



Shire of
Serpentine
Jarrahdale

Sustainable. Connected. Thriving!

Ordinary Council Meeting Minutes

Monday, 24 April 2017

TABLE OF CONTENTS

1. Attendances and apologies (including leave of absence):	4
2. Public question time:	4
2.1. Response to previous public questions taken on notice:	4
2.2. Public Questions:	4
3. Public statement time:	8
4. Petitions and deputations:	14
5. President's report:	19
6. Declaration of Councillors and officers interest:	19
7. Receipt of minutes or reports and consideration for recommendations:	20
7.1 Minutes from previous Meetings:	20
7.2 Planning Reports:	21
OCM035/04/17 Local Emergency Management Committee Information Report...	21
OCM036/04/17 Child Minding Centre – Lot 180, 17 Mead Street and Lot 181, 1 Marchant Way, Byford (PA16/428)	24
OCM037/04/17 Road Naming Proposal – Lots 127 – 130 and 202 Doley Road, Byford (SJ500-03)	34
OCM038/04/17 Proposed Local Development Plan – Lots 9054, 9068 and 9083 Orton Road, Byford (Icaria Stage 8) (PA17/63)	40
OCM039/04/17 Proposed Local Development Plan – Lot 9001 Rowley Road, Darling Downs (Darling Downs Stage 3) (PA17/20)	49
OCM040/04/17 Lot 26, 29 Anstey Street, Mundijong - Initiation of Proposed Scheme Amendment No. 200 – Rezoning from 'Public & Community Purposes' to 'Urban Development' (SJ1388)	55
OCM041/04/17 Rural Strategy Review 2013 – Final Adoption (SJ1082)	62
OCM042/04/17 Proposed Green Waste Recycling Facility and Plant Nursery – L232 Orton Road, Oldbury (P03786/02)	94
7.3 Engineering Reports:	109
OCM043/04/17 Request to Reclassify Mundijong Road from RAV Class 4 to RAV Class 5 – Road Trains of Australia Pty Ltd (SJ1218-03)	109
7.4 Corporate and Community Services Report:	113
OCM044/04/17 Confirmation Of Payment Of Creditors (SJ514-07)	113
OCM045/04/17 Monthly Financial Report - March 2017 (SJ801)	115
OCM046/04/17 Reporting on Corporate Business Plan Quarter 1 and 2 of 2016/17 (SJ940)	118
OCM047/04/17 Seek permission from Electoral Commissioner to allow Elected Member vacancy to remain unfilled and appoint a new member to the CEO Employment Committee (SJ1016)	120
OCM048/04/17 Briggs Park Recreation Precinct Master Plan – Staging and Funding Plan – Stage One Priorities (SJ1462-02)	124
7.6 Confidential Reports:	129

OCM049/04/17 Confidential Item Request To Extend Date of Financial Closure – Phoenix Energy Waste to Energy Contract (SJ581)	129
8. Motions of which notice has been given:	131
9. Urgent Business:	131
10. Councillor questions of which notice has been given:	131
11. Closure:	131

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 24 April 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People 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
D Atwell
K Ellis
D Gossage
S Hawkins
J See
M Rich

Officers: Mr K Donohoe Chief Executive Officer
Mr A Schonfeldt Director Planning
Mr D Elkins Director Engineering
Mr P Kocian Acting Director Corporate and Community
Ms K Cornish Governance Advisor (Minute Taker)
Ms A Liersch Minutes and Governance Officer (Observer)

Leave of Absence:

Cr S Piipponen has requested leave of absence for the period 23 April 2017 to 1 May 2017.

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Ellis

That Council approve Cr Piipponen' leave of absence for the period of 23 April 2017 until 1 May 2017.

CARRIED UNANIMOUSLY

Apologies: Nil

Observers: Nil

Members of the Public – 26

Members of the Press – 1

2. Public question time:

2.1. Response to previous public questions taken on notice:

No questions were taken on notice from the Ordinary Council Meeting held on 27 March 2017.

2.2. Public Questions:

Public question time commenced at 7.01pm.

Mrs Lee Bond, PO Box 44, Armadale, WA, 6122

Question 1

Who has access to the questions and statements from gallery members before each OCM ?

Response:

All questions on notice from the public are collated internally and distributed to relevant Directors for preparation of a response. The draft responses are then provided to the CEO for review. Once approved a question and answer sheet outlining all questions and responses from staff is provided to the Shire President to address these questions during Public Question Time.

All public statements received on notice are provided to the Shire's Governance Team for review to ensure that they comply with Standing Orders. Once confirmed, these public statements are then provided to the CEO and Shire President for review and acceptance during Public Statement Time.

Question 2

Where is the evidence that the amount of 2.3 million dollars has been paid to the Shire of Serpentine Jarrahdale Council by Byford District Country Club?

Response:

The funding arrangements between the Shire and Byford and District's Country Club were formalised in an executed funding agreement. This funding agreement outlined the respective contributions to the Byford and District's Country Club project. The Shire will provide you with a copy of the invoices and remittance details in writing and include these in the minutes of the April Ordinary Council Meeting. (Refer to attachment [OCM2.2](#))

Question 3

Tonight's agenda has an item for a Green Waste Recycling and Nursery in Orton Road, Oldbury does any Councillor have any connection to this item and how would this be policed when a similar development in King Road has gone rogue ?

Response:

Councillors are required to submit a declaration of interest should there be any matters in the agenda papers where they may have a financial, proximity or impartiality interest. The definition of these interests are provided in the Department of Local Government Operation Guidelines No. 1 & 20. Whilst the Local Government undertakes its best endeavours to induct new Councillors regarding the disclosure of interest requirements, it is ultimately a Councillors responsibility to declare an interest. The CEO or Shire President cannot instruct an elected member to declare an interest. At the time of preparing this response no elected member has declared an interest relating to this item.

Mrs Margaret Cala, 49 Phillips Road, Karrakup on behalf of The Serpentine Jarrahdale Ratepayers & Residents Assoc Inc.

Question 1

In the case of Development Applications submitted by Planning Consultants and/or Companies, what steps does the Shire take to identify the names of the individual proponents or Directors of Companies behind the applications, in order to ensure that the possible previous history of a known poor operator may be taken into account when assessing such applications.

Response:

The Shire does not consider an applicant's previous performance when considering a planning application, as each application should be considered on its planning merits under the relevant state and local planning frameworks.

Question 2

Re OCM 042/04/17 Proposed Green Waste Facility and Plant Nursery. Given the apparent magnitude of both proposals – that is a hardstand area of 5ha for the Green Waste Facility and hardstand measuring approximately 2.9ha for the Plant Nursery and the fact they are substantially different enterprises. I quote from the agenda: “*Considering the activities proposed, Officers determined under delegation that the land use should be classified as ‘industry light’ for the green waste recycling facility and ‘plant nursery’ for the plant nursery.*” Why are these two separate and intrinsically different activities being considered in one application?

Response:

The applicant applied for these two different enterprises in one application.

Question 3

Are the Officers whose recommendations are before Council tonight certain that the information upon which their recommendation is based is true and accurate. Has the very real potential for impacts on groundwater and effects on neighbouring land owners been given due consideration and will regular compliance checks take the place of self-monitoring which, without proper scrutiny, which has in the recent past led to disastrous outcomes within the local area.

Response:

Officers have undertaken the appropriate assessment process and as a result are recommending approval subject to conditions. Compliance monitoring will continue as per the Shire’s normal operating procedures.

Mrs & Mr Allison & Brian Clarke (address supplied)

Question 1

Please outline to expected traffic movements to and from the proposed facility as it is not clear if the entry will be from Kargotich Road (slip lanes to be built?), King Road or an upgraded Orton Road, the site of many accidents including at least one recent fatal one?

Response:

Access to and from the site will be taken from Orton Road. It is estimated that the vehicular movements are as follows:-

- Semi-trailer green waste delivery – 20 per day*
- B-double occasional movements – four per day*
- Non-commercial (car and trailer and others) – 20 per day.*

The applicant has provided templates for vehicle movements to and from Orton Road and turning movements at Kargotich Road. A condition of any approval would also require the submission of templates for the truck movements on King Road.

Question 2

What testing of the dumped waste will occur to ensure contaminants such as asbestos are not being introduced?

Response:

The application is for green waste only and it is considered that the risk for contamination is low. Any contaminants need to be dealt with by the operator in accordance with the relevant controlled waste provisions, managed by Department of Environmental Regulation. No products are proposed to be dumped on site, the mulch created from the recycling facility will be trucked offsite to be used elsewhere.

Mr Clem Comley, Pescara Place, Oakford

Question 1

Why is it that Councillors are considering the Green Waste Facility given that many government organisations including Main Roads don’t support the application. If residents were given reasonable time to create a petition rebuttal, Council will see the majority will be against the construction of the plant.

Response:

The application has been in for almost 12 months, during which, time further information was sought from the proponent to address the concerns raised during the initial consultation process from both the community and the government agencies. AS detailed in the report, Main Roads did not support due to the section of Orton Road not forming part of the RAV network. However the application has been conditioned to ensure that no vehicles greater than 19m use this road until the measures in the traffic impact statement have been implemented. Therefore this would address the concern raised by Main Roads. Department of Agriculture and Department of Water raised concerns at the initial stages of the application, however further information was provided which satisfied these concerns.

Question 2

Has Council carried out their own calculations in regards to the number of trucks that will be entering and exiting the facility and what impact this will have on the current road network and would there be a dedicated route that trucks must take and if not what proposals have been made to upgrade the current network.

Response:

The Shire's officers have considered the likely traffic impacts and did not raise significant concerns, as a result it is proposed that a Traffic Impact Statement be prepared as a condition of the approval which will look at potential measures if required to address traffic matters.

Question 3

On the 29th June 2016 I emailed the Council with many of my concerns, I received a submission letter. But to this day I have had no further response or answers to my questions. Please explain why?

Response:

As outlined above the Shire's officers have raised these concerns with the applicant, who has addressed this by providing further information. Responses to the concerns raised and the questions in the submissions are contained within the Schedule of submission attached to the report.

Conclusion: Whilst I agree with recycling I believe there is a better location for this plant. I also urge Council not to proceed with this application, many residents of the area have moved to Oakford for peace and quiet!!!

Mr John Kirkpatrick, 77 Mead Street, Byford

Attached is a statement by the Shire President in the Examiner Newspaper Issue 1243 dated April 13th 2017. Which states "Residents can get approval from the Shire through planning application which needs to be approved before the clearing takes place" Which is supported by a media release

Question 1

Is this statement correct that a permit or planning approval is required prior to any clearing of vegetation is commenced or will the Shire President issue a retraction or correction?

Taking that the statement as published in the examiner is correct.

Response:

The statement in the Examiner are in two parts: the first part outlines the following: The Shire of Serpentine Jarrahdale has asked residents to acquire Shire approval before removing any trees or clearing native vegetation from their properties.

The second part which is a quote from the Shire president reads as follows: "Residents can get approval from the Shire for a planning application which needs to approved before the clearing takes place."

Both statements are correct, the Shire has asked people to request approval before removing any trees or clearing of native vegetation, in some instances this may not require a formal planning application, but it will allow the Shire's environmental and planning services to consider whether or not it does require planning approval under the relevant clearing provisions. The Shire President's statement is correct where planning approval is required a planning application is also required.

Question 2

Why has the Shire declined to take legal action against Councillor Ellis and/or the group that cleared vegetation in the Public open Space on the reserves in Darling Downs clearly without any approved planning application?

Response:

The Darling Downs group work with Shire staff and had sought permission from Shire staff for the work. As this is a Shire Managed reserve, anyone acting on our behalf does not require planning approval as it may be considered public works.

Question 3

Is the reluctance to take action on the clearing of Vegetation and Earthworks on the reserves in Darling Downs to be taken that elected members are exempt from Shire Planning requirements?

Response:

No its not please refer to the response under question 2 as to why planning approval was not required. With regards to taking legal action this has been responded to previously in that DER outlined that they did not intent to take any further action and as a result there is no reason that the Shire should take any further action.

Public question time concluded at 7.19pm.

3. Public statement time:

Public statement time commenced at 7.19pm.

Mrs Lee Bond, PO Box 44, Armadale, WA, 6122

Because of the Facebook site SJ Eyes & Ears I am compelled to correct the contents of messages to me by this site. they have accused me of being in a close alliance with a sitting Councillor, so much so they claim I repeat word for word what that councillor says. That would be lie No. 1.

That I know a former councillor and president of this shire is corrupt and I am protecting him and that I am responsible for causing him to never be a councillor anywhere again, lie No. 2. When I asked for proof none was forth coming, what a surprise.

They claim to scrutinise every move I make and I have let the "team " down and they have to cover the work that I should have picked up, that was the reason they couldn't provide me with proof of the above corruption. I was not aware that I even applied for a position with this site let alone was employed by them.

My opinion of the new CEO stands and for them to attempt to muddy the waters regarding him is extremely childish.

They have claimed a regular member of this gallery has a very close relationship with a sitting member of this council, just another lie. They also claim two councillors are "playing and sneaking around" trying to gain support for the president and vice president positions after elections in October.

This Council is leaking information via certain people on a regular basis and reputations are being battered unfairly.

I make it very clear I have no alliance with any councillor, I do however have all the names in the messages. It was worth all the work I have put into getting an admission.

Mr & Mrs Allison & Brian Clarke (address supplied)

The letter advising us that the abovementioned matter would be on the agenda of today's meeting was emailed on Wednesday 19th April, 2017. The letter also advised that we would have the opportunity to request to make a deputation but that the deadline to make such a request was the Wednesday before the meeting, being the date of the letter.

We wish to state that we feel our ability to fully participate in the decision making process of the Council has been impeded by not being given sufficient notice of the vote on the matter.

Our written submission, and those of other stakeholders that were overwhelmingly against this proposal, appear to have been completely disregarded in the report that recommends Council vote for the proposed development, albeit with conditions. We believe the conditions that would be applied do not adequately assuage our concerns in relation to our loss of amenity, increased traffic noise, volume and the inherent risks to the local environment-at the site, as well as to nearby properties, as waste and other materials are transported to and from the facility. We believe the matter should not be voted on at this meeting, so adequate opportunity be given for interested parties to be able to request and prepare to make a deputation.

Mr Luke Colletti on behalf of Paul & Antonietta Colletti, 1324 Thomas Road, Oakford WA 6121

Statement in relation to OCM041/04/17 Rural Strategy Review 2013 – Final Adoption Item 2 page 48- Modification: Oakford/Oldbury Subject to Future Investigation- I request that the Council not remove the 'Subject to Future Investigation' title from this land and wait for the final report Perth & Peel@ 3.5 Million is officially adopted. Submissions have been made by land owners after the draft copy was released, which are currently being considered, the commission has stated that there will be changes made to the final copy. To recommend a change before would not be following correct protocol or procedure, and it also pre-empts the 3.5 million document, which currently has not been released and adopted. The 'Subject to future investigation' status is in line with the current Jandakot Structure Plan, requesting this item to remain will have no detrimental effect to the shire. We are asking for 1 of the 19 items be amended to remain 'Subject to future investigation'.

Mr Michael Dagostino (address supplied)

The Proposal

I will ask the Councillors to consider a resolution to add an additional residential and stable area to the Rural Strategy known as the Oakford Equine Precinct. I am an equestrian enthusiast and run an equestrian business at Oakford. I believe there needs to be a message given by the Rural Strategy that equine is a critical and important social and economic contributor to our Shire.

My vision

My vision for the northern part of the Shire ie the Oakford Equine Precinct, is for the common area to be a showpiece for the Shire with an indoor arena and cross-country course. Currently I've been using my land for a top class cross-country training facility and there have been regular clinics given by Olympic trainers and pony clubs from the Swan Valley and Bunbury have come to use the facility. So Oakford is continuing to establish itself as an equestrian area of note. People come from all over to use our facilities.

My vision is to build on this and if we had approval for this land to be 'residential' and 'stable' then I think we could achieve that.

WAPC position.

As is self evident by the number of modifications proposed by the Council there is blanket acceptance of the WAPC position by the Shire.

The WAPC want to restrict the number of five and 10 acre blocks but I would suggest we should be considering that position carefully as equestrian properties are completely consistent with rural living and consistent with the Shire's 2050 vision so let's not be driven by the WAPC in finalising the Rural Strategy, lets be consistent with our vision.

The 2050 Vision

Equestrian is a critical social and economic contributor to the shire and as seen in the 2050 Vision it is a key part of the Shire's future and our rural way.

If the Shire wants to be known as the equine centre for the South and not the Murray Shire, then focusing on enhancing the equestrian facilities in the north makes sense and differentiates away from the Murray area and in addition is closer to the Ascot and Belmont races, the GP and Byford Trots and the State Equestrian Centre.

Let's build on the vision and the landmark that is Darling Downs. There is virtually nothing like Darling Downs in Australia, it is a quality equine precinct. But it's 20 years old. The children of the next generation cannot afford the \$1 million plus price range in Darling Downs and there are only two properties for sale. Complimenting Darling Downs with the Oakford Equine area makes sense.

It makes sense:

- Economically – currently 2 feed stores and more to come and currently 2 big equine vet practices. If we continue to send a message that there will be more equestrian properties in the north of the Shire, these businesses will have the economic confidence to expand and employ and it may attract other businesses.
- Strategically – to have more equestrian facilities in the north of the Shire is a good thing, lets send a message that equestrian in the north of the Shire is important as per the 2050 vision.
- Practically – if you have the bridle paths at Darling Downs and Oakford extending to Nicholson Rd then having another maze of trails in equestrian properties in the Oakford Equine Precinct would enhance the attractiveness of the trails to people outside the Shire.
- Reputational – we can build on the good reputation the Oakford Cross Country training facility and the Darling Downs common area has, by having additional facilities.

Many of you would have been to the State Equestrian Centre and have seen the show piece that is in the indoor arena and training facilities. Bondy for all his faults realised that if you provided quality facilities, it would attract people to the area and it did.

Can you imagine in 5 years' time the start of another Darling Downs Mach 2 nestled in nicely between the Oakford village (albeit the smaller version) and the urban almost city of Byford?

It makes sense and delivers consistent long term and sustainable direction for the Shire.

Should there be only 1 residential and stable area proposed?

Our position is there is a strong argument for 2 residential and stable areas in the Shire, but if there is only to be one then it is worth considering the Officers reasons why they think Mundijong South is suitable and how those reasons actually apply more appropriately to Oakford.

The Officer's reasons as set out in the Agenda for Mundijong South residential and stables area is not even clear where the southern boundary will be, as it was meant to be the Tonkin extension – who knows when.

Planning Reasons

There are many Planning reasons why the Oakford Equine Precinct makes sense. Closer to existing infrastructure such as Tonkin and the Byford train extension and Thomas Rd. Closer to existing services such as schools and shops with Byford mitigates further sprawl. Mundijong South is an extension of the strip orientated development which is arguably not a desired outcome. Land capability is excellent in the Oakford area.

The Resolution

We are proposing a resolution based on 5 or 10 acres. Obviously 5 acre lots make the land more affordable, but it is a matter of trying to get something through that the WAPC will support and 10 acres may have more chance than 5 acres.

Proposed Resolution

We, the land owners in the Oakford Equine area, respectfully ask the Councillors to consider the following resolution:

“That the draft Rural Strategy be amended to include an additional area classified as ‘Residential and Stable area’ being the area south of Thomas Rd, north of Abernethy Rd, west of Kargotich Rd and east of Birriga Brook, consistent with a previous resolution of the Council dated 27 August 2012, where the Council resolved to zone the Oakford Equine Precinct and additional land in the area as Rural Residential”.

Mr Paul Gangemi, PO Box 108, Armadale, WA, 6992

My name is Paul Gangemi. I have lived and worked in the Shire all my life. For over 43 years I have sought to have my land rezoned to Special Rural so that it can be subdivided into smaller lots that are much sought after within the Shire. My land is located between South Western Highway and Shanley Road and only 2.0 kms from the Mundijong townsite. It is high and dry throughout winter and is very well suited to rural residential development. The Council acknowledged this in the preparation and adoption of the Rural Strategy Review (RSR) and identified an area of land south of Mundijong (including my property) in the Residential and Stables Policy Area (2.0ha minimum lot size). My planning consultants Gray & Lewis had already lodged a scheme amendment with the Shire to request Council to rezone my land to facilitate subdivision into 2.0ha lots in accordance with the RSR.

As the Council is aware, the Commission resolved in December 2016 to remove a number of Rural Residential Policy areas (including the area south of Mundijong) primarily on the basis that they believed some were premature and would not be developed for another 20 years. This is not correct. I intend subdividing my land as soon as the statutory planning approvals are in place having regard to the sites proximity to Mundijong townsite, its high land capability, aesthetic qualities and the strong demand for good quality rural residential lots.

The Shire officers report recommends that the Council requests the Commission to reconsider Modification 10 (land immediately south of the Mundijong townsite) and reinstate the Residential and Stable policy area in this location to support the equine

industry. I strongly agree with the officer recommendations although I believe that a range of lot sizes from 2.0ha to 4.0ha should be allowed, subject to land capability. This will provide for some variation rather than just having a blanket of 4.0ha lots.

Mr David Maiorana on behalf of Harley Dykstra

Statement in relation to OCM042/04/17

I, David Maiorana, Town Planner, of Harley Dykstra confirm I have reviewed the agenda report in relation to the proposed Green Waste Recycling Facility and Plant Nursery at Lot 232 Orton Road, Oldbury and support the Officer's recommendation to approve the development subject to conditions.

Mr Aaron Hsu, 27 Bannister Road, Boddington on behalf of B2P Property Pty Ltd and Hian Boon Hsu

Statement in relation to OCM042/04/17 Proposed Green Waste Recycling Facility and Plant Nursery

I write to seek your careful consideration of the above Development Application at this afternoon's Council meeting.

By way of background, I own land close to the proposed green waste recycling facility. I have attached my objection dated 30 June 2016 to the Shire along with the concerns and issues raised by my planning consultant Edge Planning & Property.

The Development Application proposed mulching, however, I am concerned that the planning officer's recommendation (condition 13) continues to open the door for composting. If the facility is allowed to undertake composting processes then I would remain strongly opposed to the proposal on the grounds of environmental concerns. However, if the proposal incorporates stringent conditions preventing composting then my view has changed very significantly to one of being highly supportive.

I have rethought my position focussing more on the long term outcomes for both landowners and for our local region. It seems to me that we have reached a watershed moment insofar that it is timely to review zoning for the area against the backdrop of changing demographics and economic circumstances. The original zoning presupposed land usage based on the pursuit of agricultural enterprises. Clearly, over time, it is evident that economic benefits resulting from traditional agricultural usage is rather modest and has been in decline for many years.

I think we need to look to the future and reconsider our needs in terms of enhancing regional economic productivity whilst accommodating population trends. From a zoning perspective; I believe we should contemplate more comprehensive light industrial and mixed usage zoning. We need to be more open to innovative land usage, encouraging business activities that will stimulate local employment. This proposal is therefore a step in the right direction and I am willing to support the application in view of longer benefits for ratepayers, and, importantly, for our economy.

Ms Lara Spagnola, on behalf of MALF Corp Pty Ltd

Statement relating to OCM041/04/17

My name is Lara Spagnolo of 2489 South Western Highway, Serpentine.

I made a statement at the last council meeting on the Final Adoption of the Rural Strategy Review 2013, in particular WAPC's modification 13 and I am here again tonight on that topic.

I have sent emails to you requesting that an alternative resolution be accepted for the WAPC's Modification 13. The alternative resolution asks the WAPC to reconsider Modification 13.

The alternative resolution to replace 2(n) on page 75 of the Agenda is:

“Requests the Western Australian Planning Commission to reconsider Modification 13: Land bound by South Western Highway on the east, southern boundary of Lot 482 (2622) South Western Highway, Lot 9 (147) Harvey Road / ‘Rural Living A’27 / Serpentine Townsite to west and creek line to the north (which is identified as ‘Rural Living A’) – Remove ‘Rural Living A’ classification and depict as Rural.

The reasons outlined in the Shire's original rationale for the Rural Strategy Review 2013 remain valid as the land consolidates the existing ‘Rural Living A’ precinct, which currently surrounds the Serpentine Townsite. The Shire considers identifying the subject land as ‘Rural-Residential’. There is no intention for this land to be urban and identifying the land as Rural Living will secure the land for its intended purpose of consolidating an existing Rural Living Precinct. Council does not consider it necessary to include an annotation which states and rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and therefore requests that the ‘Rural Living A’ designation be retained”.

There are strong reasons for why you should accept the alternative resolution tonight: The alternative resolution is consistent with the position taken by the Shire in the RSR 2013 and means that the Shire remains true to that position which is based on significant community consultation. On page 46 of Tonight's Agenda, it states that at the WAPC's Statutory Planning Committee meeting on 20 December 2016, a submission was made by the Shire that “the Shire officers and Council continued to support Council adopted RSR 2013 as resolved on 15 July 2014”. The alternative resolution upholds what the Council adopted in the RSR 2013 and what Council recently stated that it continued to support.

The Shire's original rationale in the RSR 2013 for identifying the land affected by Modification 13 as Rural Living A was that it consolidates the existing Rural Living A precinct which currently surrounds the Serpentine townsite. This rationale continues to be valid and is in fact strengthened given that the neighbouring Rural Living A precinct is on its final stage and only a few blocks remain for sale. For these reasons, the alternative resolution uses the Shire's original rationale to support the WAPC reconsidering its position.

The alternative resolution is consistent with draft South Metropolitan Sub-regional Planning Framework which identifies the land as “Rural Residential”. Given the land has been identified in the draft Framework as “Rural Residential” it seems logical for the Rural Living A classification to remain as proposed by the alternative resolution.

The resolution proposed by the Shire's officers for modification 13 relies on SJ2050. It would not seem appropriate for the Shire to rely on SJ2050 to depart from the Shire's position taken by the RSR 2013 when the SH2050 is described as “a conceptual document, with no policy or regulatory function” (page 49 of SJ2050). The alternative resolution does not seek reliance on a conceptual document, it relies on the Council endorsed RSR 2013 and the draft South Metropolitan Sub-regional Planning Framework.

The Shire has substantially progressed Scheme Amendment 193 on the basis of the RSR 2013. Detailed investigations have been undertaken which demonstrate that the land covered by SA 193 is appropriate as Rural Living A land. The alternative resolution is consistent with the Shire's actions in initiating and progressing Scheme Amendment

193 and consistent with the details investigations which show the land is appropriate for Rural Living A zoning.

The alternative resolution keeps alive people living in Serpentine on rural living sized lots within the next 10 years. Acceptance of the WAPC's Modification 13 postpones this opportunity. If you stand by the statement made in the RSR 2013 that "the opportunity for this style of development is becoming hard to find in the metropolitan area and is one of the key characteristics associated with the Shire" then the alternative resolution should be supported.

My hope is that have considered these reasons since the last meeting and will be accepting the alternative resolution I have offered in relation to Modification 13.

Public statement time concluded at 7.45pm.

4. Petitions and deputations:

4.1 Mr David Maiorana on behalf of Henry Dykstra to present a deputation in relation to item OCM041/04/17 Rural Strategy Review 2013 – Final Adoption

Good Evening Councillors. My name is David Maiorana and I am a Director of Harley Dykstra (Planning and Survey Solutions).

I wish to very briefly speak to you this evening regarding Council's consideration of modifications to the Rural Strategy Review, as it relates to the Oakford Village. This deputation follows our recent presentation to Council's Policy Forum earlier this month.

By way of a very brief recap, our earlier presentation to Council outlined the extensive planning history for Oakford over the past two decades and how this has evolved through time, culminating in the preparation of an MRS amendment that was supported by Council. The landowners have also invested a considerable amount of time, effort and money on specialist reports to underpin the proposed rezoning and to provide for the development of the land.

We are respectfully seeking Council's ongoing support for the Oakford Village and have provided alternate wording to all Councillors via email this morning in this regard.

Our proposed wording seeks to maintain the land as "Subject to Future Investigation" as was outlined in the version of the Rural Strategy Review document that was originally adopted by Council in 2014. It is noted that the future investigation area relates to a smaller area than originally identified and is entirely consistent with the Rural Economic Living Area as outlined in the endorsed Jandakot Structure Plan.

This approach is consistent with Council's existing support for the Oakford Village, which has been evident in its endorsement of the proposed MRS Amendment and its adoption of Local Planning Policy 51.

Finally, the Officer's Recommendation proposes the identification of Oakford as being subject to a Rural Enterprise Future Investigation Overlay. We make the observation that such an overlay does not currently form part of the Rural Strategy Review document. As such, a new section would have to be formulated and incorporated into the Rural Strategy Review document at this late stage to accommodate this change.

We do not believe that such a change should occur at this late stage in the process and that it instead would be most appropriate for the Shire to retain the existing "Subject to Future Investigation" designation to enable the Rural Strategy

Review to be finalised in a timely manner and further planning to be undertaken at a later stage in the planning process.

Thank you for your time this evening and I'd be happy to answer any questions that you may have.

4.2 Mr Peter Varelis to present a deputation in relation to item OCM041/04/17 Rural Strategy Review 2013 – Final Adoption

Background:

Lot 55 McKenna Drive, Cardup (Lot 55) is an existing 24,000m² rural living property. Lot 55 is currently zoned Rural Living A with a potential minimum lot size of 4000m². This zoning, minimum lot size and subdivision potential has existed on Lot 55 since approx. 1999 when the land was zoned Rural Living A as part of Town Planning Scheme No.2 - Amendment No.100. There is currently a Subdivision Guide Plan amendment submitted with the Shire for consideration which supports subdivision of this property into five (5) lots of sizes between approx. 4200m² - 6000m² in accordance with the minimum lot size of 4000m² for the Rural Living A zone.

Concern:

The Western Australian Planning Commission Modification 9 to the Rural Strategy Review, in summary, seeks to reduce the subdivision potential of Lot 55 and its surrounding area to 1 ha (10,000m²). As investors in the Shire we have based our investment decision on the existing strategic and statutory planning framework which permitted a potential minimum lots size of 4000m². In making this decision we understood that the Shire's Rural Strategy was under review but noted that the advertised document and plan did not seek to change the minimum lot size for land within the Rural Living A zone. We also noted that the reviewed Rural Strategy had received confirmation to advertise by the Department of Planning and the minimum lot size remained unchanged. It is our opinion that the WAPC should have requested these modifications from the Shire before the Rural Strategy Review went out for public advertising not after public advertising. Given the nature of modifications, the public and landowners should have had the opportunity to comment. Making such drastic modifications post advertising and without providing landowners the opportunity to comment is not transparent.

Request:

That Council requests that this area maintains its existing Rural Living A Policy Area requirements and reinstate the 4000m² - 1ha minimum lot size for the following reasons:

No site-specific studies or detailed investigations have been undertaken over this area to justify applying a blanket 1ha minimum lot size.

The existing Rural Living 'A' zone, specifically Town Planning Scheme No.2 Clause 5.12, requires appropriate planning and site investigations to support subdivision between 4000m² and 1ha. Individual proposals can be assessed on their merits without the need to apply a blanket 1ha minimum lot size to the whole area. The Subdivision Guide Plan amendment process provides a suitable process for this to occur.

The draft State Government Sewerage Policy, utilised as a basis by the Western Australian Planning Commission for imposing the 1ha minimum, is still in draft format and has received significant opposition from the broader development industry, lacks any scientific evidence to reject the use of effluent treatment

systems on the Palusplain and should not be utilised as a basis to make long term strategic planning decisions.

Permitting the creation of lot sizes between 4000m² and 1ha will reduce the number of horses in this area because horses cannot be kept on lots smaller than 1ha and may improve the nutrient run off on the Palusplain.

There are various planning proposals, which have justified lots smaller than 1ha and are at various stages of the planning process. These proposals have been prepared in accordance with the requirements of Town Planning Scheme No. 2 Clause 5.12 and are based on the existing planning framework for the area. A moratorium or similar should have been placed on subdivisions and Subdivision Guide Plan amendments before such a significant modification was proposed to be made.

The draft Rural Strategy Review 2013 was provided consent to advertise by the Department of Planning without the 1ha minimum lot size requirement for this area. Landowners have not been provided the opportunity to comment on this significant modification. The modification should have been requested by the Department of Planning before public advertising commenced.

4.3 Mr John Kirkpatrick to present a deputation in relation to the lease and financing of the Byford and Districts Country Club

I would like to thank the CEO for his consideration in allowing me the opportunity to perhaps explain why I moved the Motion at the electors meeting to reject the annual report.

This in no way reflects on the current CEO as he had no influence on what may have happened.

Over the last year or so, it has been impossible to get an honest answer to questions at an OCM. They have always been evasive or defensive and have not answered the question or point requested.

Take for example the number of questions asked about the "Byford Districts Country Club", "The BDCC", "Country Club", "Community Centre", "Multipurpose Sporting Facility" or whatever other name that it has been listed as in various council reports.

