the manufacturers recommendations.**
- 3. Department of Environment and Regulation approval is required prior to the removal of native vegetation.**

CARRIED 7/2
Councillors Gossage and Urban requested
their vote against the item be recorded.

COUNCIL DECISION:

Moved Cr Piipponen, seconded Cr Hawkins

That the meeting be reopened to the public at 9.20pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Members advised that a New Motion was moved for item OCM095/05/16 with a unanimous vote and the Officers Recommendation was moved for item OCM096/05/16 with a vote 7/2.

10. Information Reports:

OCM097/05/16	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Alan Hart – Acting Chief Executive Officer
Date of Report:	5 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM097.1/05/16](#) - Common Seal Register Report – April 2016 (E02/5614)
- [OCM097.2/05/16](#) – Peel Zone Meeting Minutes – April 2016
- [OCM097.3/05/16](#) – Growth Alliance Perth and Peel - April 2016

Voting Requirements: Simple Majority

OCM097/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council accept the Chief Executive Officer Information for April 2016.

CARRIED UNANIMOUSLY

OCM098/05/16	Engineering Services Information Report (SJ514)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	6 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM098.1/05/16](#) – Engineering Delegation of Authority Report, April 2016 (E16/3404)
- [OCM098.2/05/16](#) – Rivers Regional Council, OCM Minutes, 21 April 2016 (IN16/8332)
- [OCM098.3/05/16](#) – Reserves Advisory Group, Minutes, February 2016 (OC16/8373)
- [OCM098.4/05/16](#) – Peel Trails Group, Minutes, March 2016 (IN16/8514)
- [OCM098.5/05/16](#) – SJ Trails Incorporated, Minutes, February 2016 (OC16/8374)
- [OCM098.6/05/16](#) – Serpentine Jarrahdale Cemeteries Management Committee, Minutes, February 2016 (OC16/8381)

Voting Requirements: Simple Majority

OCM098/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council accept the Engineering Services Information Report.

CARRIED UNANIMOUSLY

OCM099/05/16	Monthly Financial Report - April 2016 (SJ514-07)
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Kellie Bartley – Acting Director Corporate and Community
Date of Report:	5 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to provide a monthly financial report which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

Background:

The Local Government Act and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

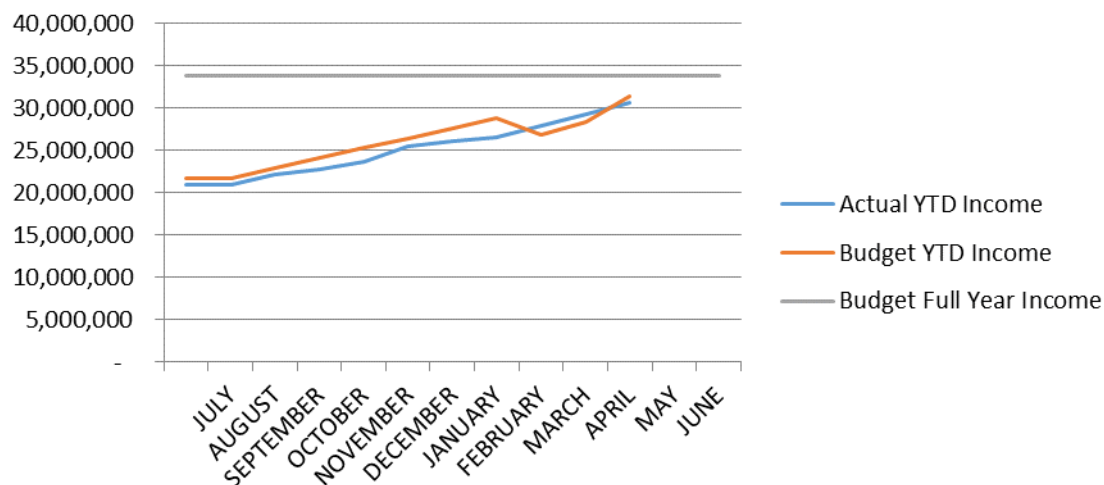
Comment:

The period of review is April 2016. The municipal surplus for this period is \$6,788,853 compared to a budget deficit position of (\$4,626,300). This is considered a satisfactory result for the Shire.