First mention is OCM093/11/13 when Councillor Erren brought a late item of business to Council asking for funding to relocate the Byford District Country Club even though it was not listed anywhere in the Shire's Forward Capital Works Plan. I queried the eligibility of Councillors Erren, Hawkins and Rossiter. The then CEO asked for time to seek legal advice and it was adjourned until February 2014

Item OCM119/02/2014

Relocation of the BDCC proposed by Councillor Erren

The CEO must have got legal advice as the three Councillors Declared an Interest and left the chamber and did not vote. In the body of the report it states "The Councillor recommendations are not supported by administration as they are decisions that are not needed at this point in time and are inconsistent with the provisions of the Local Government Act in relation to budgeting".

Item OCM 178/05/2014.

Proposed lease Byford and Districts Country Club and the Shire of Serpentine Jarrahdale.

Councillors Erren, Hawkins and Rossiter Declared an Interest and left the Chamber. The decision was deferred for a month because of a flaw in the lease in that it had no access to the site. I spoke to Mr Stephen White who was driving the project and suggested that they employ a competent legal person to get access included in the lease.

Item OCM 193/06/14

Proposed lease by the BDCC for the site on the old rifle range.

Again Councillors Erren, Hawkins and Rossiter Declared an interest and left the chamber and did not vote. Although the lease was approved there is no funding allocation for this project in the 2014 budget papers.

Item OCM 21/08/14

Proposed Multi Sporting Facility lot 2857 (reserve 10164), for planning permission for the proposed BDCC.

Again Councillors Erren Hawkins and Rossiter leave the chamber and do not vote, this shows consistency in the interest in the BDCC.

Item OCM 105/12/14

Request for tender RFT103/14 for forward works for proposed Community Centre, Lot 2857, South West Highway.

Again Councillors Erren, Hawkins and Rossiter Declared an Interest and left the meeting and did not vote. This did not appear on the budget papers for 2014, so where was the money coming from?

Item OCM 105/12/14

That the Council accept the tender of Curnow Group for the forward works at the BDCC.

Councillors Erren, Hawkins and Rossiter Declared an Interest and left the chamber and did not vote.

Item SCM 007/12/15

BDCC Lot 2857, South West Highway, Byford RFT09/2015

Councillors Erren and See Declared an Interest and left the chamber and did not vote. This appears as a modified tender as all tenders previously received exceeded the available budget. Why was there need for a Special Council meeting to resolve this matter over the Christmas Period? This poses the question that as is seen when the Shire called for tenders, accepted and constructed the facilities for the BDCC. Why was there no project management fees charged?

At the OCM dated 27 February 2017 I asked the following question and received the listed response:

Question: "As the Shire built the Byford and Districts Country Club on behalf of that organisation, did the Shire charge the management fees to supervise the construction as it did not belong to the Shire until it was completed and if not when did the Council resolve to waive these fees?"

Response: 'The Shire of Serpentine Jarrahdale and Byford and Districts Country

Club executed a Funding Agreement for the Construction of Byford and Districts Country Club House and Bowling Green. Under the agreement there was no provision for the Shire to charge the Byford and Districts Country Club a management fee."

It is clear that is the normal procedure as in Item OCM 048/04/17 on tonight's agenda shows Project management fees at 18% taking that as a guide and that the cost in the budget papers at \$5,300,000.00 that would be a cost of about \$954,000.00 in management fees that was forgone. With the grave concerns about rate rises it appears unreasonable to make a donation of this size to the detriment of our children.

It may appear to ratepayers that there may have been some arrangement between the Director of Finance, the then CEO and the Shire President who incidentally is the President of the BDCC to forgo the Project Management fees of 18% as this was never brought to Council to waive the fees for a decision and is outside of any delegation listed in the shire's Delegated Authority Register. It also raises the question to whether a Councillor or Councillors have misused their position to the financial detriment of the residents and rate payers of the Shire.

If the project management fee had been charged it could have paid for the relocation of the BMX track and the district Skate Park without grant funding. This means that our kids have been denied these facilities just so a few people can enjoy cheap meals and alcohol. This is all to benefit an exclusive private facility.

We cannot get any honest answers as it raised the following queries.

1. Do the BDCC Clubrooms become part of the lease as it was not constructed by the BDCC but by the Shire?
2. If not then is the liquor licence valid if the building belongs to the Shire and is not part of the lease and was not constructed in accordance with the lease?
3. The lease states that the BDCC will pay rates. Is this for the unimproved value of the land or as a commercial venture as it is questionable if it can be classified as a not for profit organisation if food and alcohol is sold at below commercial value?
4. Have all the grants been spent as they were applied for? I believe that one grant was issued on the understanding that a community shed and community garden would be part of the development? If not, has that portion of the Grant been returned or is it in trust somewhere?
5. Has the BDCC transferred all the funding as promised from the sale of the old premises'?
6. Were all the grants applied for successful or was there a shortfall in the amount of \$5,300,000.00 shown in the Budget? This was supposed to be at no cost to the ratepayers?
7. Did the Shire have to carry some of the cost even as bridging finance?
8. What other monies are buried in the financial reports that should have been paid by the BDCC and were in fact, financed by the Shire.
9. Why do the residents and ratepayers have to go without community facilities and pay high rate risers year after year when the Shire can afford to not charge project management fees to cover its costs?

If the lease of the buildings is not consistent with the lease as signed then it raises the question is the liquor licence legal? Does the lease need to come back to Council for modification as you only have five Councillors that can vote and you need all of them to support any changes.

The shortage of finance that I referred to is made clear by this document circulated by the BDCC looking for financial support.

With all the unanswered questions about this matter causing much concern in the Community, hence the vote to refuse the annual report to try to get clarity on the matter.

Perhaps the CEO would consider having an independent person or body investigate the complete issue as it is now much too involved for the ratepayer to try to understand. The cost of this project has not been made available to the public and where the money has come from as it is apparent that the BDCC has been short of money from the start.

Hence the need to canvas developers for finance to fit out the club with the potential to compromise the integrity if the Council.

It has never been made available what grants were successful and if there was a shortfall? If there was a shortfall where was the finance going to come from?

If the Management fees had been charged, it is possible that the BMX Track and the Skate Park could have been up and functioning from much earlier as the Briggs Park Oval plans have been in place since 2014. In other words you have denied our children the right to facilities.

5. President's report:

Tomorrow is ANZAC Day and the Shire has partnered with the Serpentine Jarrahdale RSL to commemorate this year's ANZAC Day. These remembrance services will take place in the ANZAC Crescent Memorial Park in Byford starting with a dawn service from 5.45am followed by a gunfire breakfast, commemorative service and processional march. Shire offices and the Mundijong Public Library will be closed on ANZAC Day.

National Volunteer Week is coming up from 8 – 14 May and the Shire is celebrating by hosting an information day on 11 May at the Community Resource Centre from 1pm-7pm. Approximately 17% of our Shire currently volunteers, which is 2% more than greater Perth. If you have thought about volunteering in the past, but don't know where to start, this information day will give you knowledge on organisations that are looking for active volunteers and what is involved.

The Shire is working closely with schools in our area to improve safety for children at pick up and drop off times with the Rangers patrolling schools to ensure that parking signs are being adhered to, safe parking is taking place and parents are following safe practice at pick up and drop off times.

6. Declaration of Councillors and officers interest:

Nil

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

7.1 Minutes from previous Meetings:

7.1.1 Ordinary Council Meeting – 27 March 2017

COUNCIL DECISION

Moved Cr See, seconded Cr Ellis

That the minutes of the Ordinary Council Meeting held on 27 March 2017 be confirmed (E17/2579).

CARRIED UNANIMOUSLY

7.2 Planning Reports:

OCM035/04/17 Local Emergency Management Committee Information Report	
Author:	Gillian French – Emergency Services Technical Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	14 March 2017
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 <i>Local Government Act 1995</i>

Introduction

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held on 9 March 2017.

Council are also being requested to endorse the lodgement of an application prepared by Officers for an All West Australians Reducing Emergencies (AWARE) grant in order to update a Hazard Risk Assessment of the Shire previously undertaken in 2012 (Attachment OCM035.2/04/17).

Background

The minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 9 March 2017 and the minutes and recommendations from those minutes are hereby presented for your information.

Relevant Previous Decisions of Council

OCM153/08/16 - Minutes of Meeting 28 June 2016
OCM002/02/17 - Minutes of Meeting 13 December 2016

Community Consultation

No formal community consultation is required.

Comment

At the meeting of 9 March 2017, two motions were put before the Committee and are further discussed below.

Local Emergency Management Arrangements

The Emergency Management Act 2005 (EM Act) formalises Western Australia's emergency management arrangements.

Under the EM Act, Local Governments are required to have local emergency management arrangements. Local Governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. Effective local emergency management arrangements enhance the community's resilience and preparedness for emergencies through strategies that apply prevention/mitigation, preparedness, response and recovery measures.

The arrangements require endorsement by this committee prior to being forwarded to council and the District Emergency Management Committee. Once noted by the District Emergency Management Committee, the document is then forwarded to State Emergency Management Committee to ensure it is consistent with legislation and policy requirements.

The Shire's Local Emergency Management Arrangements have been previously circulated for comments and workshopped within this committee. Shire Officers have spent additional time with Merveen Cross and Quinta La Rosa (Office of Emergency Management) finalising the format of these arrangements.

Amendments to this document have been received from our District Emergency Management Advisor, Armadale Kalamunda Group, Department for Child Protection and Family Support and Parks and Wildlife. Amendments focused on the change of agency names and updates to emergency management documentation.

The Local Emergency Management Arrangements were tabled at this meeting for finalisation prior to being forwarded to the District Emergency Management Committee for approval. Once approved, these Arrangements will be forwarded as an agenda item for Council to endorse.

The Local Emergency Management Committee resolved as follows:

“That the Local Emergency Management Arrangements of the Serpentine Jarrahdale Local Emergency Management Committee be adopted and forwarded to the District Emergency Management Committee for approval. Once approved by the District Emergency management Committee, they shall be tabled as an agenda item for Council endorsement.”

Officers support the above resolution and recommend that it is noted by Council.

All West Australians Reducing Emergencies (AWARE)

The Office of Emergency Management's (OEM) signature grant round, the *All West Australians Reducing Emergencies* (AWARE) program, opened on 10 March 2017. The grant program aims to enhance WA's Emergency Management (EM) arrangements by investing in planning and human capacity building at local or district level.

Projects must fall into one of the following categories:

- Local Emergency Management Arrangements (LEMA)
- Exercises
- Community education/research

Local and State government agencies can apply, as well as organisations involved in Emergency Management. Applications must be received by 4 pm AWST 27 April 2017.

The Committee discussed the fact that our current Hazard Risk Assessment (Appendix 1 of the Local Emergency Management Arrangements) is due for review and that an application could be made through AWARE for funding of this project. State Emergency Management Policy 2.5 directs that risk assessments must be undertaken within the local government district. This assessment must be monitored and reviewed regularly. The purpose of the review is to provide the Shire with a report to determine the most appropriate recommendations in regard to the safety of the community. Risk treatments will be identified throughout the risk assessment process in consultation with the community, employees, council and the LEMC linking these activities to the risk management practices required for sound Local Government Governance.

The Local Emergency Management Committee resolved as follows:

“That the Local Emergency Management Committee recommend to Council that officers apply for AWARE funding to undertake a Hazard Risk Assessment of the Shire.”

Officers support the above resolution and recommend that it is noted by Council.

Conclusion

Two motions from the minutes of the Committee are presented to Council for information and consideration. Officers recommend that Council notes the above recommendations and receives the minutes of the meeting of the Committee held on 9 March 2017. Officers also recommend that Council agree to apply for AWARE funding in order to undertake and update a Hazard Risk Assessment of the Shire.

Attachments

- [OCM035.1/04/17](#) – Local Emergency Management Committee Minutes (E17/1443)
- [OCM035.2/04/17](#) – Community Centred Emergency Risk Management Assessment (IN13/9173)

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.
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition.

Statutory Environment

Emergency Management Act 2005, Section 38

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*

Financial Implications

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

OCM035/04/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council:

- 1. Receives the Local Emergency Management Committee Minutes of 9 March 2017 as per attachment OCM035.1/04/17, and notes all recommendations contained therein.**
- 2. Supports the application for All West Australians Reducing Emergencies funding to update the Hazard Risk Assessment for the Shire.**

CARRIED UNANIMOUSLY

OCM036/04/17	Child Minding Centre – Lot 180, 17 Mead Street and Lot 181, 1 Marchant Way, Byford (PA16/428)
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning Services
Date of Report:	17 February 2017
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 <i>Local Government Act 1995</i>

Proponent: Macri Builders Pty Ltd
 Owner: Narula Holdings Pty Ltd
 Date of Receipt: 1 November 2016
 Lot Area: 1,207m² overall
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

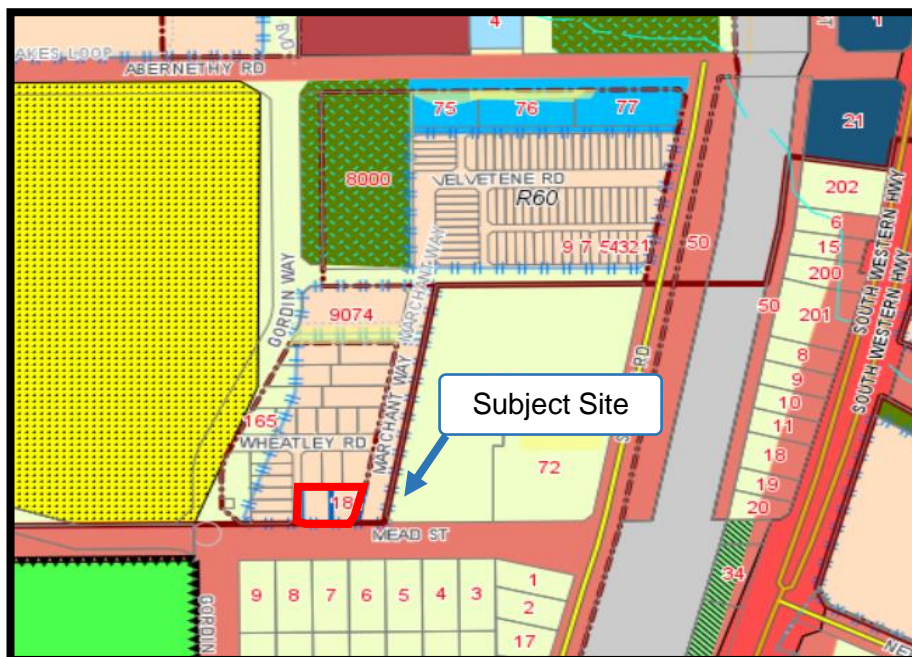
Introduction

The purpose of this report is for Council to determine an application for a Child Minding Centre, which requires a variation to Local Planning Policy 31 – Byford Town Centre Design Guidelines (LPP31). Non-residential land uses are not considered appropriate on the subject site in accordance with the 'Residential Precinct' of LPP31. As the proposal is for a commercial land use the application constitutes a variation to LPP31.

The proposal is presented to Council as Officers do not have delegation to determine applications that vary local planning policies, in accordance with delegation P035S, which states:

“Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.”

As the relevant provision of LPP31 does not provide for discretion to be exercised by Shire officers, the application is presented to Council for determination. Officers recommend that the application be approved subject to conditions.



Location Plan

Background

The site is located within a residential area south of the Byford Town Centre. The site is within close proximity to the Byford Secondary College to the west, Byford John Calvin School to the east and Briggs Park Reserve to the south-west.

Being in close proximity to the Byford Town Centre, the site is within the Byford Structure Plan (BSP) and Byford Town Centre Local Structure Plan (LSP). The designation for the site is for residential use under both structure plans.

Child Minding Centre

The application seeks approval for a Child Minding Centre with a maximum capacity of 56 children and employing 11 to 12 staff members.

The Child Minding Centre features three indoor activity rooms and an external play area where the majority of childcare activities will occur. There are also a number of rooms incidental to the primary use, including an office, staff room, kitchen, cot room, bathrooms, storage rooms, nappy change room and laundry. The building footprint is 469.23m², with the following setbacks:

- Mead Street - 3.8 metres to the verandah and 5.86 metres to the main building;
- Rouse Lane – 1 metre to the main building;
- Marchant Way - 9.89 metres to the main building; and
- Rear Boundary – 0 metres to the store and 4.5 metres to the main building.

The Child Minding Centre is to operate Monday to Saturday from 6:30am to 6:30pm.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Planning Assessment

Land Use

Definitions

Clause 3.2.4 of Town Planning Scheme No.2 (TPS2) states that *“where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use”*.

As a result, Officers have considered all land uses that the proposal may reasonably fall within as follows:-

Educational Establishment – *“means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.”*

Child Minding Centre – *“means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations 1968 (as amended) but does not include a family care centre as defined by those Regulations, or an institutional home.”*

The proposal is consistent with both definitions; however, the land use aligns more closely with the definition of ‘Child Minding Centre’ as the primary purpose of the development is for the care of children rather than education. As such, Officers determined under delegation that the land use should be classified as ‘Child Minding Centre’, and have advertised the application accordingly.

Permissibility

The subject lots are zoned 'Urban Development' under TPS2. A 'Child Minding Centre' is capable of approval in the 'Urban Development' zone under clause 5.18.7.3 of TPS2.

The site is located in an area covered by the BSP and Byford Town Centre LSP. Under these structure plans, the site is designated 'Residential', which correlates to land use permissibility with the 'Residential' zone in TPS2.

As the site is designated 'Residential', due regard is required to be given to the land use permissibility in accordance with Table 1 of TPS2. A Child Minding Centre is an 'SA' use in the 'Residential' zone, which means:

“that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3”.

Notice refers to community consultation, which has been undertaken and is discussed further within this report.

It should also be noted that clause 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states:

“(1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.”

Council needs to exercise its discretion before granting planning approval. In considering if Council uses its discretion and approves the application, Council is required to consider schedule 2, part 9, clause 67 of the Deemed Provisions of the Regulations.

Attachment OCM036.3/04/17 details a comprehensive assessment of each of the 27 matters contained within clause 67. For the purposes of this report, topics of concern or where variations are sought are discussed within this report including 1) Orderly and Proper Planning 2) Form of Development and 3) Amenity.

1. Orderly and Proper Planning

Clause 67 of the Deemed Provisions, specifically A – J, considers the state and local planning policy framework including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning. The Regulations also specifically require consideration of the aims and objectives of the Scheme.

Aims and Objectives of the Scheme

Clause 5.17 of TPS2 states the objectives of the 'Urban Development' zone, as follows:

“to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances”.

It is considered that the ‘urban development’ zone is intended to be flexible to account for changing circumstances. Furthermore, clause 5.17(c) of TPS 2 states:

“The zone will allow for the following:

(c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience”

It is considered that the provision of LPP31, which limits land uses to ‘Residential’ only, is inconsistent with the objectives of the ‘Urban Development’ zone and should be varied on the basis that the development services the needs of the community and is integrated with surrounding services to maximise convenience.

Policy Framework

When considering the state and local planning policy framework the following policies are relevant:

Draft Perth and Peel @ 3.5 Million

The site is designated as ‘Urban’ in the draft South Metropolitan Peel Sub-Region Framework. The document does not specifically mention childcare facilities but it does acknowledge the anticipated need for new schools with the expected growing population. The document also recognises the importance of contributing to the promotion of employment to cater for the demand for jobs caused by a growing population.

The proposal is consistent with the objectives of providing new schools and employment in line with the Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel and Sub-Regional Framework Towards Perth and Peel @ 3.5 Million.

The proposal is consistent with the State planning framework, local planning framework being TPS2 and the objectives of the zone. As a result, the development is considered to be in accordance with orderly and proper planning.

Local Planning Policy 31 – Byford Town Centre Built Form Design Guidelines

LPP31 provides land use provisions for the precinct in which the subject lots are located. Clause 3.6.1(a) states:

“The land-use shall be residential.”

This clause refers to land use rather than a zone or designation and is considered to refer specifically to a single house, grouped dwelling, multiple dwelling or ancillary accommodation, as listed under the heading ‘Residential’ in Table 1 – Zoning Table of TPS2.

The land use is capable of approval under TPS2, however, consideration must be given for the variation to LPP31, which has been discussed further throughout this report.

2. Form of Development

Clause 67 of the Deemed Provisions, specifically K, L, M, P, all relate to the form of the development that is required to be assessed.

Visual Amenity

Clause 7.1 of TPS2 requires buildings to be designed to maintain the amenity of the area. The façade of the Childcare Centre has been designed to appear as a dwelling, synonymous with surrounding development. The design incorporates windows addressing the primary street, open style fencing and verandas similar in scale to that of a single storey dwelling.

Landscaping is proposed around the car parking area to soften the visual impact on the primary street. Clause 7.10.2 of TPS2 states requirements for landscaping in car parking areas. Under this clause, plantings are to be selected and maintained to minimise foliage between 0.5 metres and 1.5 metres above ground level. A Landscape Management Plan is required in accordance with Local Planning Policy 67 – Landscape and Vegetation (LPP67) to ensure planting and management is in accordance with TPS2. As such, this has been recommended as a condition of approval.

Clause 7.10.2 of TPS 2 also requires a minimum width of 2 metres for landscaping where it abuts a street boundary. Due to the shape of the lot, part of the landscaping area has less than a 2 metre width; however, the average width of the landscaped area abutting the street boundary is 2.074 metres.

Officers are satisfied that the landscaping areas provided are sufficient to soften the overall development on the streetscape. As such, the requirement for a minimum 2 metre width can be modified in accordance with clause 5.2.1 of TPS2. In exercising discretion under clause 5.2.1, Council must have consideration for those matters listed in clause 5.2.2, being:

- Orderly and proper planning;
- Preservation of amenity; and
- The spirit and purpose of the requirement or standard.

The proposed variation is considered appropriate, as the average width of the landscaping area is greater than the minimum 2 metre requirement. Overall the landscaping area complies with LPP 67, a condition for a landscaping plan is recommended to ensure management practices also comply with the policy. As such, the minor departure is considered appropriate and can be modified in accordance with clause 5.2.1.

3. Amenity

Clause 67 of the Deemed Provisions, specifically N, relates to the amenity of the locality which is required to be assessed.

Noise, Dust and Odour

Dust is not considered to be a concern for this application, as outdoor areas will be landscaped in accordance with LPP67 to an appropriate standard for outdoor play.

An acoustic assessment has been submitted with the application detailing compliance with the *Environmental Protection (Noise) Regulations 1997*. A condition has been recommended requiring construction and operation to be in accordance with the acoustic assessment, therefore ensuring the development will comply with the *Environmental Protection (Noise) Regulations 1997*.

A submission was received by an adjoining neighbour with concerns in relation to odour, given the location of the bin store area on the North boundary. The applicant has since amended the plans to relocate the bin store area 4.5 metres from the North boundary and contained it within a store room. A condition requiring a waste management plan is recommended to ensure any further potential odour impacts are minimised on the surrounding residential lots.

4. Other Matters

Car Parking

TPS2 and the Byford Town Centre LSP include car parking requirements. The proposal includes ten regular car bays and one disability access bay. Under TPS2 the car parking requirement for a Child Minding Centre is one space for every five children. Having a maximum capacity of 56 children the facility would require 11.2 (12) parking bays.

The Byford Town Centre LSP designates a general car parking requirement for development in the town centre at 1 bay per 20m² of gross leasable area (GLA). The proposed building footprint is 469.23m², which requires 23 car bays under the Byford Town Centre LSP.

Section 1.9.1 of the Byford Town Centre LSP states that:

“Where there is any inconsistency between the provision of the TPS2 and those of the LSP and Design Guidelines LPP 31, the provisions of the TPS2 prevail to the extent of that inconsistency.”

As there is an inconsistency in parking requirements between TPS2 and Byford Town Centre LSP, the requirements of TPS2 prevail.

The proposal provides 11 bays, which does not comply with the required 11.2 (12) car bays required under TPS 2. Clause 5.2.1 of TPS2 provides Council with the discretion to vary development standards of TPS2 for non-residential development.

The variation is appropriate in relation to those matters listed and requiring consideration under clause 5.2.2 of TPS2. The reduction in parking will result in less hardscape and resultant impacts on the amenity of the area. The variation is not considered to adversely impact on future occupiers, users and inhabitants of the locality. Given the actual variation is only 0.2 bays it is not considered to unreasonably depart from the requirement.

Traffic

Proposed access is from Marchant Way, which is a six metre carriageway capable of two way traffic movement. The access point off Marchant Way complies with the six metre setback distance to intersections required under Australian Standard AS2890.1 Parking Facilities – Off-street Car Parking.

Peak hour times for the proposed development do not conflict with surrounding School peak times and are not considered to pose a major impact to local traffic. As a result, a traffic impact statement was not required to form part of the application; however, a condition of approval is recommended to ensure any future traffic impacts can be mitigated to the satisfaction of the Shire.

Bushfire

Child Minding Centres are considered to be a vulnerable land use under State Planning Policy 3.7 (SPP3.7) and accompanying guidelines. In accordance with SPP3.7, a Bushfire Management Plan is required for any proposed vulnerable land use within a bushfire prone area. The Bushfire Management Plan will need to include an Emergency Evacuation Plan and Risk Management Plan for any flammables stored on site. Officers have recommended a Bushfire Management Plan be required as a condition of approval.

Planning Bulletin 72/2009 – Childcare Centres

The location of childcare centres is one of the objectives of Planning Bulletin 72/2009 – Childcare Centres. Childcare centres should be located appropriately in relation to their surrounding service area. The bulletin includes requirements that childcare centres should be located to provide:

- *“the maximum benefit to the community;*
- *within easy walking distance and serviced by public transport;*
- *in areas where surrounding uses are compatible;*
- *suitable in terms of traffic safety and engineering; and*
- *not adversely impacting on the amenity of the area.”*

The proposal is located within the residential area of the Byford Town Centre, close to existing and developing residential land. There are four bus stops within a 500 metre radius

of the subject site, located at: Mead Street, Soldiers Road, Gordin Way and South Western Highway.

As the lot is located within a residential area, the noise impacts of the proposed use on the locality was considered. An acoustic assessment accompanied the application, showing projected noise levels will be within a satisfactory level.

The planning bulletin also states that childcare centres should not be located where:

- *“there is soil contamination;*
- *groundwater extraction;*
- *access is from a major road or local access street which may impact on the amenity of the area;*
- *the adjoining premises cause an unacceptable level of noise, fumes or emissions; or*
- *the site is in a heavy industry area.”*

The site is not an identified contaminated site, has access to scheme water, is not accessed from a major road or local access street, is not located adjacent to a premises which causes unacceptable levels of noise, fumes or emissions and is not in a heavy industry area. As such, the proposal is considered consistent with the requirements of planning bulletin 72/2009.

Community / Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with Clause 64 of the Regulations. During advertising one submission was received objecting to the application on the grounds of the location of the bin store area.

The applicant responded to the objection by relocating the bin store area. The grounds for objection related to odour impacts caused by the proximity of the bin store area to the objectors' property. Amended plans locate the bin store approximately 4.2 metres from the objectors' boundary and screened by a general store room. The Shire's Health Services are satisfied that the setback and screening supplemented by a condition requiring a Waste Management Plan would adequately address odour concerns raised through the objection.

Options

With regards to the determination of the application for planning approval under TPS2, Council has the following options:

- Option 1: Council may resolve to approve the Child Minding Centre subject to conditions.
- Approval of the Child Minding Centre will provide a service to the community without impacting the amenity of the area.
- Option 2: Council may refuse the Child Minding Centre.
- Should Council resolve to refuse the application the applicant may wish to appeal the decision. Reasons for refusal must be provided to ensure Council's position can be argued at the State Administrative Tribunal.

Option 1 is recommended.

Conclusion

The proposed Child Minding Centre seeks variations to the car parking and landscaping provisions of TPS2 and land use under LPP31. The variation to the car parking is 0.2 bays and considered minor. Clause 5.2.1 of TPS2 provides discretion to vary requirements of the Scheme that apply to non-residential development. Similarly, the variation proposed to

landscaping requirements is minor and is further supplemented by a condition of planning approval for a landscape plan in accordance with LPP67.

The proposed land use is a variation to LPP31. However, as discussed local planning policies and structure plans are to be given due regard in accordance with the Regulations. The land use is appropriate within the residential area as it provides a community service and benefit. It is also located within an ideal location given its proximity to educational establishments. Furthermore, the 'Urban Development' zone of TPS2 allows such uses to be considered and is therefore supported.

The proposed design is similar to that of a dwelling blending with surrounding development and preserving the amenity of the area. Officers support the proposal and recommend Council approve the application.

Attachments

- [OCM036.1/04/17](#) – Development Plans as Amended (E17/1252)
- [OCM036.2/04/17](#) – Acoustic Assessment (E17/1469)
- [OCM036.3/04/17](#) – Clause 67 Table (E17/1476)

Alignment with our Strategic Community Plan

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

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 27(1) provides that a decision maker is not bound by a structure plan when determining an application, but must have due regard:

"A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application."

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

Clause 5.2.1 allows discretion to modify development standards for non-residential development:

"If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit."

Clause 5.2.2 provides the matters that must be taken into account in order to apply discretion under clause 5.2.1:

"The power conferred by this Clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.”

Clause 5.18.7.3 relates to Councils ability to approve development in the Urban Development Zone:

“Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:

- (a) the preparation of a Structure Plan for, or
- (b) the orderly and proper planning of, or
- (c) the health, amenity, safety or convenience of the future occupants of, the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3.”

Clause 7.10.2 provides requirements for landscaping in car parking areas:

- “Landscaping in car parking areas shall comply with the following requirements:
- (a) planting shall be selected and maintained so as to minimise foliage between 0.5 metres and 1.5 metres above ground level;
- (b) the minimum width of landscaped areas shall be 1.5 metres and 2.0 metres when the landscaped area adjoins a street boundary;
- (c) all landscaping strips shall provide at least one pedestrian crossing point for every continuous ten metres of length.”

State Planning Policies

- Draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel 3.5 Million
- Planning Bulletin 72/2009 – Childcare Centres
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

Local Policies

- Local Planning Policy 31 – Byford Town Centre Design Guidelines (LPP31)
- Local Planning Policy 67 – Landscape and Vegetation (LPP 67)

Financial Implications

There are no financial implications to Council as a result of this application.

Voting Requirements: Simple Majority

OCM036/04/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council:

Resolves to approve the application submitted by Macri Builders Pty Ltd for a Child Minding Centre at Lot 180, 17 Mead Street and Lot 181, 1 Marchant Way, Byford, as contained in attachment OCM036.1/04/17 subject to the following conditions:

1. Prior to the submission of a building permit, a landscaping plan including a schedule of the species of trees to be planted shall be provided and approved by the Shire of Serpentine Jarrahdale. The landscaping plan shall be implemented and maintained thereafter;
2. Upon submission of a building permit, the development shall incorporate all recommendations contained within the approved Acoustic Assessment prepared by ND Engineering dated 30 October 2016 to the satisfaction of the Shire of Serpentine Jarrahdale;
3. Prior to the commencement of works an Urban Water Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale;
4. Prior to commencement of works, a Bushfire Management Plan being prepared, approved and relevant provisions implemented in accordance with Planning for Bushfire Protection Guidelines, State Planning Policy 3.7 - Planning in Bushfire prone areas and to the specifications of the Shire of Serpentine Jarrahdale;
5. Prior to the occupation of the development the owner shall enter into a legally binding agreement with the Shire of Serpentine Jarrahdale to contribute towards the cost of providing the common service and community infrastructure of the Byford Structure Plan as established through amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
6. Prior to the occupation of the development a crossover shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale;
7. Prior to the occupation of the development a Waste Management Plan is to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale;
8. The car parking area shall be sealed, drained and line marked in accordance with the approved plan and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale. The parking of vehicles shall be restricted to the lot boundaries, no cars shall be parked on the Rouse Lane, Mead Street or Marchant Way road reserves; and
9. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

Advice Notes

1. With respect to the landscaping plan, plant species shall be selected based on advice from the Shire of Serpentine Jarrahdale Environmental Services;
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; and
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

OCM037/04/17	Road Naming Proposal – Lots 127 – 130 and 202 Doley Road, Byford (SJ500-03)
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	16 March 2017
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 <i>Local Government Act 1995</i>

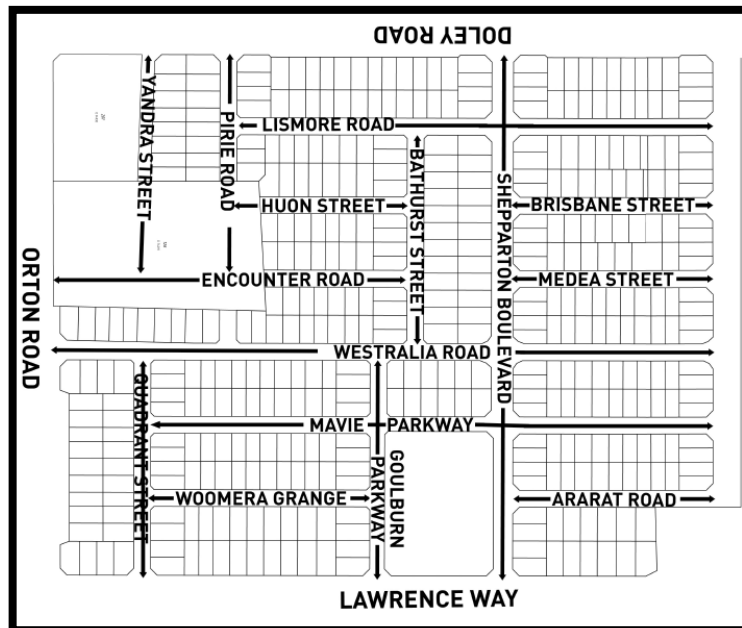
Proponent: McMullen Nolan Group Pty Ltd (MNG)
 Land Owner: Housing Authority
 Date of Receipt: 28 February 2017
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider a road name proposal for 15 new roads in the Doley Road Precinct. Section 26A of the *Land Administration Act 1997* requires the relevant local government to approve names for roads created as part of an approved subdivision. Those names approved by the Local Government must then be forwarded to the Minister for Lands for final approval. The Geographic Names Committee has delegated authority from the Minister for Lands to grant final approval to road names.

In accordance with Local Planning Policy 38 – Road Naming (LPP38) any road naming proposal for more than five roads requires a road naming theme. The naming theme for the subject proposal is 'current vessels within the Australian Naval fleet'.

The proposal is presented to Council as Shire Officers do not have delegation to approve road names.



Road Layout plan

Background

The proposed road naming is related to a subdivision approval granted by the Western Australian Planning Commission (WAPC) on 15 December 2016. The subdivision layout will result in the creation of 303 residential lots serviced by 15 new roads. Lots created as part of

a subdivision require an approved road name for addressing purposes prior to titles being issued by Landgate.

Shire Officers have assessed the application in accordance with the Shire's LPP38 and the Geographic Names Committee (GNC) Policies and Standards for Geographical Naming in Western Australia. The following names are the preferred new road names:

Ararat Road	Bathurst Street	Brisbane Road
Encounter Road	Goulburn Parkway	Huon Street
Lismore Road	Mavie Parkway	Medea Street
Pirie Road	Quadrant Street	Shepparton Boulevard
Westralia Road	Woomera Grange	Yandra Street

Section 6.5 of LPP38 requires alternative names to be submitted with road name proposals. This allows the flexibility should proposed names not meet the requirements of the Shire or GNC. The following names have been proposed as alternatives:

Barbette	Choules	Farncomb
Maillina	Maryborough	Paluma

The alternative names can be used in place of the preferred names in certain circumstances, for instance; where a preferred name is not acceptable or where additional road names may be required in the future. As the subdivision does not cover all the land in the precinct, there may be additional roads created through a future stage of subdivision.

Relevant Previous Decisions of Council

Nil

Community / Stakeholder Consultation

Under GNC policy new road names created through the subdivision process do not require community consultation.

Planning Assessment

Compliance with relevant legislation

The proposal has been assessed against the GNC Policy and the Shire's LPP38.

Section 6.6 of LPP38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

- *'Consideration of current and future street names'*

The proposed names are not currently in use anywhere within the Shire area and will not conflict with any current street names.

Should the road names be approved the reserve names will not be excluded from use elsewhere in the Shire.

- *'Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases'*

Street numbers are applied at the end of the subdivision process. As new road names, there are no existing street numbers, so the proposal will not affect current street numbering.

The Road Layout Plan shown in attachment OCM037.1/04/17 takes future road extensions into account. Future increase in residential density can be catered for by using alphanumeric numbering i.e. 31A and 31B.

- *'The origin of each name shall be clearly stated and subsequently recorded'*

The applicant has provided a brief history of each name proposed to support the proposal and comply with the above requirement, as found in attachment OCM037.2/04/17.

- *'Names shall not be offensive or likely to give offence, incongruous or commercial in nature'*

The proposed names are not considered to be offensive, likely to give offence, incongruous or commercial in nature. The proposed names are also not considered to be similar to or likely to be mistaken for any name that may be offensive or likely to give offence, incongruous or commercial in nature.

- *'Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public'*

The proposed names are considered to be easy to read, spell and pronounce.

- *'Unduly long names and names comprising of two or more words should generally be avoided'*

The proposed names do not feature more than one word. An unduly long name is one that is confusing to read or difficult to pronounce due to the length of the name. The proposed road names are not confusing to read and therefore are not considered to be unduly long.

- *'Proposals for road names shall include an appropriate road type suffix'*

Proposed suffixes are considered to be appropriate as they are consistent with suffix definitions under the GNC policy:

Road – An open way or public passage primarily for vehicles.

Street – Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.

Parkway – A roadway through parklands or an open grassland area.

Boulevard – A wide roadway, well paved, usually ornamented with trees and grass plots

Grange – Roadway leading to a country estate, or focal point, public open space, shopping area etc.

- *'Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads'*

The layout plan shows that the length of proposed names do not exceed the length of the roads.

The proposed names are considered to be consistent with the requirements of the GNC policy, as such, Officers support the proposal.

Options and Implications

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

Option 1: Council may resolve to approve the proposed road names and forward the approval to the Geographic Naming Committee.

Should Council approve the application, the approval will be forwarded to the Geographic Naming Committee for final approval.

Option 2: Council may resolve to refuse the proposed road names.

Should Council resolve to refuse the proposed names alternative names will need to be provided.

Option 1 is recommended.

Conclusion

Council's approval is sought for the naming of 15 new roads in Byford. The proposed names are consistent with the requirements of LPP38 and the GNC policy. The road name theme creates interest and a sense of place. Officers support the proposal and recommend that Council approve the new road names.

Attachments

- [OCM037.1/04/17](#) – Road Layout Plan (E17/2564)
- [OCM037.2/04/17](#) – Road Name Background (E17/2565)

Alignment with our Strategic Community Plan

Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management.

As per LPP38 it is recognised that road naming is an essential feature for new subdivision developments that feature roads. Approving road names that fit within a consistent theme over an area can create a sense of place and identity. Sense of place and identity means community members feel associated with the area they live in, which can create a positive social environment.

Statutory Environment

- *Planning and Development Act 2005*

Section 168 dedicates all land shown as a new road on a diagram or plan of survey for a subdivision as a road, when said plan is deposited.

- *Land Administration Act 1997*

Section 26A(1) requires new road names to be proposed for those roads created as part of a subdivision.

Section 26A(2) allows the Local Government to require a person subdividing land to propose road names or alter already proposed road names. Should Council resolve not to support the proposed road names Council may request the applicant to alter the proposed names under this section.

Section 26A(3) requires the Local Government to forward road names approved under subsection (1) to the Minister, in this case the GNC as they have delegated authority to approve names.

Section 26(4) confers the Minister the power to -

- approve proposed road names
- direct the local government to reconsider proposed road names, having regard to such matters as the Minister may mention in the direction; or

(c) refuse to approve the proposed names.

- Geographic Names Committee – Policy and Standards for Geographical Naming in Western Australia
- Local Planning Policy No.38 – Road Naming

Financial Implications

There are no financial implications associated with this proposal.

Voting Requirements

Simple Majority

OCM037/04/17 COUNCIL DECISION / Officer Recommendation

**Mover Cr Hawkins, seconded Cr Gossage
That Council:**

- 1. Approves the following preferred road names in accordance with section 26A(3) of the *Land Administration Act 1997*:**
 - a) Ararat;**
 - b) Bathurst;**
 - c) Brisbane;**
 - d) Encounter;**
 - e) Goulburn;**
 - f) Huon;**
 - g) Lismore;**
 - h) Mavie;**
 - i) Medea;**
 - j) Pirie;**
 - k) Quadrant;**
 - l) Shepparton;**
 - m) Westralia;**
 - n) Woomera; and**
 - o) Yandra.**
- 2. Approves the following alternative road names in accordance with section 26A(3) of the *Land Administration Act 1997*:**
 - a) Barbette;**
 - b) Choules;**
 - c) Farncomb;**
 - d) Maillina;**
 - e) Maryborough; and**
 - f) Paluma.**

3. Forwards the proposal to the Geographical Names Committee for final approval.

CARRIED 6/1

OCM038/04/17	Proposed Local Development Plan – Lots 9054, 9068 and 9083 Orton Road, Byford (Icaria Stage 8) (PA17/63)
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	28 March 2017
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 <i>Local Government Act 1995</i>

Proponent: Taylor Burrell Barnett
 Owners: LWP Byford Syndicate Pty Ltd
 Date of Receipt: 13 February 2017
 Lot Area: Portion of 22.5ha
 Town Planning Scheme No 2 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction

The purpose of this report is for Council to consider a Local Development Plan (LDP) for part of Lots 9054, 9068 and 9083 Orton Road, located within Stage 8 of the Icaria Precinct of the Glades Structure Plan. Shire Officers do not have delegation to determine LDPs in accordance with Delegations P033D and P033S – Local Development Plans, therefore the report is presented for Council consideration.

The applicant has submitted a LDP which seeks to vary primary street setback, open space, buildings on boundaries, secondary street setback and vehicle access requirements of State Planning Policy 3.1 - Residential Design Codes (R-Codes). In response to these variations the applicant has provisions for soft landscaping within the front and rear setback areas and the provision of off-street and on-street landscaping packages to be provided by the developer.

Officers recommend that Council approves the LDP as submitted.



Location Plan

Background

Existing Development

The subject lots are currently vacant, with initial earthworks relating to the approved subdivision being undertaken.



Aerial Plan

Proposed Development

The LDP covers 48 residential lots encompassing 41 residential 'R20' lots and 7 residential 'R30' lots.

The applicant proposes variations to the primary street setback, secondary street setback, open space, buildings on boundaries and vehicle access requirements of the R-Codes as follows:

R-Code Element	Deemed-to-comply requirement	LDP proposal
Primary Street Setback (Lots 2455, 2458 and 2483)	Lot 2455 = 4m Lot 2458 = 6m Lot 2483 = 4m	2m 2m 2m
Primary Street Setback (all other lots)	R20 density = 6m	4m
Secondary Street Setback	1.5m	1m
Open Space	R20 density = 50% R30 Density = 45%	R20 density = 40% R30 density = 35%
Buildings on Boundaries	Lot 2458 = 1/3 length of boundary	2/3 length of boundary
Vehicle Access	From secondary street	Lot 2408 = two locations provided Lot 2455, 2456, 2459 = from primary street

The applicant also proposes to require soft landscaping be provided which is not a standard requirement of the R-Codes.

Relevant Previous Decisions of Council

Nil

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.”

Shire Officers consider that the proposed variations are more likely to have an impact on the future residents of the dwellings on the lots. However, it is noted that similar open space variations have been applied in other areas of the Glades' subdivision. Due to the consistency of the LDP with recently approved LDP's, Shire Officers consider owners and occupiers in the adjoining area will not be adversely affected.

Agency Referrals

Clause 7.3.2 of the R-Codes requires variations not listed in clause 7.3.1 of the R-Codes to be approved by the Western Australian Planning Commission (WAPC) before they are considered by Council. The LDP was referred to the WAPC for approval and the WAPC has provided its approval for the LDP.

Attachments

- [OCM038.1/04/17](#) – Local Development Plan (IN17/6527)
- [OCM038.2/04/17](#) – Western Australian Planning Commission Comment (IN17/6528)

Alignment with our Strategic Community Plan

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

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 47 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) applies to LDPs and is required to be satisfied. Clause 47 states:

“47. When local development plan may be prepared

A local development plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or*
- (b) a structure plan requires a local development plan to be prepared for the area; or*
- (c) an activity centre plan requires a local development plan to be prepared for the area; or*

- (d) *the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.”*

Clause 47(a) and clause 47(d) apply to this LDP. Clause 47(a) has been satisfied because the LDP has been prepared in accordance with condition 27 of subdivision approval (150178) issued by the WAPC on 11 September 2014. The subdivision included the following condition:

“27. Detailed Area Plans(s) being prepared and approved for all proposed lots shown on the plan dated 2 September 2014 (Attachment A) to address the following, as deemed relevant:

- (a) Dwelling Orientation to Primary Streets (and Secondary Streets) where applicable;*
- (b) Secondary Street Fencing;*
- (c) Passive surveillance of Public Open Space;*
- (d) Open Space variations; and*
- (e) Identification of lots subject to a Noise Management Plan,*

to the satisfaction of the Western Australian Planning Commission. (Local Government)”

Clause 47(d) applies to this LDP because while condition 27 relates to lots surrounding the roundabout intersections and the Corymbia Boulevard intersection, the applicant is requesting that additional lots be included within the LDP which are not included within condition 27 (Attachment A). Both the WAPC and the local government must consider the LDP to be required for the purposes of orderly and proper planning.

As part of the consultation process the WAPC has advised the Shire that it is supportive of the LDP in its entirety, inclusive of the open space and vehicle access variations. As such, it is considered the WAPC has granted its consent in accordance with clause 47(d) listed above.

Shire Officers consider that managing consistency between one subdivision stage to the next is a planning concern which is underpinned by the principles of orderly planning. Having an estate with ad-hoc building form, streetscapes and residential character is not a good planning outcome. As such, Officers consider the lots included on the LDP in addition to those required by condition 27 are for the purpose of achieving orderly and proper planning.

- *Western Australian Planning Commission Framework for the preparation of Local Development Plans*

The LDP has been considered against the WAPC Framework for Local Development Plans 2015. Shire Officers consider the proposed LDP format and provisions are consistent with the WAPC framework.

- *Metropolitan Regional Scheme (MRS)*

The lot is zoned ‘Urban’ under the MRS.

- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)*

The lot is zoned ‘Urban Development’ under TPS2.

- *State Planning Policy 3.1 – Residential Design Codes (R- Codes).*

The area of the subject lot has been identified as R20 and R30 densities under the Glades Main Precinct Local Structure Plan.

The proposed LDP has been assessed with regards to clauses 7.3.1 and 7.3.2 of the R-Codes, which outlines the scope of changes which LDPs can facilitate. Clause 7.3.1 of the R-Codes permits variations to the following R-Code requirements:

- Street setbacks;
- Lot boundary setbacks;
- Building height;
- Setback of garages and carport;
- Garage width;
- Street surveillance;
- Street walls and fences;
- Sight lines;
- Appearance of retained dwellings;
- Site works; and
- External fixtures; and aged and dependant person dwellings.

Clause 7.3.2 of the R-Codes states:

*“Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, **amend any other deemed – to – comply provision within the R-codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:***

- *is warranted due to a specific need related to that particular locality or region;*
- *is consistent with the objectives and design principles of the R-codes; and*
- *can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.”*

The applicant proposes to vary:

- Street setbacks;
- Lot boundary setbacks;
- Vehicle access requirements; and
- Open Space requirements.

Financial Implications

There are no direct financial implications regarding this matter.

Planning Assessment

Street Setbacks

The LDP proposes the following setback variations:

R-Code Element	Deemed-to-comply requirement	LDP proposal
Primary Street Setback (Lots 2455, 2458 and 2483)	Lot 2455 = 4m Lot 2458 = 6m Lot 2483 = 4m	2m 2m 2m
Primary Street Setback (all other lots)	R20 density = 6m	4m

These variations have previously been approved within the Glades. However, each LDP is to be assessed on its merits to ensure the overall character is maintained. In this instance, the variations to the primary street setbacks facilitate larger outdoor living areas to the rear. This enhances the design, amenity and usability of a 'backyard' and creates additional privacy.

The R-Codes allow for varying setback requirements based on residential zonings. Minimum and average requirements ordinarily determine the primary street setback requirements in accordance with the R-Codes. The LDP proposes minimum primary street setback requirements with no averaging. This is considered appropriate as it will create a uniform streetscape and a sense of identity for the area through design and consistency.

The proposed LDP as discussed later within this report also includes soft landscaping provisions and packaged landscaping requirements for front setback areas and road reservations. This will assist in creating a sense of place for the LDP area by providing high quality landscaping within the front setback that is manageable and appealing. Despite a decrease in the front setback area the amenity of the front setback will be different to other areas of the Glades. The applicant has indicated it is committed to ensuring the front setback area is attractive and actively contributes to the streetscape through high quality landscaping. Therefore the primary street setback variations are supported accordingly.

Lot Boundary Setbacks

The LDP proposes to allow lots 2455, 2458 and 2483 to have a boundary wall for a length of two thirds of the length of a boundary. This is a variation for lot 2458 which is only permitted to have a nil boundary setback for one third of the length of the boundary. It is considered that the additional boundary wall length will allow flexible design and improved internal dwelling layout whilst enhancing privacy to adjoining landowners. The variation will not unduly impact the streetscape, given boundary walls are required to be located behind the front setback area.

The boundary wall requirements are considered appropriate in this instance as they will allow for better use of space, create privacy and not detract from the streetscape and are therefore supported.

Vehicle Access Requirements

The LDP includes designated garage locations for all corner lots. This was undertaken in consultation with the Shire's Engineering Services due to the approved irregular lot and road layouts.

Most of the designated garage locations do not comply with clause 5.3.5 of the R-Codes which requires corner lots to have vehicle access from secondary streets. In some instances they also do not comply with Australian Standard 2890.1 which requires vehicle access to be setback six metres from an intersection. However, due to the layout of the area and the requirement to have two onsite car bays variations have been considered to facilitate vehicle access.

Shire Officers acknowledge that requiring R-Code compliance in the case of lot 2455 would have a detrimental impact on the ability for dwelling designs to maximise northern or eastern solar access. Given the negative impact of moving vehicle access on the abovementioned lot the garage location shown on the LDP is considered to be acceptable.

The applicant proposes a variation for lot 2456 whereby vehicle access is proposed from the primary street (Corymbia Boulevard) in lieu of the secondary street (Oranata Street). Shire Officers have assessed the proposed location and consider it to be inappropriate and unsafe, as the driveway will be adjacent to a T-intersection. The proposed location will also impact the footpath along Corymbia Boulevard. It is noted the applicant sought the variation to facilitate northern solar access into the backyard area of a future dwelling however, the safety implications of the proposal are too great to support. Notwithstanding, a future

dwelling design can still facilitate solar access to the backyard and dwelling with the vehicle access from the secondary street. As such, the Officers recommendation requires vehicle access to lot 2456 to be from Oronata Street.

In light of the above, the Shire has duly considered each lot and its associated constraints and have considered that the designated garage locations identified on the LDP are the most appropriate and safe locations. Therefore, the variations to vehicle access requirements are supported as part of this LDP.

Open Space and Soft Landscaping Requirements

As noted in the background section of this report, the applicant proposes a range of open space variations, as indicated in the table below.

Density	R-Codes Requirement	Proposed Local Development Plan	Variation
R20	50%	40%	10%
R30	45%	35%	10%

Traditionally, the Shire does not support open space variations to the R-Codes unless requirements beyond the R-Codes are included to support such variations.

Variations to open space requirements are to be considered against the design principles of clause 5.1.4 of the R-Codes, which states:

“P4 Development incorporates suitable open space for its context to:

- *reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *provide access to natural sunlight for the dwelling;*
- *reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *provide space for external fixtures and essential facilities.”*

The purpose of open space is to provide a streetscape which has a sense of openness and a reasonable size of outdoor living area ('backyard'). The streetscape within this area of the Glades is guided by the current built form but also has the ability to be further enhanced. Currently, a number of areas do not have a sense of openness due to a lack of building setbacks and landscaping to soften the appearance of dwellings on the streetscape. The incorporation of the front setback landscaping requirements assists in creating a green streetscape whilst providing weather relief and visual interest.

The future dwelling designs are required to comply with the R-Codes with respect to lot boundary setbacks. Therefore, matters relating to natural sunlight will be adequately addressed through these provisions. In addition, the Building Code of Australia also ensures sufficient sunlight and ventilation is achieved for each dwelling.

Building bulk is ordinarily a result of oversized buildings through side setbacks, open space and height variations. The LDP proposes to vary open space and comply with the side setback and height requirements of the R-Codes with the exception of lot 2458. It is therefore considered that the built form will not impact the streetscape through building bulk and scale.

The additional requirement to have the rear open space developed with landscaping for one third encourages passive recreation within the backyard. It will also assist in creating a cooler micro climate of the backyard. Therefore, residents are more likely to use their outdoor living area for outdoor pursuits.

Lastly, the reduction in open space is adequately compensated for by the introduction of soft landscaping requirements within the front setback and backyard areas. The developer will be providing landscaping within the road reserves and landscaping packages for the front setback areas. This will ensure these areas are landscaped to a high quality and will include the planting of additional trees and plants that would not ordinarily occur in other areas of the Glades. It is considered that the open space variations are supported given the applicant has introduced mandatory landscaping requirements which will increase the streetscape and amenity of the area.

Secondary Street Setback

Residential R20 and R30 lots are required to have a 1.5m setback to secondary streets in accordance with Table 1 of the R-Codes. The proposed LDP proposes to vary this requirement by 0.5m, resulting in a one metre setback requirement. The variation is considered minimal as it will be relatively unrecognisable from the street and the applicant has included the additional following provision:

- *“dwellings are required to suitably address all adjacent street frontages to maximise visual surveillance. All visible house elevations (from building line to erected fence) from the secondary street shall feature a suitable level of detail in a manner consistent with the primary street elevation”*

This requirement ensures that the same level of detail afforded to the façade of the dwelling is also carried through to the secondary street façade. This will ensure that dwellings maintain a certain level of quality on corner lots. The variation is considered to improve the streetscape and will allow future residents more flexibility with their building design. In this instance the variation is supported.

Land Use

Proposed Land Use

The LDP will facilitate the construction of residential dwellings on future lots. Residential development is consistent with the Metropolitan Region Scheme and TPS2 zonings of ‘Urban’ and ‘Urban Development’ respectively. The Byford District Structure Plan broadly defines the intention of the area to be developed for residential purposes.

Proposed Residential Densities

The proposed residential densities are consistent with the latest modification (No.8) to the Glades Main Precinct Local Structure Plan which was supported subject to modification by Council at its Ordinary Council Meeting held in May 2016 (OCM088/05/16). Following this, the WAPC issued a conditional subdivision approval reflecting the modified densities. Lot sizes meet the minimum and average lot size requirements of the R-Codes for R20 and R30 densities.

Options and Implications

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

Option 1: Council may resolve to approve the Local Development Plan.

The approval of the Local Development Plan will not result in a negative impact on the amenity of character of the area.

Option 2: Council may resolve to refuse the Local Development Plan.

Refusal of the Local Development Plan may be contemplated by Council if consideration is given that the Local Development Plan does not comply with

aspects of State Planning Policy 3.1. – Residential Design Codes and the Western Australian Planning Commission *Framework for Local Development Plans 2015*.

Option 1 is recommended.

Conclusion

The proposed LDP has been assessed with regards to the *Planning and Development (Local Planning Schemes) Regulations 2015*, WAPC Framework for Local Development Plans 2015 and the R-Codes.

The proposed LDP provides improvements beyond the standard requirements of the R-Codes by including additional landscaping. The soft landscaping within the road reserve, front setback area and rear open space will soften the appearance of dwellings on the streetscape enabling variations to primary street setbacks, garage locations, boundary walls and side setbacks.

Shire Officers recommend the proposed LDP be supported.

Voting Requirements: Simple Majority

OCM038/04/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council approves the application as per attachment (OCM038.1/04/17) submitted by Taylor Burrell Barnett on behalf of LWP Byford Syndicate Pty Ltd for Lots 9054, 9068 and 9083 Orton Road, Byford in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the Local Development Plan being modified to illustrate the designated garage location for lot 2456 to be accessed from Oronata Street in accordance with State Planning Policy 3.1 – Residential Design Codes.

CARRIED UNANIMOUSLY

OCM039/04/17	Proposed Local Development Plan – Lot 9001 Rowley Road, Darling Downs (Darling Downs Stage 3) (PA17/20)
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	21 March 2017
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 <i>Local Government Act 1995</i>

Proponent: Veris
 Owners: Darling Downs Estate Pty Ltd
 Date of Receipt: 19 January 2017
 Lot Area: Portion of 5.89ha
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider a Local Development Plan (LDP) for part of Lot 9001 Rowley Road which is located within Stage 3 of the Darling Downs Estate Local Structure Plan. Shire Officers do not have delegation to determine Local Development Plans in accordance with Delegations P033D and P033S – Local Development Plans, therefore the report is presented for Council consideration.

The Applicant has submitted a LDP which seeks to vary primary and secondary street setbacks, garage locations and vehicular access requirements.

The report recommends that the LDP submitted be approved.



Location Plan

Background

Existing Development

The parent lot is currently vacant, with initial earthworks relating to the approved subdivision being undertaken in parts of the site.



Aerial Plan

Proposed Development

The LDP covers three residential lots. Lots 126 and 129 have a designated residential density of 'R20', while Lot 50 has a designated residential density of 'R30'. The applicant proposes to vary:

- street setbacks (including garage); and
- vehicular access

Relevant Previous Decisions of Council

- SD084/04/08 On 28 April 2009, Council resolved to endorse Amendment No. 155 to TPS2 without modification and recommended approval to the Western Australian Planning Commission (WAPC).
- OCM167/06/12 On 18 June 2012, Council resolved to endorse the Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs.
- OCM087/05/16 On 23 May 2016, Council resolved to endorse an amended Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs.

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."

Shire Officers consider that the proposed variations are more likely to have an impact on the future residents of dwellings on the lots, rather than any existing nearby lots. Therefore, advertising was not undertaken.

Attachments

- [OCM039.1/04/17](#) – Local Development Plan (IN17/6541)

Alignment with our Strategic Community Plan

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

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 47 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) applies to LDP's and is required to be satisfied. Clause 47 states:

"47. When local development plan may be prepared

A local development plan in respect of an area of land in the Scheme area may be prepared if—

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or*
- (b) a structure plan requires a local development plan to be prepared for the area; or*
- (c) an activity centre plan requires a local development plan to be prepared for the area; or*
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning."*

Clause 47(a) and clause 47(d) apply to this LDP. Clause 47(a) has been satisfied because the LDP has been prepared in accordance with condition 13 of subdivision approval (152638) issued by the WAPC on 31 October 2016. The subdivision included the following condition:

"13. Local Development Plan being prepared and approved for the lots 50, 126 and 129 that address Clause 5.3.5 of the Residential Design Codes to the satisfaction of the Western Australian Planning Commission. (Local Government)"

Clause 47(d) applies to this LDP because while condition 13 relates to vehicle access, the applicant is requesting that street and garage setbacks also be varied which is not referenced in the subdivision condition. Both the WAPC and the local government must consider the LDP to be required for the purposes of orderly and proper planning.

Clause 7.3.1 of the R-Codes lists street and garage setbacks as provisions which can be amended via LDP's. As such, it is considered that the WAPC has broadly approved street and garage setback variations to be consistent with orderly and proper planning.

Shire Officers consider boundary setbacks, lot orientation and garage locations to be relevant considerations given the location of the lots being on street corners and their proximity to a future public open space reserve which will be constructed to the west of Andalusion Avenue. As a result, Officers accept the LDP in accordance with clause 47(d) of the Regulations.

- *Western Australian Planning Commission Framework for the preparation of Local Development Plans*

The LDP has been considered against the *WAPC Framework for Local Development Plans 2015*. Shire Officers consider the proposed LDP format and provisions are consistent with the WAPC framework.

- Metropolitan Region Scheme (MRS)

The lot is zoned 'Urban' under the MRS.

- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)*

The lot is zoned 'Urban Development' under TPS2.

- State Planning Policy 3.1 – Residential Design Codes

The area of the subject lot has been designated/residential as R20 and R30 under the Darling Downs Estate Local Structure Plan.

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 the following R-Code requirements:

- Street setbacks;
- Lot boundary setbacks;
- Building height;
- Setback of garages and carport;
- Garage width;
- Street surveillance;
- Street walls and fences;
- Sight lines;
- Appearance of retained dwellings;
- Site works; and
- External fixtures; and aged and dependant person dwellings.

The applicant proposes to vary:

- Street setbacks (including garage); and
- Vehicular access

Financial Implications

There are no direct financial implications regarding this matter.

Planning Assessment

Street setbacks

The LDP proposes the following setback variations:

R-Code Element	Deemed-to-comply requirement	LDP proposal
Primary Street Setback (Lots 126 and 129)	6m	4m
Primary Street Setback (Lot 50)	4m	2m

The design principles for street setbacks relate to clause 5.1.2 P2.1 of the R-Codes which emphasises consistency, open space, landscaping and site servicing. In this instance the variations to the primary street setbacks facilitate larger outdoor living areas to the rear. This enhances the usability of a 'backyard' and creates additional privacy.

The R-Codes allow for varying setback requirements based on residential zonings. Minimum and average requirements ordinarily determine the primary street setback requirements in accordance with the R-Codes. The LDP proposes minimum primary street setback requirements with no averaging. This is considered appropriate as it will create a uniform streetscape and a sense of identity for the area through design and consistency.

Ordinarily, dwellings designed for corner lots are considered 'bookends' in terms of streetscape design. This is because, the dwellings are usually not a normal project home and require design modification to enable the dwellings to interact with the primary and secondary streets. In this instance the reduced front setbacks will facilitate the notion of bookend dwellings and enhance the perceived passive surveillance of the public open space (POS) as the major openings to the dwellings will be directly overlooking the POS. In this instance Shire Officers support the proposed variations to the three lots given their consistency with the design principles of the R-Codes.

In addition to the above, the LDP proposes secondary street setbacks of one metre, which is a variation to the 1.5 metre setback required by the R-Codes. Subject to the same design principles as primary street setbacks, the variation does allow for increased usable space at the rear of the lots. The variation will be unrecognizable on the streetscape due to its marginal difference and its only permitted for the three lots subject to this LDP. As such, the proposed variation is supported.

Vehicle Access

The LDP proposes a designated garage location for lot 126, which serves as a variation to clause 5.3.5 of the R-Codes which requires access to be taken from a secondary street where one is available.

This lot is subject to constraints as it corners Rowley Road which is not identified as a residential road and has an approved retaining wall along the length of the Rowley Road boundary. In this instance it is considered more appropriate for the garage location to be accessed from Andalusian Avenue. This road will accommodate low levels of residential traffic when compared to Rowley Road. As such, the garage location designated on the LDP is considered to be the most appropriate and safe location.

The design principles of the R-Codes require officers to consider the impact of additional crossovers. Although the allowance of vehicle access from Andalusian Avenue does not increase the number of crossovers, it does reduce the opportunity for increased landscaping within the front setback area. Officers therefore consider it appropriate to include an additional provision requiring soft landscaping within the Andalusian Avenue front setback area of lot 126 to ensure that the design principles of the R-Codes are addressed. In light of this minor addition, the proposed garage location is supported.

Land Use

Proposed Land Use

The proposed residential development is consistent with the MRS and TPS2 zonings of 'Urban' and 'Urban Development' respectively. The Darling Downs Structure Plan broadly defines the intention of the area to be developed for residential purposes.

Proposed Residential Densities

The proposed residential densities are consistent with the modified structure plan for Darling Downs Estate which was supported subject to modifications by Council at its Ordinary

Meeting held in May 2016 (OCM087/05/16). Lots sizes meet the minimum and average lot size requirements of the R-Codes.

Options and Implications

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

Option 1: Council may resolve to approve the Local Development Plan subject to modifications.

The approval of the Local Development Plan will not result in a negative impact on the amenity of character of the area.

Option 2: Council may resolve to refuse the Local Development Plan.

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

Option 1 is recommended.

Conclusion

The proposed Local Development Plan has been assessed with regards to the WAPC Framework for Local Development Plans 2015 and the R-Codes.

The proposed LDP provides for variations which are consistent with the design principles of relevant R-Code requirements.

Officers recommend the proposed LDP be supported.

Voting Requirements: Simple Majority

OCM039/04/17 COUNCIL DECISION/Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That Council approves the application submitted by Veris on behalf of Darling Downs Estate Pty Ltd for Lot 9001 Rowley Road, Darling Downs, in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to an additional sub heading for Landscaping and additional provision No.7 under Landscaping sub-heading stating '*the front setback area of Lot 126 Andalusian Avenue, Darling Downs must be developed with soft landscaping, with the exception of a driveway and pedestrian path to the front door of the dwelling*'.