Income for the April 2016 period, year-to-date is \$30,572,198. The budget estimated \$31,355,321, would be received for the same period. The variance to budget is (\$783,123). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

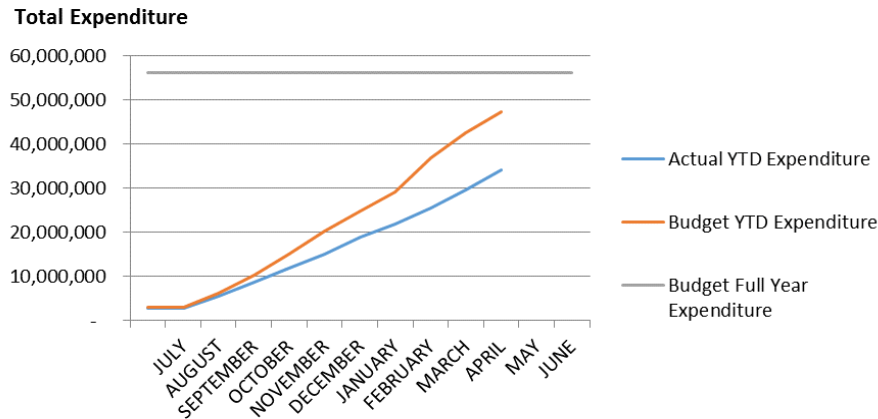
The following graph illustrates actual income to-date compared to the year-to-date budget.

Total Income



Expenditure for the April 2016 period, year-to-date is \$34,132,850. The budget estimated \$47,226,920 would be spent for the same period. The variance to budget is \$13,094,070. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate. Most of the variance relates to capital expenditure, some of which will not occur until next financial year: Abernethy Road (\$5,251,623), Rowley Road (\$322,023), and Byford & Districts BMX Track (\$275,020). There are also a number of projects that have begun and should be completed by the end of June. Please refer to the Monthly Financial Report for details.

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



Attachments:

[OCM099.1/0516](#) – Monthly Financial Report April 2016 (E16/3544)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM099/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council accepts the Monthly Financial Report for April 2016, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM100/05/16	Confirmation Of Payment Of Creditors (SJ514-07)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Kellie Bartley – Acting Director Corporate and Community
Date of Report:	3 May 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to prepare a list of accounts paid by the Chief Executive Officer each month, as required by The *Local Government (Financial Management) Regulations 1996*.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

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 Council for their inspection. The list includes details for each account paid incorporating:

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 April 2016 to 30 April 2016, as per the attachment.

Attachments:

[OCM100.1/05/16](#) - Creditors List of Account 1 April 2016 to 30 April 2016. (E16/3454)

Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

Statutory Environment

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the Local government may delegate some of its powers to the Chief Executive Officer. Council have

granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

Financial Implications

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

Voting Requirements Simple Majority

OCM100/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council accepts the payments authorised under delegated authority and detailed in the list of invoices for period of 1 April 2016 to 30 April 2016, as per attachment OCM100.1/05/16 - Creditor List of Accounts 1 April 2016 to 30 April 2016 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM101/05/16 Corporate and Community Information Report (SJ514-07)	
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Kellie Bartley – Acting Director Corporate and Community
Date of Report:	2 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM101.1/0516](#) – Delegated Authority – Financial Services 1-30 April 2016 (E16/3453)
- [OCM101.2/05/16](#) – Minutes of the SJ CRC Board Meeting – 13 April 2016 (IN16/8338)

Voting Requirements Simple Majority

OCM101/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council accept the Corporate and Community Information Report.

CARRIED UNANIMOUSLY

OCM102/05/16	Planning Information Report (SJ514-07)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	2 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM102.1/05/16](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E16/3492)
- [OCM102.2/05/16](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM102/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council accept the Planning Information Report for April 2016.

CARRIED UNANIMOUSLY

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

12.1 Standing Orders Local Law 2002, section 3.11 – Questions by Members of which notice has been given:

Councillor Rich has given notice of her intention to raise the following question in accordance with Shire of Serpentine Jarrahdale Local Law 2002, section 3.11 – Questions by Members of which notice has been given:

1. What is the percentage of employee accrued leave that is outside the guidelines of policy CSP1 – Leave Policy and Procedures?
2. What is the accrued leave liability held by the Shire as of 30th April 2016?

The Presiding Member advised these questions would be taken on notice and a formal response would be provided at Ordinary Council Meeting 27 June 2016.

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.26pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 27 June 2016

.....
Presiding Member

.....
Date