CARRIED UNANIMOUSLY

OCM040/04/17	Lot 26, 29 Anstey Street, Mundijong - Initiation of Proposed Scheme Amendment No. 200 – Rezoning from ‘Public & Community Purposes’ to ‘Urban Development’ (SJ1388)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director of Planning Deon van der Linde – Executive Manager Strategic Planning
Date of Report:	24 March 2017
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 <i>Local Government Act 1995</i>

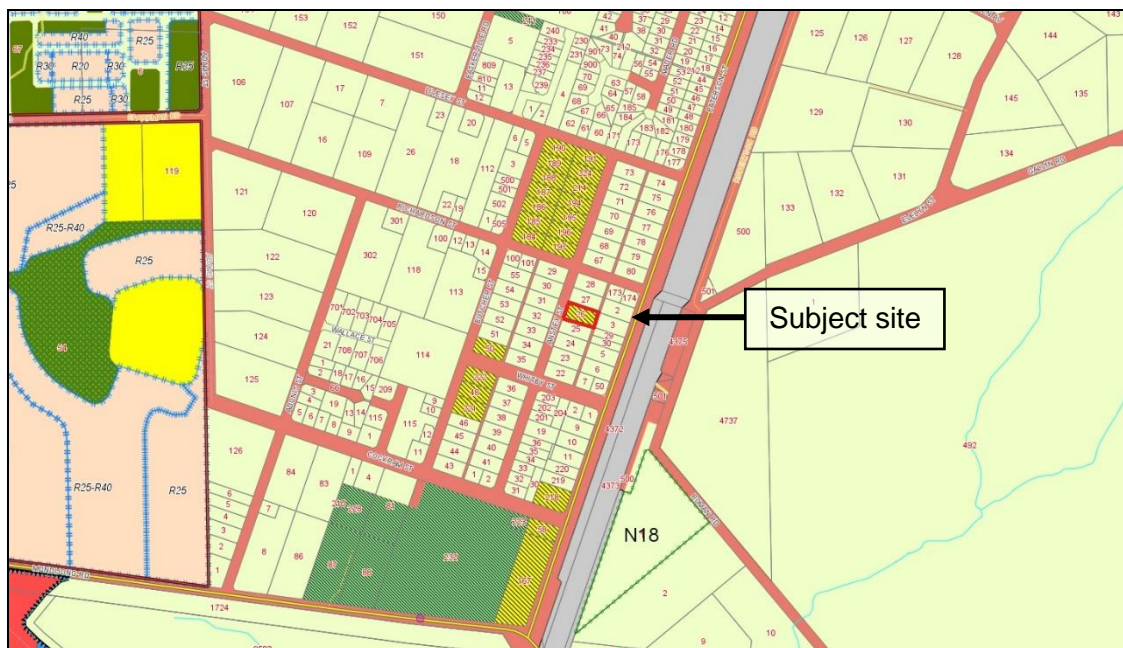
Proponent: Gray & Lewis Land Use Planners on behalf of Landcorp
 Owner: Western Australia Police
 Date of Receipt: 9 February 2017
 Lot Area: 2028m²
 Town Planning Scheme No 2 Zoning: Public and Community Purposes
 Metropolitan Region Scheme Zoning: Urban

Introduction

The purpose of this report is for Council to consider the initiation of Scheme Amendment No.200 (the Amendment), as a ‘basic amendment’ to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2). Council is required to consider this in terms of Part 5 Division 1 Section 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This report is presented to Council for determination, as officers do not have delegation to consider an amendment to TPS2.

The amendment proposes to rezone a single lot, Lot 26, 29 Anstey Street, Mundijong from ‘Public and Community Purposes’ to ‘Urban Development’. The proposal seeks to amend the scheme maps for the lot and include specific development provisions within Appendix 15 of TPS2.

Officers recommend that Council determines that the application is a ‘basic amendment’ and requests the Western Australian Planning Commission (WAPC) to agree to the amendment.



Site Location

Background

Existing situation

Lot 26 Anstey Street, Mundijong previously housed the Mundijong Police Station and has a dwelling and two transportable buildings on-site. The activities of the Police Station have ceased and the structures are not currently occupied.

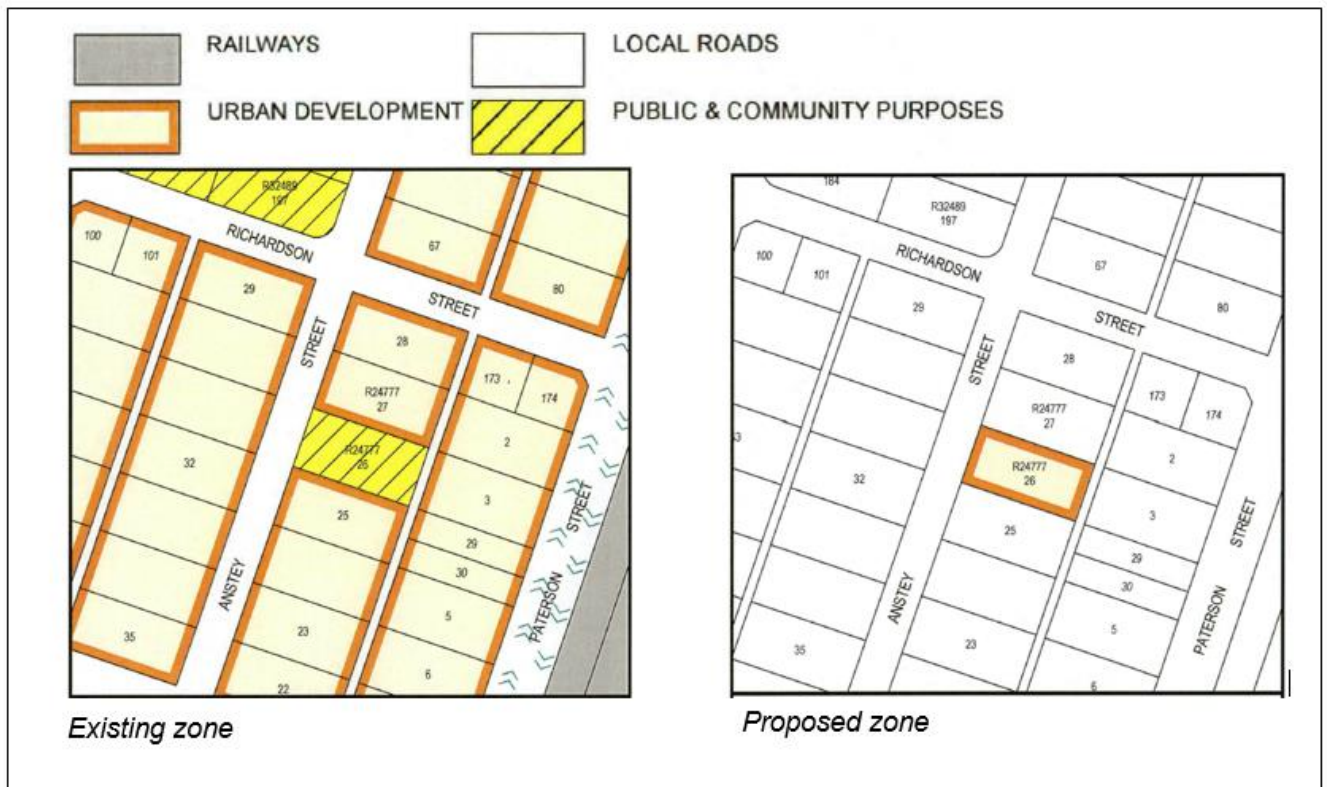
The reason for the application is that the State Government no longer requires the lot as the local police station has relocated to a purpose built facility on Mundijong Road, Mundijong. The proponent has also advised that the two transportables currently on the subject site are to be sold and relocated. The proposal therefore contends that the zoning over the subject lot being ‘Public and Community Purposes’ is therefore not required.

The subject lot is generally surrounded by land zoned ‘Urban Development’. Land zoned for ‘Public and Community Purposes’ is located to the south-west and north-west of the site. These two sites accommodate the Shire’s depot facility and a primary school, respectively.

Proposed Rezoning

The proposal to amend the Shire’s TPS2 is:

1. Rezoning Lot 26, 29 Anstey Street, Mundijong from ‘Public and Community Purposes’ to ‘Urban Development’ in accordance with the Scheme Amendment Map.



Zoning Map

The current zone of ‘Public and Community Purposes’ is a local reserve under the Shire’s TPS2. Section 2.3 of TPS2 requires planning consent to be obtained for any development within a local reserve. In cases where the land is reserved for the purposes of a public authority, in this case the Western Australian Police, Council is to confer with that authority before granting its consent.

The zoning table contained within TPS2 does not include local reserves as a zone. Therefore no use class permissibilities are defined, requiring each application for

development approval to be considered on its merits, based on the intention of the local reserve i.e. a police station, which is now obsolete.

Section 5.17 of TPS2, states that the purpose of the 'Urban Development' zone is to provide for the orderly planning of large areas of land, in a locally integrated manner and within a regional context.

As an interim measure, as no local structure plan is approved over the subject site, all development applications require planning consent. This is to ensure any development within an unplanned area will not have an adverse effect on the preparation of a structure plan and the orderly and proper planning of the locality.

The Mundijong Whitby District Structure Plan discussed later in the report designates the land for 'Residential' purposes that is allowed for under the 'Urban Development' zoning.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Community / Stakeholder Consultation

Under Part 5 Division 4 of the Regulations, a basic scheme amendment does not need to be advertised.

Comment

Type of Amendment:

The Regulations set out the overall framework for scheme amendments. The Regulations set out three processes to scheme amendments 'basic', 'standard' and 'complex'. The proposed scheme amendment is considered to be a 'basic' amendment as it is consistent with the definition of a basic amendment of the Regulations:

- *"An amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan".*

The rationale for the application falling within the above definition is as follows:

- The subject site is identified within the Mundijong Whitby District Structure Plan and designated as 'Residential';
- The surrounding area is developed in accordance with residential uses and unlikely to have any undue impacts due to the change in zone;
- The Shire's TPS2 contains the zone in which the applicants seeks to rezone the subject lot; and
- The change in zone will benefit the orderly and proper planning for the locality.

Officers are therefore of the opinion that the application is a minor modification to TPS2 as it is consistent with the Mundijong Whitby District Structure Plan approved by the Council and the WAPC in 2011 that designates the sites as 'Residential'.

A Council resolution that it is a 'basic amendment' will enable officers to send the application to the WAPC who will request the Minister to make a determination in this regard. The Minister will also advise whether any advertising is required. If not the WAPC will advise the Shire whether there are any further requirements for the modification to be made. The modification will be made administratively without Council needing to make further decisions.

The Regulations also set out the statutory timeframes and process in dealing with a 'basic' amendment type as per Division 4 and set out the statutory timeframes and process in dealing with each Scheme Amendment type lodged with the local authority. A basic amendment has a timeframe of 42 days once received by the WAPC.

Strategic considerations

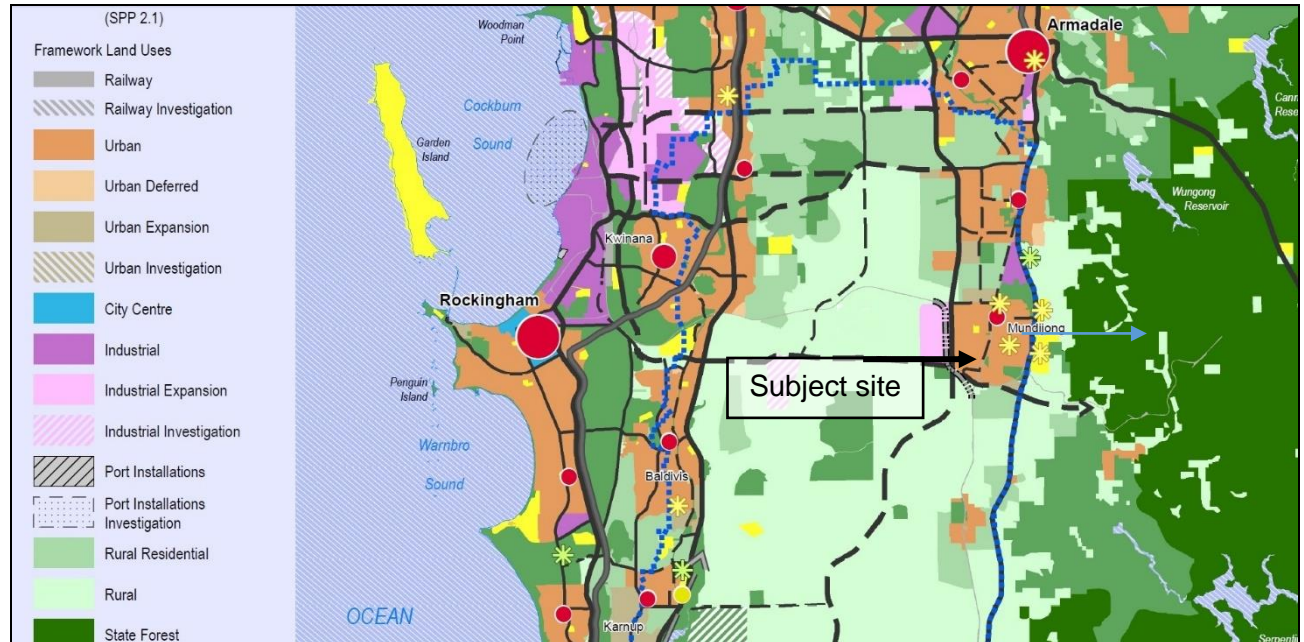
The amendment should be considered in the context of the relevant State and Shire policies and strategies to ensure that it conforms to the strategic direction of both tiers of government. The most important of these are:

- Draft Perth and Peel @ 3.5 Million; and
- Mundijong Whitby District Structure Plan.

Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel Sub-regional Planning Framework

The draft Perth and Peel @ 3.5 Million (the Framework) is a suite of documents which seeks to guide future development of the Perth and Peel regions. This is supported through the development of a unified, long-term growth strategy for land use and infrastructure for the Perth and Peel regions. The draft Framework provides guidance on where sustainable development should occur over the next 35 to 40 years, primarily through infill development initiatives, aiming to deliver a more consolidated urban form.

Under the Framework, the subject site is classified as 'Urban'. The subject lot is located within the Mundijong Townsite, an existing 'Urban Development' zone under TPS2. The proposed rezoning is therefore consistent with the draft Framework.



South Metropolitan Peel Sub Region- Map Extract

Mundijong Whitby District Structure Plan

The subject site is located in the centre of the Mundijong urban cell. The Mundijong Whitby District Structure Plan approved by Council in August 2011 (SD17/08/11 – Mundijong Whitby District Structure Plan – Final Adoption) identifies the lot for 'Residential'.

Rezoning the property to 'Urban Development' which includes all residential uses align with the District Structure Plan and will ensure the site is planned and developed for the best

intended use as a 'Residential' site. This will be achieved through the subsequent planning stages required under the planning framework.

Other Considerations

Planning in Bushfire Prone Areas

According to the WAPC's State Planning Policy No. 3.7 - Planning in Bushfire Prone Areas, strategic level proposals, such as Scheme Amendments, require a Bushfire Hazard Level (BHL) assessment which shall include, for lots identified within a bushfire prone area:

- i) *The results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines;*
- ii) *A BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines;*
- iii) *The identification of any bushfire hazard issues arising from the relevant assessment; and*
- iv) *Clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.*

The rear of the subject site is within a designated bushfire prone area as shown in the map below. The Scheme Amendment proposal includes a discussion of a Bushfire Management Plan (BMP), but does not include a Bushfire Attack Level (BAL) assessment as required above. Officers have advised that the BMP assessment submitted has been accepted without a detailed BMP as subsequent planning processes will adequately address bushfire risk and management requirements.



Land Zoned within Bushfire Prone Areas

Options and Implications

With regard to the proposal, Council has the following options:

Option 1: Council may resolve that the application is a 'basic amendment'.

The documents proposing the amendment will need to be modified prior to providing the amendment to the Western Australian Planning Commission. The modification will allow the application to be processed without the more stringent advertising and other requirements of a standard amendment.

Option 2: Council may resolve to adopt the Scheme Amendment as a 'standard amendment' without modification.

By adopting the scheme amendment without modification, the scheme amendment will require advertising for a period of 42 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. It will also require more stringent considerations of a standard amendment.

Option 3: Council may resolve not to proceed with the amendment to the local planning scheme.

Resolving to refuse the application, Council will determine that there is a more appropriate land use within 'Public and Community Purpose' zone. Council would need to state what the better use would be as this would need to be communicated to the proponent and the WAPC.

Option 1 is recommended.

Conclusion

The assessment of the proposal to rezone Lot 26, 29 Anstey Street, Mundijong from 'Public and Community Purposes' to 'Urban Development' under TPS2, has demonstrated that a rezoning of the site is in accordance with orderly and proper planning as it is consistent with the Mundijong Whitby District Structure Plan and State Planning Policies.

The report also provides the rationale why the proposed Amendment No.200 should be considered a 'basic amendment' and proposes that the scheme maps be amended to rezone the lot from 'Public and Community Purposes' to 'Urban Development'.

Therefore, it is recommended that the proposal be supported by Council as per the Officer recommendation.

Attachments

- [OCM040.1/04/17](#) – Proposed Scheme Amendment No.200 (IN17/2999)

Statutory Environment

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS)
- 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
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors

Voting Requirements: Simple Majority

OCM040/04/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) and regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Determines that proposed Amendment No.200 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM040.1/04/17, is a 'basic amendment' in accordance with Part 5 Division 1 Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Amends the Scheme maps to rezone Lot 26, 29 Anstey Street, Mundijong from 'Public and Community Purposes' to 'Urban Development';
3. Authorises Shire Officers to make any such modifications as requested by the Western Australian Planning Commission to ensure that Amendment No.200 is satisfactory for adoption by the Commission; and
4. Requires the proponent to modify reference to the amendment being 'standard' to 'basic' in attachment OCM040.1/04/17.

CARRIED UNANIMOUSLY

OCM041/04/17	Rural Strategy Review 2013 – Final Adoption (SJ1082)
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	9 March 2017
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 <i>Local Government Act 1995</i>

Deferred by Council at its Ordinary Council Meeting held on 27 March 2017 to seek further information and consideration of public statements and deputations made. A Policy Concept Forum Meeting was held on 3 April 2017 whereby all Councillors were in attendance with apologies from Cr See and Cr Gossage.

Introduction

The purpose of this report is to inform Council of the Western Australian Planning Commission's (WAPC) decision on the Rural Strategy Review 2013 and present Council with options to respond to this decision. In December 2016, the WAPC resolved to provide in-principle support for the Rural Strategy Review 2013 subject to modifications in accordance with Part 3 Section 15(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This report outlines the 19 modifications required by the WAPC and provides officer comment in relation to each of these modifications, with discussion surrounding the Shire's original rationale for the Rural Strategy Review 2013 and the WAPC's rationale for the modification. Of the 19 modifications to the Rural Strategy Review 2013 required by the WAPC, Shire officers support seven of the modifications and do not agree with nine of the modifications, one modification is partially supported with the remaining two modifications relating to textual and map changes to reflect the other 17 modifications. This report provides Council with the opportunity to request the WAPC to reconsider the required modifications in light of the officer comments contained within this report.

Background

Council's Rural Strategy is a land use planning document that has been in place since 1994. The overall purpose of the Rural Strategy is to preserve and enhance the Shire's rural character and its role as an important economic contributor to the Shire and broader region. The Rural Strategy identifies a range of policy areas and policy overlays. Through this document the Shire has a clear direction for planning the Shire's rural areas, as well as a document to provide guidance in considering Town Planning Scheme zoning amendments, development and subdivision applications.

The original Rural Strategy was adopted in 1994 and endorsed by the WAPC. Minor modifications were made to the Strategy in 2003 and again in 2006, however the overall intent and structure of the Rural Strategy has remained largely intact since 1994. In 2012/13 a major review was undertaken that brought together the key elements of the 1994 Strategy as well as providing further modifications based on significant community consultation undertaken during 2011 and 2012. A similar approach to policy areas was also integrated into the review at the advice of the Department of Planning (DoP), with the aim of updating the objectives and guidelines in accordance with policy changes since the last review. The Rural Strategy Review 2013 was adopted by Council at its meeting of 15 July 2014 and presented to the WAPC for endorsement on 18 September 2014.

The DoP advised that the assessment of the Rural Strategy Review 2013 would be paused pending the release of the State's Strategic Assessment of the Perth and Peel Regions. In May 2015 the draft Perth and Peel@3.5million frameworks were released by the DoP. In December 2015 the draft Perth and Peel Green Growth Plan for 3.5million was released by

the Department of the Premier and Cabinet. These two documents form the Strategic Assessment of the Perth and Peel Regions. Given the release and public advertisement of these documents, the DoP proceeded to assess the Rural Strategy Review 2013.

The draft Rural Strategy Review 2013 was presented to the WAPC's Statutory Planning Committee (SPC) meeting of 20 December 2016. At this meeting the WAPC resolved to provide in-principle support for the Rural Strategy Review 2013 though required modifications prior to granting final endorsement.

Relevant Previous Decisions of Council

OCM027/03/17 – Council deferred its resolution on the WAPC modifications to the Rural Strategy Review 2013 to seek further information and consideration of public statements and deputations made

OCM001/07/14 – Rural Strategy Review 2013 Consideration of Submissions and Adoption

OCM024/08/12 – Draft Rural Strategy Review 2013 Adoption for Purposes of Advertising

Community / Stakeholder Consultation

Formal community consultation for the Rural Strategy Review 2013 was originally undertaken between 1 November 2013 and 31 January 2014. A total of 92 submissions were received during this period. Council considered all submissions and adopted the Rural Strategy Review 2013 at its Special Council Meeting of 15 July 2014, subject to modifications. These modifications were made and sent to the DoP for consideration.

The SPC meeting of 20 December 2016 considered the Council adopted Rural Strategy Review 2013 as well as the submissions received during the advertising period. A deputation was made by the Shire officers in which it was made clear that Shire officers and Council continued to support the Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014.

Comment

The overall purpose of the Rural Strategy is to preserve and enhance the Shire's rural character and its role as an important economic contributor to the Shire and broader region. The Rural Strategy Review 2013 also aims to provide a framework for development in the absence of a Local Planning Strategy and was assessed by Council as such. The Rural Strategy is therefore a significant strategic document and is used as a primary resource to assess statutory applications.

For this reason the Rural Strategy Review 2013 is given much the same status as a Local Planning Strategy and has followed the same process being endorsed as such by Council. The adopted Rural Strategy Review 2013 was sent to the DoP for consideration and at the SPC meeting of 20 December 2016 the WAPC resolved to:

- “1. provide in-principle support for the Rural Strategy Review 2013, subject to the modifications outlined in Attachment 7, as a basis for guiding future amendments to Town Planning Scheme No.2 and other rural subdivision and land use proposals.*
- 2. require the Shire to modify the document accordingly and request that the final document to be provided to the Department of Planning for ratification.”*

The support of the WAPC is subject to 19 modifications. These modifications generally fall into five categories, as summarised below:

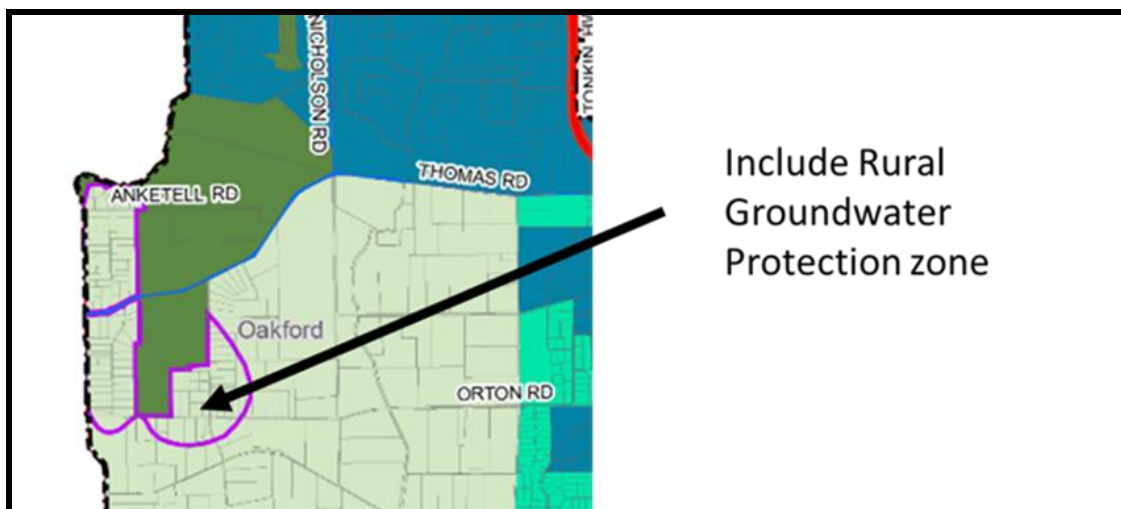
1. Alteration to the Rural Strategy Review 2013 map to ensure consistency with the Metropolitan Region Scheme (MRS). (Modifications 1, 3 and 4)

2. Alteration to the Rural Strategy Review 2013 map to ensure consistency with the draft South Metropolitan Peel Planning Framework (SMPPF) which forms a part of the draft Perth and Peel@3.5million documents. (Modifications 2, 5, 7, 11, 12 and 14 – 17)
3. Removal of policy area changes proposed under the Rural Strategy Review 2013, where although consistent with the SMPPF are considered to be premature under the implementation timeframe of the strategy review. (Modifications 8, 10 and 13)
4. Inserting text for particular Rural Living 'A' areas to specify a minimum 1 ha lot size for subdivision. (Modifications 6 and 9)
5. Altering the text component of the Rural Strategy Review 2013 to match the modifications required to the map. (Modifications 18 and 19)

The formal schedule of modifications is contained in attachment OCM041.1/04/17. Attachment OCM041.3/04/17 allows a visual comparison of the spatial changes required by the WAPC. The following section outlines and provides discussion on each of the WAPC's required modifications. For each modification, the following is provided:

- The WAPC's required modification;
- The Shire's original rationale for the Council adopted version of the Rural Strategy Review 2013;
- The WAPC's rationale for the required modification; and
- Shire officer comment in regards to the Shire's original rationale and the WAPC's rationale.

1. **Modification: Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map.** **Note: the boundary on the Rural Strategy Review Map is slightly misaligned to the Metropolitan Region Scheme.*



Shire's Original Rationale: The Jandakot Groundwater Mound or Rural Groundwater Protection zone was not identified on the Rural Strategy Review 2013 Map.

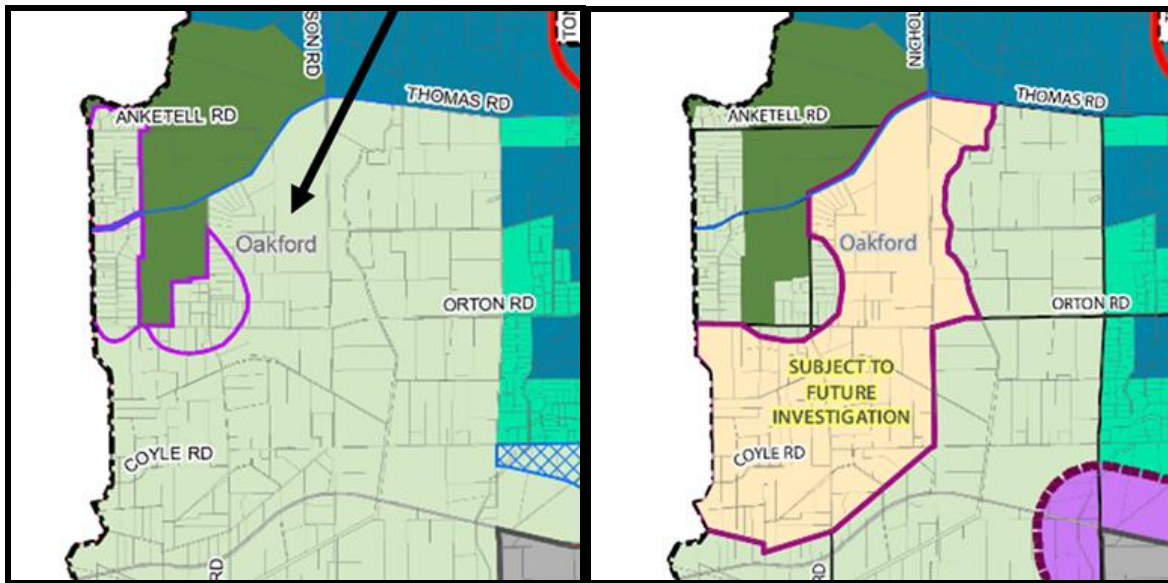
WAPC Rationale: Not Stated.

Officer Comment: Shire officers strongly support the identification of the Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map. The Jandakot Groundwater Mound is a very important resource which provides high quality drinking water for the State. Identifying the Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map highlights the importance of the Jandakot Groundwater Mound and notifies landowners of the protection and management objectives of land in

this area. It also refers planning officers to State Planning Policy 2.3 Jandakot Groundwater Protection which contains policy measures for the protection of the Jandakot Groundwater Mound.

Officers recommend that Council agree to Modification 1: *Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map* as the Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State and supports the identification of the Jandakot Water Mound Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map.

2. **Modification: Oakford/Oldbury Subject to Future Investigation Area** – *Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural.*

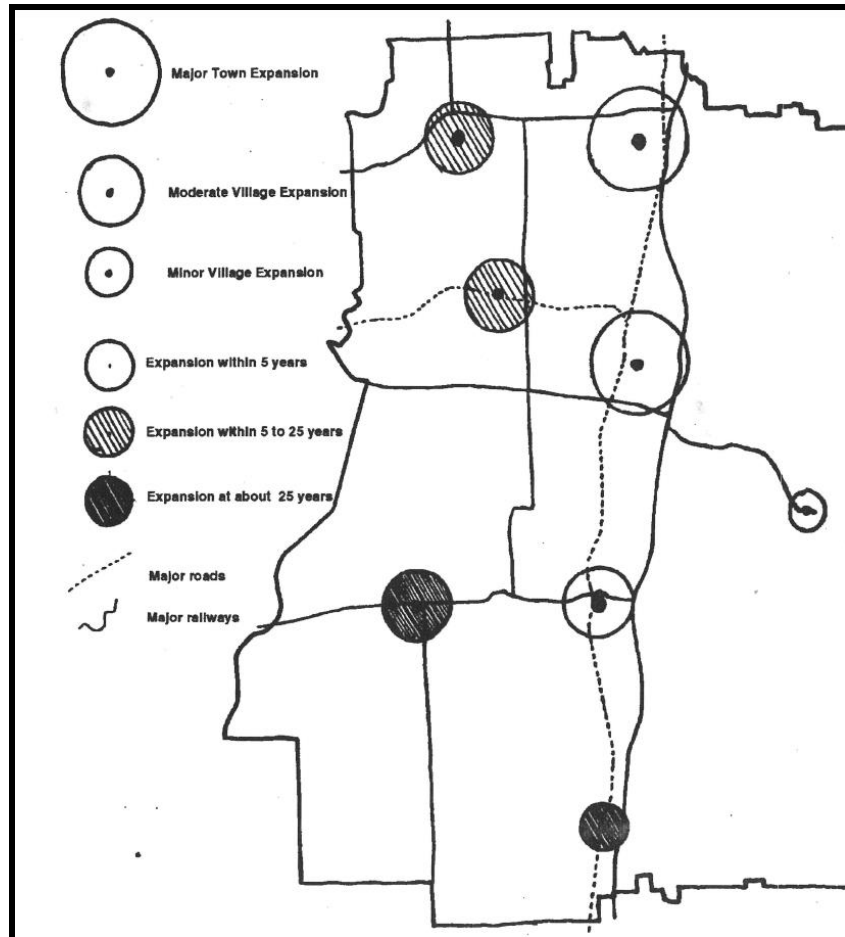


Shire's Original Rationale: The Oakford 'Subject to Future Investigation' area was included in the Rural Strategy Review 2013 based on a concept which was originally identified in the 1994 Rural Strategy. The Oakford Village was identified as one of three urban villages included in the 1994 Rural Strategy which were each proposed to accommodate approximately 5,000 people. The other two urban villages identified in the 1994 Rural Strategy were Hopeland and The Flats. The 1994 Rural Strategy stated the following in regards to these new villages:

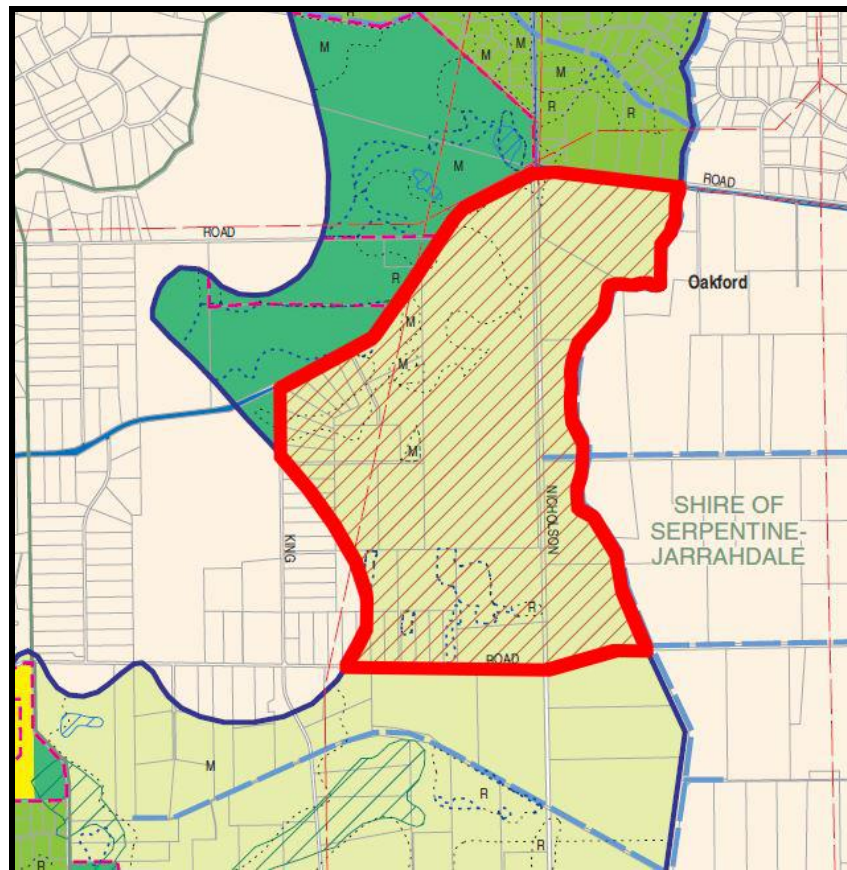
'The new villages appear to have only limited land with suitability for urban development density and are primarily intended as Rural Living Villages with an urban centre, somewhat similar to the town of Serpentine.'

The 2003 review of the Rural Strategy identified the 'Oakford Village Possible Site' on the Rural Strategy map. Based on the 1994 Rural Strategy, the Jandakot Structure Plan which was approved by the WAPC in 2007, proposed a small rural village in Oakford at the intersection of Thomas Road and Nicholson Road. Rural living development was also identified in this area south of Thomas Road generally between King Road and Nicholson Road to accommodate rural activities that require medium-large sized lots. A Rural Economic Living Area was identified over the Oakford site within the 2007 Jandakot Structure Plan. In May 2008, Council resolved to provide in-principle support for the Oakford Village Concept plans. In 2011, the Shire adopted a local planning policy to provide a framework for the future development of the Oakford area regarding the implementation of the Oakford Village and the Rural Economic Living Area as identified in the 1994 Rural Strategy and 2007 Jandakot Structure Plan. The Shire also received a request to support a MRS amendment to rezone 180 hectares of land in Oakford from Rural to Urban in 2011. In 2012, Council resolved to provide in-principle support for the

proposed amendment and formally requested the Western Australian Planning Commission to progress the amendment. This MRS amendment was not progressed by the Commission pending the finalisation of the Strategic Assessment of the Perth and Peel Regions. Given this history of the Oakford site for a possible village and rural living precinct, the Rural Strategy Review 2013 included the Oakford/Oldbury Subject to Future Investigation Area.



1994 Rural Strategy – Proposed Urban Villages



2007 Jandakot Structure Plan – Rural Economic Living Area

WAPC Rationale: *The intent for this land remains uncertain until such time as the SMPPF is finalised and it is recommended that the land remain classified as Rural.*

Officer Comment: Shire officers do not support the WAPC's decision to remove the Oakford/Oldbury Subject to Future Investigation Area from the Rural Strategy Review 2013. This area has been identified for further development in Shire and WAPC approved documents since 1994 as described above under the Shire's original rationale. Under the 2007 Jandakot Structure Plan, a portion of the Oakford/Oldbury Subject to Future Investigation Area was identified as a Rural Economic Living Area. In 2016, Council adopted the SJ 2050 document which identified a settlement pattern aligned with the Perth and Peel@3.5million frameworks and identified the Oakford area as an intensive agriculture area. A significant percentage of the land uses within the area are considered to fall within the rural enterprise or intensive agriculture land use classifications.

Given the area has been identified for rural economic living purposes in Shire and WAPC approved documents, the existence of a significant proportion of rural enterprise land uses in the area, and the identification of Oakford for intensive agriculture within SJ 2050, Shire officers suggest that a rural enterprise precinct be identified in Oakford. Shire officers recommend that this rural enterprise area is comprised of the land which was identified as the Rural Economic Living Area under the 2007 Jandakot Structure Plan. This area of land is considerably smaller than the area of land identified within the Oakford/Oldbury Subject to Future Investigation Area under the Rural Strategy Review 2013. Shire officers would be supportive of the land which is not identified within the Rural Economic Living Area being identified within the Rural policy area under the Rural Strategy Review 2013. In regards to the land within the Rural Economic Living Area, Shire officers recommend this land is depicted as Rural with an overlay for Rural Enterprise Future Investigation.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 2: *Oakford/Oldbury Subject to Future Investigation Area – Remove the ‘Subject To Future Investigation’ classification and depict the underlying land as Rural*. Council have previously agreed to the Jandakot Structure Plan 2007 and request that the Rural Strategy Review 2013 depict the land within the Rural Economic Living Area as “Rural” with an overlay for “Rural Enterprise Future Investigation” in accordance with the Jandakot Structure Plan 2007.

- Modification: Reserve 10164 Byford** – *Remove Rural Living B classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion).*



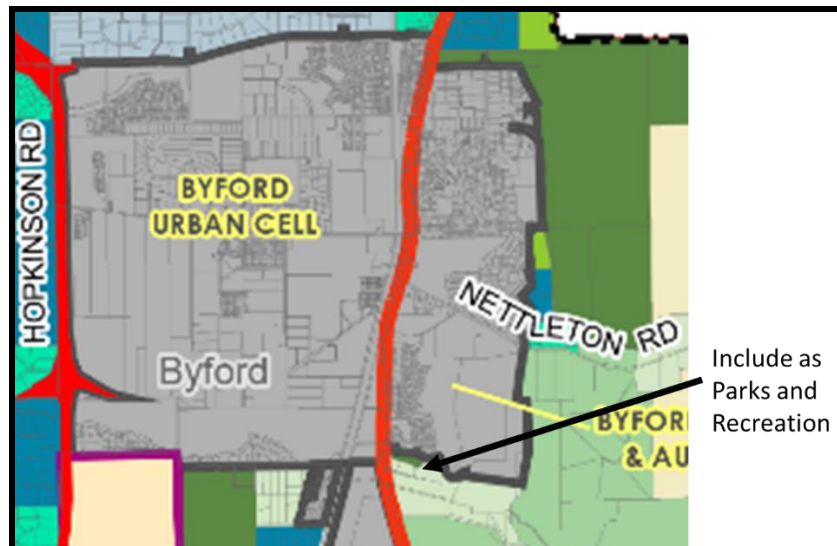
Shire’s Original Rationale: The eastern portion of Reserve 10164 was identified as Parks and Recreation under the Rural Strategy Review 2013 and the western portion was identified as Rural Living B. It was a minor oversight that the western portion of this reserve was not identified as Parks and Recreation in the draft Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: The western portion of Reserve 10164 is reserved as Public Open Space under Town Planning Scheme No. 2 and the eastern portion is reserved Parks and Recreation under the MRS. This is a minor modification to better reflect the purpose of this land.

Officers recommend that Council agree to Modification 3: Reserve 10164 Byford – Remove Rural Living B classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion) as this minor variation better reflects the purpose of the land.

- Modification: Byford Urban Cell** – (a) *Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding Rural Living A 19).* (b) *R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status.*



Shire's Original Rationale: The Rural Strategy Review 2013 was prepared prior to the release of the draft SMPPF. It was a minor oversight that Reserve 48455 was not identified as Parks and Recreation in the draft Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: (a) This is considered to be a minor modification which does not change the intent of the Council endorsed Rural Strategy Review 2013. (b) This portion of land is reserved as Public Open Space under Town Planning Scheme No. 2. This is a minor modification to better reflect the purpose of this land.

Officers recommend that Council agree to Modification 4: Byford Urban Cell – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding Rural Living A 19). (b) R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status as this minor variation better reflects the purpose of the land.

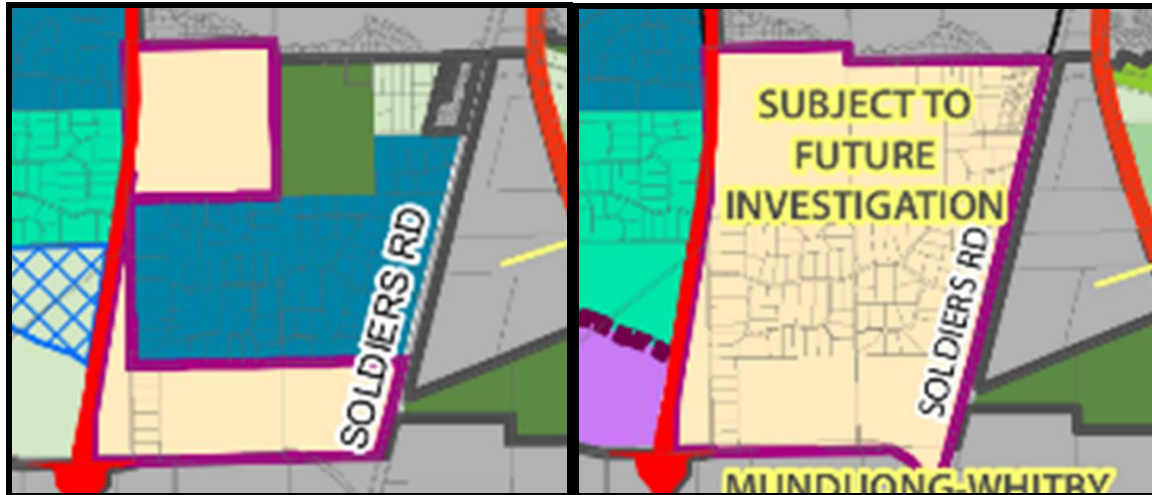
5. **Modification: Subject to Future Investigation between Byford and Mundijong – To be depicted as 'Subject To Future Investigation'.**

- Lot 33 (681) Hopkinson Road,
- Lot 103 (130) Bishop Rd, Cardup, and
- Lot 30 (496) Soldiers Rd, Cardup

All remaining land to be depicted as per the current Strategy/Scheme classifications, being:

- Parks and Recreation for R2457,
- Rural Living B for Special Rural 8 and Special Rural 17
- Urban Cell for the R5 coded area
- Rural for the land between the R5 and R2457
- Rural for Lots -391 (900) Hopkinson Rd, and Lots 19-24 Hopkinson Rd, Cardup

**Lot 1 (1) Bishop Road is part of the Mundijong urban cell.*



Shire's Original Rationale: All land between Byford and Mundijong bound by Soldiers Road and the future Tonkin Highway was identified as 'Subject to Future Investigation' in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres. This land is well-located and in close proximity to the existing and planned facilities and services in Byford and Mundijong and the Cardup Business Park to the east. The future Tonkin Highway provides a logical boundary to separate the urban land from the Rural and Rural Living uses to the east.

WAPC Rationale: Not Stated.

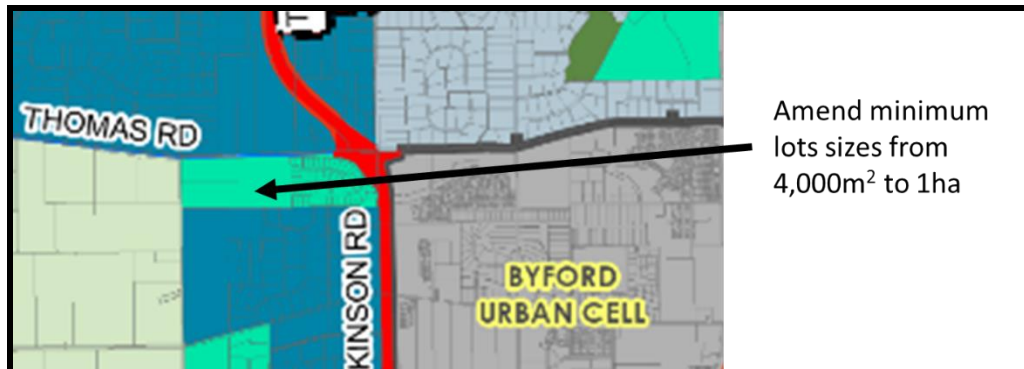
Officer Comment: Shire officers support the inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area but consider that all the land between Mundijong and Byford should keep a rural residential character to ensure the two urban areas in Byford and Mundijong have defined urban boundaries. The investigation areas should therefore be carefully planned to ensure this character and rural residential edge remains in perpetuity. This was also articulated in SJ 2050's settlement pattern. This soft rural residential edge is important to create distinction and legibility and to differentiate between the urban areas in Mundijong and Byford.

Shire officers do not agree to the identification of the land between the R5 coded area and Reserve 2457 as Rural given that this small area of land is surrounded by urban and rural living properties. The lot sizes in this area are more appropriate for a rural living designation and identifying this land as rural, may lead to future land use conflicts and impacts to amenity.

Officers recommend that Council agree to a part of Modification 5: The inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area. The modification was identified as 'Subject to Future Investigation' in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres, with the proviso that the current rural residential character is retained.

Officers however recommend that Council request the Western Australian Planning Commission to reconsider the part of Modification 5: Rural for the land between the R5 coded area and Reserve 2457. The lot sizes in this area are more appropriate for a rural living designation and identifying this land for rural purposes may lead to future land use conflicts and impacts to amenity given that this small area of land is surrounded by urban and rural living properties.

6. **Modification: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford.** Retain Rural Living A classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted".



Shire's Original Rationale: This land was identified as Rural Living A to consolidate the existing rural living precinct bound by Thomas Road, Kargotich Road and the future Tonkin Highway.

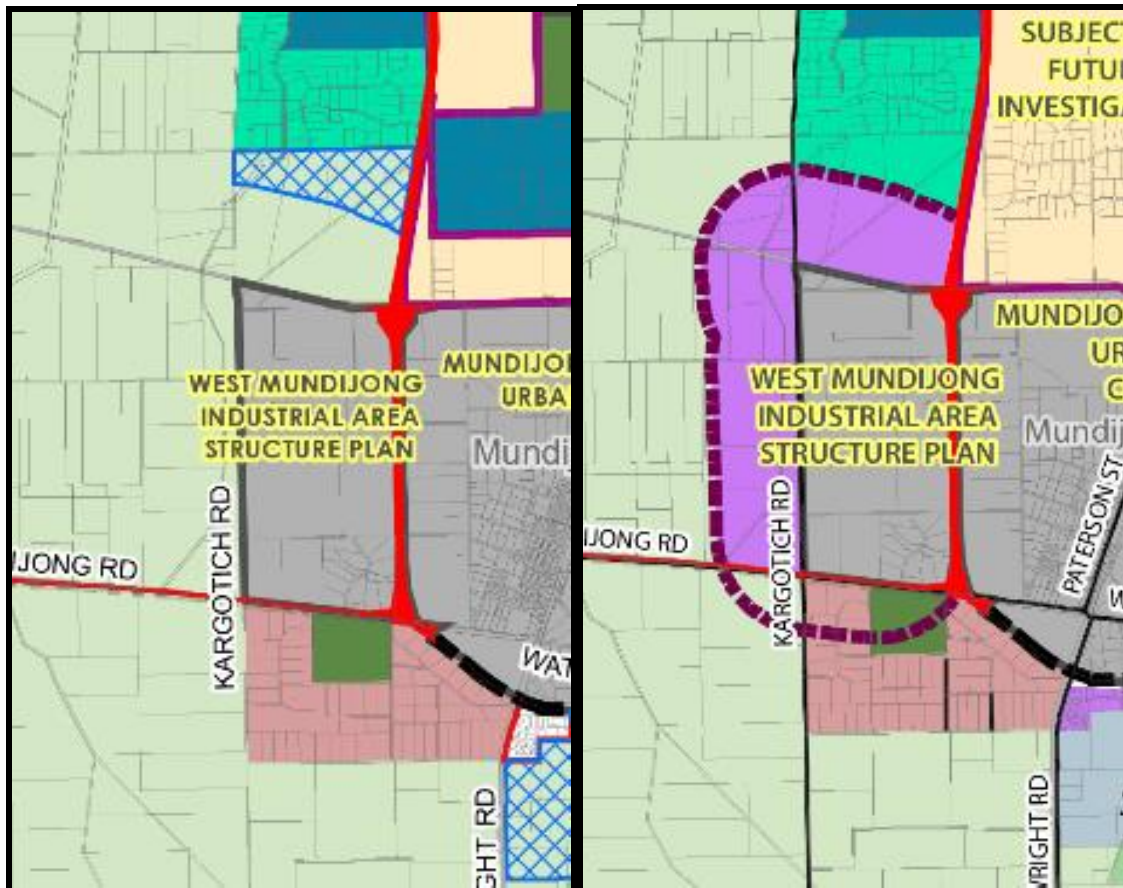
WAPC Rationale: It is acknowledged that these landholdings are identified for Urban Expansion in the draft SMPPF where the land may eventually be developed to lot sizes of less than 1 hectare, however, the RSR identified this land for Rural Living A which promotes a lot size range of between 4,000m² and 1 hectare. In addition, these lots are affected by the recent release of the draft GSP (2016) and the requirement for a 1 hectare minimum lot size.

In view of the uncertainty pertaining to this site at this time, it is recommended that the land remain classified for Rural Living A with an annotation that a 1 hectare lot size is applicable. Subject to the final release of the SMPPF and future demand for rural living land within the Shire, there may be scope for this land to be further subdivided below 1 hectare if deemed appropriate. However, this modification will ensure that in the short-term, the intent of the GSP (2016) is not undermined nor the urban potential of the site prejudiced prior to the final outcome of the SMPPF in the interim.

Officer Comment: Shire officers consider that modifying the text to apply a 1ha lot size minimum in this area is appropriate given that the land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft SMPPF has not been finalised and the release of the draft Government Sewerage Policy which only exempts lots greater than 1ha from requiring a connection to reticulated sewerage. Requiring larger lot sizes in this location would reduce the potential for land use conflicts with the rural land uses to the west.

Officers recommend that Council agree to Modification 6: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford. Retain Rural Living A classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted". The land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

7. **Modification: West Mundijong Industrial Area Buffer and Rural Enterprise –** Remove the Industrial buffer and Rural Enterprise classification.



Shire's Original Rationale: Structure planning for the West Mundijong Industrial Area identified the need for an off-site buffer to surround the proposed development. The West Mundijong Industrial Area District Structure Plan specified that the buffer of 1 km to the north and west of the development would be secured in the Rural Strategy Review 2013. The use of the Rural Strategy Review 2013 to identify the buffer was selected for the following reasons:

- Appendix 2 of State Planning Policy 4.1 identifies local rural strategies as a mechanism to maintain the integrity of buffer areas;
- It is proposed that the industries within the West Mundijong Industrial Area will have generally low emissions; and
- Local structure planning of the West Mundijong Industrial Area will require further noise assessments to identify potential compatible developments.

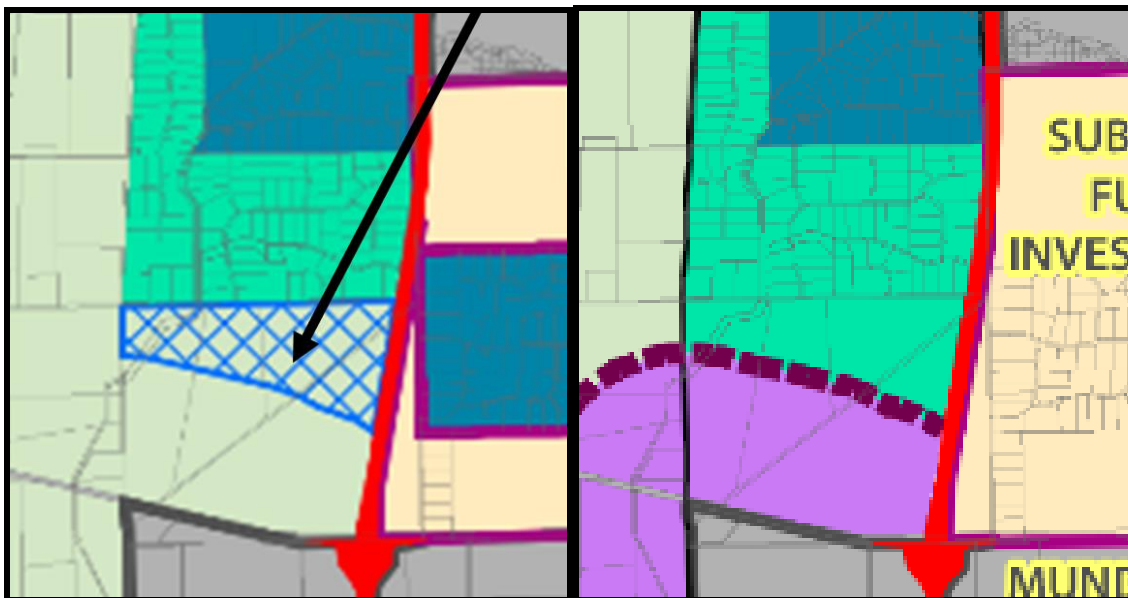
The Rural Strategy Review 2013 introduced the Rural Enterprise Policy Area as a renaming of the Light Industry Policy Area which was identified in the 1994 Rural Strategy. This renaming occurred to more accurately represent the intent of the policy area. The land within the West Mundijong Industrial Area was identified as Rural Enterprise to allow compatible land uses. Additionally, designating this buffer under the Rural Strategy Review 2013 protects this land from urban encroachment. It provides certainty to existing and prospective landowners that this land is within the buffer of an industrial area, minimising the likelihood of the development of sensitive land uses.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers maintain that the West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale.

Officers recommend that Council Request the Western Australian Planning Commission to reconsider Modification 7: West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification. The West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale due to its proximity to the West Mundijong Industrial Area and the opportunities that this allows.

8. **Modification: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway** – Remove Rural Living A classification and depict the underlying land as Rural. The Map is to include a footnote attached to the legend which states 'Frameworks Investigation Area #' with the following text: # It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~5 - 10 years.



Shire's Original Rationale: This land was included as Rural Living A in the Rural Strategy Review 2013 to consolidate the Rural Living precinct bound by Kargotich Road, Thomas Road, the future Tonkin Highway and the West Mundijong Industrial Area buffer. This expansion of the already existing Rural Living areas to the north does not create a new Rural Living precinct and is not considered to result in a significant increase in lots.

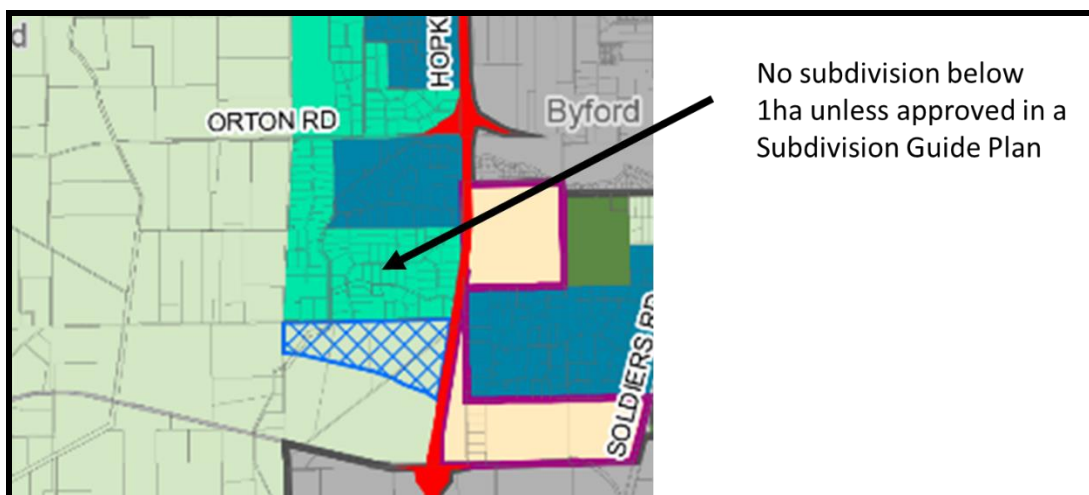
WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

Officer Comment: Shire officers consider that it is important for this land to be identified as Rural Living under the Rural Strategy Review 2013 as there is no intention for this land to ever be Urban and identifying this land as Rural Living will secure this land for its intended purpose of consolidating an existing Rural Living precinct. With regard to timeframes, it will take a significant amount of time for the planning framework to be

amended to allow the subdivision and development of this land for Rural Living purposes. As such it is not considered necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013.

Officers recommend that Council Request the Western Australian Planning Commission to reconsider Modification 8: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway – Remove Rural Living A classification and depict the underlying land as Rural. Council does not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and requests that the Rural Living A designation be retained.

9. **Modification: Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20** – *Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission".*



Shire's Original Rationale: The 4,000m² – 1ha lot size range has been applicable for the Rural Living A zone since the 1994 Rural Strategy.

WAPC Rationale: *This area is affected by the recent release of the draft GSP (2016), however, a number of areas have existing and approved Subdivision Guide Plan overlays which facilitate lot sizes below 1 hectare where capability is demonstrated. A modification to insert the following text into the RSR is recommended:*

"Clause 5.12.4 of TPS No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a SGP and/or overlay depicting smaller lots was existing and approved at such time as the RSR was endorsed by the WAPC".

This clause is intended to:

- (i) clarify where lots below 1 hectare are acceptable, and*
- (ii) enable continued and consistent decision-making in existing areas.*

Officer Comment: Shire officers consider that modifying the text to apply a 1ha lot size minimum in this area is appropriate given that State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft SMPPF has not been finalised and the recent release of the draft Government Sewerage Policy. Requiring larger lot sizes in this location would reduce the potential for land use conflicts

with the rural land uses to the west. The draft Government Sewerage Policy outlines the circumstances in which the requirement for reticulated sewerage may be exempted. It is specified that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. This land is located within a sewerage sensitive area and therefore the creation of lots smaller than 1ha should not be supported to be consistent with the provisions of the draft Government Sewerage Policy. The draft Government Sewerage Policy does not include the existence of an approved structure plan or subdivision guide plan as an exemption to the requirement for reticulated sewerage for lots under 1ha in size in sewerage sensitive areas. As such, inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, though exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 9: *Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission"*. Applying a 1ha lot size minimum in this area is appropriate given that the new State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy that specifies that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. Inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, but exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy and is not supported.

10. **Modification: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable** – a) *Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy. Map includes an overlay in the legend which states 'Frameworks Investigation Area #' with the following footnote: # It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 -10 years.*



Shire's Original Rationale: The Residential and Stables Policy Area south of Mundijong was included in the Rural Strategy Review 2013 to provide an equestrian precinct (293.8 hectares) in close proximity to the Mundijong Whitby urban area, similar to the location of the Darling Downs equestrian precinct directly north of the Byford urban area. The site south of Mundijong was considered to be suitable to accommodate an equestrian precinct for the following reasons:

- To provide an equestrian precinct in close proximity to the Mundijong Whitby urban area;
- To facilitate the graduation of lot sizes between the Mundijong Whitby urban area and the rural uses further south;
- To accommodate demand for equestrian properties south of Mundijong as well as in Byford;
- The site is strategically located and well-connected with access to South Western Highway and the future Tonkin Highway; and
- The site will be in close proximity to the services and facilities within the Mundijong Whitby urban area.

It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle. Providing opportunities to concentrate

these types of development and directly surrounding major settlements will strengthen the industry and further contribute to the area.

WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

When the demand for further rural living land is required within the Shire (beyond the life of this RSR), there are many zonings that may be appropriate for this land, however, in the interim the land is recommended to remain classified for Rural/Agricultural Protection as per the 2002/03 Rural Strategy.

With regard to the Shire and public submissions which seek the creation of a formal equine precinct for horse-keeping, it is noted that the existing Residential and Stables area located in Darling Downs is actually zoned Rural and Special Rural under TPS No.2 as Residential and Stables is not a zoning that exists in the current Scheme. An area does not need to be labelled as a Residential and Stables policy area in the RSR in order to facilitate equine precinct and or horse-keeping. In fact, there are many Rural Living A and B areas within the Shire where the keeping of horses is permitted. The retention of these landholdings as Rural/Agricultural Protection policy areas is not considered detrimental to these ambitions being realised in the future, if deemed appropriate at that time.

Officer Comment: Shire officers consider that the timing of identifying this land as Residential and Stables in the Rural Strategy Review 2013 will not be an issue as the future Tonkin Highway forms the urban boundary and this land is not intended for longer term urban expansion. The rezoning of this land and subsequent subdivision and development will take a significant amount time and as such Shire officers do not consider there to be an issue in identifying this land in the Rural Strategy Review 2013.

With regard to the WAPC's comment that area does need to be labelled Residential and Stables under the Rural Strategy Review 2013 to facilitate an equine precinct and the keeping of horses, the Shire's intention was to create a character area which encourages a cluster of equine uses adjacent to the Mundijong Whitby urban area. As stated above under the Shire's original rationale, the equine industry is both a significant contributor to the local economy and important aspect of lifestyle and character within the Shire. Shire officers consider that it is important to identify this precinct in the Rural Strategy Review 2013 to identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context.

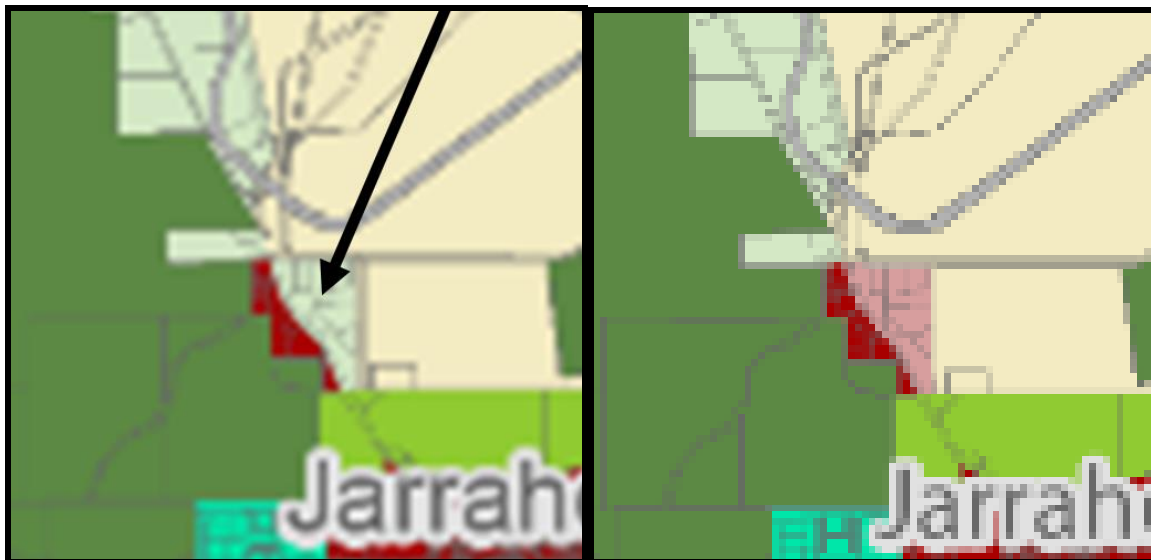
Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 10: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable – a) Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy Map includes an overlay in the legend which states 'Frameworks Investigation Area #'. The Residential and Stables designation under the Rural Strategy Review 2013 facilitates an equine precinct and the keeping of horses, to create a character area which encourages a cluster of equine uses adjacent to the Mundijong Whitby urban area and identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and facilitate the creation of lots with a minimum lot size of 4ha to

accommodate equine land uses in a rural living context and Council believes it to be important for the area.

11. Modification: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as Farmlet – Remove Farmlet classification and depict as Rural.

Shire's Original Rationale: This portion of land was identified as Farmlet in the Rural Strategy Review 2013 given the proximity of this land to the Jarrahdale town site, the other land uses surrounding this land and to more accurately reflect the current lot sizes and land uses of these lots. It was considered more suitable for this portion of land to be identified as Farmlet as these lots are not large enough to accommodate rural land uses. The development of the full range of rural land uses in this location, on lots of this size, would create land use conflicts and be incompatible with the surrounding development.

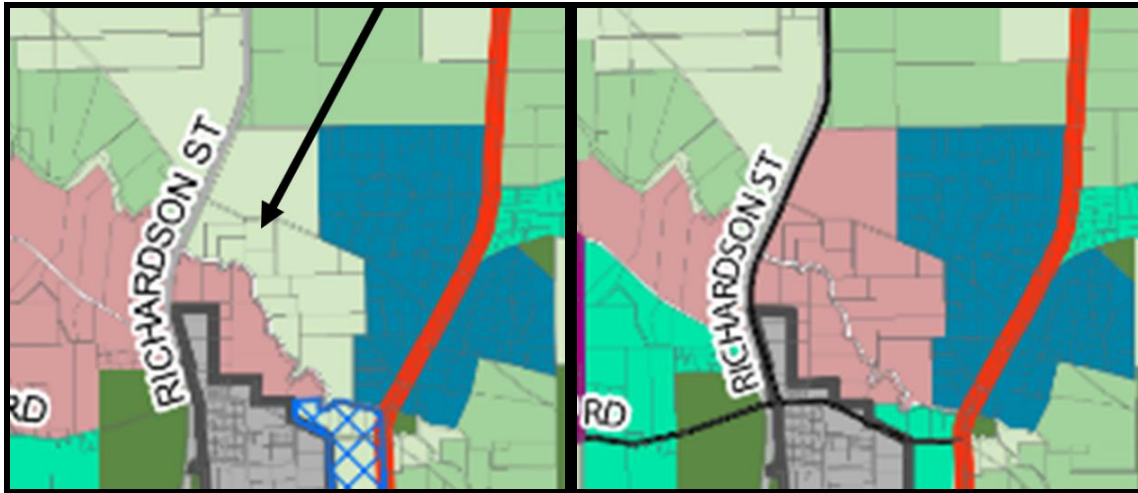
WAPC Rationale: Not Stated.



Officer Comment: Shire officers do not agree with the WAPC's modification to depict this land as Rural for the reasons outlined above under the Shire's original rationale. Furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, Shire officers consider that it would be more appropriate for this land to be identified as Rural Living A under the Rural Strategy Review 2013.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 11: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as Farmlet – Remove Farmlet classification and depict as Rural. For the reasons outlined in the Shire's original rationale and furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, this land is to be identified as Rural Living A.

12. Modification: Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as Farmlet) – Remove Farmlet classification and depict as Rural.



Shire's Original Rationale: This portion of land was identified as Farmlet in the Rural Strategy Review 2013 as it is located in close proximity to the Serpentine Townsite and is located adjacent to a Rural Living B precinct to the east. Identifying this land as Farmlet consolidates the Rural Living precinct to the north of the Serpentine Townsite and facilitates a graduation in lot sizes. Many of the lots within this precinct have already been subdivided to smaller lot sizes which would be more appropriately identified within the Farmlet Policy Area. One of the outcomes of a Market and Economic Assessment Report prepared for the Shire in 2012 was that a variety of rural lot sizes can enable a greater diversity in rural land uses. This may lead to greater affordability, productivity and economic opportunities for the Shire as smaller rural lots would facilitate more uses of the land. Enabling new technologies in agricultural practice will not only have economic benefits, it can also result in improved land use practice. Newer, more environmentally sustainable technologies may reduce the amount of pollutants entering the environment and the waterways. This would have many ecological benefits and would improve water quality.

Identifying this land as Farmlet would also lead to greater control over which land uses would be permitted in this area. If the land were to remain as Rural, the development of the full range of rural land uses would be permitted in this area. The Farmlet Policy Area provides for 'some limited form of agricultural production' with a focus on alternative agriculture and a diversity of uses. Limiting the range of rural land uses in this area, particularly those which may cause environmental degradation or land use conflicts with the surrounding Rural Living development, would result in improved environmental outcomes and would protect the amenity of the Rural Living areas. The Farmlet Policy Area would still allow this land to be utilised for agricultural production, though without adversely affecting the environment or nearby residents. A key aspect of the Farmlet Policy Area is to create areas with a specific character and form of development. Providing lots for equestrian uses is an important feature of the Farmlet Policy Area. It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle of the Shire. Providing lots to accommodate equestrian land uses is an important function of the Farmlet Policy Area.

WAPC Rationale: *The creation of additional Farmlet lots will result in the unnecessary fragmentation of rural land which is inconsistent with SPP 2.5. There is no demonstrated 'need' for Farmlet land in this location, the land is not proven to be degraded or incapable of rural land uses and this proposal will cultivate the extent and expectations pertaining to rural living around Serpentine which is not considered desirable in the lifetime of this RSR.*

Officer Comment: Shire officers do not agree with the WAPC's modification for the reasons outlined above under the Shire's original rationale. In addition to this, the subject land is strategically located between land which has been supported by the

WAPC for Rural Living B and Farmlet development, and is located in close proximity to the Serpentine Townsite. In the recently Council adopted SJ2050 document, this area of land was identified as 'rural fringe' which is intended to provide for rural lifestyle lots that support equestrian uses. The subject land has already been considerably fragmented and identifying this land as Farmlet would facilitate only limited subdivision potential. As this land is located between existing rural living developments and is in close proximity to the Serpentine Townsite, Shire officers consider that there is a risk in allowing this land to remain Rural which may lead to land use conflicts. Shire officers are therefore not in favour of the WAPC's modification to remove the Farmlet policy area and maintain that this land should be identified as Farmlet.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 12: *Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as Farmlet) – Remove Farmlet classification and depict as Rural.* The reasons outlined in the Shire's original rationale remain valid and as the subject land is strategically located between land which has been supported by the Western Australian Planning Commission for Rural Living B and Farmlet development, and is located in close proximity to the Serpentine Townsite, this land should remain as Farmlet.

13. **Modification: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/Rural Living A 27/Serpentine Townsite to the west and creek line to the north (which is identified as Rural Living A) – Remove Rural Living A classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #' with the following footnote: # It is acknowledged that this area is depicted as Rural- Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 - 10 years.**



Shire's Original Rationale: This portion of land was identified as Rural Living A under the Rural Strategy Review 2013 as it is located adjacent to the Serpentine Townsite and

consolidates the existing Rural Living A precinct which currently surrounds the Serpentine Townsite. Situated between the Serpentine Townsite and South Western Highway, it is considered logical for further subdivision and Rural Living development to occur on this portion of land. This would not create a new Rural Living precinct and it provides a transition in lot sizes.

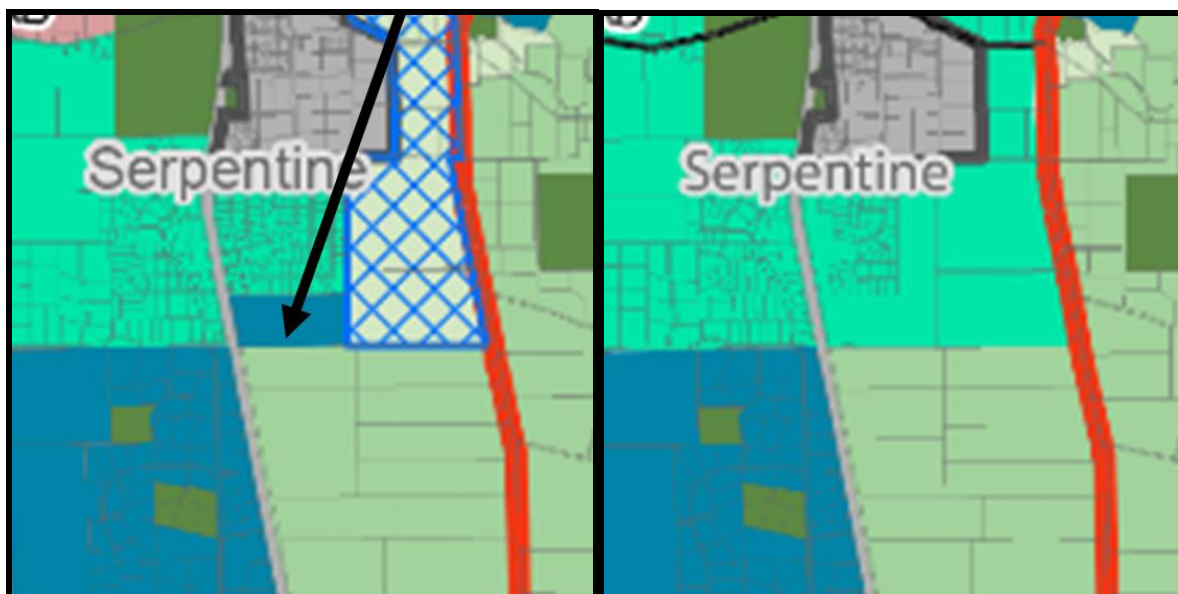
WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

It is acknowledged that the Shire's support for an 'investigation area' over this land is for different reasons to the Department. Notwithstanding, it is clear that both agencies consider the proposal for Rural Living A (as advertised) to be premature and/or unacceptable at this time, which is further complicated by the 1 hectare minimum lot size required by the draft GSP. The footnote/classification proposed by the Department will ensure that this land is not prejudiced in the lifetime of this RSR.

Officer Comment: Council recently endorsed SJ 2050 which identified a potential expansion to the Serpentine Townsite over this portion of land. Given the potential of this land for the longer term expansion of the Serpentine Townsite, Shire officers consider that an investigation area over this land may be more appropriate and support the investigation area recommended by the WAPC.

Officers recommend that Council agree to Modification 13: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/Rural Living A 27/Serpentine Townsite to the west and creek line to the north (which is identified as Rural Living A) – Remove Rural Living A classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #'. The land was identified in SJ2050 for the longer term expansion of the Serpentine Townsite and therefore an investigation area over this land is appropriate.

14. **Modification: Lot 9 (147) Hardey Road, Serpentine** – Remove Rural Living A classification and depict as Rural Living B.



Shire's Original Rationale: The Rural Strategy Review 2013 identified this lot as Rural Living A as an extension to the existing Rural Living A to the north and to align with the southern Rural Living A boundary in the area west of Hall Road.

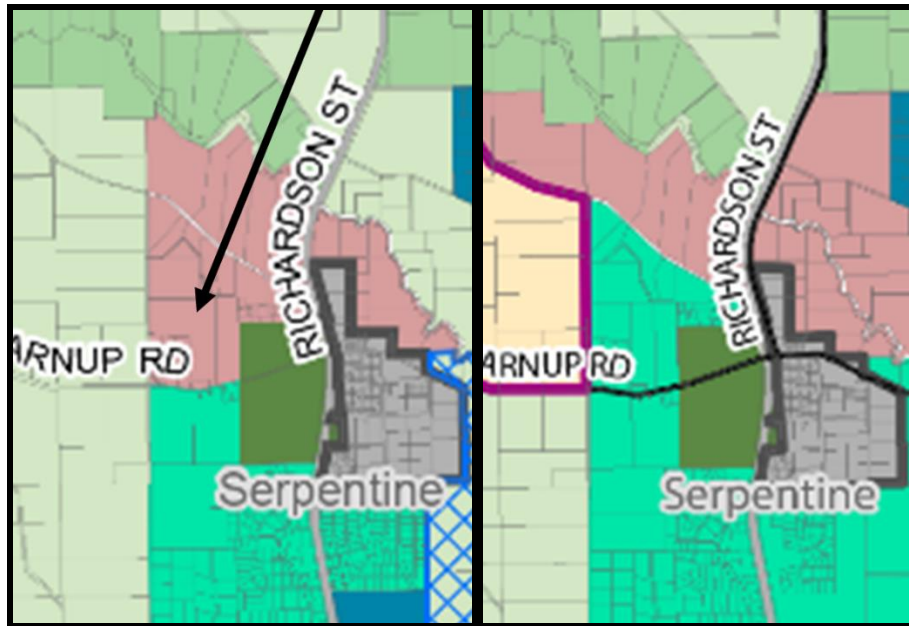
WAPC Rationale: *These landholdings were advertised with a Rural Living A classification. It is recommended that this land be classified as Rural Living B to:*

- *more accurately reflect the draft SMPPF;*
- *provide an appropriate transition zone between the Rural Living A area to the north and the rural land to the south, whilst complimenting the larger lots within the Rural Living A across Hardey Rd;*
- *avoid the creation of unnecessary, unforeseen and inefficient additional Rural Living A (Special Residential) lots; and*
- *ensure compliance with the minimum lot sizes required by the draft GSP.*

Officer Comment: Shire officers consider it is logical for the southern Rural Living A boundary to be consistent surrounding the Serpentine Townsite and consider that this portion of land should remain as Rural Living A. The subject lot is identified as Rural Residential within the draft SMPPF. The intent of the Rural Living A policy area is most closely aligned with the Rural Residential category under the draft SMPPF. Shire officers consider that identifying the subject land as Rural Living A is consistent with the draft SMPPF. While the Rural Living A policy area provides for lots in the range of 4,000m² – 1ha, the intent of the policy area is to provide lots for rural residential purposes. Under the draft SMPPF some Rural Living A areas have been identified within the urban category where lots sizes are mostly 4,000m². To ensure the lot sizes of the subject area align with the Rural Residential category as identified within the draft SMPPF, Shire officers consider it would be more appropriate to include text similar to what the WAPC has recommended for other Rural Living A areas which applies a 1ha lot size minimum rather than changing the policy area to Rural Living B. Additionally, a 1ha lot size minimum would be considered appropriate given that State Planning Policy 2.5 – Rural Planning considers rural living lots to be in the range of 1ha – 4ha and the provisions of the recently released draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 14: *Lot 9 (147) Hardey Road, Serpentine – Remove Rural Living A classification and depict as Rural Living B.* It logical for the southern Rural Living A boundary to be consistent surrounding the Serpentine Townsite and therefore this portion of land should remain as Rural Living A.

15. **Modification: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove Rural Living A classification and depict as Farmlet.**



Shire's Original Rationale: This portion of land was identified as Rural Living A as it is located in close proximity to the Serpentine Townsite and consolidates the existing Rural Living A precinct which surrounds the Serpentine Townsite. This would not create a new Rural Living precinct and it provides a transition in lot sizes.

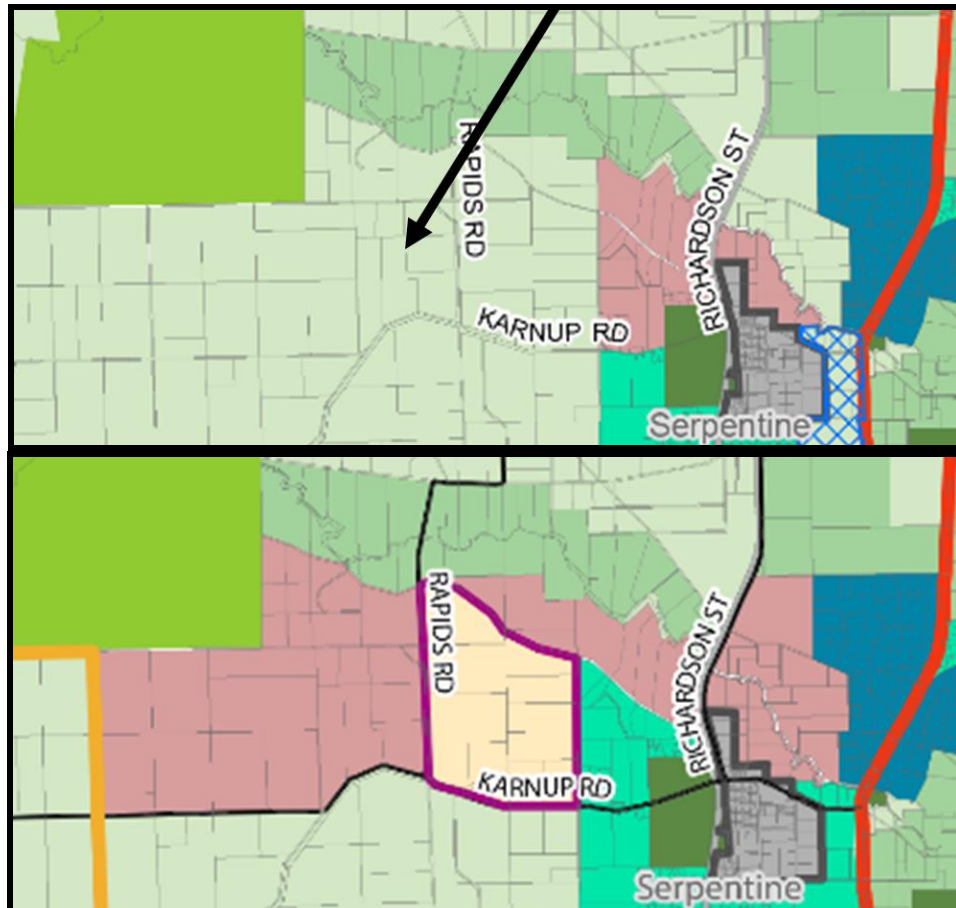
WAPC Rationale: *It is recommended that these landholdings revert from the advertised Rural Living A classification to the Farmlet classification as per the 2002/03 Rural Strategy. A Rural Living A classification will result in the unnecessary, additional fragmentation of land into inefficient special residential lots in this location which is not reflected in the draft SMPPF.*

Lot 5 (142) Gull Road is considered an acceptable exception, as this will provide for the area to be 'rounded' off along a distinct boundary.

Officer Comment: Shire officers do not have a strong objection to the WAPC's modification to revert the subject land back to the Farmlet policy area. The majority of lots in this area have already been rezoned as Farmlet under TPS 2 and some subdivision has occurred. Shire officers consider that is appropriate for this land to remain as Farmlet as it has not been identified for Rural Residential purposes under the draft SMPPF and Farmlet development has already been progressed, compromising the feasibility and quality of further subdivision.

Officers recommend that Council agree to Modification 15: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove Rural Living A classification and depict as Farmlet. This land is to remain as Farmlet as it has not been identified for Rural Residential purposes under the draft South Metropolitan Sub-regional Planning Framework and Farmlet development has already been progressed, compromising the feasibility and quality of further subdivision.

16. **Modification: (All) Land east of Gull Road and east of Walker Road identified for Farmlet and STFI – Remove Farmlet and 'Subject to Future Investigation' areas and depict as Rural.**



Shire's Original Rationale: The Rural Strategy Review 2013 identified this portion of land to be included as Farmlot and 'Subject to Future Investigation' to provide a diversity in lot sizes and enable a range of rural land uses. One of the outcomes of a Market and Economic Assessment Report prepared for the Shire in 2012 was that a variety of rural lot sizes can enable a greater diversity in rural land uses. This may lead to greater affordability, productivity and economic opportunities for the Shire as smaller rural lots would facilitate more uses of the land. Enabling new technologies in agricultural practice will not only have economic benefits, it can also result in improved land use practice. Newer, more environmentally sustainable technologies may reduce the amount of pollutants entering the environment and the waterways. This would have many ecological benefits and would improve water quality.

Identifying this land as Farmlot would also lead to greater control over which land uses would be permitted in this area. If the land were to remain as Rural, the development of the full range of rural land uses would be permitted in this area. The Farmlot Policy Area provides for 'some limited form of agricultural production' with a focus on alternative agriculture and a diversity of uses. Limiting the range of rural land uses in this area, particularly those which may cause environmental degradation or land use conflicts with the surrounding Rural Living development, would result in improved environmental outcomes and would protect the amenity of the Rural Living areas. The Farmlot Policy Area would still allow this land to be utilised for agricultural production, though without adversely affecting the environment or nearby residents. A key aspect of the Farmlot Policy Area is to create areas with a specific character and form of development. Providing lots for equestrian uses is an important feature of the Farmlot Policy Area. It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle of the Shire. Providing lots to accommodate equestrian land uses is an important function of the Farmlot Policy Area.

WAPC Rationale: *The Department required the majority of this land to revert to a Rural classification prior to providing consent to advertise as this land is not accessible to urban services, infrastructure services or employment opportunities.*

The Department maintains that this proposal is ad-hoc and constitutes the unnecessary fragmentation of rural land. There is no demonstrated 'need' for Farmlet land in this location, the land is not proven to be degraded or incapable of rural land uses and this proposal will cultivate the extent and expectations pertaining to rural living around Serpentine which is not considered desirable in the lifetime of this RSR. It is recommended that the landholdings be modified to remain Rural in the RSR.

Officer Comment: Shire officers maintain that identifying this land as Farmlet would limit the development of the more intensive rural land uses and may reduce impacts to the environment, however it is acknowledged that the fragmentation of rural land is not a desirable outcome as contained within State Planning Policy 2.5 – Rural Planning. The subject land already contains a variety of lot sizes which fall within the 4ha – 40ha range of the Farmlet zone. The existing variety of lot sizes would enable a greater diversity in rural land uses which may lead to more economic opportunities and the utilisation of innovative technologies. This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area. As such, and with regard to State Planning Policy 2.5 – Rural Planning, Shire officers do not object to the WAPC's modification.

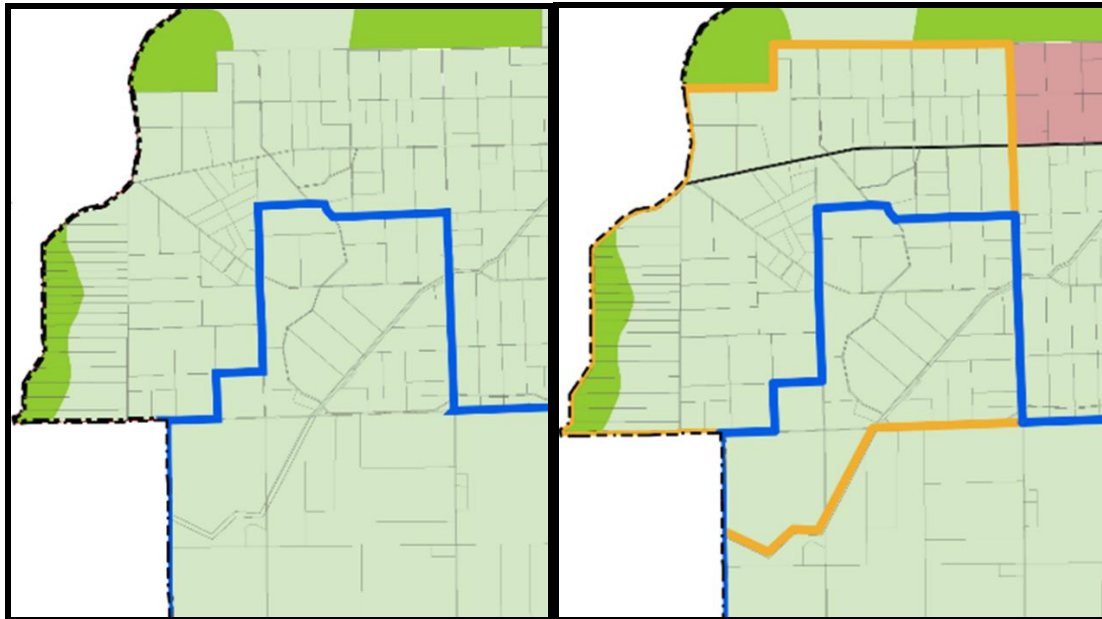
Officers recommend that Council agree to Modification 16: (All) Land east of Gull Road and east of Walker Road identified for Farmlet and STFI – Remove Farmlet and 'Subject to Future Investigation' areas and depict as Rural. This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area.

17. Modification: Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend).

Shire's Original Rationale: The Hopeland Urban Village Future Investigation Area was included in the Rural Strategy Review 2013 as it was a concept which was originally identified under the 1994 Rural Strategy. The Hopeland Village was identified as one of three urban villages in the 1994 Rural Strategy which were each proposed to accommodate approximately 5,000 people. The other two urban villages identified in the 1994 Rural Strategy were Oakford and The Flats. The 1994 Rural Strategy stated the following in regards to these new villages:

' are primarily intended as Rural Living Villages with an urban centre, somewhat similar to the town of Serpentine.'

The 1994 Rural Strategy recommended that of the three proposed urban villages, the Hopeland Urban Village would be the last to develop. It was also clarified under the 1994 Rural Strategy that the identification of possible locations for new villages should not be construed as justification for the development of these villages.



The boundary of the Hopeland Urban Village Future Investigation Area identified within the Rural Strategy Review 2013 was derived from the 2003 Rural Strategy which identified a townsite urban expansion investigation area. Additionally, there are a cluster of lots in the Hopeland area which are zoned Special Rural under TPS 2 and were identified as Rural Living B since the 1994 Rural Strategy. As further studies and investigations are required in regards to Hopeland, the Hopeland Urban Village Future Investigation Area was included as a policy overlay in the Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers note that there is a conflict between the Poultry Policy Overlay and the Hopeland Urban Village Future Investigation Area identified in the Council adopted Rural Strategy Review 2013. The Poultry Policy Overlay also relates to the Poultry Farm Special Control Area contained within TPS 2. Shire officers agree that it would be inappropriate for an urban village investigation area to be located within the Poultry Policy Overlay. The Council adopted vision document SJ 2050 reiterates the importance of this area as a food bowl and Shire officers are in support of removing the Hopeland Urban Village Future Investigation Area from where it overlaps with the Poultry Policy Overlay.

Shire officers agree that an urban village in Hopeland which can accommodate up to 5,000 people as proposed under the 1994 Rural Strategy is not appropriate in this location for the following reasons:

- The proposal is in conflict with Section 5.3(c)(i) of State Planning Policy 2.5 – Rural Planning which states rural living precincts are required to be '*adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities*'. The Hopeland Urban Village Future Investigation Area is not in proximity to the Shire's urban areas;
- The proposal is in conflict with Section 5.3(c)(ii) of State Planning Policy 2.5 – Rural Planning which states rural living precincts are required to '*not conflict with the primary production of nearby land, or reduce its potential*'. The Hopeland Urban Village Future Investigation Area overlaps with the Poultry Policy Overlay and is located in a rural area of the Shire which has the purpose of primary production.
- The proposal is in conflict with Section 5.3(c)(iv) of State Planning Policy 2.5 – Rural Planning which states '*the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections*'. Population forecasting indicates that projected growth can be accommodated within

the currently planned urban areas within the Shire. Rural living demand was calculated and planned for as a part of the Rural Strategy Review 2013 and does not plan for an urban village in Hopeland.

- The proposal is in conflict with Section 5.3(c)(xii) of State Planning Policy 2.5 – Rural Planning which states that land subject to a rural living proposal is required to not be subject ‘to a separation distance or buffer from an adjoining land use, or if it is, that no sensitive land uses be permitted in the area of impact’. The Hopeland Urban Village Future Investigation Area overlaps with the Poultry Policy Overlay. The Environmental Protection Authority’s *Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses* recommends a buffer in the range of 300m – 1000m for poultry farms. A potential urban village would include sensitive land uses.
- The Hopeland Urban Village Future Investigation Area is located within the Peel Harvey Catchment and is bound by significant waterways. The intensification of land and greater population density that would result from an urban village, would generate greater amounts of waste and pollutants which may lead to pollutants entering the waterways within the Peel Harvey Catchment.

However, given that there are existing lots which are zoned Special Rural under TPS 2 located in the same precinct as the Serpentine Airfield in Hopeland, the clustering of these land uses creates a node. Shire officers do not support completely removing the investigation area from Hopeland given the existence of these Special Rural zoned lots, which have not been depicted as Rural Living B within the Rural Strategy Review 2013, and the strategic implications of the Serpentine Airfield being located in this area. Shire officers consider this precinct should be recognised and identified on the Rural Strategy Review 2013 map.

While Shire officers agree that the extent and scale of the Hopeland Urban Village Investigation Area as identified on the Council adopted Rural Strategy Review 2013 map is not appropriate as discussed above, Shire officers do not support the removal of this investigation area in its entirety. Alternatively, Shire officers recommend that the investigation area be modified to no longer be an ‘urban village’ investigation area but rather just an investigation area. Shire officers also recommend that this investigation area be reduced to only apply over the precinct north of the Poultry farm overlay and south of Karnup road. And include the existing Special Rural lots and the Serpentine Airfield.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 17: *Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend)*. The Hopeland Village was included in 1994 Strategy and as there are existing lots which are zoned Special Rural under TPS 2 located in the same precinct as the Serpentine Airfield resulting in a clustering of compatible land uses Council recommends that the Hopeland investigation area apply over the precinct north of the Poultry farm overlay and south of Karnup road to include the existing Special Rural lots and the Serpentine Airfield.

18. **Modification: The legend** – (a) Remove ‘Main Roads’ depicted on the map (b) Remove Rural Enterprise classification (c) Remove West Mundijong Industrial Area Buffer. (d) Remove the lot size ranges applicable to the Rural Living A and Rural Living B classifications and insert an * with a footnote which states: “Lot size ranges are a guide only. Final Subdivision Guide Plan’s/Structure Plans outlining subdivision potential are determined by site specific conditions, capability and constraints”.

Shire officers recommend that Council request the WAPC to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.

19. **Modification: Strategy text / document** – *Update the Strategy text/document to reflect the aforementioned modifications, including but not limited to the following clauses/matters:*
- (i) *3.2: Exclusion Areas - Update to reflect map; remove Oakford/Oldbury Investigation Area and outline some of the land between the Byford and Mundijong Whitby urban cells is subject to future Investigation.*
 - (ii) *4.1: Background - Delete the Rural Enterprise Policy Area and associated section (being 4.8).*
 - (iii) *4.2: Town and Village Urban Policy Area - Delete the first dot point.*
 - (iv) *Numerous Policy Areas - Increase rainwater supply requirement from 90,000 litres per lot to 120,000 litre requirement.*
 - (v) *4.5 and 4.6: Rural and Agricultural Protection Policy Areas - Insert State Planning Policy 2.5 - Land Use Planning in Rural Areas into the 'Subdivision and Development Guidelines' as a document to accord with.*
 - (vi) *4.9: Residential and Stables - text shall be modified to outline that the only Residential and Stables area within the Shire is located in Darling Downs, however, this zoning is not available in the current Scheme (TPS No.2) and appropriate rural living zonings and lot sizes (generally a minimum of 2 hectares) should be proposed/applied in discussion with the Shire/Western Australian Planning Commission.*
 - (vii) *4.11: Hopeland and Urban Village Investigation Area – Delete clause.*
 - (viii): *The following statement should be inserted into the text, linking to the # depicted on the Map, as follows: "It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan and Peel Sub-Regional Planning Framework instalment of the Towards Perth and Peel@3.5 Million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 - 10 years".*
 - (ix) *The following statement should be inserted into the text, linking to the * depicted on the Map, as follows: "Lot size ranges are guide only. Final Subdivision Guide Plan's/Structure Plans outlining subdivision potential are determined by site specific conditions, capability and constraints".*

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 18 and 19: *The legend and Strategy text / document* to include only those aspects agreed upon by Council in terms of the above.

Options and Implications

In accordance with regulation 15(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the WAPC determined to require the Shire to modify the Rural Strategy Review 2013 and resubmit the updated document to the DoP. Council can request the WAPC to reconsider this decision, however it should be noted that the reconsideration of a decision under regulation 15(1)(c) is not a formal process under the *Planning and Development (Local Planning Schemes) Regulations 2015*. If the WAPC does not agree to reconsider the required modifications and Council subsequently does not agree to make the required modifications, the 2006 Rural Strategy (as amended) will remain the planning framework of the Shire. Council has the following options:

Option 1: Request the Western Australian Planning Commission to reconsider the modifications that Council does not agree to.

Option 2: Modify the Rural Strategy Review 2013 as required by the Western Australian Planning Commission.

Option 1 is recommended.

Conclusion

The WAPC on 20 December 2016 resolved to provide in-principle support for the Rural Strategy Review 2013 subject to modifications, and required the Shire to modify the document accordingly and requested that the final document be provided to the DoP for ratification. The modifications are substantial and although Shire officers have made it clear that Council continued to support the previous Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014, the SPC made significant changes as indicated in the report. Council is now required to respond to the WAPC's decision.

Shire officers recommend that Council request the WAPC to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.

Attachments

- [OCM041.1/04/17](#) – Schedule of Modifications (IN17/1057)
- [OCM041.2/04/17](#) – WAPC's Map of Modifications (IN16/22191)
- [OCM041.3/04/17](#) – Map depicting the changes as proposed by the WAPC (E17/1021)

Alignment with our Strategic Community Plan:

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

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Financial Implications

There are no financial implications.

Voting Requirements: Simple Majority

OCM041/04/17 Alternate Recommendation:

Moved Cr Gossage, seconded Cr

That Council advises the Western Australian Planning Commission it reinforces the original Rural Strategy position of 2014 and not accept the Western Australian Planning Commission requested modifications.

The motion lapsed due to a lack of seconder.

Cr See foreshadowed she would move an alternate motion to defer the item if the motion under debate is lost.

OCM041/04/17 Officer Recommendation:**Moved Cr See, seconded Cr Hawkins****That Council:**

- 1. Notes the Western Australian Planning Commission’s decision on the Rural Strategy Review 2013 as contained in attachment OCM041.1/04/17; and**
- 2. Requests the Chief Executive Officer to write to the Western Australian Planning Commission advising of the Council position on the modifications as outlined below considering the detailed rationale provided in the report:**
 - a. Agrees to Modification 1: *Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map.* The Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State and supports the identification of the Jandakot Water Mound Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map.**
 - b. Requests the Western Australian Planning Commission to reconsider Modification 2: *Oakford/Oldbury Subject to Future Investigation Area – Remove the ‘Subject To Future Investigation’ classification and depict the underlying land as Rural.* Council have previously agreed to the Jandakot Structure Plan 2007 and request that the Rural Strategy 2013 depict the land within the Rural Economic Living Area as “Rural” with an overlay for “Rural Enterprise Future Investigation” in accordance with the Jandakot Structure Plan 2007.**
 - c. Agrees to Modification 3: *Reserve 10164 Byford – Remove Rural Living B classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion).* This minor variation better reflects the purpose of the land.**
 - d. Agrees to Modification 4: *Byford Urban Cell – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding Rural Living A 19). (b) R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status.* This minor variation better reflects the purpose of the land.**
 - e. Agrees to a part of Modification 5: *The inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area.* The modification was identified as ‘Subject to Future Investigation’ in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres, with the proviso that *the current rural residential character is retained.***
 - f. Requests the Western Australian Planning Commission to reconsider the part of Modification 5: *Rural for the land between the R5 coded area and Reserve 2457.* The lot sizes in this area are more appropriate for a rural living designation and identifying this land for rural purposes may lead to future land use conflicts and impacts to amenity given that this small area of land is surrounded by urban and rural living properties.**
 - g. Agrees to Modification 6: *Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford. Retain Rural Living A classification and insert text specific to this area which states: “Clause 5.12.4 of Town Planning Scheme No.2 applies***

in this area where a minimum lot size of 1 hectare is permitted". The land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

- h.** Requests the Western Australian Planning Commission to reconsider Modification 7: *West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification.* The West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale due to its proximity to the West Mundijong Industrial Area and the opportunities that this allows.
- i.** Requests the Western Australian Planning Commission to reconsider Modification 8: *Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway – Remove Rural Living A classification and depict the underlying land as Rural.* Council does not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and requests that the Rural Living A designation be retained.
- j.** Requests the Western Australian Planning Commission to reconsider Modification 9: *Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission".* Applying a 1ha lot size minimum in this area is appropriate given that the new State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy that specifies that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. Inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, though exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy.
- k.** Requests the Western Australian Planning Commission to reconsider Modification 10: *Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable – a) Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy Map includes an overlay in the legend which states 'Frameworks Investigation Area #' .* The Residential and Stables designation under the Rural Strategy Review 2013 facilitates an equine precinct and the keeping of horses, to create a character area which encourages a cluster of equine uses adjacent to the Mundijong Whitby urban area and identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context and Council believes it to be important for the area.

- l** Requests the Western Australian Planning Commission to reconsider Modification 11: *Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as Farmlot – Remove Farmlot classification and depict as Rural.* For the reasons outlined in the Shire's original rationale and furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, this land is to be identified as Rural Living A.
- m.** Requests the Western Australian Planning Commission to reconsider Modification 12: *Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as Farmlot) – Remove Farmlot classification and depict as Rural.* The reasons outlined in the Shire's original rationale remain valid and as the subject land is strategically located between land which has been supported by the Western Australian Planning Commission for Rural Living B and Farmlot development, and is located in close proximity to the Serpentine Townsite, this land should remain as Farmlot.
- n.** Agrees to Modification 13: *Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/Rural Living A 27/Serpentine Townsite to the west and creek line to the north (which is identified as Rural Living A) – Remove Rural Living A classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #'. The land was identified in SJ2050 for the longer term expansion of the Serpentine Townsite and therefore an investigation area over this land is appropriate.*
- o.** Requests the Western Australian Planning Commission to reconsider Modification 14: *Lot 9 (147) Hardey Road, Serpentine – Remove Rural Living A classification and depict as Rural Living B.* It logical for the southern Rural Living A boundary to be consistent surrounding the Serpentine Townsite and therefore this portion of land should remain as Rural Living A.
- p.** Agrees to Modification 15: *Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove Rural Living A classification and depict as Farmlot.* This land is to remain as Farmlot as it has not been identified for Rural Residential purposes under the draft South Metropolitan Sub-regional Planning Framework and Farmlot development has already been progressed, compromising the feasibility and quality of further subdivision.
- q.** Agrees to Modification 16: *(All) Land east of Gull Road and east of Walker Road identified for Farmlot and STFI – Remove Farmlot and 'Subject to Future Investigation' areas and depict as Rural.* This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area.
- r.** Requests the Western Australian Planning Commission to reconsider Modification 17: *Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend).* The Hopeland Village was included in 1994 Strategy and as there are existing lots which are zoned Special Rural under TPS 2 located in the same precinct as the Serpentine Airfield resulting in a clustering of compatible land uses Council recommends that the Hopeland investigation area apply over the precinct north of the Poultry farm overlay and south of Karnup road to include the existing Special Rural lots and the Serpentine Airfield.

s. Requests the Western Australian Planning Commission to reconsider Modification 18 and 19: *The Legend and Strategy text / document* to include only those aspects agreed upon by Council in terms of a-r above.

LOST 3/4

**OCM041/04/17 COUNCIL DECISION / Foreshadowed Motion
Moved Cr See, seconded Cr Gossage**

That Council defer item OCM041/04/17 to the next Ordinary Council Meeting.

CARRIED 4/3

Council Note: Council deferred this item for further consultation and review of the modifications contained within the officers recommendation.

OCM042/04/17 Proposed Green Waste Recycling Facility and Plant Nursery – L232 Orton Road, Oldbury (P03786/02)	
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	9 February 2017
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 <i>Local Government Act 1995</i>

Proponent: Harley Dykstra
 Date of Receipt: 16 May 2016
 Lot Area: 448037.58m² (44.8ha)
 Local Planning Scheme Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural
 Existing Land Use: Residential

Introduction

The purpose of this report is for Council to consider a development application for a green waste recycling facility and plant nursery at 906 (L232) Orton Road, Oldbury.

The proposal is presented to Council as objections have been received from surrounding landowners. Under Councils delegation P035S, a condition of this delegation states:

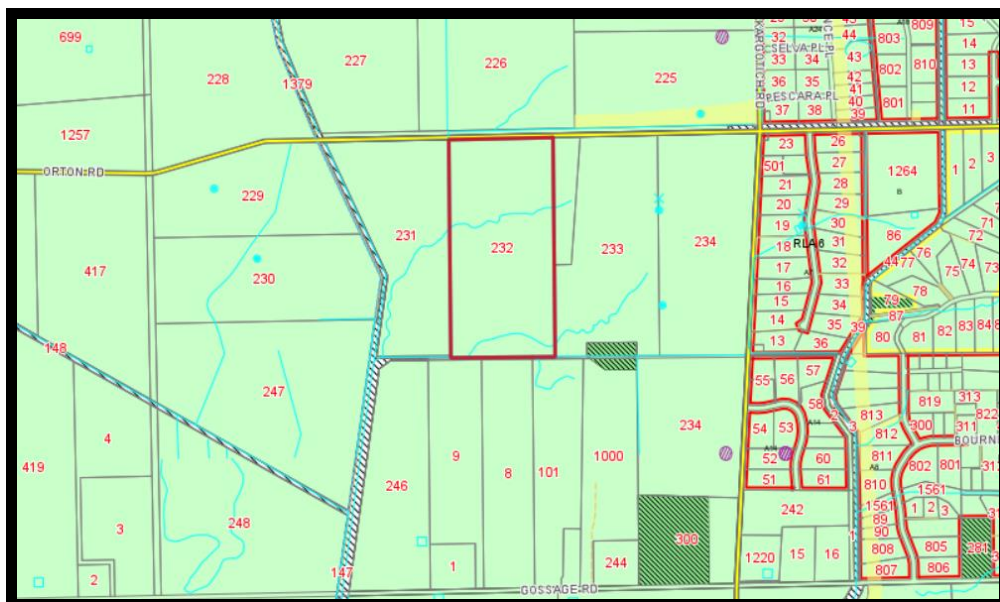
“...delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design.”

As Officers are unable to address all of the objections by way of conditions or design the application is presented to Council for determination.

Officers recommend that the application be approved subject to appropriate conditions.

Background

The site is located within the rural area of Oldbury. The surrounding lots generally comprise of rural uses and there is a timber processing facility located nearby. Orton Road runs along the northern boundary of the subject site.



Location Plan

The site is currently developed with a single house and outbuildings. These are proposed to be demolished to facilitate the development of a green waste recycling facility and a plant nursery, if approved.

Green Waste Recycling Facility

The recycling facility proposes to sort, grind and/or shred green waste for recycling. The facility would be located centrally on the site and will comprise of an area of hardstand and two transportable buildings providing staff facilities. The hours of operation are proposed to be 7:00am to 5:00pm from Monday to Sunday and there would be between 3 to 6 employees.

The proposed hardstand area measures approximately 5ha in area and is to be constructed using materials sourced from a proposed excavation area on the site. This area would accommodate a mobile grinder and shredder used to process the green waste materials. It would also include an area for the storage of unprocessed materials that would then be sorted into four stockpiles each ranging between 2,000m² and 4,000m² and no more than 4m in height.

It is anticipated that the facility would receive and process around 5,000 tonnes of green waste and 1,000 tonnes of firewood per month. These materials would be delivered to the site and stockpiled on the hardstand for processing. A front end loader and excavator would be used to transport the green waste from the stockpile(s) to the grinder and/or shredder machinery that will process the waste into recyclable materials. The recycled produce would then be sorted and stockpiled before being loaded onto trucks and removed from the site.

The recycled produce would be used for poultry bedding (50%), viticulture and horticulture (25%) and landscaping supplies and mulches (25%). No liquid waste is proposed as part of this application.

As previously stated the proposal also involves an excavation area of approximately 13.8ha. The excavated materials would be used to elevate the areas of hardstand and for the construction of earth bunds. The remainder would be stockpiled for eventual re-spreading over the excavation area to re-establish pasture. The earth bunds are proposed to provide visual screening and assist with reducing noise emissions resulting from the proposal.

Plant Nursery

The plant nursery is proposed to be located to the north east of the site and comprises of a tree nursery and garden centre for the display and retail sale of garden plants and landscaping supplies.

The works proposed include an area of hardstand measuring approximately 2.9ha. An area of this hardstand would accommodate a range of trees for sale. These trees would be trickle fed through reticulated water from onsite basins.

This area would also provide for an outdoor garden centre selling landscaping products such as plants, soils, mulches, water features and garden items. A detailed list of the products for sale is included in appendix E of the attached application details (E17/2138).

Three transportable buildings are also proposed providing an office and staff facilities. A car parking area for staff and visitors is also provided onsite.

Relevant Previous Decisions of Council

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

Planning Assessment

Land Use

Definitions

Clause 3.2.4 of TPS2 states that *“where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use”*.

As a result, Officers have considered all land uses that the proposal may reasonably fall within as follows:-

Industry is defined under TPS2 as *“the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:*

- (i) The winning, processing or treatment of minerals;*
- (ii) The making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- (iii) The generation of electricity or the production of gas;*
- (iv) The manufacture of edible goods;*

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include:

- (i) The carrying out of agriculture;*
- (ii) Site work on buildings, work or land;*
- (iii) In the case of edible goods the preparation of food for sale from the premises;*
- (iv) Panel beating, spray painting or motor vehicle wrecking”*.

‘industry light’ is defined as an industry:-

- (i) “In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- (ii) The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.”*

‘Plant Nursery’ is defined as:-

“means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.”

Considering the activities proposed, Officers determined under delegation that the land use should be classified as ‘industry light’ for the green waste recycling facility and ‘plant nursery’ for the plant nursery.

The green waste recycling facility could be considered as an incidental process to the land use of the plant nursery. However, the two facilities are separated and the produce from the green waste will not be sold within the plant nursery. Therefore, the green waste recycling facility falls within a separate land use. For the land use to be considered ‘industry light’ any amenity impacts must be shown to be mitigated or managed.

Further guidance is contained within the model scheme text which defines ‘industry – light’ as *“premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.”* This furthermore emphasises

that the amenity impacts must be able to be managed for the proposal to be able to fall within the definition of 'industry – light'.

Permissibility

The subject site is zoned 'rural' under TPS2. 'Light Industry' is an "SA" use within the 'rural' zone which means that *"the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3."*

A 'plant nursery' is an 'AA' use within the 'rural' zone which means that *"Council may, at its discretion, permit the use"*.

Both land uses require Council to exercise its discretion before planning approval could be granted. In considering if Council uses its discretion and approves the application, Council is required to consider the matters listed in schedule 2, part 9, clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* deemed provisions for local planning schemes (the deemed provisions). Attachment 2 (E17/2103) details a comprehensive assessment of each of the 27 matters contained within clause 67. For the purposes of this report, topics of concern or where variations are sought are discussed in the report including 1) Orderly and Proper Planning 2) Form of Development and 3) Amenity.

1. Orderly and Proper Planning

Clause 67 of the deemed provisions, specifically A – J, considers state and local planning policy frameworks including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning. The *Planning and Development (Local Planning Schemes) Regulations 2015* also specifically require consideration of the aims and objectives of the Scheme.

Aims and Objectives of the Scheme:

The purpose and intent of the zone in accordance with clause 5.10.1 of TPS 2 is to *"allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area"*.

Appendix 1 of TPS2 provides a definition for rural uses which includes *"the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens"* and *"the sale of produce grown solely on the lot."* It is therefore considered that the plant nursery and associated light industry producing rural supplies are in general terms rural pursuits and therefore consistent with the objectives of TPS2.

Policy:

When considering the state and local planning policy framework the following policies are relevant:

Draft Perth and Peel @ 3.5 Million

The Draft Perth and Peel Green Growth Plan for 3.5 million aims to identify and protect the current bushland, rivers, wildlife and wetlands through implementation of a comprehensive plan to protect our environment. The subject site has not been identified for conservation reserves or as a priority area for acquisitions for the retention of flora and fauna.

The framework sets out proposals to retain land for rural purposes and guide the staging of future urban growth. The subject site is designated as rural under the sub-regional framework. As previously indicated the land use is considered consistent with the rural designation and in turn consistent with these strategic frameworks.

Rural Strategy and Draft Rural Strategy Review 2013

The Rural Strategy and draft Rural Strategy Review outlines key themes that future development within rural areas should be considered against. Generally, the Strategy

requires rural areas to maintain a rural character, retain natural assets and facilitate productive rural areas by ensuring the areas are economically productive.

Key themes within the rural policy area include to “*recognise the legitimacy of a broad economic base within the Shire’s rural areas that does not focus solely on broad-acre agriculture*” and to “*recognise and facilitate the on-going economic development of the Shire’s rural industries/activities as a mechanism to meet the objectives of the ‘natural assets’ and ‘rural atmosphere’ objectives.*”

The proposal provides an alternative use to broad-acre agriculture that is consistent with objectives of the rural zone. The proposed plant nursery would provide rural supplies and employment for the local community, whilst maintaining the rural character of the area.

State Planning Policy 2.5 – Rural Planning (SPP2.5)

SPP2.5 has the general objectives of ensuring rural land is protected and to support primary production, however variations are supported where they meet the objectives of the policy. The policy also states that facilities such as waste facilities may be suitable.

In this instance it is considered that the land use of plant nursery is consistent with the objectives of the policy. The green waste recycling facility is small scale and could be considered incidental to the plant nursery. The impacts of this facility can be mitigated and therefore do not result in any land use conflict.

The proposal is considered consistent with the state planning framework, local planning framework TPS2 and the objectives of the zone. As a result, should the form and associated impacts be appropriate the development could result in orderly and proper planning.

2. Form of Development

Clause 67 of the deemed provisions, specifically K, L, M, P, all relate to the form of the development that is required to be assessed.

Excavation

An area to the south east of the site is proposed to be excavated and the materials used to create raised platforms for the areas of hardstand. The excavated area would eventually be filled using imported fill. In terms of the earth work the local groundwater regime must be protected and the imported fill be a clean inert material. As with the shallow winter groundwater table any introduced contaminant could leach into the surrounding area. For this reason the shire requires the use of a natural source of fill as this has a lower probability of containing legacy contaminants that a recovered material may contain. A condition of approval would require that any fill brought onto the site to rehabilitate the excavation area shall be clean fill.

Other excavation work includes realignment of watercourses crossing east to west and drainage lines running north to south along the western boundary. Further information will be required to ensure the stability of the watercourses and drainage lines. A condition of approval would require this information prior to any works.

Visual Amenity

The areas of hardstand proposed would be elevated. Earth bunds are proposed to provide visual screening from the development. There would be a one metre high bund located approximately 20m from the front boundary providing screening from the plant nursery. Three metre high bunds are proposed to be located around the green waste recycling facility with a four metre high noise barrier around the processing area. Vegetation will be established on the bunds to enhance the visual appearance of the site.

Local Planning Policy 04 - Revegetation (LPP 04) recognises the importance of vegetation in providing screening and visual amenity. The policy states that “*revegetation is required to*

replace vegetation that is lacking or being lost” and “when vegetation is proposed, preference will be given to local native species”.

Local Planning Policy 67 (LPP67) has the objective of providing “*guidance to stakeholder regarding the consideration of landscape and the standard of landscaping expected by the Shire*”. The policy provides criteria that should be considered as part of landscaping proposals to include maintenance requirements, climate, biodiversity, viewscales and general residential amenity and character.

The proposal also includes the removal of 18 trees located in the northern portion of the site where the plant nursery would be located and four to be removed in the green waste recycling area.

A landscape and vegetation management plan has been submitted as part of the application details identifying the areas for revegetation which include the excavation area. The vegetation is to provide screening from the proposal and to offset the loss of trees through the use of locally native vegetation that are suitable for the areas soil type. The plan identifies the location, number and species of trees.

It is considered that the landscape and vegetation management plan satisfactorily demonstrates how the revegetation will contribute to ensuring the visual amenity of the area is not adversely impacted on by way of visual appearance, dust and noise. The management plan is considered consistent with the objectives of both LPP67 and LPP04.

The proposal involves the construction of three buildings to the plant nursery and two to the green waste recycling facility. These buildings are modest in scale and would not be visually prominent within the streetscape. Due to the scale and setbacks of the associated buildings, it is considered that they would not adversely impact on the amenity of the area or that of adjoining landowners.

3. Amenity

Clause 67 of the deemed provisions, specifically N, relates to the amenity of the locality which is required to be assessed.

Noise, Dust and Odour

Several submissions have raised concerns in relation to noise, dust and odour resulting from the green waste recycling facility. An acoustic report has been submitted as part of the application details identifying sources of noise and demonstrating how the proposal complies with the *Environmental Protection (Noise) Regulations 1997*. The assessment identifies the main noise sources as being the DW-3060 Mulching Unit, Front end loaders and truck movements.

Operating hours have been stated as Monday to Saturday 7am – 5pm and Sunday 9am – 5pm. The report does not include the use of the shredder and grinder on Sundays, and the development applications states that this will not occur on Sundays. However, the nursery and garden centre will continue to operate on Sundays.

There is a four metre high noise barrier proposed alongside the processing area of the green waste recycling facility and a three metre high noise barrier around the remainder of the facility. Noise modelling with the inclusion of the 4m high barrier around the mulcher shows noise levels within compliant levels of the *Environmental Protection (Noise) Regulations 1997*.

A dust cart and reticulation would be used to control dust from the access way with the water being sourced from the onsite water storage basins. It is considered that the impact by way of odour would not be significant due to the material types being brought on site however, a condition of approval would require a dust and odour management plan to be provided to the

satisfaction of the shire prior to the commencement of the development to ensure this is the case.

4. Other Matters

Clause 67 of the deemed provisions, specifically O, Q, S, and T, all relate to the following matters that are required to be assessed.

Water Quality/Nutrient Export

The application site lies within the Peel-Harvey coastal plain catchment area. State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment (SPP 2.1) was introduced to ensure that land use changes within the estuarine system do not cause environmental damage by way of excessive nutrient export into the drainage system.

SPP2.1 defines the “*establishment and operation of plant and fruit nurseries*” as “*intensive agriculture*”. The policy states that the “*responsible authority will take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary in considering the suitability of land for intensive agriculture use*”.

The policy also states that land may be suitable to sustain intensive agriculture where suitable soil amendments are made at rates recommended by the Department of Agriculture.

Local Planning Policy LPP06 – Water Sensitive Design (LPP06) has the objective of ensuring that “*water sensitive design best management practices are implanted for all new proposals in the Shire*” and to “*improve water quality in the Shire and quality of water entering receiving water bodies*”. Proposals should consider how nutrients will be limited from entering the stormwater system.

Three water storage basins are proposed to collect drainage run off from the site. These basins would be lined with a synthetic liner to maintain water retention. The water from the basins would then be used for reticulation and fire management.

The Department of Agriculture and Food WA (DAFWA) initially raised concerns and commented that the proposal had the potential to result in long term water quality issues in the storages due to effluent in the run-off from the nursery and green waste recycling hardstand areas. It was recommended that if there is potential for adverse water quality developing over time then plans will be required for its safe disposal.

The basins act as detention basins in the case of a 1:10 year runoff event however it is also proposed to use the same basins as a reservoir for on-site water use. DAFWA have commented that these methods are contradictory management objectives that require addressing.

Following these comments, the applicant has provided a Nutrient and Irrigation Management Plan (NIMP) to address the concerns of DAFWA. The NIMP explains that the water stored in the basin will periodically be used to irrigate grass that is planned to be rehabilitated into the excavation area.

The basins would have adequate separation distance from the base of the basins to the high water levels by raising the development areas levels to the satisfaction of the Department of Water.

This method would prevent the gradual accumulation of salts in the irrigation system. DAFWA have indicated that the soil would be required to have a Phosphorous Retention Index (PRI) of more than 10 in the top 20cm of the soil. The NIMP identifies that the PRI would be increased by adding iron man gypsum, to the satisfaction of DAFWA and in line with the provisions of SPP2.1.

The NIMP provides detailed information demonstrating that the stormwater and irrigation water will not enter the groundwater. Water Quality Protection Note 32 (WQPN 32) sets out irrigation practices that are recommended by the Department of Water. The plant nursery would have an irrigation system that would not overflow into the stormwater system. Additionally, the mature trees would be contained in pots with sources of nutrients to be adequately protected from leaching into the stormwater system. The Department of Water have indicated that no water monitoring programmes are required. The stormwater management is considered compliant with SPP06.

Flooding

The subject site lies within a surface water floodplain as identified by the Department of Water's Draft Birrega and Oaklands Drainage and Water Management Plan (August 2016).

It is acknowledged that the proposed raised development has the potential to impede surface water movements across the landscape. However, the Department of Water has confirmed that the impact would not be significant and that flood modelling for the proposal is not required.

Vehicle Movements and Access

A new access track would be constructed to service the green waste facility with a weighbridge to measure materials.

Access to and from the site will be taken from Orton Road. It is estimated that the vehicular movements are as follows:-

- Semi-trailer green waste delivery – 20 per day
- B-double occasional movements – four per day
- Non-commercial (car and trailer and others) – 20 per day

The applicant has provided templates for vehicle movements to and from Orton Road and turning movements at Kargotich Road. A condition of any approval would also require the submission of templates for the truck movements on King Road.

Concerns have been raised from local residents in relation to the increased traffic resulting from the proposal. The traffic conditions on the local road network of Orton Road, King Road and Kargotich Road are considered serviceable for 19m vehicles as of right. Vehicles over 19m are considered oversized and must operate with a permit on Restricted Access Vehicle (RAV) routes. A condition of approval is considered appropriate to limit the size of the vehicles servicing the development until evidence has been provided that the local road networks can support these oversized vehicles.

To ensure the local road network is capable of accommodating the business and in order to identify and have completed any upgrades to the property access, a traffic management plan would be required as a condition of any approval prior to commencement of the development.

Car Parking

Table V – Parking Requirements of TPS2 states that "light industry" land uses should provide 1 parking space per 50 square metres gross leasable area.

Gross leasable area is defined as "*in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas*".

The green waste recycling facility would include two buildings with a total floor area of 60m² therefore requiring 2 parking spaces. The facility proposes 6 parking spaces, exceeding the requirement as set out in TPS2.

There are no specific requirements for 'plant nurseries', however, a garden centre requires one space per 50 square metres of display area including areas used exclusively for storage and preparation of plants.

The garden centre display area measures 13,000m² which would equate to a requirement of 260 car parking spaces. The area for storage and preparation of plants measures 12,000m², this would require an addition of 240 car parking spaces.

The plant nursery will include parking for up to 30 customers and 6 staff bays.

Clause 5.2 of TPS2 states *"if a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit."*

Clause 5.2.2 goes on to state that *"the power conferred by this Clause may only be exercised if the Council is satisfied that:*

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- c) the spirit and purpose of requirement or standard will not be unreasonably departed from thereby."*

In this instance is considered that the required number of car parking spaces required under TPS2 is excessive for the scale of the proposed development and its location. The parking spaces have been allocated in accordance with the expected number of customers at peak times. The non-compliance to the scheme provision in this case is considered appropriate and officers are satisfied that the variation is consistent with orderly and proper planning, would not adversely impact on amenity or the standard would not be unreasonable departed from.

Bushfire

State Planning Policy 3.7 – Planning in Bushfire Prone Areas aims to *"reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*

One objection raises concerns that the possibility of increased fuel loads and the impact this could have on bushfire. A bushfire management plan has been submitted as part of the development application. Officers are satisfied with the measures identified, however it is noted that the plan also relates to the adjacent lot. As this adjacent lot does not form part of the application site a condition would be required for the plan to be amended so that is solely relates to the subject site.

Community / Stakeholder Consultation

The application was advertised to neighbouring landowners for a period of 14 days from 16 June 2016 – 30 June 2016. During this consultation period ten submissions were received. Eight submissions were objecting to the proposal and one stated they were not opposed to the proposal however raised questions, and one submission was in support of the proposal (attachment 3 E17/2139). The objections are addressed in the relevant sections of the report and are summarised as follows:

- Traffic/Road Safety
- Noise

- Drainage/Flooding
- Bushfire
- Odour
- Land Use
- Amenity

Submissions were also received from four Government Agencies which are summarised as follows:

Government Agencies		
Government Agency	Summary of Comments Received	Officer Technical Comment
Department of Agriculture and Food WA (DAFWA)	DAFWA did not initially support the proposal due to potential impacts on water quality and nutrient export.	The applicant has provided further information to the satisfaction of DAFWA as discussed in the Water Quality/Nutrient Export section of the report.
Department of Environment Regulation (DER)	DER advised that a works approval/operation licence may be required as well as a clearing permit.	These requirements have been forwarded to the applicant.
Department of Water (DOW)	DOW did not initially support the application due to insufficient information regarding flood risk and potential impact to water resources.	The applicant has provided further information to the satisfaction of DOW as discussed in the Water Quality/Nutrient Export and Flooding sections of the report.
Main Roads	Main Roads did not support the application due to the section of Orton Road not forming part of the Restricted Access (RAV) network. Main Roads have advised for the applicant to enter into discussions regarding the double road trains on Orton Road.	The applicant has provided further information identifying that larger vehicles would utilise Kargotich Road A condition of approval would ensure that no vehicles greater than 19m shall be used prior to the Shire being satisfied that these can be accommodated on the road network.

Options

With regards to the determination of the application for planning approval under Town Planning Scheme No. 2 (TPS2), Council has the following options:

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

Option 2: Council may resolve to refuse the application subject to appropriate reasons.

Option 1 is recommended.

Conclusion

The application seeks approval for a green waste recycling facility and plant nursery. For the reasons set out in the report, officers consider that the proposal is compliant with the matter listed in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the planning policy framework subject to appropriate conditions.

Attachments

[OCM042.1/04/17](#) – Attachment 1 - Application Details (E17/2138)

[OCM042.2/04/17](#) – Attachment 2 - Clause 67 Checklist (E17/2103)

[OCM042.3/04/17](#) – Attachment 3 - Summary of Submissions (E17/2139)

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 proposal provides for a service for the local rural community whilst ensuring that the development maintains the rural character of the area.

Statutory Environment

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997.*

State Government Policies

- Directions 2031 and Beyond
- Draft Perth and Peel Green Growth Plan for 3.5 Million
- Draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning (SPP2.5)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)
- Water Quality Protection Note 32 – Nurseries and Garden Centres (WQPN32)

Local Policies

- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2
- Rural Strategy and Rural Strategy Review 2013
- Local Planning Policy 04 – Revegetation Policy (LPP04)
- Local Planning Policy 06 - Water Sensitive Design (LPP06)
- Local Planning Policy 34 – Placement of Fill in Non-Urban Areas (LPP34)
- Local Planning Policy 67 – Landscape and Vegetation (LPP67)

Financial Implications

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approves the application submitted by Harley Dykstra on behalf of Baylink Investments Pty Ltd for proposed green waste recycling facility and plant nursery on 906 (L232) Orton Road, Oldbury subject to the following conditions:

- 1. Prior to commencement of works, a dust and odour management plan shall be submitted and approved to the satisfaction of the Shire of Serpentine Jarrahdale. The approved management plan shall be implemented and maintained thereafter.**
- 2. Prior to the commencement of the use, the road immediately adjacent to the entrance/exit crossovers to the green waste and plant nursery uses must be overlaid with a dense graded asphalt to the satisfaction of the Shire of Serpentine Jarrahdale.**
- 3. Prior to any works to the existing watercourses, a detailed plan of watercourse stabilisation and revegetation works shall be submitted and approved by the Shire of Serpentine Jarrahdale and implemented thereafter.**
- 4. Prior to commencement of development, a Traffic Impact Statement shall be submitted and approved to the satisfaction of the Shire of Serpentine Jarrahdale to include turning templates for trucks on King Road and alterations to the crossover.**
- 5. Prior to commencement of development, an amended Fire Management Plan shall be submitted and approved by the Shire that relates to the subject site only.**
- 6. Prior to the operation of the green waste recycling facility and the plant nursery, the landscaping plan forming part of this approval shall be implemented and maintained thereafter.**
- 7. The operating hours shall be restricted to Monday to Saturday 7:00am – 5:00pm and Sunday 9:00am – 5:00pm. The shredder and grinder shall not be used on Sundays or public holidays and the use of these machines shall be restricted to the processing area, as depicted on the site plan attached to and forming part of the approval.**
- 8. No trucks greater than 19m are permitted to be used until the modifications and recommendations of the approved Traffic Impact Statement have been implemented to the satisfaction of the Shire of Serpentine Jarrahdale.**
- 9. Development shall be in accordance with the stormwater management plan and schedule of works attached to and forming part of this approval.**
- 10. All manures, fertilisers and insecticides shall be stored within waterproof containers.**
- 11. Within 14 days of imported fill being brought onto the subject site, the fill shall be independently tested and certified as clean (natural, inert, non-organic material as defined by the Department of Environment Regulation) by a recognised**

geotechnical consultant. All results shall be provided to the Shire of Serpentine Jarrahdale for approval.

12. The car parking area and access track shall be sealed, drained and line marked in accordance with the approved plan and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
13. No composting shall be carried out on site without prior approval from the Shire of Serpentine Jarrahdale.

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.
4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

OCM042/04/17 COUNCIL DECISION / Alternate Recommendation:

Moved Cr Rich, seconded Cr Ellis

That Council approves the application submitted by Harley Dykstra on behalf of Baylink Investments Pty Ltd for proposed green waste recycling facility and plant nursery on 906 (L232) Orton Road, Oldbury subject to the following conditions:

1. Prior to commencement of works, a dust and odour management plan shall be submitted and approved to the satisfaction of the Shire of Serpentine Jarrahdale. The approved management plan shall be implemented and maintained thereafter.
2. Prior to the commencement of the use, the road immediately adjacent to the entrance/exit crossovers to the green waste and plant nursery uses must be overlaid with a dense graded asphalt to the satisfaction of the Shire of Serpentine Jarrahdale.
3. Prior to any works to the existing watercourses, a detailed plan of watercourse stabilisation and revegetation works shall be submitted and approved by the Shire of Serpentine Jarrahdale and implemented thereafter.
4. Prior to commencement of development, a Traffic Impact Statement shall be submitted and approved to the satisfaction of the Shire of Serpentine Jarrahdale to include turning templates for trucks on King Road and alterations to the crossover.
5. Prior to commencement of development, an amended Fire Management Plan shall be submitted and approved by the Shire that relates to the subject site only.

6. Prior to the operation of the green waste recycling facility and the plant nursery, the landscaping plan forming part of this approval shall be implemented and maintained thereafter.
7. The operating hours shall be restricted to Monday to Saturday 7:00am – 5:00pm and Sunday 9:00am – 5:00pm. The shredder and grinder shall not be used on Sundays or public holidays and the use of these machines shall be restricted to the processing area, as depicted on the site plan attached to and forming part of the approval.
8. No trucks greater than 19m are permitted to be used until the modifications and recommendations of the approved Traffic Impact Statement have been implemented to the satisfaction of the Shire of Serpentine Jarrahdale.
9. Development shall be in accordance with the stormwater management plan and schedule of works attached to and forming part of this approval.
10. All manures, fertilisers and insecticides shall be stored within waterproof containers.
11. Within 14 days of imported fill being brought onto the subject site, the fill shall be independently tested and certified as clean (natural, inert, non-organic material as defined by the Department of Environment Regulation) by a recognised geotechnical consultant. All results shall be provided to the Shire of Serpentine Jarrahdale for approval.
12. The car parking area and access track shall be sealed, drained and line marked in accordance with the approved plan and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
13. In relation to the green waste recycling component of this approval, no composting shall be carried out on site, and no composting activators brought onto site without prior approval from the Shire of Serpentine Jarrahdale Council.

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.
4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

CARRIED UNANIMOUSLY

Council Note: Condition 13 of the Officers Recommendation was amended to include no composting activators be brought onto the site without prior approval from the Council.

7.3 Engineering Reports:

OCM043/04/17	Request to Reclassify Mundijong Road from RAV Class 4 to RAV Class 5 – Road Trains of Australia Pty Ltd (SJ1218-03)
Author:	Pascal Balley – Manager Infrastructure and Design
Senior Officer:	Doug Elkins – Director Engineering
Date of Report:	7 April 2017
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 <i>Local Government Act 1995</i>

Introduction

The purpose of this report is for Council to consider Road Trains of Australia Pty Ltd's request to support its application to Main Roads Western Australia (MRWA), to operate heavy vehicles on Mundijong Road, Mardella. The request is to endorse a permit to operate heavy vehicles up to and including, a Restricted Access Vehicle (RAV) Tandem Drive Category 5 Accredited Mass Management Scheme (AMMS). The requested RAV categories and configuration types are detailed in the table below:

Road Name	RAV Category	Maximum Vehicle Length (m)	Maximum Mass (T)	Maximum Number of Axles
Mundijong Road – From Kwinana Highway to Lightbody Road	Tandem Drive AMMS Network 4.3	27.5	84	5
Mundijong Road – From Kwinana Highway to Lightbody Road	Tandem Drive AMMS Network 5.3	36.5	84	6

The application is to upgrade the classification of Mundijong Road from RAV 4 to RAV 5.

Background

Road Trains of Australia Pty Ltd request the Shire to consider its application to MRWA to operate heavy vehicles up to Tandem Drive Level Five (N5) on Mundijong Road, Mardella.

The Commissioner of Main Roads has the power to determine access by particular vehicles to roads, including Local Government roads. This power has been delegated, by the Commissioner of Main Roads, to the Main Roads Heavy Vehicle Access Planning Branch, on the condition that approvals are issued in collaboration with Local Government. In 2008, Main Roads Heavy Vehicle Services developed a RAV network, where local and State roads, servicing industrial and commercial areas, were allocated 'Restricted Access Vehicles' classifications. Mundijong Road was allocated two different Categories under the RAV network. Those two Categories are Tandem Drive level 1-4 and Tri-Drive level 1-3, each with Concessional Level 1–3. Each Category was given a corresponding type of vehicle by maximum length and weight and number of axles, thereby limiting the maximum size vehicle that can legally use the road, without first having to obtain a special road use permit.

More recently, Council determined that it was necessary to develop and establish a policy for RAVs using the Shire's road. Policy, ED612, was adopted in December 2014 (OCM102.12.14). The policy requires confirmation of roads currently approved as suitable for RAVs, and determination of level of dilapidation status and potential damage, and increased road wear that might result from a proposed RAV operation, along with any road improvement that might be required to support the operation. The purpose of the information is to assist decision making, in support of, or otherwise, applications for RAV permits.

Under Council's policy, an application for a reclassification of a RAV route, or a request to use overweight vehicles, is required to be referred to Council for consideration. Therefore, the request by Road Trains of Australia Pty Ltd is brought to Council for consideration.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation

No consultation is required for this decision.

Comment

Road Trains of Australia Pty Ltd requests the Shire to consider its application to MRWA to upgrade the classification of Mundijong Road RAV Class 4 to Class 5.

The application was assessed in accordance with Policy ED612 and Main Roads Route Assessment Guidelines. In the assessment, relevant criteria, such as adequacy of road width, horizontal alignment, sight distance overall, and approach sight distance at intersections, were examined to ensure compliance with the Main Roads Route Assessment Guidelines. The examination shows that most criteria comply with the Route Assessment Guidelines with no major limitations. The only limitation observed is the capacity of the access crossover and driveway of the receiving property to cater for vehicles as long as 36.5m. This suggested that the access way to the receiving property requires upgrading. Should Council support this application, a condition will be placed on any approval or endorsement, requiring the driveway to be upgraded.

Mundijong Road, from Kwinana Freeway to Lightbody Road, consists of a wide single carriageway, allowing for one lane in either direction. No improvement work is required to facilitate and sustain future RAV operations greater than category 4, except for access to individual property access.

Road Trains of Australia Pty Ltd carts sheep to various feedlots on Mundijong Road, from as far as Carnarvon and Geraldton. Their operation contributes to the economy of the Shire in that it provides service to the feedlots of the Shire. To improve their operation, it is proposed to use Road-Train Configuration RAV. The purported reason for desiring to use Road-Train configuration RAV is to make the trip economical to the feedlots owners and to give the sheep more room, particularly during summer.

The proposed Road Trains of Australia Pty Ltd operation will make an economic contribution to the Shire, and the upgrading of the RAV category does not bring any major detriment to the Shire. The effect of using RAV is to put the same, or slightly less, overall axle loadings on the road, with fewer total truck movements.

Separately to the individual application for additional RAV access, Council should consider access by RAV generally on Council roads. Recently, Council refused increased RAV access to Thomas Road, on the basis that the access came at a cost to the local community, without any economic benefit. In the case of Mundijong Road, there is a planned development of an industrial area, directly adjacent to the road. RAV access to the industrial area will provide a direct economic benefit to the Serpentine Jarrahdale Community. On this basis, access by suitable RAV on Mundijong Road, between the Kwinana Freeway and the future industrial area should be supported.

The other thing to be considered is the allowance of AMMS on Shire roads. AMMS vehicles are 'legally overweight'. The argument, by MRWA for allowing AMMS is that, while the vehicles are overweight, the accreditation system guarantees the vehicles are only overweight by a limited amount and will not be at a weight greater than the limit. However, where a vehicle is not a AMMS vehicle, there are no checks in place, by the operator, to

guarantee that the vehicle is within weight. In reality, the AMMS is a way to compensate operators for performing their own weight checks, so that the State can reduce its enforcement presence. This comes as a cost saving to the State, but at the cost of the local road authority. The effect of increasing weight on pavement damage is an increase to the power of four. That is, there is a significant additional road degradation as a consequence of AMMS vehicles, and the AMMS guarantees the vehicles will operate at the 'legal overweight' weight. It is recommended that Council does not support extending the AMMS endorsement on Mundijong Road. If it is the desire of the State to operate overweight vehicles on Mundijong Road, the State should assume responsibility for the road, as indicated in the draft Transport @ 3.5 Million document. In the case that Council is inclined to support AMMS on local roads, a policy should be developed that determines a fee that compensates the general ratepayer for the additional cost of managing roads resulting from overweight vehicles.

Conclusion

The Road Trains of Australia Pty Ltd request to upgrade Mundijong Road, from Kwinana Highway to Lightbody Road, to RAV classification 5 is supported, being for the benefit of the local economy, and consistent with the plan to develop an industrial area adjacent to Mundijong Road. However, the extension of the AMMS on Mundijong Road is not supported, as it allows overweight vehicles to operate, reducing the life of the road.

Attachments

- [OCM043.1/04/17](#) - Application to Add or Amend a Road on a Restricted Access Vehicle Network (IN17/4659).

Alignment with our Strategic Community Plan

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporate community safety and emergency management.

Statutory Environment

Section 56 of the *Land Administration Act 1997*, vests the care, control and management of roads in the Local Government.

Financial Implications

Upgrading the RAV classification of Mundijong Road from Class 4 to 5 will ultimately grow businesses operating off Mundijong Road and potentially bring new businesses into the proposed future light industrial precinct of Kargotich Road. This will ultimately lead to new and large businesses in the Shire contributing to the economy and creating jobs for the Shire's residents.

There is no perceived financial implication for the Shire apart for the normal periodic road maintenance.

Voting Requirements: Simple Majority

OCM043/04/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council supports Road Trains of Australia Pty Ltd's application to Main Roads Western Australia to upgrade the Mundijong Road, between Kwinana Highway and Lightbody Road, RAV classification from 4 to 5 excluding allowing vehicles operating under the increased weights of the Accredited Mass Management Scheme, subject to the upgrading of the crossover to the receiving property, to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY

7.4 Corporate and Community Services Report:

OCM044/04/17	Confirmation Of Payment Of Creditors (SJ514-07)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	5 April 2017
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 <i>Local Government Act 1995</i>

Introduction

The purpose of this report is to provide Council with 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

Nil.

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.

It is recommended that Council records the payments under delegated authority. A detailed list of invoices for the period 1 March 2017 to 31 March 2017 is provided per attachment OCM044.1/04/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 February 2017 to 5 March 2017 as per attachment OCM044.2/04/17.

Attachments:

- [OCM044.1/04/17](#) - Creditors List of Accounts 1 March 2017 to 31 March 2017. (E17/2674)
[OCM044.2/04/17](#) – Purchasing Card Report 6 February 2017 to 5 March 2017. (E17/2675)

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 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

Director Corporate & Community left the meeting at 8.37pm.

Director Corporate & Community returned to the meeting at 8.38pm.

OCM044/04/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Ellis

That Council records the accounts as paid under delegated authority for March 2017, totalling \$2,013,329.97 as attached, covering:

- 1. EFT Vouchers EFT46122 to EFT46522 totalling \$1,869,074.58, including Purchasing Card Payments of \$2950.05;**
- 2. Municipal Cheque Vouchers CHQ45829 to CHQ45841 totalling \$19,166.90;**
- 3. Municipal Direct Debits DD44720.1 to DD4476.31 totalling \$125,088.49.**

CARRIED UNANIMOUSLY

OCM045/04/17	Monthly Financial Report - March 2017 (SJ801)
Author:	Kelli Hayward – Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	6 April 2017
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 <i>Local Government Act 1995</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 1995* and *Financial Management Regulations* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either Nature and Type, Statutory Program or by Business Unit. Council 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.

A new format is being presented to Council as part of the attached report this month. The new format is designed to provide Council with a greater level of understanding of the financial status of the Shire. It is recommended that to enable this new format to be used, that Council adopt a new resolution to report by Nature and Type and by Program and to provide commentary on any variances to summary Nature and Type income and expenditure over or under the greater of a material variance of \$10,000 or 10%.

Relevant Previous Decisions of Council

The original budget for 2016/17 was adopted on 25 July 2016 at a Special Council Meeting (SCM011/07/16). As a part of this decision Council resolved for the Monthly Financial Report to:

- a) to be reported by Business Unit in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996;
- b) adopt the material variance of 10% or greater in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996;
- c) apply the 10% or greater material variance to total revenue and expenditure of each Directorate in the statement of financial activity, forming part of the monthly financial report.

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Comment

The period of review is March 2017. The municipal surplus for this period is \$14,085,045 compared to a budget position of \$11,439,547. This is considered a satisfactory result for the Shire as the Shire is maintaining a healthy budget surplus position.

Income for the March 2017 period, year-to-date is \$32,836,765. This is made up of \$29,322,552 in operating revenues and \$3,514,213 in non-operating grants, contributions and subsidies received. The budget estimated \$31,075,931 would be received for the same period. The variance to budget is \$1,760,834. Details of all significant variances are provided in the notes to the Statement of Financial Activity.

Expenditure for the March 2017 period year-to-date is \$24,760,227. This is made up of \$22,657,047 in operating expenditure, and \$2,103,180 in capital works expenditure. The budget estimated \$25,601,330 would be spent for the same period. The variance to budget is \$841,103. Details of all significant variances are provided in the notes to the Statement of Financial Activity.

Attachments

- [OCM045.1/04/17](#) – Monthly Financial Report March 2017 (E17/2773)

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 budgeted closing surplus position are detailed in this report.

Voting Requirements: Simple Majority

OCM045/04/17 COUNCIL DECISION / Officer Recommendation:

Mover Cr Ellis seconded Cr Hawkins
That Council:

- In accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, resolve to receive the Monthly Financial Report Statement of Financial Activity for 2016/17 by Program and Nature and Type.
 - In accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, adopt the material variance that requires explanation to be the greater of \$10,000 or 10% (over or under budget).

- c) Apply the greater of \$10,000 or 10% material variance limit to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity, forming part of the Monthly Financial Report.**
- 2. Accepts the Monthly Financial Report for March 2017, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM045.1/04/17.**

CARRIED UNANIMOUSLY

OCM046/04/17	Reporting on Corporate Business Plan Quarter 1 and 2 of 2016/17 (SJ940)
Author:	Kellie Bartley – Manager Corporate Services
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	27 March 2017
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 <i>Local Government Act 1995</i>

Introduction

The purpose of this report is to inform Council on the status and progress made on the objectives and actions of the Shire's Corporate Business Plan during the first half of 2016/17 (July – December 2016).

Background

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

Community / Stakeholder Consultation

No community consultation is required in this instance. Business Unit Managers have reviewed the Corporate Business Plan and provided a status against responsible activities.

Attachments

- [OCM046.1/04/17](#) – Report on Corporate Business Plan 1st half of 2016/17 (E17/2827)

Alignment with our Strategic Community Plan

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

Statutory Environment

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Regulation 19DA of the *Local Government (Administration) Regulations 1996* refers:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

**Absolute majority required.*

Financial Implications

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

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

Comment

The Shire is in the process of reviewing its Strategic Community Plan, which will also necessitate a review of the Corporate Business Plan. The new Corporate Business Plan will span from 1 July 2017 to 30 June 2021 and will supersede the existing Corporate Business Plan. A final report against the current Corporate Business Plan will be presented to Council in July 2017.

Voting Requirements: Simple Majority

OCM046/04/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr See

That Council accepts the report on the status of actions on the Corporate Business Plan for the period July to December 2016 as per attachment OCM046.1/04/17.

CARRIED UNANIMOUSLY

OCM047/04/17	Seek permission from Electoral Commissioner to allow Elected Member vacancy to remain unfilled and appoint a new member to the CEO Employment Committee (SJ1016)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	3 April 2017
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 <i>Local Government Act 1995</i>

Introduction

Councillor Barry Urban resigned from Council effective 24 March 2017, following his successful campaign at the 11 March 2017 State Election for the Darling Range electoral district of the Legislative Assembly. Councillor Urban's term of office was due to expire on 21 October 2017. A copy of Councillor Urban's letter of resignation is provided in the attachments.

Council is being asked to support the request to the Electoral Commissioner to allow the Elected Member vacancy to remain unfilled until the next Local Government elections on 21 October 2017 in accordance with section 4.17(2) of the *Local Government Act 1995*. This report also seeks a nomination from an Elected Member to replace former Councillor Urban to Council's CEO Employment Committee and a number of community groups.

Background

Former Councillor Urban's successful candidacy in the Darling Range electorate means that he is now a Member of Parliament in the Legislative Assembly, referred to as the Lower House of the Parliament of Western Australia.

Under section 2.20 of the *Local Government Act 1995*, a person is disqualified from Council if a person is a Member of Parliament. In this regard, former Councillor Urban resigned from the Shire of Serpentine Jarrahdale Council when he was declared the winner of the Darling Range electorate.

Former Councillor Urban's term of office was due to expire at the next Local Government Ordinary Elections on 21 October 2017. Pursuant to section 4.17(2) of the *Local Government Act 1995*, titled "*Cases in which vacant offices can remain unfilled*" - *the Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

Former Councillor Urban was also a member of the CEO Employment Committee, which is a Committee of Council in accordance with *section 5.8 and 5.9(2)(a)* of the *Local Government Act 1995*. Council is requested to nominate a member of Council to fill the vacancy on this Committee. This appointment would expire at the next Local Government Ordinary Elections on 21 October 2017.

There are some community groups and working groups that former Councillor Urban was appointed to by Council at the Swearing In Ceremony on the 19 October 2015. Council may wish to consider appointing a new representative to those groups. Again, these appointments would expire at the next Local Government Ordinary Elections on 21 October 2017. These groups include Jarrahdale Heritage Society, Karnet Community Liaison Group, Landcare Centre Management Committee and Locality Funding Program Working Group (which is under review and has not convened for some time).

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation

Consultation is not required in this instance.

Comment

Elected Member vacancy to remain unfilled

Due to the short timeframe leading into the Local Government Ordinary Election on 21 October 2017, it is economically and logistically beneficial to seek approval from the Electoral Commissioner to leave the vacancy on Council unfilled. The Shire would incur substantial expense if it were to proceed with an extraordinary election at this time. Further comment in this regard is included in the Financial Implications section of this report.

CEO Employment Committee

The Terms of Reference for the CEO Employment Committee was adopted by Council on 8 August 2016. In accordance with this Terms of Reference, the CEO Employment Committee consists of five Elected Members. Council is asked to appoint one Elected Member to this Committee to replace former Councillor Urban.

Options and Implications

- Option 1: Support the Officer Recommendation by requesting the Electoral Commissioner to allow the Elected Member vacancy to remain unfilled until the next local government elections on 21 October 2017.
- Option 2: Not support the Officer Recommendation and have the Shire undertake an extraordinary election to fill the vacancy.

Option 1 is recommended. It is the Officer's opinion that pursuing option 2 would be an expensive exercise and the length of time involved in preparing and undertaking an extraordinary election for a term of office that is due to expire on 21 October 2017 is not of significant benefit to justify the expense.

Conclusion

Section 4.17(2) of the *Local Government Act 1995* allows Council to seek permission from the Electoral Commissioner to leave the vacancy unfilled. This is the most appropriate decision after considering the financial and logistical implications of undertaking an extraordinary election.

In keeping with membership requirements contained within the Terms of Reference for the CEO Employment Committee, Council should consider appointing an Elected Member to replace former Councillor Urban on this Committee of Council.

Attachments

- [OCM047.1/04/17](#) – Letter of Resignation – Councillor Barry Urban – Effective 24 March 2017 (CC17/2545)

Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements
Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities

Statutory Environment

Local Government Act 1995:

- *Section 2.20 of the Local Government Act 1995* states that a person is disqualified for membership of a council if the person is a member of a parliament.
- *Section 4.17(2) of the Local Government Act 1995* is relevant in this instance and describes cases in which vacant offices can remain unfilled.
- *Section 5.10(1) of the Local Government Act 1995* describes persons appointed by the local government to be members of a committee are required to be appointed by an absolute majority.

Financial Implications

Should Council choose to consider an extraordinary election to fill the vacancy on Council, there are considerable cost implications associated with this. Council will need to consider a budget for the Local Government Ordinary Elections scheduled for 21 October 2017 at an estimated cost of \$74,000. Council have not made a budget provision for an extraordinary election, therefore a decision to fund an extraordinary election would be required by Council.

Voting Requirements: Absolute Majority

Cr See left the Chambers at 8.46pm.

Moved Cr Rich, seconded Cr Hawkins

That Council suspend Standing Orders clause 9.5, 9.6, 10.7 and 10.13 at 8.38pm to discuss item OCM047/04/17.

CARRIED UNANIMOUSLY

Moved Cr Ellis, seconded Cr Gossage

That Council return to Standing Orders at 8.46pm.

CARRIED UNANIMOUSLY

OCM047/04/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That Council:

- 1. Notes the resignation as received by former Councillor Barry Urban as contained in attachment OCM047.1/04/17.**
- 2. Authorises the Chief Executive Officer to seek approval from the Electoral Commissioner to allow the vacancy, as a result of the resignation of former Councillor Barry Urban, to remain unfilled, in accordance with section 4.17(2) of the *Local Government Act 1995*.**

- 3. Appoints Councillor Atwell to the CEO Employment Committee in accordance with section 5.10(1) of the *Local Government Act 1995* until the Local Government Ordinary Elections on 21 October 2017.**
- 4. Appoints Councillor Gossage to the Karnet Community Liaison Group until the Local Government Ordinary Elections on 21 October 2017.**
- 5. Appoints Councillor See to the Jarrahdale Heritage Society until the Local Government Ordinary Elections on 21 October 2017.**
- 6. Appoints Councillor Rich to the Landcare Centre Management until the Local Government Ordinary Elections on 21 October 2017.**

CARRIED 6/0 BY ABSOLUTE MAJORITY

Cr See returned to the Chambers at 8.50pm.

OCM048/04/17	Briggs Park Recreation Precinct Master Plan – Staging and Funding Plan – Stage One Priorities (SJ1462-02)
Author:	Carole McKee - Manager Community Engagement
Senior Officer/s:	Peter Kocian - Acting Director Corporate and Community
Date of Report:	27 March 2017
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 <i>Local Government Act 1995</i>

Introduction

Council is requested to endorse the scope of stage one of the Briggs Park Master Plan - Staging and Funding Plan (Stage One), as Council's number one priority for recreation sporting facilities funding applications. By doing so, this will set an immediate priority for project development through the Shire's 2017/18 and 2018/19 Annual Budgets, government funding programs and corporate sector sponsorship.

Background

Elements of the proposed Stage One scope include car parking, lighting and sporting equipment, all of which add value to the development and activation of the lower oval, and Briggs Park Recreation Precinct as a whole, being the only facility with two co-located ovals in the district. This has been contemplated within the Briggs Park Recreation Precinct Masterplan (Masterplan) and the Community Infrastructure and Public Open Space Strategy.

The Department of Sport and Recreation have provided advice regarding what needs to be in place for the projects to be "shovel ready" prior to making funding applications. In order to maximise the potential for the Shire to attract funding to enable construction in 2018/19, Officers need to immediately progress developing Stage One project elements to a "shovel ready" status. As part of this process, cost estimates will be factored into the capital works program for 2018/19 in the draft Long Term Financial Plan.

Relevant Previous Decisions of Council

OCM149/03/14 - Briggs Park Recreation Precinct Master Plan.

The Plan was endorsed by Council in March 2014. While the report outlined staged priorities, a staging and funding plan with detail in terms of years of action could not be included due to the uncertainty at the time around Local Government reform.

Community / Stakeholder Consultation:

Comprehensive consultation was undertaken with residents, user groups, State Government agencies, State Sporting associations and government departments in the development of the Master Plan. Since that time, community perceptions surveys, user group meetings, the Community Infrastructure and Public Open Space Strategy and the current Strategic Community Plan review process have provided further updated information on community needs and resources required.

A project plan will include a stakeholder engagement strategy to ensure ongoing liaison with current Briggs Park user groups, Shire staff, Councillors, state sporting associations and government departments during the life of the project.

CommentBusiness Case

Officers will prepare a business case for Stage One submissions through the Community Sport and Recreation Facilities Fund by 30 September 2017, and other funding rounds as they become available.

In line with the Master Plan, Stage One includes: lower oval upgrade, car parking, lighting and sporting equipment, all of which add value to the development and activation of Briggs Park Recreation Precinct as the only active sporting facility in the Shire with two co-located ovals.

Stage One Project Scope – Extracted from Staging and Funding Plan

Stage One Elements	Proposed Operational Actions 2016/17 & 2017/18	Proposed Actions 2018/19 (Tender process)	Capital (Tender process)
<u>Lower Oval Upgrade:</u> Raise & Drain Remove existing & install new turf & reticulation	Permits, lifecycle costs, grant applications Detailed design & costs for Drainage (complete *) Concept design & costs for turf and reticulation	Construct Detailed design & construct	
<u>Sporting Equipment:</u> Synthetic Cricket wicket 2 Cricket Practice Nets Baseball Batting Cage AFL goal posts	Permits, lifecycle costs, grant applications Confirm sport requirements, statutory approvals & update quotes for all 4 items	Install	
<u>Lower Oval Lighting Upgrade:</u> Lower oval lighting Upgrade to lighting supply**	Permits, lifecycle costs, grant applications Concept design and costs for lighting and incoming power to enable supply upgrade if required	Detailed Design & Construct*	
<u>Upper Oval Lighting Upgrade**</u> Upgrade to lighting supply*	Permits, lifecycle costs, grant applications Concept design and costs for lighting and incoming power to enable supply upgrade if required	Detailed electrical & lighting Design*	
<u>Car Park Expansion North (Recreation Centre)</u>	Permits, lifecycle costs, grant applications Concept design & costs	Detailed design & construct	

* Quotation attached to raise and drain the oval

** Ability to switch from 50 lux for training to 100 lux for competition (with contributions from Clubs)

Potential funding opportunities throughout 2017/18 include:

Funding Round	Closing date
Community Sport and Recreation Facilities Fund	30 September 2017
Building Better Regions	To be confirmed
Royalties for Regions - Peel Regional Grants Scheme (Community Chest not applicable as under \$50,000)	To be confirmed
Corporate sponsorship	To be confirmed

Risks and Current Issues

The lower oval cannot be used in winter due to drainage issues and in summer the safety is compromised due to the uneven ground. Car parking is already an issue on training days and more so on event days. Upgrading the lower oval would further increase this need. Therefore, expansions have been staggered throughout the Staging and Funding Plan. Stage One implementation would enable extended use of Briggs Park by various sports including cricket, tee-ball, and football, potentially benefiting a large number of expanding clubs and community members. Not progressing with Stage One could limit Club growth, functionality, place activation and participation in sport.

Options being considered to manage short-term implications caused by current site constraints include:

- Officers will give further consideration to how overflow car parking can be avoided on the lower oval through strategies such as; programming of major events on separate days; car park extension in Stage One; and 2017/18 budget allocation to sponsor security arrangements (and traffic management) to enable school car parks to be opened as temporary car parking for major events.
- Officers will consider suitable 2017/18 budget allocation and/or corporate sponsorship to enable the lower oval to be maintained at a level where tee-ball can be granted the option of continuing to use this facility for their October to March season until works commence on the major upgrade to the facility. Equally, if the Club are keen to relocate to Clem Kentish Oval, Officers will continue to work with them to enable this outcome.

Other Briggs Park Projects

Project elements relating to the Byford Skate Park (Stage 1) and the BMX track have been excluded from the proposed stage one scope of the Briggs Park redevelopment as these project components are being dealt with independently of this item.

Conclusion

Briggs Park Lower Oval Upgrade has been ranked highly through various strategic planning community engagement exercises. The project requires supporting infrastructure elements contained in Stage One to maximise the potential for Briggs Park to retain and attract participation in physical activity at a district level and attract major events of regional and State significance. Prioritising Stage One for budget and funding submission purposes will enable the allocation of resources to ensure the project elements are shovel ready for funding submission deadlines.

Attachments:

- [OCM048.1/04/17](#) – Briggs Park Staging & Funding Plan (E17/2843)
- [OCM048.2/04/17](#) – Briggs Park Recreation Precinct Master Plan (IN14/17497)
- [OCM048.3/04/17](#) – Drainage Detailed Design Cost Estimates (E17/2782)
- [OCM048.4/04/17](#) – Briggs Park Staging & Funding Strategy – Project Plan Table (E17/2844)

Alignment with our Strategic Community Plan:

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

Statutory Environment

The general obligations regarding budgets, decision making, and management, of the *Local Government Act 1995*, apply.

Financial Implications

The following table provides a financial summary of the Stage One redevelopment project:

Briggs Park Master Plan Elements	Indicative Budget	Potential Funding	Feasibility / Planning	Project Planning Budget
Stage One		Amount		
Lower Oval Upgrade - Raise , rain, turf, reticulate	\$1,825,000	\$1,185,000	Drainage design completed = \$25,000 Reticulation detailed design = \$25,000	\$50,000
Sporting Equipment Installation - Cricket, Baseball, AFL	\$102,000	\$75,000	Confirm sport requirements to prioritise equipment installation	Nil
Lower Oval Sports Lighting & Upgrade to Lighting Supply	\$400,000	\$360,000	Sports lighting detailed design & incoming power investigation	\$10,000
Upper Oval Lighting supply Upgrade	\$150,000	\$50,000	Sports lighting upgrade quote	\$5,000
Car Park Expansion North (Rec Centre)	\$472,000	\$0	2016/17 & 2017/18 Car Park Design	\$20,000
SUB TOTALS	\$2,949,000	\$1,670,000		\$85,000
CONTINGENCY (10%)	\$294,900			
PROJECT MANAGEMENT (18%)	\$583,902			
TOTAL PROJECT COSTS	\$3,827,802			

The amount of external funding that can be leveraged for construction depends on the timing (and availability) of funding rounds.

For example, CSRFF projects receive higher priority if there is documented evidence confirming all funding and the project is shovel ready. For Federal funding sources – this must be confirmed. For State funding (e.g. Royalties for Regions) funding can be proposed as long as the funding round has been announced by December 2017 and successful outcome dates are built into the project timeframe. Otherwise, Council may need to consider underwriting any potential but unconfirmed funding, with successful grants being a bonus, or alternatively the project timeframe may need to be adjusted.

The lifecycle costs for maintaining and funding an annual transfer into a reserve account towards the next upgrade would be in the range of \$150,000 per annum.

Briggs Park Reserve Account currently contains \$180,813. To enable submission of funding and corporate sponsorship applications by 30 September 2017, it is recommended that \$100,000 be re-allocated to BPP900 in the 2016/17 budget for the relevant design and approval components of Stage 1 of the Briggs Park Master Plan Staging and Funding Plan.

Voting Requirements: Absolute Majority

OCM048/04/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Rich

That Council:

1. Notes that the Briggs Park Lower Oval Upgrade has been contemplated within the Briggs Park Recreation Precinct Masterplan (Masterplan) and the Community Infrastructure and Public Open Space Strategy.
2. Endorses the scope of Stage One elements of the Briggs Park Master Plan - Staging and Funding Plan contained in *OCM048.1/04/17* for priority consideration in the 2017/18 and 2018/19 Budgets.
3. Endorses Stage One of the Briggs Park Master Plan - Staging and Funding Plan contained in *OCM048.1/04/17* as Council's number one priority for recreation sporting facilities funding applications.
4. Notes that Officers will prepare a business case as per the scope of Stage One of the Briggs Park Master Plan - Staging and Funding Plan contained in *OCM048.1/04/17* for submission through the Community Sport and Recreation Facilities Fund by 30 September 2017.
5. Authorise an amendment to the 2016/17 Budget as per the following table, to enable the design phase of the approved components of Stage One of the Briggs Park Master Plan to be progressed:

Account Number	Account Description	16/17 Current Budget	Proposed 16/17 Amended Budget	Change in Net Current Assets
BPP900	Briggs Park Lower Oval Redevelopment	(\$19,887)	(\$119,887)	(\$100,000)
	Transfer from Briggs Park Reserve	\$0	\$100,000	\$100,000
				\$0

CARRIED 7/0 BY ABSOLUTE MAJORITY

7.5 Chief Executive Officer Reports:

Nil

7.6 Confidential Reports:

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Hawkins

That the meeting be closed to members of the Public at 8.51pm to allow Council to discuss Confidential Item OCM049/04/17 in accordance with 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 OCM049/04/17 was discussed. The doors were closed at 8.51pm.

OCM049/04/17	Confidential Item Request To Extend Date of Financial Closure – Phoenix Energy Waste to Energy Contract (SJ581)
Author:	Doug Elkins – Director Engineering
Senior Officer/s:	Kenn Donohoe - Chief Executive Officer
Date of Report:	7 April 2017
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 <i>Local Government Act 1995</i>

Voting Requirements: Simple Majority

Officer Recommendation:

That Council

1. **Accept the Deeds of Amendments, as included at Confidential Attachment OCM049.1/04/2017 and OCM049.2/04/2017, for**
 - a. **Amending the Waste Supply Agreement (2015),and**
 - b. **Amending the Participants Agreement (2015).**
2. **Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Amendment to the Waste Services Agreement and the Deed of Agreement to the Participants' Agreement; and**
3. **Do not support any further extensions of the date of financial closure financial closure in the contract between the Rivers Regional Council and the Kwinana WTE Project Co Pty Ltd.**

COUNCIL DECISION:

Moved Cr Rich seconded Cr Gossage

That Council Suspend Standing Orders clause 9.5, 9.6, 10.7 and 10.13 at 8.54pm.

CARRIED UNANIMOUSLY

COUNCIL DECISION:

Moved Cr Rich seconded Cr Ellis

That Council reinstate Standing Orders at 9.11pm.

CARRIED UNANIMOUSLY

OCM049/04/17 COUNCIL DECISION / Alternate Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council

- 1. Accept the Deeds of Amendments, as included at Confidential Attachment OCM049.1/04/2017 and OCM049.2/04/2017, for
 - a. Amending the Waste Supply Agreement (2015),and**
 - b. Amending the Participants Agreement (2015).****
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Amendment to the Waste Services Agreement and the Deed of Agreement to the Participants' Agreement; and**
- 3. That the CEO be requested to investigate alternate opportunities for the Shire of Serpentine Jarrahdale should the project not proceed.**
- 4. That the CEO provide a fully costed list of opportunities including costs to date.**

CARRIED UNANIMOUSLY

Council Note: The Officers Recommendation was changed by amending condition 3 and adding condition 4 to investigate alternate opportunities for waste disposal should the project not proceed.

COUNCIL DECISION:

Moved Cr Hawkins, seconded Cr Ellis

That the meeting be reopened to the public at 9.13pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Member read out Council's decision for confidential item OCM049/04/17.

8. Motions of which notice has been given:

Nil

9. Urgent Business:

Nil

10. Councillor questions of which notice has been given:

Nil

11. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.15pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 May 2017

.....
Presiding Member

.....
Date